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Executive Order 13960 of December 3, 2020

The President

Promoting the Use of Trustworthy Artificial Intelligence in the Federal Government

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

Section 1. Purpose. Artificial intelligence (AI) promises to drive the growth of the United States economy and improve the quality of life of all Americans. In alignment with Executive Order 13859 of February 11, 2019 (Maintaining American Leadership in Artificial Intelligence), executive departments and agencies (agencies) have recognized the power of AI to improve their operations, processes, and procedures; meet strategic goals; reduce costs; enhance oversight of the use of taxpayer funds; increase efficiency and mission effectiveness; improve quality of services; improve safety; train workforces; and support decision making by the Federal workforce, among other positive developments. Given the broad applicability of AI, nearly every agency and those served by those agencies can benefit from the appropriate use of AI.

Agencies are already leading the way in the use of AI by applying it to accelerate regulatory reform; review Federal solicitations for regulatory compliance; combat fraud, waste, and abuse committed against taxpayers; identify information security threats and assess trends in related illicit activities; enhance the security and interoperability of Federal Government information systems; facilitate review of large datasets; streamline processes for grant applications; model weather patterns; facilitate predictive maintenance; and much more.

Agencies are encouraged to continue to use AI, when appropriate, to benefit the American people. The ongoing adoption and acceptance of AI will depend significantly on public trust. Agencies must therefore design, develop, acquire, and use AI in a manner that fosters public trust and confidence while protecting privacy, civil rights, civil liberties, and American values, consistent with applicable law and the goals of Executive Order 13859.

Certain agencies have already adopted guidelines and principles for the use of AI for national security or defense purposes, such as the Department of Defense's *Ethical Principles for Artificial Intelligence* (February 24, 2020), and the Office of the Director of National Intelligence's *Principles of Artificial Intelligence Ethics for the Intelligence Community* (July 23, 2020) and its *Artificial Intelligence Ethics Framework for the Intelligence Community* (July 23, 2020). Such guidelines and principles ensure that the use of AI in those contexts will benefit the American people and be worthy of their trust.

Section 3 of this order establishes additional principles (Principles) for the use of AI in the Federal Government for purposes other than national security and defense, to similarly ensure that such uses are consistent with our Nation's values and are beneficial to the public. This order further establishes a process for implementing these Principles through common policy guidance across agencies.

Sec. 2. Policy. (a) It is the policy of the United States to promote the innovation and use of AI, where appropriate, to improve Government operations and services in a manner that fosters public trust, builds confidence

in AI, protects our Nation's values, and remains consistent with all applicable laws, including those related to privacy, civil rights, and civil liberties.

(b) It is the policy of the United States that responsible agencies, as defined in section 8 of this order, shall, when considering the design, development, acquisition, and use of AI in Government, be guided by the common set of Principles set forth in section 3 of this order, which are designed to foster public trust and confidence in the use of AI, protect our Nation's values, and ensure that the use of AI remains consistent with all applicable laws, including those related to privacy, civil rights, and civil liberties.

(c) It is the policy of the United States that the Principles for the use of AI in Government shall be governed by common policy guidance issued by the Office of Management and Budget (OMB) as outlined in section 4 of this order, consistent with applicable law.

Sec. 3. Principles for Use of AI in Government. When designing, developing, acquiring, and using AI in the Federal Government, agencies shall adhere to the following Principles:

(a) Lawful and respectful of our Nation's values. Agencies shall design, develop, acquire, and use AI in a manner that exhibits due respect for our Nation's values and is consistent with the Constitution and all other applicable laws and policies, including those addressing privacy, civil rights, and civil liberties.

(b) Purposeful and performance-driven. Agencies shall seek opportunities for designing, developing, acquiring, and using AI, where the benefits of doing so significantly outweigh the risks, and the risks can be assessed and managed.

(c) Accurate, reliable, and effective. Agencies shall ensure that their application of AI is consistent with the use cases for which that AI was trained, and such use is accurate, reliable, and effective.

(d) Safe, secure, and resilient. Agencies shall ensure the safety, security, and resiliency of their AI applications, including resilience when confronted with systematic vulnerabilities, adversarial manipulation, and other malicious exploitation.

(e) Understandable. Agencies shall ensure that the operations and outcomes of their AI applications are sufficiently understandable by subject matter experts, users, and others, as appropriate.

(f) Responsible and traceable. Agencies shall ensure that human roles and responsibilities are clearly defined, understood, and appropriately assigned for the design, development, acquisition, and use of AI. Agencies shall ensure that AI is used in a manner consistent with these Principles and the purposes for which each use of AI is intended. The design, development, acquisition, and use of AI, as well as relevant inputs and outputs of particular AI applications, should be well documented and traceable, as appropriate and to the extent practicable.

(g) Regularly monitored. Agencies shall ensure that their AI applications are regularly tested against these Principles. Mechanisms should be maintained to supersede, disengage, or deactivate existing applications of AI that demonstrate performance or outcomes that are inconsistent with their intended use or this order.

(h) Transparent. Agencies shall be transparent in disclosing relevant information regarding their use of AI to appropriate stakeholders, including the Congress and the public, to the extent practicable and in accordance with applicable laws and policies, including with respect to the protection of privacy and of sensitive law enforcement, national security, and other protected information.

(i) Accountable. Agencies shall be accountable for implementing and enforcing appropriate safeguards for the proper use and functioning of their applications of AI, and shall monitor, audit, and document compliance

with those safeguards. Agencies shall provide appropriate training to all agency personnel responsible for the design, development, acquisition, and use of AI.

Sec. 4. *Implementation of Principles.* (a) Existing OMB policies currently address many aspects of information and information technology design, development, acquisition, and use that apply, but are not unique, to AI. To the extent they are consistent with the Principles set forth in this order and applicable law, these existing policies shall continue to apply to relevant aspects of AI use in Government.

(b) Within 180 days of the date of this order, the Director of OMB (Director), in coordination with key stakeholders identified by the Director, shall publicly post a roadmap for the policy guidance that OMB intends to create or revise to better support the use of AI, consistent with this order. This roadmap shall include, where appropriate, a schedule for engaging with the public and timelines for finalizing relevant policy guidance. In addressing novel aspects of the use of AI in Government, OMB shall consider updates to the breadth of its policy guidance, including OMB Circulars and Management Memoranda.

(c) Agencies shall continue to use voluntary consensus standards developed with industry participation, where available, when such use would not be inconsistent with applicable law or otherwise impracticable. Such standards shall also be taken into consideration by OMB when revising or developing AI guidance.

Sec. 5. *Agency Inventory of AI Use Cases.* (a) Within 60 days of the date of this order, the Federal Chief Information Officers Council (CIO Council), in coordination with other interagency bodies as it deems appropriate, shall identify, provide guidance on, and make publicly available the criteria, format, and mechanisms for agency inventories of non-classified and non-sensitive use cases of AI by agencies.

(b) Within 180 days of the CIO Council's completion of the directive in section 5(a) of this order, and annually thereafter, each agency shall prepare an inventory of its non-classified and non-sensitive use cases of AI, within the scope defined by section 9 of this order, including current and planned uses, consistent with the agency's mission.

(c) As part of their respective inventories of AI use cases, agencies shall identify, review, and assess existing AI deployed and operating in support of agency missions for any inconsistencies with this order.

(i) Within 120 days of completing their respective inventories, agencies shall develop plans either to achieve consistency with this order for each AI application or to retire AI applications found to be developed or used in a manner that is not consistent with this order. These plans must be approved by the agency-designated responsible official(s), as described in section 8 of this order, within this same 120-day time period.

(ii) In coordination with the Agency Data Governance Body and relevant officials from agencies not represented within that body, agencies shall strive to implement the approved plans within 180 days of plan approval, subject to existing resource levels.

(d) Within 60 days of the completion of their respective inventories of use cases of AI, agencies shall share their inventories with other agencies, to the extent practicable and consistent with applicable law and policy, including those concerning protection of privacy and of sensitive law enforcement, national security, and other protected information. This sharing shall be coordinated through the CIO and Chief Data Officer Councils, as well as other interagency bodies, as appropriate, to improve interagency coordination and information sharing for common use cases.

(e) Within 120 days of the completion of their inventories, agencies shall make their inventories available to the public, to the extent practicable and in accordance with applicable law and policy, including those concerning the protection of privacy and of sensitive law enforcement, national security, and other protected information.

Sec. 6. *Interagency Coordination.* Agencies are expected to participate in interagency bodies for the purpose of advancing the implementation of the Principles and the use of AI consistent with this order. Within 45 days of this order, the CIO Council shall publish a list of recommended interagency bodies and forums in which agencies may elect to participate, as appropriate and consistent with their respective authorities and missions.

Sec. 7. *AI Implementation Expertise.* (a) Within 90 days of the date of this order, the Presidential Innovation Fellows (PIF) program, administered by the General Services Administration (GSA) in collaboration with other agencies, shall identify priority areas of expertise and establish an AI track to attract experts from industry and academia to undertake a period of work at an agency. These PIF experts will work within agencies to further the design, development, acquisition, and use of AI in Government, consistent with this order.

(b) Within 45 days of the date of this order, the Office of Personnel Management (OPM), in coordination with GSA and relevant agencies, shall create an inventory of Federal Government rotational programs and determine how these programs can be used to expand the number of employees with AI expertise at the agencies.

(c) Within 180 days of the creation of the inventory of Government rotational programs described in section 7(b) of this order, OPM shall issue a report with recommendations for how the programs in the inventory can be best used to expand the number of employees with AI expertise at the agencies. This report shall be shared with the interagency coordination bodies identified pursuant to section 6 of this order, enabling agencies to better use these programs for the use of AI, consistent with this order.

Sec. 8. *Responsible Agencies and Officials.* (a) For purposes of this order, the term “agency” refers to all agencies described in section 3502, subsection (1), of title 44, United States Code, except for the agencies described in section 3502, subsection (5), of title 44.

(b) This order applies to agencies that have use cases for AI that fall within the scope defined in section 9 of this order, and excludes the Department of Defense and those agencies and agency components with functions that lie wholly within the Intelligence Community. The term “Intelligence Community” has the meaning given the term in section 3003 of title 50, United States Code.

(c) Within 30 days of the date of this order, each agency shall specify the responsible official(s) at that agency who will coordinate implementation of the Principles set forth in section 3 of this order with the Agency Data Governance Body and other relevant officials and will collaborate with the interagency coordination bodies identified pursuant to section 6 of this order.

Sec. 9. *Scope of Application.* (a) This order uses the definition of AI set forth in section 238(g) of the National Defense Authorization Act for Fiscal Year 2019 as a reference point. As Federal Government use of AI matures and evolves, OMB guidance developed or revised pursuant to section 4 of this order shall include such definitions as are necessary to ensure the application of the Principles in this order to appropriate use cases.

(b) Except for the exclusions set forth in section 9(d) of this order, or provided for by applicable law, the Principles and implementation guidance in this order shall apply to AI designed, developed, acquired, or used specifically to advance the execution of agencies’ missions, enhance decision making, or provide the public with a specified benefit.

(c) This order applies to both existing and new uses of AI; both stand-alone AI and AI embedded within other systems or applications; AI developed both by the agency or by third parties on behalf of agencies for the fulfilment of specific agency missions, including relevant data inputs used to train AI and outputs used in support of decision making; and agencies’ procurement of AI applications.

(d) This order does not apply to:

(i) AI used in defense or national security systems (as defined in 44 U.S.C. 3552(b)(6) or as determined by the agency), in whole or in part, although agencies shall adhere to other applicable guidelines and principles for defense and national security purposes, such as those adopted by the Department of Defense and the Office of the Director of National Intelligence;

(ii) AI embedded within common commercial products, such as word processors or map navigation systems, while noting that Government use of such products must nevertheless comply with applicable law and policy to assure the protection of safety, security, privacy, civil rights, civil liberties, and American values; and

(iii) AI research and development (R&D) activities, although the Principles and OMB implementation guidance should inform any R&D directed at potential future applications of AI in the Federal Government.

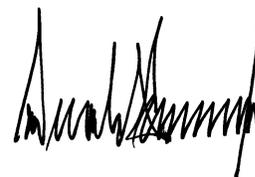
Sec. 10. General Provisions. (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

A handwritten signature in black ink, appearing to be a stylized name, located in the lower right quadrant of the page.

THE WHITE HOUSE,
December 3, 2020.

Presidential Documents

Memorandum of December 3, 2020

Extension of Governors' Use of the National Guard To Respond to COVID-19 and To Facilitate Economic Recovery

Memorandum for the Secretary of Defense [and] the Secretary of Homeland Security

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5207 (the “Stafford Act”), and section 502 of title 32, United States Code, it is hereby ordered as follows:

Section 1. Policy. It continues to be the policy of the United States to foster close cooperation and mutual assistance among the Federal Government and the States and territories in the battle against the threat posed by the spread of COVID-19. To date, activated National Guard forces around the country have provided critical support to Governors as the Governors work to address the needs of those populations within their respective States and territories especially vulnerable to the effects of COVID-19, including those in nursing homes, assisted living facilities, and other long-term care or congregate settings. Additionally, the States and territories will need assistance in fighting hot spots as they emerge. Therefore, to continue to provide maximum support to the States and territories as they make decisions about the responses required to address local conditions in their respective jurisdictions with respect to combatting the threat posed by the COVID-19 pandemic and, where appropriate, facilitating their economic recovery, I am taking the actions set forth in sections 2, 3, and 4 of this memorandum:

Sec. 2. One Hundred Percent Federal Cost Share Termination. The 100 percent Federal cost share for the State’s use of National Guard forces for the States of Florida and Texas shall terminate on December 31, 2020, in accordance with my prior memoranda dated August 3, 2020, each titled “Extension of the Use of the National Guard to Respond to COVID-19 and to Facilitate Economic Recovery.”

Sec. 3. Seventy-Five Percent Federal Cost Share. To maximize assistance to the Governors of the States of Alabama, Alaska, Arizona, California, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, and Wisconsin, and the territories of Guam, Puerto Rico, and the U.S. Virgin Islands, to facilitate Federal support with respect to the use of National Guard units under State and territorial control, I am directing the Federal Emergency Management Agency (FEMA) of the Department of Homeland Security to fund 75 percent of the emergency assistance activities associated with preventing, mitigating, and responding to the threat to public health and safety posed by the virus that these States and territories undertake using their National Guard forces, as authorized by sections 403 (42 U.S.C. 5170b) and 503 (42 U.S.C. 5193) of the Stafford Act.

Sec. 4. Seventy-Five Percent Federal Cost Share Termination. The 75 percent Federal cost share provided for in section 3 of this memorandum shall

be available for orders of any length authorizing duty through March 31, 2021. Such orders include duty necessary to comply with health protection protocols recommended by the Centers for Disease Control and Prevention of the Department of Health and Human Services or other health protection measures agreed to by the Department of Defense and FEMA.

Sec. 5. General Provisions. (a) Nothing in this memorandum shall be construed to impair or otherwise affect:

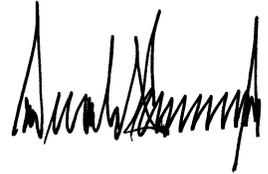
(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This memorandum shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This memorandum is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

(d) The Secretary of Defense is authorized and directed to publish this memorandum in the *Federal Register*.

A handwritten signature in black ink, appearing to be a stylized name, located on the right side of the page.

THE WHITE HOUSE,
Washington, December 3, 2020

Presidential Documents

Memorandum of December 3, 2020

Extension of Governors' Use of the National Guard To Respond to COVID-19 and To Facilitate Economic Recovery

Memorandum for the Secretary of Defense [and] the Secretary of Homeland Security

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121-5207 (the "Stafford Act"), and section 502 of title 32, United States Code, it is hereby ordered as follows:

Section 1. Policy. It continues to be the policy of the United States to foster close cooperation and mutual assistance among the Federal Government and the States and territories in the battle against the threat posed by the spread of COVID-19. To date, activated National Guard forces around the country have provided critical support to Governors as the Governors work to address the needs of those populations within their respective States and territories especially vulnerable to the effects of COVID-19, including those in nursing homes, assisted living facilities, and other long-term care or congregate settings. Additionally, the States and territories will need assistance in fighting hot spots as they emerge. Therefore, to continue to provide maximum support to the States and territories as they make decisions about the responses required to address local conditions in their respective jurisdictions with respect to combatting the threat posed by the COVID-19 pandemic and, where appropriate, facilitating their economic recovery, I am taking the actions set forth in sections 2, 3, 4, and 5 of this memorandum:

Sec. 2. Additional Twenty-Five Percent Federal Cost Share. To maximize assistance to the Governor of the State of Iowa and to facilitate Federal support with respect to the use of National Guard units under State control, I am directing the Federal Emergency Management Agency (FEMA) of the Department of Homeland Security to fund an additional 25 percent of the emergency assistance activities associated with preventing, mitigating, and responding to the threat to public health and safety posed by the virus that Iowa undertakes using its National Guard forces, to be applied retroactively from August 3, 2020, as authorized by sections 403 (42 U.S.C. 5170b) and 503 (42 U.S.C. 5193) of the Stafford Act. This, in addition to the 75 percent Federal cost share established in my prior memorandum dated August 3, 2020, titled "Extension of the Use of the National Guard to Respond to COVID-19 and to Facilitate Economic Recovery," shall provide the State of Iowa with a 100 percent Federal cost share.

Sec. 3. Additional Twenty-Five Percent Federal Cost Share Termination. The additional 25 percent Federal cost share for the State's use of National Guard forces for the State of Iowa shall extend to, and shall be available for, orders of any length authorizing duty through December 31, 2020. Such orders include duty necessary to comply with health protection protocols recommended by the Centers for Disease Control and Prevention of the Department of Health and Human Services or other health protection measures agreed to by the Department of Defense and FEMA.

Sec. 4. Seventy-Five Percent Federal Cost Share. To maximize assistance to the Governor of the State of Iowa, and to facilitate Federal support with respect to the use of National Guard units under State control, I

am directing FEMA, beginning on January 1, 2021, to fund 75 percent of the emergency assistance activities associated with preventing, mitigating, and responding to the threat to public health and safety posed by the virus that the State of Iowa undertakes using its National Guard forces, as authorized by sections 403 (42 U.S.C. 5170b) and 503 (42 U.S.C. 5193) of the Stafford Act.

Sec. 5. *Seventy-Five Percent Federal Cost Share Termination.* The 75 percent Federal cost share provided for in section 4 of this memorandum shall be available for orders of any length authorizing duty through March 31, 2021. Such orders include duty necessary to comply with health protection protocols recommended by the Centers for Disease Control and Prevention of the Department of Health and Human Services or other health protection measures agreed to by the Department of Defense and FEMA.

Sec. 6. *General Provisions.* (a) Nothing in this memorandum shall be construed to impair or otherwise affect:

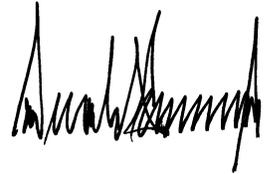
(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This memorandum shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This memorandum is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

(d) The Secretary of Defense is authorized and directed to publish this memorandum in the *Federal Register*.



THE WHITE HOUSE,
Washington, December 3, 2020

Rules and Regulations

Federal Register

Vol. 85, No. 236

Tuesday, December 8, 2020

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

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

FEDERAL RESERVE SYSTEM

12 CFR Part 246

[Regulation TT; Docket No. R-1683]

RIN 7100-AF63

Supervision and Regulation Assessments of Fees for Bank Holding Companies and Savings and Loan Holding Companies With Total Consolidated Assets of \$100 Billion or More

AGENCY: Board of Governors of the Federal Reserve System (Board).

ACTION: Final rule.

SUMMARY: The Board of Governors of the Federal Reserve System (Board) is adopting a final rule (final rule) to amend the Board's assessment rule, Regulation TT, pursuant to Section 318 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (the Dodd-Frank Act), to address amendments made by section 401 of the Economic Growth, Regulatory Relief, and Consumer Protection Act (EGRRCPA). The final rule raises the minimum threshold for being considered an assessed company from \$50 billion to \$100 billion in total consolidated assets for bank holding companies and savings and loan holding companies and adjusts the amount charged to assessed companies with total consolidated assets between \$100 billion and \$250 billion to reflect changes in supervisory and regulatory responsibilities resulting from EGRRCPA.

DATES: The final rule is effective January 7, 2021.

FOR FURTHER INFORMATION CONTACT: Juan Climent, Assistant Director, (202) 872-7526, Teresa Scott, Manager, (202) 973-6114, Naima Jefferson, Lead Financial Institution Policy Analyst, (202) 912-4613, Kelsi Wilken, Lead Business Analyst, (202) 530-6287, Division of Supervision and Regulation; Laurie Schaffer, Deputy General Counsel (202)

452-2272, Daniel Hickman, Senior Counsel, (202) 973-7432, Nathaniel Balk, Attorney (202) 872-7517, Legal Division, Board of Governors of the Federal Reserve System, 20th and C Streets NW, Washington, DC 20551. For the hearing impaired only, Telecommunication Device for the Deaf (TTD), (202) 263-4869.

SUPPLEMENTARY INFORMATION:

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I. Introduction

On November 12, 2019, the Board published in the **Federal Register** a notice of proposed rulemaking (the proposed rule or proposal) seeking public comment on the Board's proposal to amend Regulation TT (12 CFR part 246) to reflect changes made by the Economic Growth, Regulatory Relief, and Consumer Protection Act (EGRRCPA) to Section 318 of the Dodd-Frank Act.¹ Section 318 of the Dodd-Frank Act,² as enacted, directed the Board to collect assessments, fees, or other charges (assessments), from certain large bank holding companies and savings and loan holding companies and nonbank financial companies designated by the Financial Stability Oversight Council (Council) for supervision by the Board (collectively, assessed companies), equal to the expenses the Board estimates are necessary or appropriate to carry out its supervision and regulation of those companies. The Board transfers the assessment proceeds to the U.S. Treasury's General Account.

EGRRCPA³ amended several provisions of the Dodd Frank Act, which resulted in various changes to the regulatory framework such as tailoring the application of certain prudential

standards for large banking organizations,⁴ tailoring and revising the Board's company-run and supervisory stress test requirements, amending resolution planning requirements, and modifying Section 318 of the Dodd-Frank Act. Specifically, section 401 of EGRRCPA raised the minimum size threshold for bank holding companies and savings and loan holding companies to be considered assessed companies from \$50 billion to \$100 billion in total consolidated assets. In addition, section 401 of EGRRCPA directed the Board to adjust the amount charged to assessed companies with total consolidated assets between \$100 billion and \$250 billion to reflect any changes in supervisory and regulatory responsibilities resulting from EGRRCPA.⁵

The proposed rule was intended to address amendments to the Dodd-Frank Act made by EGRRCPA by: (a) Revising the minimum threshold for assessed bank holding companies and savings and loan holding companies from \$50 billion or more in total consolidated assets to \$100 billion or more in total consolidated assets, (b) adjusting the amount charged to assessed companies with between \$100 billion and \$250 billion in total consolidated assets to reflect changes in supervisory and regulatory responsibilities resulting from EGRRCPA, and (c) aligning assessments with the Board's application of prudential standards based on banking organizations' risk profiles.

The Board received one comment on the proposed rule from an individual supporting the proposal. The Board is now finalizing the proposed rule with one minor clarification regarding the use of the risk-based categories for tailoring standards applied to foreign

⁴ EGRRCPA raised the \$50 billion minimum asset threshold for general application of enhanced prudential standards to bank holding companies with \$250 billion, and provided the Board with discretion to apply prudential standards to bank holding companies with total consolidated assets of between \$100 billion and \$250 billion.

⁵ In addition, EGRRCPA provided that any bank holding company, regardless of asset size, that has been identified as a global systemically important bank holding company under § 217.402 of title 12, Code of Federal Regulations, shall be considered a bank holding company with total consolidated assets equal to or greater than \$250 billion for purposes of the assessments standards and requirements. Public Law 115-174, 132 Stat. 1296 (2018), 401(f).

¹ 84 FR 60944 (November 12, 2019).

² Public Law 111-203, 124 Stat. 1376 (2010), section 318, codified at section 11 of the Federal Reserve Act, 12 U.S.C. 248(s).

³ Public Law 115-174, 132 Stat. 1296 (2018).

bank holding companies, as described below.

II. Overview of the Assessment Framework

In August 2013, the Board adopted a final rule to implement section 318 of the Dodd-Frank Act, Regulation TT,⁶ which became effective on October 25, 2013. Regulation TT details how the Board: (a) Determines whether a company is an assessed company for each assessment period,⁷ (b) estimates the total expenses that are necessary or appropriate to carry out the supervisory and regulatory responsibilities to be covered by the assessment, (c) determines the assessment amount for each assessed company, and (d) bills for and collects the assessment from the assessed companies (collectively, the assessment framework). Since 2013, the Board has annually provided notice of the supervision and regulation assessment on the Board's public website.⁸

III. Description of the Final Rule

A. Identification of Assessed Companies

EGRRCPA raised the asset threshold for bank holding companies and savings and loan holding companies to be considered assessed companies from \$50 billion or more in total consolidated assets to \$100 billion or more in total consolidated assets.⁹ The proposed rule would have revised the asset threshold for bank holding companies and savings and loan holding companies in the definition of an assessed company in Regulation TT to reflect this change. All nonbank financial companies designated by the Council for supervision by the Board would continue to be assessed companies. The Board would continue to make the determination of whether a company is an assessed company for each assessment period, based on information reported by the company on regulatory or other reports as determined by the Board.¹⁰ The final

⁶ 78 FR 52402 (August 23, 2013), codified at 12 CFR part 246.

⁷ Assessment period means January 1 through December 31 of each calendar year.

⁸ <https://www.federalreserve.gov/supervisionreg/supervisory-assessment-fees.htm>.

⁹ In accordance with EGRRCPA, bank holding companies and savings and loan holding companies with total consolidated assets between \$50 billion and \$100 billion were not assessed for the 2018 and 2019 assessment periods.

¹⁰ All organizational structure and financial information that the Board would use for the purpose of determining whether a company is an assessed company, including information with respect to whether a company has control over a U.S. bank or savings association, must have been received by the Board on or before June 15

rule adopts the proposed change to the asset threshold for identification of assessed companies without change.

B. Apportioning the Assessment Basis to Assessed Companies

Section 401 of EGRRCPA directs the Board to adjust the amount charged to assessed companies with between \$100 billion and \$250 billion in total consolidated assets to reflect any changes in supervisory and regulatory responsibilities resulting from EGRRCPA. Consistent with section 401 of EGRRCPA, the Board issued a final rule that establishes four categories for the application of enhanced prudential standards based on certain indicators designed to measure the risk profile of a banking organization (the tailoring rule).¹¹ In addition, concurrently with the tailoring rule, the Board, with the Office of the Comptroller of the Currency (OCC) and the Federal Deposit Insurance Corporation (FDIC), separately finalized amendments to the capital and liquidity requirements of the agencies to introduce the same risk-based categories for tailoring standards.¹² The Board and the FDIC also finalized changes to the resolution planning requirements (the resolution planning rule) to align with the tailoring rule's risk-based categories and account for changes to the enhanced prudential standards requirements made by EGRRCPA.¹³ Collectively, these tailoring, capital and liquidity, and resolution planning requirements result in changes to the Board's supervisory and regulatory responsibilities with respect to certain companies, including modification of enhanced prudential standards relating to capital, stress testing, and resolution planning.

The tailoring rule established the following risk-based categories for the application of prudential standards:

- Category I:

following that assessment period and must reflect events that were effective on or before December 31 of the assessment period.

¹¹ See Prudential Standards for Large Bank Holding Companies and Savings and Loan Holding Companies 84 FR 59032 (November 1, 2019); see also Prudential Standards for Large Bank Holding Companies and Savings and Loan Holding Companies, 83 FR 61408 (November 29, 2018); Prudential Standards for Large Foreign Banking Organizations; Revisions to Proposed Prudential Standards for Large Domestic Bank Holding Companies and Savings and Loan Holding Companies, 84 FR 21988 (May 15, 2019).

¹² See Changes to Applicability Thresholds for Regulatory Capital and Liquidity Requirements 84 FR 59230 (November 1, 2019); see also Proposed Changes to Applicability Thresholds for Regulatory Capital and Liquidity Requirements, 83 FR 66024 (December 21, 2018).

¹³ See Resolution Plans Required 84 FR 59194 (November 1, 2019); see also Resolution Plans Required 84 FR 21600 (May 14, 2019).

- U.S. globally systemically important bank holding companies (U.S. GSIBs).

- Category II:

- U.S. firms that are not subject to Category I standards with (a) \$700 billion or more in average total consolidated assets, or (b) \$100 billion or more in average total consolidated assets that have \$75 billion or more in average cross-jurisdictional activity, and
 - Foreign banking organizations with (a) \$700 billion or more in average combined U.S. assets,¹⁴ or (b) \$100 billion or more in average combined U.S. assets that have \$75 billion or more in average cross-jurisdictional activity measured based on the foreign banking organization's combined U.S. operations.¹⁵

- Category III:

- U.S. firms that are not subject to Category I or Category II standards with (a) \$250 billion or more in average total consolidated assets, or (b) \$100 billion or more in average total consolidated assets that have \$75 billion or more in any of the following risk-based indicators: Average total nonbank assets, average weighted short-term wholesale funding, or average off-balance sheet exposure, and
 - Foreign banking organizations that are not subject to Category II standards with (a) \$250 billion or more in average combined U.S. assets, or (b) \$100 billion or more in average combined U.S. assets that have \$75 billion or more in any of the following risk-based indicators measured based on the combined U.S. operations: Average total nonbank assets, average weighted short-term wholesale funding, or average off-balance sheet exposure.

- Foreign banking organizations that are not subject to Category II standards with (a) \$250 billion or more in average combined U.S. assets, or (b) \$100 billion or more in average combined U.S. assets that have \$75 billion or more in any of the following risk-based indicators measured based on the combined U.S. operations: Average total nonbank assets, average weighted short-term wholesale funding, or average off-balance sheet exposure.

- Category IV:

- U.S. firms with \$100 billion or more in average total consolidated assets that do not meet any of the thresholds specified for Categories I through III, and
 - Foreign banking organizations with \$100 billion or more in average

¹⁴ Combined U.S. assets means the sum of the consolidated assets of each top-tier U.S. subsidiary of the foreign banking organization (excluding any section 2(h)(2) company as defined in section 2(h)(2) of the Bank Holding Company Act (12 U.S.C. 1841(h)(2)), if applicable) and the total assets of each U.S. branch and U.S. agency of the foreign banking organization, as reported by the foreign banking organization on the FR Y-7Q.

¹⁵ The combined U.S. operations of a foreign banking organization include any U.S. subsidiaries (including any U.S. intermediate holding company), U.S. branches, and U.S. agencies. In addition, for a foreign banking organization that is not required to form a U.S. intermediate holding company, combined U.S. operations refer to its U.S. branch and agency network and the U.S. subsidiaries of the foreign banking organization (excluding any section 2(h)(2) company as defined in section 2(h)(2) of the Bank Holding Company Act (12 U.S.C. 1841(h)(2)), if applicable) and any subsidiaries of such U.S. subsidiaries.

combined U.S. assets that do not meet any of the thresholds specified for Categories II or III.¹⁶

The proposed rule would have modified Regulation TT to incorporate the tailoring rule's risk-based categories for purposes of adjusting the amount charged to assessed companies with between \$100 billion and \$250 billion in total consolidated assets. This would align the Board's assessment rule with its enhanced prudential standards framework for large banking organizations and EGRRCPA-related changes to the Board's supervision and regulation of those companies. As described in the proposed rule, because these categories were designed to tailor supervisory and regulatory requirements to the level of risk associated with specific firms, the categories provide a consistent basis for adjusting the assessments for assessed companies with between \$100 billion and \$250 billion in total consolidated assets.¹⁷

The proposal provided that assessed companies subject to Category IV standards pursuant to the tailoring rule (Category IV firms), would receive an adjusted assessment rate, to reflect the impact of tailoring and other EGRRCPA-related changes to the supervision and regulation of these companies. In addition, the proposal provided that any assessed companies that are not subject to enhanced prudential standards outlined for firms subject to Categories I through IV standards pursuant to the tailoring rule ("other" firms),¹⁸ would also receive the adjusted assessment rate because the Board does not incur the supervisory and regulatory costs associated with such standards for those firms. Under the proposal, and consistent with EGRRCPA and the requirements in the tailoring rule, firms with between \$100 and \$250 billion in total consolidated assets that are subject to Category I, II, or III standards would

not be eligible for the adjusted assessment rate.

Consistent with Regulation TT's methodology for determining whether a company is an assessed company, the determination of whether a company is eligible for the adjusted assessment rate would be based on the assessed company's status with respect to the four categories of prudential standards in the tailoring rule as of December 31 of the assessment period. The final rule adopts the proposed methodology for determining the eligibility for the adjusted assessment rate.

For foreign banking organizations, size and risk-based indicators are calculated separately for combined U.S. operations and intermediate holding companies (if applicable).¹⁹ As such, foreign banking organizations with intermediate holding companies may be subject to different categories of standards at the intermediate holding company and the combined U.S. operations levels of the organization. In light of this distinction, the Board is clarifying that foreign banking organizations that are assessed companies should look to the categorization of the combined U.S. operations of the foreign banking organization, as determined by the Board's tailoring framework,²⁰ to determine eligibility for the adjusted assessment rate. With this minor clarification, the Board is adopting the rule as proposed without change.

C. Assessment Rate

The tailoring rule and resolution planning rule modify the application of certain enhanced prudential standards and supervisory and regulatory programs for Category IV firms relating to capital stress testing; risk management; liquidity risk management, stress testing, and buffer requirements; single-counterparty credit limits; and resolution planning

programs.²¹ In addition, the Board has issued a proposal that would align capital planning requirements with the two-year supervisory stress testing cycle and provide greater flexibility for Category IV firms.²²

As described in the proposed rule, as a result of these changes, the Board expects the share of its expenses incurred in the supervision and regulation of Category IV and "other" firms to decline relative to the share of expenses incurred in the supervision and regulation of assessed companies subject to Categories I, II, and III standards (Category I, II, and III firms).²³ The expenses associated with these programs for Category IV and "other" firms were estimated to be approximately 10 percent of the Board's total estimated expenses for assessed companies in 2018.²⁴ Accordingly, the proposal provided that the Board adjust the amount charged to assessed companies with total consolidated assets between \$100 billion and \$250 billion to reflect EGRRCPA-related changes by reducing Category IV and "other" firms' share of the net assessment basis²⁵ by 10 percent. The Board provided this estimate of costs based, in part, on proposed modifications to the supervisory and regulatory framework for large banking organizations. To the extent that the modifications of the relevant supervisory and regulatory programs differ from the basis for the underlying estimate of costs, the final rule may be revised to reflect these changes.

Under the proposal the assessment rate for Category IV and "other" firms would have been determined according to the following formula, where the estimated share of total program costs attributable to EGRRCPA-related supervisory and regulatory changes for Category IV and "other" firms is represented by the variable S:

¹⁶ See Prudential Standards for Large Bank Holding Companies and Savings and Loan Holding Companies 84 FR 59032 (November 1, 2019).

¹⁷ EGRRCPA acknowledges that eligibility for the adjustment can be affected by the risk-based category of supervision and regulation of an assessed company. Under section 401(f) of EGRRCPA, all U.S. GSIBs (*i.e.*, companies subject to Category I standards), regardless of asset size, are considered to have total consolidated assets equal to or greater than \$250 billion for purposes of the assessments standards and requirements. Public Law 115–174, 132 Stat. 1296 (2018), section 401(f).

¹⁸ For example, insurance savings and loan holding companies and foreign bank holding companies with a small U.S. presence.

¹⁹ 12 CFR 252.5(a)(2)–(3).

²⁰ 12 CFR part 252.

²¹ See Prudential Standards for Large Bank Holding Companies and Savings and Loan Holding

Companies 84 FR 59032 (November 1, 2019); Changes to Applicability Thresholds for Regulatory Capital and Liquidity Requirements 84 FR 59230 (November 1, 2019); Resolution Plans Required 84 FR 59194 (November 1, 2019).

²² See Amendments to Capital Planning and Stress Testing Requirements for Large Bank Holding Companies, Intermediate Holding Companies and Savings and Loan Holding Companies 85 FR 63222 (October 7, 2020). The Board previously provided relief to less-complex firms from stress testing requirements and CCAR by effectively moving the firms to an extended stress test cycle for 2019. See Press Release, Federal Reserve Board releases scenarios for 2019 Comprehensive Capital Analysis and Review (CCAR) and Dodd-Frank Act stress test exercises, dated February 5, 2019, available at <https://www.federalreserve.gov/newsevents/pressreleases/bcreg20190205b.htm>.

²³ Category I, II, and III firms that are assessed companies would continue to bear their share of the assessable cost basis.

²⁴ The Board and Reserve Banks generally do not account for expenses on a firm-by-firm or program-by-program basis; therefore, the share of EGRRCPA-related program costs represents an estimate based on analysis of system-wide accounting data and time surveys.

²⁵ The assessment basis is the average of the amount of total expenses the Board estimates is necessary or appropriate to carry out the supervisory and regulatory responsibilities for assessed companies. 12 CFR 246.4(d). The net assessment basis is the assessment basis net of the total \$50,000 base amount charged to all assessed companies (*i.e.*, net assessment basis = assessment basis – (# of assessed companies × \$50,000)).

Assessment rate for Category IV and “other” firms = [(Net assessment basis × Category IV and “other” firms’ share of the total assessable assets of all assessed companies) × (1—S)]

Category IV firms and “other” firms’ total assessable assets

Thus, under the proposal, the assessment rate for Category IV and “other” firms would have been determined by multiplying the net assessment basis by these firms’ share of

the total assessable assets of all assessed companies multiplied by 0.9 (*i.e.*, 1—S, or 1—0.1), the product of which is then divided by the total assessable assets of Category IV and “other” firms.

In the proposal, the assessment rate for Category I, II, and III firms would have been determined according to the following formula:

$$\text{Assessment rate for Category I, II and III firms} = \frac{[(\text{Net assessment basis} \times \text{Category I, II, and III firms' share of the total assessable assets of all assessed companies}) + (\text{Net assessment basis} \times \text{Category IV and "other" firms' share of total assessable assets} \times S)]}{\text{Category I, II, and III firms' total assessable assets}}$$

In the proposal, the assessment rate for Category I, II, and III firms would have been determined by multiplying the net assessment basis by these firms’ share of the total assessable assets of all assessed companies, plus the sum of the net assessment basis multiplied by the Category IV and “other” firms share of the total assessable assets multiplied by 0.1 (*i.e.*, S), the sum of which is then divided by the total assessable assets of Category I, II, and III firms.

The final rule adopts the proposed methodology for calculating the applicable assessment rate. As described above, the EGRRCPA-related supervisory and regulatory changes that are the basis for the estimated reduction in program costs for Category IV and “other” firms began occurring in 2020. Accordingly, the proposal provided that the revised assessment rates would apply beginning with the 2020 assessment period. Consistent with the existing assessment framework, assessed companies would receive a notice of assessment for the 2020 assessment period, using the revised assessment rates, no later than June 30, 2021. Assessed companies would continue to have 30 calendar days from June 30 to appeal the Board’s determination (a) that the company is an assessed company or (b) of the company’s total assessable assets. The final rule adopts the proposed effectiveness date for the revised assessment rates.

IV. Impact Analysis

Using data from the 2018 assessment period, the change in the minimum threshold of total consolidated assets from \$50 billion to \$100 billion decreased the number of assessed companies from 64 to 56. These companies would have been charged an aggregate amount of \$10.1 million, or approximately 1.7 percent of the estimated assessment basis.

As of December 31, 2018, firms with between \$100 billion and \$250 billion in total consolidated assets accounted

for 6.8 percent of total consolidated assets for assessed companies. In 2018, an assessed Category IV firm with \$100 billion in total consolidated assets would have been charged \$3.1 million. Under the final rule, an assessed Category IV firm with \$100 billion in total consolidated assets would be charged \$2.9 million.

V. Administrative Law Matters

A. Paperwork Reduction Act Analysis

Regulation TT contains a “collection of information” within the meaning of the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3521) that would be affected by the final rule. Specifically, under the final rule, bank holding companies and savings and loan holding companies with total consolidated assets of between \$50 billion and \$100 billion would no longer be assessed companies, and therefore would no longer be respondents for the reporting provision located at section 246.5(b) of Regulation TT, which permits assessed companies to submit a written statement to appeal the Board’s determination that the company is an assessed company or its determination of the company’s total assessable assets.

In accordance with the requirements of the PRA, the Board may not conduct or sponsor, and a respondent is not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number. Under the authority delegated to the Board by OMB, the Board recently approved a revision to the collection of information pursuant to Regulation TT to account for the changes described above (OMB Control Number 7100–0369).²⁶

B. Regulatory Flexibility Act Analysis

An initial regulatory flexibility analysis (IRFA) was included in the proposal in accordance with section

603(a) of the Regulatory Flexibility Act (RFA), 5 U.S.C. 601 *et seq.* In the IRFA, the Board requested comment on the effect of the proposed rule on small entities and on any significant alternatives that would reduce the regulatory burden on small entities. The Board did not receive any comments on the IRFA. The RFA requires an agency to prepare a final regulatory flexibility analysis unless the agency certifies that a rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. Based on its analysis, and for the reasons stated below, the Board certifies that the final rule will not have a significant economic impact on a substantial number of small entities.²⁷ Under regulations issued by the Small Business Administration (SBA), a small entity includes a bank, bank holding company, or savings and loan holding company with assets of \$600 million or less and trust companies with total assets of \$41.5 million or less.²⁸

This final rule is being issued because section 401 of EGRRCPA raised the minimum threshold for being considered an assessed holding company from \$50 billion to \$100 billion in total consolidated assets and directed the Board to adjust the amount charged to assessed companies with between \$100 billion and \$250 billion in total consolidated assets. As discussed in the Supplementary Information section, the objective of the final rule is to update Regulation TT to reflect the new minimum threshold for being considered an assessed company and to revise the assessment rate calculation to account for EGRRCPA-related changes in the Board’s supervisory and regulatory responsibilities. The Board is required by section 318 of the Dodd-Frank Act to collect assessments equal to the total

²⁷ 5 U.S.C. 605(b).

²⁸ See 13 CFR 121.201; 84 FR 34261 (July 18, 2019).

²⁶ 84 FR 39847 (August 12, 2019).

expenses the Board estimates are necessary or appropriate to carry out supervisory and regulatory responsibilities with respect to assessed companies. Section 401 of EGRRCPA directs to Board to revise the assessment framework by raising the minimum threshold for being considered an assessed holding company to \$100 billion in total consolidated assets and adjusting the amount charged to assessed companies with between \$100 billion and \$250 billion in total consolidated assets.

The final rule applies to assessed companies, which includes bank holding companies and savings and loan holding companies with \$100 billion or more in total consolidated assets, foreign banking organizations that are bank holding companies and savings and loan holding companies with \$100 billion or more in total global consolidated assets, and nonbank financial companies that the Council has determined must be supervised by the Board. These companies are well above the \$600 million asset threshold at which a banking organization is considered a “small entity” under SBA regulations.²⁹ For this reason, the Board certifies that the final rule will not have a significant economic impact on a substantial number of small entities.

C. Use of Plain Language

Section 722 of the Gramm-Leach-Bliley Act (Pub. L. 106–102, 113 Stat. 1338, 1471, 12 U.S.C. 4809) requires the Federal banking agencies to use plain language in all proposed and final rules published after January 1, 2000. The Board sought to present the proposed rule in a simple and straightforward manner and did not receive any comments on the use of plain language.

List of Subjects in 12 CFR Part 246

Administrative practice and procedure, Banks, banking, Holding companies, Reporting and recordkeeping requirements, Savings associations.

Authority and Issuance

For the reasons set forth in the preamble, the Board amends 12 CFR part 246 as follows:

PART 246—SUPERVISION AND REGULATION ASSESSMENTS OF FEES (REGULATION TT)

■ 1. The authority citation for Part 246 is revised to read as follows:

²⁹ It is unlikely that nonbank financial companies designated by the Council would have less than \$600 million in consolidated assets.

Authority: Pub. L. 111–203, 124 Stat. 1376, 1526 (2010), Pub. L. 115–174, 132 Stat. 1296 (2018), and section 11(s) of the Federal Reserve Act (12 U.S.C. 248(s)).

■ 2. In § 246.1, paragraphs (a) through (c) are revised to read as follows:

§ 246.1 Authority, purpose and scope.

(a) *Authority.* This part (Regulation TT) is issued by the Board of Governors of the Federal Reserve System (Board) under section 318 of Title III of the Dodd-Frank Wall Street Reform and Consumer Protection Act (the Dodd-Frank Act) (Pub. L. 111–203, 124 Stat. 1376, 1423–32, 12 U.S.C. 5365 and 5366), section 401 of the Economic Growth, Regulatory Relief, and Consumer Protection Act (EGRRCPA) (Pub. L. 115–174, 132 Stat. 1296), and section 11(s) of the Federal Reserve Act (12 U.S.C. 248(s)).

(b) *Scope.* This part applies to:

(1) Any bank holding company having total consolidated assets of \$100 billion or more, as defined in this section;

(2) Any savings and loan holding company having total consolidated assets of \$100 billion or more, as defined below; and

(3) Any nonbank financial company supervised by the Board, as defined § 246.2.

(c) *Purpose.* This part implements provisions of section 318 of the Dodd-Frank Act and section 401 of EGRRCPA that direct the Board to collect assessments, fees, or other charges from companies identified in subsection (b) that are equal to the total expenses the Board estimates are necessary or appropriate to carry out the supervisory and regulatory responsibilities of the Board with respect to these assessed companies and to adjust the amount charged to assessed companies with total consolidated assets between \$100 billion and \$250 billion to reflect any changes in supervisory and regulatory responsibilities resulting from EGRRCPA.

* * * * *

■ 3. Section 246.2 is revised by adding paragraphs (n) through (p) to read as follows:

§ 246.2 Definitions.

* * * * *

(n) *Category I, II, and III firms* are assessed companies subject to Category I, II, or III standards as defined and determined under 12 CFR parts 238 and 252 as of December 31 of the assessment period.

(o) *Category IV firms* are assessed companies subject to Category IV standards as defined and determined under 12 CFR parts 238 and 252 as of December 31 of the assessment period.

(p) *“Other” firms* are assessed companies not subject to the Category I, II, III, or IV standards as defined and determined under 12 CFR parts 238 and 252 as of December 31 of the assessment period.

■ 4. Section 246.3 is revised to read as follows:

§ 246.3. Assessed companies.

An assessed company is any company that:

(a) Is a top-tier company that, on December 31 of the assessment period:

(1) Is a bank holding company, other than a foreign bank holding company, with \$100 billion or more in total consolidated assets, as determined based on the average of the bank holding company’s total consolidated assets reported for the assessment period on the Federal Reserve’s Form FR Y–9C (“FR Y–9C”),

(2)(i) Is a savings and loan holding company, other than a foreign savings and loan holding company, with \$100 billion or more in total consolidated assets, as determined, except as provided in paragraph (a)(2)(ii) of this section, based on the average of the savings and loan holding company’s total consolidated assets as reported for the assessment period on the FR Y–9C or on the Quarterly Savings and Loan Holding Company Report (FR 2320), as applicable.

(ii) If a company does not calculate its total consolidated assets under GAAP for any regulatory purpose (including compliance with applicable securities laws), the company may request that the Board permit the company to file a quarterly estimate of its total consolidated assets. The Board may, in its discretion and subject to Board review and adjustment, permit the company to provide estimated total consolidated assets on a quarterly basis. For purposes of this part, the company’s total consolidated assets will be the average of the estimated total consolidated assets provided for the assessment period.

(b) Is a top-tier foreign bank holding company on December 31 of the assessment period, with \$100 billion or more in total consolidated assets, as determined based on the average of the foreign bank holding company’s total consolidated assets reported for the assessment period on the Federal Reserve’s Form FR Y–7Q (“FR Y–7Q”), provided, however, that if any such company has filed only one FR Y–7Q during the assessment period, the Board shall use an average of the foreign bank holding company’s total consolidated assets reported on that FR Y–7Q and on the FR Y–7Q for the corresponding

period in the year prior to the assessment period.

(c) Is a top-tier foreign savings and loan holding company on December 31 of the assessment period, with \$100 billion or more in total consolidated assets, as determined based on the average of the foreign savings and loan holding company's total consolidated assets reported for the assessment period on the reporting forms applicable during the assessment period, provided, however, that if any such company has

filed only one reporting form during the assessment period, the Board shall use an average of the foreign savings and loan holding company's total consolidated assets reported on that reporting form and on the reporting form for the corresponding period in the year prior to the assessment period, or

(d) Is a nonbank financial company supervised by the Board. 5. Section 246.4 is amended by revising paragraph (c)(1) and by adding new paragraphs (d)(3) and (4) to read as follows:

§ 246.4 Assessments.

* * * * *

(c) *Assessment rates.* Assessment rates means, with regard to a given assessment period, the two rates published by the Board for the calculation of assessments for Category IV and "other" firms and for Category I, II, and III firms.

(1)(i) The assessment rate for Category IV and "other" firms will be calculated according to this formula:

$$\text{Assessment rate} = \frac{[(\text{Net Assessment Basis} \times \text{Category IV and "other" firms' share of total assessable assets of all assessed companies}) \times (1 - S)]}{\text{Category IV and "other" firms' total assessable assets}}$$

(ii) The assessment rate for Category I, II, and III firms will be calculated according to this formula:

$$\text{Assessment rate} = \frac{[(\text{Net Assessment Basis} \times \text{Category I, II, and III firms' share of total assessable assets of all assessed companies}) + (\text{Net Assessment Basis} \times \text{Category IV and "other" firms' share of total assessable assets} \times S)]}{\text{Category I, II, and III firms' total assessable assets}}$$

* * * * *

(d) * * *

(3) Net Assessment Basis is the assessment basis, as defined by paragraph (d)(2), net of the total \$50,000 base amount charged to all assessed companies. *Net Assessment Basis* = assessment basis – (number of assessed companies × \$50,000).

(4) The variable *S* represents the estimated share of total costs attributable to changes in supervisory and regulatory responsibilities resulting from EGRRCPA for Category IV and "other" firms. *S* = 0.1 (10 percent).

* * * * *

By order of the Board of Governors of the Federal Reserve System.

Ann Misback,
Secretary of the Board.

[FR Doc. 2020-25623 Filed 12-7-20; 8:45 am]

BILLING CODE P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2020-0570; Product Identifier 2019-SW-121-AD; Amendment 39-21337; AD 2020-24-07]

RIN 2120-AA64

Airworthiness Directives; Airbus Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is superseding Airworthiness Directive (AD) 2018-26-02 for Airbus Helicopters (previously Eurocopter France) Model AS350B3, EC130B4, and EC130T2 helicopters. AD 2018-26-02 required inspecting the pilot's and co-pilot's throttle twist for proper operation. This new AD retains the requirements of AD 2018-26-02 and adds calendar time compliance times for the required actions. This AD was prompted by a public comment that prompted additional review. The actions of this AD are intended to address an unsafe condition on these products.

DATES: This AD is effective January 12, 2021.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of February 2, 2017 (81 FR 95854, December 29, 2016), and January 30, 2019 (83 FR 66093, December 26, 2018).

ADDRESSES: For service information identified in this final rule, contact Airbus Helicopters, 2701 N Forum Drive, Grand Prairie, TX 75052; telephone 972-641-0000 or 800-232-0323; fax 972-641-3775; or at <https://www.airbus.com/helicopters/services/technical-support.html>. You may view this referenced service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N-321, Fort Worth, TX 76177. It is also available on the internet at <https://www.regulations.gov> by searching for and locating Docket No. FAA-2020-0570.

Examining the AD Docket

You may examine the AD docket on the internet at <https://www.regulations.gov> in Docket No. FAA-2020-0570; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the European Aviation Safety Agency (now European Union Aviation Safety Agency) (EASA) AD, any service information that is incorporated by reference, any comments received, and other information. The street 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: George Schwab, Aviation Safety Engineer, Safety Management Section, Rotorcraft Standards Branch, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; telephone 817-222-5110; email george.schwab@faa.gov.

SUPPLEMENTARY INFORMATION:

Discussion

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to remove AD 2018-26-02, Amendment 39-19532 (83 FR 66093, December 26, 2018) (AD 2018-26-02), and add a new AD. AD 2018-26-02 applied to Airbus Helicopters Model AS350B3 and EC130B4 helicopters with an ARRIEL 2B1 engine with the two-channel Full Authority Digital Engine Control (FADEC) and with new twist grip modification (MOD) 073254 (for Model AS350B3 helicopters) or MOD

073773 (for Model EC130B4 helicopters) installed, and Model AS350B3 and EC130T2 helicopters with an ARRIEL 2D engine installed. The NPRM published in the **Federal Register** on June 11, 2020 (85 FR 35604). The NPRM proposed to retain the inspection requirements of AD 2018–26–02 and include inspecting the wiring, performing an insulation test, inspecting the pilot and copilot throttle twist grip controls, and testing the pilot and copilot throttle twist grip controls for proper functioning. The NPRM also proposed to include calendar compliance times for the repetitive inspections at intervals depending on operating conditions.

AD 2018–26–02 was prompted by EASA AD No. 2017–0059, dated April 6, 2017, issued by EASA, which is the Technical Agent for the Member States of the European Union. EASA advised that the switches in the engine “IDLE” or “FLIGHT” control system could be affected by the corrosive effects of a salt-laden atmosphere, which could lead to engine power loss. EASA advised that this condition, if not detected and corrected, could, in case of failure of the other switch, prevent the pilot from switching from “IDLE” to “FLIGHT” mode during training of autorotation landing, making aborting the autorotation impossible, resulting in unintended touchdown.

Actions Since AD 2018–26–02 Was Issued

After AD 2018–26–02 was issued, the FAA received comments from one commenter requesting the FAA clarify why the compliance time for the repetitive inspections required in AD 2018–26–02 was given in terms of hours time-in-service (TIS) without also requiring calendar compliance times. The commenter stated that a lot of operators do not operate their aircraft 660 hours TIS in a year and asked whether the FAA is concerned with calendar time. The FAA agreed; since the unsafe condition involves corrosion, which has a direct relationship between calendar time and airworthiness, it is necessary to add calendar time compliance times for all required actions including the repetitive inspections.

Comments

The FAA gave the public the opportunity to participate in developing this final rule, but the FAA did not receive any comments on the NPRM or on the determination of the cost to the public.

FAA’s Determination

These helicopters have been approved by EASA and are approved for operation in the United States. Pursuant to the FAA’s bilateral agreement with the European Union, EASA has notified the FAA of the unsafe condition described in its AD. The FAA is issuing this AD after evaluating all of the information provided by EASA and determining the unsafe condition exists and is likely to exist or develop on other helicopters of the same type designs and that air safety and the public interest require adopting the AD requirements as proposed.

Interim Action

The FAA considers this AD to be an interim action. If final action is later identified, the FAA might consider further rulemaking then.

Differences Between This AD and the EASA AD

The EASA AD requires the initial inspections within 10 flight hours or 7 days; this AD requires compliance before the next autorotation training flight, 100 hours TIS, or 6 months, whichever occurs earlier, as the unsafe condition only occurs when transitioning the throttle in-flight from flight to idle and back to flight, such as during a practice autorotation.

Additionally, the EASA AD requires installing Airbus Helicopters MOD 074263; this AD does not as it does not correct the unsafe condition.

Related Service Information Under 1 CFR Part 51

The FAA reviewed one document that co-publishes three Airbus Helicopters Emergency Alert Service Bulletin (EASB) identification numbers: No. 05.00.61, Revision 3, dated June 15, 2015, for Model AS350B3 helicopters; No. 05.00.41, Revision 2, dated June 15, 2015, for the non-FAA type certificated Model AS550C3 helicopter; and No. 05A009, Revision 3, dated June 15, 2015, for Model EC130B4 helicopters. EASB Nos. 05.00.61 and 05A009 are incorporated by reference in AD 2018–26–02 and are retained for the requirements of this AD. EASB No. 05.00.41 is not incorporated by reference in AD 2018–26–02 and is not incorporated by reference in this AD. This service information applies to helicopters with an ARRIEL 2B1 engine installed and describes procedures for a functional check and installation of protection for micro-contacts (microswitches) 53Ka, 53Kb, and 65K (IDLE/FLIGHT mode).

The FAA also reviewed one document that co-publishes three Airbus Helicopters EASB identification

numbers: No. 05.00.77, Revision 1, dated June 15, 2015, for Model AS350B3 helicopters; No. 05.00.52, Revision 1, dated June 15, 2015, for the non-FAA type certificated Model AS550C3 helicopter; and No. 05A014, Revision 1, dated June 15, 2015, for Model EC130T2 helicopters. EASB Nos. 05.00.77 and 05A014 are incorporated by reference in AD 2018–26–02 and are retained for the requirements of this AD. EASB No. 05.00.52 is not incorporated by reference in AD 2018–26–02 and is not incorporated by reference in this AD. This service information applies to helicopters with an ARRIEL 2D engine installed and describes procedures for a check of the protection for micro-contacts (microswitches) 53Ka, 53Kb, and 65K (IDLE/FLIGHT mode).

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

Costs of Compliance

The FAA estimates that this AD affects 617 helicopters of U.S. Registry. The FAA estimates that operators may incur the following costs in order to comply with this AD. Labor costs are estimated at \$85 per work-hour.

Inspecting the wiring, performing an insulation test, inspecting the pilot and copilot throttle twist grip controls, and testing the pilot and copilot throttle twist grip controls takes about 4 work-hours, for an estimated cost of \$340 per helicopter and \$209,780 for the U.S. fleet per inspection cycle.

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) 2018–26–02, Amendment 39–19532 (83 FR 66093, December 26, 2018); and
 - b. Adding the following new AD:

2020–24–07 Airbus Helicopters:

Amendment 39–21337; Docket No. FAA–2020–0570; Product Identifier 2019–SW–121–AD.

(a) Applicability

This airworthiness directive (AD) applies to the following Airbus Helicopters, certificated in any category:

- (1) Model AS350B3 helicopters with an ARRIEL 2B1 engine with the two-channel Full Authority Digital Engine Control (FADEC) and with new twist grip modification (MOD) 073254 or with an ARRIEL 2D engine installed;
- (2) Model EC130B4 helicopters with an ARRIEL 2B1 engine with the two-channel FADEC and with new twist grip MOD 073773 installed; and
- (3) Model EC130T2 helicopters with an ARRIEL 2D engine installed.

(b) Unsafe Condition

This AD defines the unsafe condition as failure of one of the two contactors, 53Ka or

53Kb, which can prevent switching from “IDLE” mode to “FLIGHT” mode during autorotation training making it impossible to recover from a practice autorotation and compelling the pilot to continue the autorotation to the ground. This condition could result in unintended touchdown to the ground at a flight-idle power setting during a practice autorotation, damage to the helicopter, and injury to occupants.

(c) Affected ADs

This AD replaces AD 2018–26–02, Amendment 39–19532 (83 FR 66093, December 26, 2018).

(d) Effective Date

This AD becomes effective January 12, 2021.

(e) Compliance

You are responsible for performing each action required by this AD within the specified compliance time unless it has already been accomplished prior to that time.

(f) Required Actions

(1) Before the next practice autorotation, within 100 hours time-in-service (TIS), or 6 months, whichever occurs first, inspect the wiring, perform an insulation test, inspect the pilot and copilot throttle twist grip controls, and test the pilot and copilot throttle twist grip controls for proper functioning by following the Accomplishment Instructions, paragraph 3.B.1 through 3.B.6, of Airbus Helicopters Emergency Alert Service Bulletin (EASB) No. 05.00.61, Revision 3, dated June 15, 2015, for Model AS350B3 helicopters with an ARRIEL 2B1 engine; EASB No. 05.00.77, Revision 1, dated June 15, 2015, for Model AS350B3 helicopters with an ARRIEL 2D engine; EASB No. 05A009, Revision 3, dated June 15, 2015, for Model EC130B4 helicopters; or EASB No. 05A014, Revision 1, dated June 15, 2015, for Model EC130T2 helicopters, as appropriate for your model helicopter.

(2) Repeat the inspections in paragraph (f)(1) of this AD at intervals not to exceed the following compliance times. For purposes of this AD, salt laden conditions exist when a helicopter performs a flight from a takeoff and landing area, heliport, or airport less than 0.5 statute mile from salt water or performs a flight within 0.5 statute mile from salt water below an altitude of 1,000 ft. above ground or sea level.

(i) For helicopters that have operated in salt laden conditions since the previous inspection required by this AD, at intervals not to exceed 330 hours TIS or 6 months, whichever occurs first.

(ii) For helicopters that have not operated in salt laden conditions since the previous inspection required by this AD, at intervals not to exceed 660 hours TIS or 12 months, whichever occurs first.

(g) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Rotorcraft Standards Branch, FAA, may approve AMOCs for this AD. Send your proposal to: George Schwab, Aviation Safety Engineer, Safety Management Section, Rotorcraft Standards Branch, FAA, 10101 Hillwood Parkway, Fort Worth, Texas

76177; telephone 817–222–5110; email 9-ASW-FTW-AMOC-Requests@faa.gov.

(2) For operations conducted under a 14 CFR part 119 operating certificate or under 14 CFR part 91, subpart K, the FAA suggests that you notify your principal inspector, or lacking a principal inspector, the manager of the local flight standards district office or certificate holding district office, before operating any aircraft complying with this AD through an AMOC.

(h) Additional Information

The subject of this AD is addressed in European Aviation Safety Agency (now European Union Aviation Safety Agency) AD No. 2017–0059, dated April 6, 2017. You may view the EASA AD on the internet at <https://www.regulations.gov> in Docket No. FAA–2020–0570.

(i) Subject

Joint Aircraft Service Component (JASC) Code: 7697, Engine Control System Wiring.

(j) 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.

(3) The following service information was approved for IBR on February 2, 2017 (81 FR 95854, December 29, 2016).

(i) Airbus Helicopters Emergency Alert Service Bulletin (EASB) No. 05.00.61, Revision 3, dated June 15, 2015.

(ii) Airbus Helicopters EASB No. 05A009, Revision 3, dated June 15, 2015.

Note 1 to paragraph (j)(3): Airbus Helicopters EASB Nos. 05.00.61 and 05A009, both Revision 3 and dated June 15, 2015, are co-published as one document along with Airbus Helicopters EASB No. 05.00.41, Revision 2, dated June 15, 2015, which is not incorporated by reference in this AD.

(4) The following service information was approved for IBR on January 30, 2019 (83 FR 66093, December 26, 2018).

(i) Airbus Helicopters EASB No. 05.00.77, Revision 1, dated June 15, 2015.

(ii) Airbus Helicopters EASB No. 05A014, Revision 1, dated June 15, 2015.

Note 2 to paragraph (j)(4): Airbus Helicopters EASB Nos. 05.00.77 and 05A014, both Revision 1 and dated June 15, 2015, are co-published as one document along with Airbus Helicopters EASB No. 05.00.52, Revision 1, dated June 15, 2015, which is not incorporated by reference in this AD.

(5) For service information identified in this AD, contact Airbus Helicopters, 2701 N Forum Drive, Grand Prairie, TX 75052; telephone 972–641–0000 or 800–232–0323; fax 972–641–3775; or at <https://www.airbus.com/helicopters/services/technical-support.html>.

(6) You may view this service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call 817–222–5110.

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

Issued on November 17, 2020.

Lance T. Gant,

Director, Compliance & Airworthiness
Division, Aircraft Certification Service.

[FR Doc. 2020-26867 Filed 12-7-20; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Part 100

[Docket No. FR-6138-F-02]

RIN 2529-AA99

Fair Housing Act Design and Construction Requirements; Adoption of Additional Safe Harbors

AGENCY: Office of the Assistant Secretary for Fair Housing and Equal Opportunity, HUD.

ACTION: Final rule.

SUMMARY: This rule amends HUD's Fair Housing Act design and construction regulations by incorporating by reference the 2009 edition of the International Code Council (ICC) Accessible and Usable Buildings and Facilities (ICC A117.1-2009) standard, as a safe harbor. The Accessible and Usable Buildings and Facilities standard is a technical standard for the design of facilities that are accessible to persons with disabilities. This rule also designates the 2009, 2012, 2015 and 2018 editions of the International Building Code (IBC) as safe harbors under the Fair Housing Act. The IBC is a model building code and not law, but it was adopted as law by various states and localities. The IBC provides minimum standards for public safety, health, and welfare as they are affected by building construction.

DATES: *Effective Date:* March 8, 2021. The incorporation by reference of certain publications listed in the rule is approved by the Director of the Federal Register as of March 8, 2021. The incorporation by reference of certain other publications listed in the rule is approved by the Director of the Federal Register as of November 24, 2008.

FOR FURTHER INFORMATION CONTACT: Lynn Grosso, Director, Office of Enforcement, Office of Fair Housing and Equal Opportunity, Department of Housing and Urban Development, 451

Seventh Street SW, Washington, DC 20410-2000; telephone number (202) 708-2333 (this is not a toll-free number). Hearing- or speech-impaired individuals may access this number via TTY by calling the toll-free Federal Information Relay Service at (800) 877-8339.

SUPPLEMENTARY INFORMATION:

I. Background

Title VIII of the Civil Rights Act of 1968, as amended, (42 U.S.C. 3601 *et seq.*) (the "Fair Housing Act" or "Act") prohibits discrimination in housing and housing-related transactions based on race, color, religion, national origin, sex, disability and familial status.¹ The Act provides, *inter alia*, that unlawful discrimination against persons with disabilities includes the failure to design and construct covered multifamily dwellings for first occupancy after March 13, 1991, in a manner that "(1) the public and common use portions of such dwellings are readily accessible to and usable by handicapped persons; (2) all the doors designed to allow passage into and within all premises within such dwellings are sufficiently wide to allow passage by handicapped persons in wheelchairs; and (3) all premises within such dwellings contain the following features of adaptive design: (a) An accessible route into and through the dwelling; (b) light switches, electrical outlets, thermostats, and other environmental controls in accessible locations; (c) reinforcements in bathroom walls to allow later installation of grab bars; and (d) usable kitchens and bathrooms such that an individual in a wheelchair can maneuver about the space."² The Fair Housing Act does not contain specific technical design criteria that need to be followed to comply with the design and construction requirements. It does provide, however, that compliance with the appropriate requirements of the "American National Standard for buildings and facilities providing accessibility and usability for physically handicapped people (commonly referred to as ANSI A117.1), suffices to satisfy the requirements of [42 U.S.C. 3604(f)(3)(C)(iii)]," which states the Act's design and construction

¹ The Fair Housing Act refers to people with "handicaps." Subsequently, in the Americans with Disabilities Act of 1990 and other legislation, Congress adopted the term "persons with disabilities" or "disability," which is the preferred usage. Accordingly, this document hereinafter uses the terms "persons with disabilities," "disability," or "disabled," unless directly quoting the Fair Housing Act.

² 42 U.S.C. 3604(f)(3)(C).

requirements for the interiors of covered multifamily dwellings.

The Fair Housing Act directs HUD to "provide technical assistance to states and units of local government and other persons to implement [the design and construction requirements]."³ On March 6, 1991 (56 FR 9472), HUD published the "Final Fair Housing Accessibility Guidelines" which set forth specific technical guidance for designing covered multifamily dwellings to be consistent with the Act. Section I of the Guidelines states, "[t]hese guidelines are intended to provide a safe harbor for compliance with the accessibility requirements of the Fair Housing Act." On June 24, 1994 (59 FR 33362), HUD published its "Supplement to Notice of Fair Housing Accessibility Guidelines: Questions and Answers about the Guidelines." HUD published a Fair Housing Act Design Manual (Design Manual) in 1996 that was reissued in 1998 with minor changes. The Design Manual is also a safe harbor for compliance with the Act.⁴

Since HUD published its Fair Housing Act final rule on January 23, 1989 (54 FR 3232), the ANSI A117.1 accessibility standard has been updated several times. HUD, as a member of the A117 Committee that updates the A117.1 standard, participates in these updates. HUD also periodically reviewed these updated standards, as part of its mandate to provide technical assistance to state and local governments to incorporate the Act's design and construction requirements into their laws and procedures for review and approval of newly constructed multifamily dwellings. HUD published a final rule on October 24, 2008 (73 FR 63614) that incorporated by reference ICC/ANSI-2003 and clarified that compliance with the appropriate requirements of CABO/ANSI A117.1-1992 and ICC/ANSI-1998 continued to meet the design and construction requirements of the Fair Housing Act. *See* 24 CFR 100.201a(b)(1). The 2008 final rule also updated the regulations to reference certain editions of the IBC as safe harbors for compliance with the accessibility requirements in the Fair Housing Act. HUD's final rule codified these additional design and construction standards that HUD recognized as safe harbors at § 100.205(e).

³ 42 U.S.C. 3604(f)(5)(C).

⁴ The Fair Housing Design Manual, August 1996, revised 1998, is available at <https://www.huduser.gov/portal/publications/PDF/FAIRHOUSING/fairfull.pdf>.

II. This Final Rule

On Wednesday, January 15, 2020, HUD published a proposed rule in the **Federal Register** (85 FR 2354) to amend HUD's Fair Housing Act design and construction regulations by incorporating by reference the 2009 edition of International Code Council (ICC) Accessible and Usable Buildings and Facilities (ICC A117.1–2009)⁵ standard, as a safe harbor. HUD is adopting the proposed rule as final with no substantive changes.

This rule does not change either the scoping requirements or the substance of the existing accessible design and construction requirements contained in the Fair Housing Act or its regulation. This final rule also designates the 2009, 2012, 2015 and 2018 editions of the IBC as safe harbors under the Fair Housing Act. Unlike the Act, the IBC is a model building code and not a law. It provides minimum standards for public safety, health, and welfare as they are affected by building construction. The IBC is published by the International Code Council, which was formed to bring national uniformity to building codes. Representatives of three former national model code bodies joined together to develop what are now called the International Codes or I-Codes. The IBC is a major volume of the I-Codes and contains provisions for accessibility designed to reflect the intent of the Act, the regulations, and the Guidelines. Compliance with the IBC or another model building code is not required unless mandated by a state or local jurisdiction. A jurisdiction may adopt a model building code in its entirety or with modifications.

With respect to housing, the IBC contains requirements for three different types of accessible units, which include sleeping units (when such units are used as a residence). The most accessible of these three types is an "Accessible Unit," which is wheelchair accessible and may be found in numerous types of residential buildings. A second accessibility level is set forth in the requirements for "Type A" dwelling units. The IBC specifies that a percentage of "Type A" units must be provided containing a high level of accessibility, especially in kitchens and bathrooms, as well as some features of adaptability. The third accessibility level is a "Type B" dwelling unit, which is a unit that is intended to comply with those features of accessible and adaptable design required under the Act. Like the Act, the requirements for

Type B dwelling units apply to a greater number of dwelling units in a building, but the level of accessibility is less than that of the Type A dwelling units.

In addition, the IBC provides scoping requirements for the three types of dwelling units described above. The scoping requirements for the Type B dwelling units are intended to be consistent with the scoping requirements in the Act, the regulations, and the Guidelines. For the technical requirements, the IBC references the A117.1 accessibility standard. Thus, the IBC contains both scoping requirements and technical requirements that are consistent with the Act, the regulations, and the Guidelines. After reviewing the 2009, 2012, 2015 and 2018 IBC editions, HUD found that the accessibility provisions in these IBC editions are consistent with the requirements in the Act, HUD's regulations, and the Guidelines. HUD did not find any provision that it believes provides for less accessibility than what is required in the Act, the regulations, and the Guidelines, and HUD notes that in certain respects, the IBC provides for greater accessibility. Similarly, in its review of the ICC A117.1–2009, HUD did not find any provisions that provide for less accessibility than what is required in the Act, HUD's regulations, and the Guidelines.

HUD is also amending § 100.205(e)(3) to provide that, in the future, HUD may propose new safe harbors by **Federal Register** notice. HUD would provide a minimum 30-day public comment period and, after considering public comment, publish a final notice announcing any new safe harbor. HUD will periodically codify new safe harbors in part 100 in the course of later rulemaking. Compliance with safe harbors established by **Federal Register** notice will satisfy the requirements of paragraphs (a) and (c) of § 100.205.

III. The Public Comments

HUD received 60 public comments on the proposed rule from various interested parties, including advocacy groups, members of the general public, and architects. One comment discussed another HUD rulemaking, and will not be addressed here.

General Support

Many commenters overwhelmingly supported the rule and urged HUD to promulgate it. Several commenters stated that A117.1–2009 and IBC–2009, 2012, 2015 and 2018 meet or exceed HUD's Guidelines. Some commenters stated that making the newer A117.1 and International Building Codes safe harbors would improve compliance

with the Fair Housing Act's design and construction requirements. Other commenters stated that the rule will provide code officials, architects, and builders with needed tools to ensure that buildings are accessible to persons with disabilities, eliminate confusion concerning the use of older codes, and increase accessibility. Some commenters stated the new standards' incorporation and safe harbor designation will align the Act's requirements with the requirements of many U.S. jurisdictions, which already adopt and enforce one of these IBC editions and, by reference, ICC A117.1–2009. A commenter expressed that because the proposed safe harbors are more current, they provide clarity on certain aspects of design.

HUD Response: HUD thanks the public commenters for their support.

Clarifications

Comment: A commenter asked that HUD clarify who needs to be aware of the rule to ensure accessible housing, including developers, designers, and others involved in the design and construction of covered multifamily dwellings.

HUD Response: HUD agreed with the comment that there are many building industry professionals who are involved in the design and construction of multifamily housing covered by the Act (e.g., owners, developers, architects, engineers, construction contractors). Any person or entity involved in the noncompliant design and construction of buildings or facilities subject to the Act's design and construction requirements may be held liable for violations of the Act. This includes a person or entity involved in only the design, only the construction, or both the design and construction of covered multifamily housing.⁶ So all such persons should be aware of the requirements.

Comment: Several commenters requested that HUD make clear in the rule that the technical specifications in the HUD-identified safe harbors must be read in conjunction with the scoping requirements in the Fair Housing Act, its implementing regulations and the Fair Housing Act Accessibility Guidelines. One commenter expressed difficulty in finding the requirements in the IBC. Another commenter stated that HUD should clarify that use of one of the IBCs as a safe harbor must be in conjunction with use of the incorporated A117.1.

⁵ Unlike prior versions of the American National Standard, the ICC A117.1–2009 does contain ANSI in its title.

⁶ See 42 U.S.C. 3604(f)(3)(C); Joint Statement Q&A 56.

HUD Response: Persons designing and constructing covered multifamily dwellings should understand that, to be correctly applied to ensure compliance with the design and construction requirements of the Act, each safe harbor must be read in the context of the requirements of the Act itself, HUD's implementing regulations, and the Fair Housing Act Accessibility Guidelines. The IBC provides scoping requirements for Type B dwelling units that are intended to be consistent with the scoping requirements in the Act, the regulations, and the Guidelines. For the technical requirements, the IBC references the A117.1 accessibility standard. Thus, the IBC contains both scoping requirements and technical requirements that are consistent with the Act, the regulations, and the Guidelines.⁷

Comment: Some commenters urged HUD to specify, consistent with its prior safe harbor rule at 72 FR 39432, 39438 (July 18, 2007) and the HUD-DOJ Joint Statement, that to avail oneself of a safe harbor, the owner, developer and designer must comply with the safe harbor in its entirety without modification or waiver.

HUD Response: When HUD adopts a safe harbor for compliance with the Fair Housing Act, it has determined that compliance with all elements of the safe harbor, read in conjunction with the Act, HUD's implementing regulations, and the Fair Housing Accessibility Guidelines, will provide accessibility consistent with the Act's requirements. This level of overall accessibility permits individuals with a wide variety of disabilities to access and use the public and common use areas of the housing without adaptation and the dwelling units with or without certain minimum adaptations, such as the installation of grab bars. To ensure compliance with the Act, covered entities must select one safe harbor; once a specific safe harbor document has been selected, the building in question must comply with all of the provisions in that document that address the Fair Housing Act design and construction requirements to ensure the full benefit of the safe harbor. The benefit of safe harbor status may be lost if, for example, a designer or builder chooses to select provisions from more than one of the above safe harbor documents, from a variety of sources, or if waivers of provisions are requested and received. If it is shown that the designers and builders departed from the provisions of a safe harbor document, they bear the burden of

demonstrating that the dwelling units nonetheless comply with the Act's design and construction requirements.⁸

ANSI

Comment: One commenter opposed HUD's adoption of ANSI A117.1-2009, stating that HUD should permit use only of ANSI A117.1-1986 as it provides greater usability and access than subsequent ANSI A117.1 codes.

HUD Response: HUD disagreed with the comment. HUD notes that although there may be slight differences between ANSI A117.1-2009 and ANSI A117.1-1986, those differences do not result in decreased accessibility. Nor are they inconsistent with the Act's requirements. While there are some differences among the designated safe harbors, there is broad consensus about what is required for accessibility based on the ANSI standards and the safe harbors. These standards result from a process that includes input from a variety of stakeholders, including builders, designers, managers, and disability-rights advocates.

Comment: A commenter stated that ANSI A117.1-2009 is less restrictive than the Act because while HUD's Guidelines require all fixtures in a Specification A Bathroom to be accessible, A117.1-2009 requires only one lavatory to be accessible, even when a dual sink is provided in the bathroom. The commenter asked HUD to provide clarification as to this difference.

HUD Response: As indicated above, while there may be slight differences among the various editions of the A117.1 standard, those differences do not result in bathrooms that provide less accessibility and are consistent with the Act's requirements. While there are some differences among the designated safe harbors, these standards result from a process that includes input from a variety of stakeholders with broad consensus about what is required for accessibility based on the ANSI standards and the safe harbors.

Comment: A commenter recommended that HUD add language to the rule stating that if a jurisdiction mandates a higher level of accessibility than ICC 2009, the jurisdiction's standard should be favored over the ICC standard.

HUD Response: Some states and localities adopt accessibility requirements that provide for a higher level of accessibility for individuals with disabilities than the basic level of accessibility required by the Act. HUD noted that the adoption of a safe harbor for compliance with the Act does not

diminish the legal obligation to comply with more stringent accessibility requirements imposed by state or local law. The Act is not intended to invalidate or limit any state or local law that requires dwellings to be designed and constructed in a manner that affords greater access for persons with disabilities.⁹ HUD agreed that compliance with a safe harbor does not ensure compliance with a state or local law that mandates greater accessibility.

IBC

Comment: A commenter stated that HUD should specify in the final regulation that the covered multifamily dwelling must be designed and constructed in accordance with plans and specifications approved during the permitting process and that the building code official must not waive, incorrectly interpret or misapply any of the accessibility requirements of the safe harbor. If not, the safe harbor status is forfeited.

HUD Response: HUD agreed with the comment. HUD's purpose in recognizing a number of safe harbors for compliance with the Act's design and construction requirements is to provide a range of options that, if followed in their entirety during the design and construction phase without modification or waiver, will result in residential buildings that comply with the Act's design and construction requirements. The standards and codes adopted by HUD as safe harbors represent safe harbors only when used in their entirety; that is, once a specific safe harbor document has been selected, the covered multifamily dwellings in question need to comply with all of the provisions in that document that address the Act's design and construction requirements. The benefit of safe harbor status may be lost if, for example, a designer or builder chooses to select provisions from more than one of the safe harbor documents or from a variety of sources. In addition, the benefit of safe harbor status will be lost if any waivers of accessibility provisions are requested and/or obtained from state or local governmental agencies. A designer or builder taking this approach runs the risk of building an inaccessible property. While this does not necessarily mean that failure to meet all of the respective provisions of a specific safe harbor will result in unlawful discrimination under the Act, designers and builders that choose to depart from provisions of a specific safe harbor bear the burden of demonstrating that their actions nevertheless result in covered

⁷ Preamble to NPRM.

⁸ Joint Statement, Q&A 38.

⁹ 42 U.S.C. 3604(f)(8).

multifamily dwellings that comport with the Act's design and construction requirements.¹⁰

Comment: Several commenters stated that the rule should explicitly state that a developer must comply with one of the new IBC standards to claim a safe harbor. These commenters stated further that HUD should include language in the rule specifying that a state or local entity must adopt the IBC without any revisions that reduce the level of accessibility required by the IBC standard and the entities responsible for the design and construction must fully comply with the chosen safe harbor.

HUD Response: HUD declined to mandate that the new IBC standards are the only safe harbors that may be used. Rather, any of the designated safe harbors may be used. If a state or locality has adopted one of these safe harbor documents without amendment or deviation that reduces the level of accessibility, then covered residential buildings that are built to those specifications will be designed and constructed in accordance with the Act as long as the building code official does not waive or incorrectly interpret or apply one or more of those requirements. Moreover, as noted above, the entities responsible for the design and construction must fully comply with the chosen safe harbor.¹¹

Comment: One commenter asked a question about meeting the Act's design and construction requirements. Specifically, the commenter asked: If units are designed to comply with the Fair Housing Act, as well as with HUD's Uniform Federal Accessibility Standards (UFAS) or ADA if there is federal assistance, would the stricter requirements of an IBC Type A unit apply; and Alternatively, if one were to choose to design to the IBC standard, would this be considered in compliance with the Act?

HUD Response: As discussed above, if a covered multifamily dwelling is designed in accordance with one of the IBC standards designated as safe harbors, it will comply with the Act so far as no deviation from the standard has occurred. If the property is also subject to multiple accessibility laws and standards, such as UFAS and the ADA, it must be designed and built in accordance with the accessibility requirements of each law. To the extent that the requirements of different federal laws apply to the same feature, the requirements of the law imposing greater accessibility requirements must

be met, in terms of both scoping and technical requirements.

Specific Accessibility Features

Comment: A commenter inquired whether a project that designates the 2009, 2012, 2015, or 2018 editions of the IBC as its safe harbor, and fails to meet all requirements of the 2009 ICC A117.1, but still meets the requirements of the Guidelines, would violate the Fair Housing Act? The commenter provided the following example: Kitchens in Type A units require a work surface to be 34" Above Finished Floor (AFF) max and provide for a forward approach, whereas the Guidelines have no requirements for work surfaces within kitchens. A failure to provide a work surface will not meet the requirements of the 2009 ICC A117.1, but will meet the Guidelines' requirements.

HUD Response: The IBC standards specify that a percentage of "Type A" units must be provided containing a high level of accessibility, especially in kitchens and bathrooms, as well as some features of adaptability. The IBC also provides for "Type B" dwelling units, which are intended to comply with those features of accessible and adaptable design required under the Act. Like the Act, the requirements for Type B dwelling units apply to a greater number of dwelling units in a building, but the level of accessibility is less than that of the Type A dwelling units. The IBC provides scoping requirements for Type B dwelling units that are intended to be consistent with the scoping requirements in the Act, the regulations, and the Guidelines. For the technical requirements, the IBC references the A117.1 accessibility standard. A case of discrimination may be established by showing that the housing does not meet HUD's Guidelines. As discussed above, the building in question must comply with all of the provisions in that document that address the Fair Housing Act design and construction requirements to ensure the safe harbor's full benefit.¹²

Comment: A commenter hoped the safe harbor status would supersede the dimensional conflict that currently exists for centerline of water closets to the adjacent walls supporting the grab bar.

HUD Response: As noted above, while there may be slight differences among the various editions of the A117.1 standard, the standards are consistent with the Act's requirements and the differences do not result in bathrooms that provide less accessibility.

Comment: A commenter asked: In ICC A117.1–2009, Type A and Type B units require that blocking be provided for the future installation of grab bars at toilets, showers, and bathtubs but describes only the location of the grab bars, not where blocking is to be provided. In contrast, the Guidelines provide diagrams for where blocking is to be located. If the 2012, 2015 or 2018 editions of the IBC are chosen as a safe harbor and blocking is provided for the grab bar locations described in the ICC A117.1–2009, but blocking is not provided to meet the requirements of the Guidelines, would this be a Fair Housing Act violation?

HUD Response: If the 2012, 2015 or 2018 editions of the IBC are chosen as a safe harbor, blocking should be provided as specified in chapters 6 and 10 of ICC A117.1–2009.

Requests for Additional Guidance

Comment: Some commenters urged HUD to also update guidance documents, including the Fair Housing Act Design Manual, the HUD–DOJ Joint Statement, and Fair Housing First to reflect current construction practices. A commenter stated that this would allow HUD's guidance documents and the Design Manual to be consistent with and fully reflect the current accepted safe harbors, the additional safe harbors as proposed in this rulemaking, and the various building codes used across the country by state and local communities. One commenter suggested HUD develop "Fact Sheets" covering the Act's design requirements that highlight each requirement with text and examples, along with links for users to access additional information.

HUD Response: The commenters' request is outside this rule's scope. HUD will, however, consider the commenters' recommendations to provide additional guidance on the Act's design and construction requirements.

Comment: One commenter asked that HUD provide additional guidance on what dwellings and buildings containing elevators are covered by the design and construction requirements.

HUD Response: HUD notes that the comment is outside the rulemaking scope, but directs the commenter to its prior guidance on this topic, including the Fair Housing Act Design Manual¹³ and the Joint Statement of the Department of Housing and Urban Development and the Department of Justice on the Accessibility (Design and Construction) Requirements for Covered

¹⁰ Joint Statement, Q&A 38.

¹¹ Joint Statement, Q&A 38.

¹² Joint Statement, Q&A 40.

¹³ <https://www.huduser.gov/portal/publications/PDF/FAIRHOUSING/fairfull.pdf>.

Multifamily Dwellings under the Fair Housing Act,¹⁴ which contain detailed discussions of dwellings and buildings with elevators.

Other Issues

Comment: Commenters stated that going forward, HUD should designate new safe harbors in a timely fashion. Commenters requested that HUD review and adopt more recent versions of ANSI A117.1 and the IBC. Two commenters supported HUD's proposal to designate new safe harbors by **Federal Register** notice with a minimum 30-day comment period, stating that establishing a procedure to evaluate new editions of codes and standards against the Act's accessibility requirements will help ensure HUD's safe harbor list stays current.

HUD Response: HUD agrees that the process for adopting new safe harbors can be more timely and expects that the addition of § 100.205(e)(3) will serve that end. The new provision permits HUD to propose new safe harbors by **Federal Register** notice with a minimum public comment period of 30 days and, after considering public comment, to publish a final notice announcing any new safe harbor. HUD will also periodically codify new safe harbors in part 100 in the course of later rulemaking.

Comment: Several commenters requested that HUD continue to make the matrix, prepared by the ICC and forming a basis for the proposed rule, publicly available on its website as well as through the Fair Housing FIRST program. They stated that the continued availability of the matrix will enable designers, developers, and advocates to understand key components of the safe harbors, vis a vis the Act's requirements.

HUD Response: HUD notes that the matrix is part of this rulemaking's administrative record. Interested parties may contact the ICC concerning the electronic public posting of this document.

Comment: A commenter asked HUD to explain how this rule's adoption contributes to tackling the affordability crisis among people with disabilities so that they can afford to live in these advantageous living spaces.

HUD Response: As many commenters have noted, the adoption of additional safe harbors will make it easier for persons who design and construct covered multifamily dwellings to comply with the Act and state and local building codes. HUD believes this will also facilitate greater availability of

accessible housing across all affordability levels.

Outside the Rulemaking Scope

Comment: Some commenters stated that the Act and HUD's Guidelines should provide for accessibility meeting universal design and promoting visitability. One commenter noted that bathtubs are not usable to people with serious mobility impairments. The commenter added that accessible bathtubs are not expensive to build from the design phase, but are expensive to retrofit, and urged HUD to compel developers to plan for the needs of older adults and people with disabilities.

HUD Response: HUD notes that the comment is beyond this rulemaking's scope. HUD notes further that the Act is intended to place "modest accessibility requirements on covered multifamily dwellings" that will ensure accessibility for a broad range of individuals with disabilities.¹⁵ Universal design often provides a greater level of accessibility design and visitability than the Act. HUD agreed with the commenter though that developers and designers should consider the needs of the aging population as they plan and build new housing or modernize existing housing.

Comment: A commenter thought that using these documents as default standards would undermine the other design codes like the Americans with Disabilities Act (ADA) and state building codes, which built upon them for better accessibility.

HUD Response: In many instances, multifamily housing is subject to the accessibility requirements of more than one statute, such as the Fair Housing Act, the Americans with Disabilities Act (ADA) or Section 504 of the Rehabilitation Act of 1973. In such circumstances, the housing must comply with the law that provides for the greatest level of accessibility in a particular element. Furthermore, the Act specifically provides that it does not invalidate or limit any state or local law that requires dwellings to be designed and constructed in a manner that affords greater accessibility than the Act does. For these reasons, the adoption of safe harbors does not undermine the requirements of any standard that is applicable under other laws.

Comment: Two commenters suggested changes concerning the Uniform Federal Accessibility Standards (UFAS), with one commenter recommending that HUD adopt a rule creating consistency between UFAS and building codes to

facilitate Section 504 compliance in rehabilitation projects.

HUD Response: HUD declined to respond because the rule concerns safe harbors under the Fair Housing Act, not Section 504, so the comment is outside this rulemaking's scope.

IV. Incorporation by Reference

The referenced standard incorporated in this rule was approved by the Director of the Federal Register, in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. This rule incorporates the voluntary consensus standard ICC A117.1–2009 Accessible and Usable Buildings and Facilities, as satisfying the Fair Housing Act's design and construction requirements. It does not incorporate interpretations of ICC A117.1–2009 issued by the ICC or any other entity or person. The rule also cannot account for editions of ICC A117.1 issued after the 2009 edition. Therefore, if HUD were to revise the standard in the future to codify newer editions of ICC A117.1, further rulemaking would be required.

ICC A117.1–2009 is available online for review, via read-only access, at https://codes.iccsafe.org/content/ICCA117_12009?site_type=public. Members of the public may visit the link and create a username and password to view the free-access edition. The standard may also be obtained from the International Code Council, 500 New Jersey Avenue NW, 6th Floor, Washington, DC 20001–2070, telephone number 1–888–422–7233, <http://www.iccsafe.org/e/category.html>. This phone number may also be reached by persons who are deaf or hard of hearing, or have speech disabilities, by dialing 711 via teletype (TTY).

The following standards, included in the regulatory text, were all previously approved for incorporation by reference in their respective locations and those references remain unchanged: ICC/ANSI A117.1–2003, ICC/ANSI A117.1–1998, CABO/ANSI A117.1–1992, ANSI A117.1–1986.

V. Findings and Certifications

Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) generally requires an agency to conduct a regulatory flexibility analysis on any rule subject to notice and comment rulemaking requirements, unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit organizations, and small governmental jurisdictions.

¹⁴ <https://www.hud.gov/sites/documents/JOINTSTATEMENT.PDF>.

¹⁵ House Report No. 711, 100th Congress, 2nd Session.

This final rule's purpose is to update a codified regulation that provides technical standards for the design of covered multifamily dwellings to ensure accessibility for persons with disabilities as required by the Fair Housing Act. Specifically, the rule incorporates by reference the 2009 edition of ICC A117.1 as a safe harbor, compliance with which would satisfy the Fair Housing Act's requirements. The final rule also retains as safe harbors the 1986, 1992, 1998 and 2003 editions of ANSI A117.1, as well as the 2000, 2003 and 2006 IBC editions, which HUD has previously adopted. In addition, the rule adds the 2009, 2012, 2015 and 2018 IBC editions as safe harbors. Consequently, small entities would not incur a significant economic impact as they may continue to use any of the previously codified standards. Additionally, adopting the 2009 ICC A117.1 and the other new safe harbors may alleviate a significant economic impact for small entities, as those entities may find compliance with these standards to be less burdensome because their state or local building codes may use these later editions of the A117.1 standard or the IBC. Therefore, the undersigned certifies that this final rule will not have a significant economic impact on a substantial number of small entities.

Federalism Impact

Executive Order 13132 (entitled "Federalism") prohibits, to the extent practicable and permitted by law, an agency from promulgating a regulation that has federalism implications and either imposes substantial direct compliance costs on state and local governments and is not required by statute, or preempts state law, unless the relevant requirements of section 6 of the Executive Order are met. This rule does not have federalism implications and does not impose substantial direct compliance costs on state and local governments or preempt state law within the meaning of the Executive Order.

Environmental Impact

This final rule is a policy document that sets out fair housing and nondiscrimination standards. Accordingly, under 24 CFR 50.19(c)(3), this final rule is categorically excluded from environmental review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*).

Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act (UMRA) of 1995 (2 U.S.C. 1531–1538) requires federal agencies to

assess the effects of their regulatory actions on state, local, and tribal governments, and on the private sector. This rule does not impose, within the meaning of the UMRA, any federal mandates on any state, local, or tribal governments, or on the private sector.

Catalog of Federal Domestic Assistance

The Catalog of Federal Domestic Assistance number for this program is 14.400.

List of Subjects in 24 CFR Part 100

Aged, Fair housing, Incorporation by reference, Individuals with disabilities, Mortgages, Reporting and recordkeeping requirements.

For the reasons stated in the preamble, HUD is amending 24 CFR part 100 as follows:

PART 100—DISCRIMINATORY CONDUCT UNDER THE FAIR HOUSING ACT

■ 1. The authority for 24 CFR part 100 continues to read as follows:

Authority: 42 U.S.C. 3535(d), 3600–3620.

■ 2. In § 100.201, revise the definitions of "Accessible," "Accessible route," and "Building entrance on an accessible route" to read as follows:

§ 100.201 Definitions.

Accessible when used with respect to the public and common use areas of a building containing covered multifamily dwellings, means that the public or common use areas of the building can be approached, entered, and used by individuals with physical disabilities. The phrase "*readily accessible to and usable by*" is synonymous with accessible. A public or common use area that complies with the appropriate requirements of ICC A117.1–2009, ICC/ANSI A117.1–2003, ICC/ANSI A117.1–1998, CABO/ANSI A117.1–1992, ANSI A117.1–1986 (all incorporated by reference, see § 100.201a) or a comparable standard is deemed "*accessible*" within the meaning of this paragraph.

* * * * *

Accessible route means a continuous unobstructed path connecting accessible elements and spaces in a building or within a site that can be negotiated by a person with a severe disability using a wheelchair and that is also safe for and usable by people with other disabilities. Interior accessible routes may include corridors, floors, ramps, elevators, and lifts. Exterior accessible routes may include parking access aisles, curb ramps, walks, ramps, and lifts. A route that complies with the

appropriate requirements of ICC A117.1–2009, ICC/ANSI A117.1–2003, ICC/ANSI A117.1–1998, CABO/ANSI A117.1–1992, ANSI A117.1–1986 (all incorporated by reference, see § 100.201a) or a comparable standard is an "*accessible route*" within the meaning of this paragraph.

* * * * *

"*Building entrance on an accessible route*" means an accessible entrance to a building that is connected by an accessible route to public transportation stops, to accessible parking and passenger loading zones, or to public streets or sidewalks, if available. A building entrance that complies with ICC A117.1–2009, ICC/ANSI A117.1–2003, ICC/ANSI A117.1–1998, CABO/ANSI A117.1–1992, ANSI A117.1–1986 (all incorporated by reference, see § 100.201a) or a comparable standard is a "*building entrance on an accessible route*" within the meaning of this paragraph.

* * * * *

■ 3. Revise § 100.201a to read as follows:

§ 100.201a Incorporation by reference.

(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. All approved material is available for inspection at Department of Housing and Urban Development, 451 Seventh Street SW, Room 5240, Washington, DC 20410–0001, telephone number 202–708–2333, and is available from the sources listed below. It is also available for inspection 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 www.archives.gov/federal-register/cfr/ibr-locations.html. The phone numbers included in this section may also be reached by persons who are deaf or hard of hearing, or have speech disabilities, by dialing 711 via teletype (TTY).

(b) American National Standards Institute (ANSI), 25 West 43rd Street, 4th Floor, New York, NY 10036, 212.642.4900, info@ansi.org. <https://webstore.ansi.org>.

(1) ANSI A117.1–1986, American National Standard for Buildings and Facilities: Providing Accessibility and Usability for Physically Handicapped People, 1986 edition, into §§ 100.201 and 100.205.

(2) [Reserved]

(c) International Code Council (ICC), 500 New Jersey Avenue NW, 6th Floor, Washington, DC 20001–2070, telephone

number 1-888-422-7233, <http://www.iccsafe.org/e/category.html>.

(1) CABO/ANSI A117.1-1992, American National Standard: Accessible and Usable Buildings and Facilities, 1992 edition, into §§ 100.201 and 100.205.

(2) ICC/ANSI A117.1-1998, American National Standard: Accessible and Usable Buildings and Facilities, 1998 edition, into §§ 100.201 and 100.205.

(3) ICC/ANSI A117.1-2003, American National Standard: Accessible and Usable Buildings and Facilities, 2003 edition, into §§ 100.201 and 100.205.

(4) ICC A117.1-2009, Accessible and Usable Buildings and Facilities, 2009 edition, approved October 20, 2010, into §§ 100.201 and 100.205.

■ 4. In § 100.205, revise paragraph (e)(1), add paragraphs (e)(2)(vii) through (x), and revise paragraph (e)(3), to read as follows:

§ 100.205 Design and construction requirements.

* * * * *

(e)(1) Compliance with the appropriate requirements of ICC A117.1-2009, ICC/ANSI A117.1-2003, ICC/ANSI A117.1-1998, CABO/ANSI A117.1-1992, or ANSI A117.1-1986 (all incorporated by reference, see § 100.201a), or suffices to satisfy the requirements of paragraph (c)(3) of this section.

(2) * * *

(vii) 2009 International Building Code, published by ICC (<http://www.iccsafe.org>), and interpreted in accordance with the relevant 2009 IBC Commentary;

(viii) 2012 International Building Code, published by ICC (<http://www.iccsafe.org>), and interpreted in accordance with the relevant 2012 IBC Commentary;

(ix) 2015 International Building Code, published by ICC (<http://www.iccsafe.org>), and interpreted in

accordance with the relevant 2015 IBC Commentary; and

(x) 2018 International Building Code, published by ICC (<http://www.iccsafe.org>), and interpreted in accordance with the relevant 2018 IBC Commentary.

(3) HUD may propose safe harbors by **Federal Register** notification that provides for a minimum of 30 days public comment period. HUD will publish a final notification announcing safe harbors after considering public comments. Compliance with safe harbors established by **Federal Register** notification will satisfy the requirements of paragraphs (a) and (c) of this section.

* * * * *

Anna Maria Fariás,

Assistant Secretary for Fair Housing and Equal Opportunity.

[FR Doc. 2020-26376 Filed 12-7-20; 8:45 am]

BILLING CODE 4210-67-P

Proposed Rules

Federal Register

Vol. 85, No. 236

Tuesday, December 8, 2020

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

DEPARTMENT OF ENERGY

10 CFR Part 430

[EERE-2020-BT-STD-0039]

RIN 1904-AF00

Energy Conservation Program: Energy Conservation Standards for Consumer Products; Early Assessment Review; Miscellaneous Refrigeration Products

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

ACTION: Request for information.

SUMMARY: The U.S. Department of Energy (“DOE”) is undertaking an early assessment review for amended energy conservation standards for miscellaneous refrigeration products to determine whether to amend the applicable energy conservation standards for this product. Specifically, through this request for information (“RFI”), DOE seeks data and information that could enable the agency to determine whether DOE should propose a “no-new-standard” determination because a more-stringent standard: Would not result in a significant savings of energy; is not technologically feasible; is not economically justified; or any combination of the foregoing. DOE welcomes written comments from the public on any subject within the scope of this document (including those topics not specifically raised in this RFI), as well as the submission of data and other relevant information concerning this early assessment review.

DATES: Written comments and information are requested and will be accepted on or before February 22, 2021.

ADDRESSES: Interested persons are encouraged to submit comments using the Federal eRulemaking Portal at <http://www.regulations.gov>. Follow the instructions for submitting comments. Alternatively, interested persons may submit comments, identified by docket number EERE-2020-BT-STD-0039, by any of the following methods:

1. *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.

2. *Email:* to MRP2020STD0039@ee.doe.gov. Include docket number EERE-2020-BT-STD-0039 in the subject line of the message.

3. *Postal Mail:* Appliance and Equipment Standards Program, U.S. Department of Energy, Building Technologies Office, Mailstop EE-5B, 1000 Independence Avenue SW, Washington, DC 20585-0121. Telephone: (202) 287-1445. If possible, please submit all items on a compact disc (CD), in which case it is not necessary to include printed copies.

4. *Hand Delivery/Courier:* Appliance and Equipment Standards Program, U.S. Department of Energy, Building Technologies Office, 950 L’Enfant Plaza SW, Suite 600, Washington, DC 20024. Telephone: (202) 287-1445. If possible, please submit all items on a CD, in which case it is not necessary to include printed copies.

No telefacsimilies (faxes) will be accepted. For detailed instructions on submitting comments and additional information on this process, see section III of this document.

Docket: The docket for this activity, which includes **Federal Register** notices, comments, and other supporting documents/materials, is available for review at <http://www.regulations.gov>. All documents in the docket are listed in the <http://www.regulations.gov> index. However, some documents listed in the index, such as those containing information that is exempt from public disclosure, may not be publicly available.

The docket web page can be found at <http://www.regulations.gov/docket?D=EERE-2020-BT-STD-0039>. The docket web page contains instructions on how to access all documents, including public comments, in the docket. See section III for information on how to submit comments through <http://www.regulations.gov>.

FOR FURTHER INFORMATION CONTACT: Dr. Stephanie Johnson, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies Office, EE-5B, 1000 Independence Avenue SW, Washington, DC 20585-0121. Telephone: (202) 287-1943. Email: ApplianceStandardsQuestions@ee.doe.gov.

Mr. Michael Kido, U.S. Department of Energy, Office of the General Counsel, GC-33, 1000 Independence Avenue SW, Washington, DC 20585-0121. Telephone: (202) 586-8145. Email: Michael.Kido@hq.doe.gov.

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

SUPPLEMENTARY INFORMATION:

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- I. Introduction
 - A. Authority
 - B. Rulemaking History
- II. Request for Information
- III. Submission of Comments

I. Introduction

The U.S. Department of Energy (“DOE” or “the Department”) established an early assessment review process to conduct a more focused analysis of a specific set of facts or circumstances that would allow DOE to determine that, based on one or more statutory criteria, a new or amended energy conservation standard is not warranted. The purpose of this review is to limit the resources, from both DOE and stakeholders, committed to rulemakings that will not satisfy the requirements in the Energy Policy and Conservation Act, as amended (“EPCA”),¹ that a new or amended energy conservation standard save a significant amount of energy, and be economically justified and technologically feasible. See 85 FR 8626, 8653-8654 (Feb. 14, 2020).

As part of the early assessment, DOE publishes an RFI in the **Federal Register**, announcing that DOE is considering initiating a rulemaking proceeding and soliciting comments, data, and information on whether a new or amended energy conservation standard would save a significant amount of energy and be technologically feasible and economically justified. Based on the information received in response to the RFI and DOE’s own analysis, DOE will determine whether to

¹ All references to EPCA in this document refer to the statute as amended through America’s Water Infrastructure Act of 2018, Public Law 115-270 (Oct. 23, 2018).

proceed with a rulemaking for a new or amended energy conservation standard.

If DOE makes an initial determination based upon available evidence that a new or amended energy conservation standard would not meet the applicable statutory criteria, DOE would engage in notice and comment rulemaking before issuing a final determination that new or amended energy conservation standards are not warranted. Conversely, if DOE makes an initial determination that a new or amended energy conservation standard would satisfy the applicable statutory criteria or DOE's analysis is inconclusive, DOE would undertake the preliminary stages of a rulemaking to issue a new or amended energy conservation standard. Beginning such a rulemaking, however, would not preclude DOE from later making a determination that a new or amended energy conservation standard cannot satisfy the requirements under EPCA based upon the full suite of DOE's analyses. See 85 FR 8626, 8654 (Feb. 14, 2020).

A. Authority

EPCA, among other things, authorizes DOE to regulate the energy efficiency of a number of consumer products and certain industrial equipment. (42 U.S.C. 6291–6317) Title III, Part B² of EPCA established the Energy Conservation Program for Consumer Products Other Than Automobiles, which, in addition to identifying particular consumer products and commercial equipment as covered under the statute, permits the Secretary of Energy to classify additional types of consumer products as covered products. (42 U.S.C. 6292(a)(20)) DOE added miscellaneous refrigeration products (“MREFs”) as covered products through a final determination of coverage published in the **Federal Register** on July 18, 2016 (the “July 2016 Final Coverage Determination”). 81 FR 46768. MREFs are consumer refrigeration products other than refrigerators, refrigerator-freezers, or freezers, which include coolers and combination cooler refrigeration products. 10 CFR 430.2. MREFs include refrigeration products such as coolers (e.g., wine chillers) and combination cooler refrigeration products (e.g., wine chillers combined with a refrigerator, freezer, or refrigerator-freezer).

Under EPCA, DOE's energy conservation program consists essentially of four parts: (1) Testing, (2) labeling, (3) Federal energy conservation standards, and (4) certification and

enforcement procedures. Relevant provisions of EPCA include definitions (42 U.S.C. 6291), test procedures (42 U.S.C. 6293), labeling provisions (42 U.S.C. 6294), energy conservation standards (42 U.S.C. 6295), and the authority to require information and reports from manufacturers (42 U.S.C. 6296).

Federal energy efficiency requirements for covered products established under EPCA generally supersede State laws and regulations concerning energy conservation testing, labeling, and standards. (42 U.S.C. 6297(a)–(c)) DOE may, however, grant waivers of Federal preemption in limited instances for particular State laws or regulations, in accordance with the procedures and other provisions set forth under 42 U.S.C. 6297(d).

EPCA also requires that, not later than 6 years after the issuance of any final rule establishing or amending a standard, DOE evaluate the energy conservation standards for each type of covered product, including those at issue here, and publish either a notice of determination that the standards do not need to be amended, or a notice of proposed rulemaking (“NOPR”) including new proposed energy conservation standards (proceeding to a final rule, as appropriate). (42 U.S.C. 6295(m)(1)) EPCA further provides that, not later than 3 years after the issuance of a final determination not to amend standards, DOE must publish either a notice of determination that standards for the product do not need to be amended, or a NOPR including new proposed energy conservation standards (proceeding to a final rule, as appropriate). (42 U.S.C. 6295(m)(3)(B)) DOE must make the analysis on which the determination is based publicly available and provide an opportunity for written comment. (42 U.S.C. 6295(m)(2)) In making a determination, DOE must evaluate whether more stringent standards would: (1) Yield a significant savings in energy use and (2) be both technologically feasible and economically justified. (42 U.S.C. 6295(m)(1))

B. Rulemaking History

As noted, DOE added MREFs as covered products through its July 2016 Final Coverage Determination. 81 FR 46768. In that determination, DOE noted that MREFs, on average, consume more than 150 kilowatt hours per year (“kWh/yr”) and that the aggregate annual national energy use of these products exceeds 4.2 terawatt hours (“TWh”). 81 FR 46768, 46775. In addition to establishing coverage, the July 2016 Final Coverage Determination

established definitions for “miscellaneous refrigeration product,” “cooler,” and “combination cooler refrigeration product” in 10 CFR 430.2. 81 FR 46768, 46791–46792. The July 2016 Final Coverage Determination also amended the existing definitions for “refrigerator,” “refrigerator-freezer,” and “freezer” for consistency with the newly established MREF definitions. *Id.*

On October 28, 2016, DOE published a direct final rule (the “October 2016 Direct Final Rule”) in which it adopted energy conservation standards for MREFs consistent with the recommendations from a negotiated rulemaking working group established under the Appliance Standards and Rulemaking Federal Advisory Committee. 81 FR 75194. Concurrent with the October 2016 Direct Final Rule, DOE published a NOPR in which it proposed and requested comments on the standards set forth in the direct final rule. 81 FR 74950. On May 26, 2017, DOE published a notice in the **Federal Register** in which it determined that the comments received in response to the October 2016 Direct Final Rule did not provide a reasonable basis for withdrawing the rule and, therefore, confirmed the adoption of the energy conservation standards established in that direct final rule. 82 FR 24214.

II. Request for Information

DOE is publishing this RFI to collect data and information during the early assessment review to inform its decision, consistent with its obligations under EPCA, as to whether the Department should proceed with an energy conservation standards rulemaking. Accordingly, in the following sections, DOE has identified specific issues on which it seeks input to aid in its analysis of whether an amended standard for MREFs would not save a significant amount of energy or be technologically feasible or economically justified. In particular, DOE is interested in any information indicating that there has not been sufficient technological or market changes since DOE last conducted an energy conservation standards rulemaking analysis for MREFs to suggest a more-stringent standard could satisfy these criteria. DOE also welcomes comments on other issues relevant to its early assessment that may not specifically be identified in this document.

A. Technological Feasibility

During the October 2016 Direct Final Rule, DOE considered a number of technology options that manufacturers could use to reduce energy consumption

² For editorial reasons, upon codification in the U.S. Code, Part B was redesignated Part A.

in MREFs. See Chapters 3 and 4 of the October 2016 Direct Final Rule TSD. DOE seeks comment on any changes to these technology options that could affect whether DOE could propose a “no-new-standards” determination, such as an insignificant increase in the range of efficiencies and performance characteristics of these technology options. DOE also seeks comment on whether there are any other technology options that DOE should consider in its analysis.

While DOE’s request for information is not limited to the following issues, DOE is particularly interested in comment, information, and data on the following.

Issue 1: DOE requests feedback on whether the use of any technology options considered in the October 2016 Direct Final Rule could impact the availability of MREF features or consumer utility. DOE additionally requests information on whether any additional technologies not considered in the October 2016 Direct Final Rule are now available that may further improve efficiencies of MREFs, and on whether such technologies may impact the availability of MREF features or consumer utility.

Issue 2: DOE also requests comment on whether the range of efficiencies analyzed in the October 2016 Direct Final Rule is applicable to the current MREF market. Specifically, DOE seeks feedback on whether the max-tech efficiency levels remain valid. If any technology options should no longer be considered for MREFs, or if additional technologies are now available, DOE requests information on what max-tech efficiencies would now be appropriate in light of those changes in available technological options.

B. Significant Savings of Energy

On October 28, 2016, DOE established an energy conservation standard for MREFs that is expected to result in 0.54 quadrillion British thermal units (“quads”) of site energy savings over a 30-year period,³ which amounts to energy savings of 58 percent relative to the energy use of MREFs without the established standards. See 81 FR 75194, 75197 and Chapter 10 of the October 2016 Direct Final Rule Technical

³ This estimate of 0.54 quads reflects site energy savings. The October 2016 Direct Final Rule presented the 30-year energy savings estimate as 1.5 quads, reflecting full-fuel-cycle (“FFC”) energy savings. The FFC measure includes point-of-use (site) energy; the energy losses associated with generation, transmission, and distribution of electricity; and the energy consumed in extracting, processing, and transporting or distributing primary fuels.

Support Document (“TSD”).⁴ Additionally, in the 2016 Direct Final Rule, DOE estimated that an energy conservation standard established at an energy use level equivalent to that achieved using the maximum available technology (“max-tech”) would have resulted in 0.20 additional quads of site energy savings. 81 FR 75194, 75244. This level represents a 50-percent reduction in energy use compared to the estimated national energy use at the currently established energy conservation standard level. If DOE determines that a more-stringent energy conservation standard would not result in an additional 0.3 quad of site energy savings or an additional 10-percent reduction in site energy use over a 30-year period, DOE would propose to make a no-new-standards determination. DOE seeks comment on energy savings that could be expected from more-stringent standards for MREFs.

While DOE’s request for information is not limited to the following issues, DOE is particularly interested in comment, information, and data on the following.

Issue 3: DOE requests comment on whether the max-tech level analysis from the October 2016 Direct Final Rule is applicable to the current MREF market and on whether the previous estimates of energy savings at the max-tech level represent the savings that would be realized were DOE to establish future amended energy conservation standards at the max-tech level. If not, what level of energy savings are likely if more-stringent standards (consistent with EPCA’s requirements) were considered or adopted.

C. Economic Justification

In determining whether a proposed energy conservation standard is economically justified, DOE analyzes, among other things, the potential economic impact on consumers, manufacturers, and the Nation. DOE seeks comment on whether there are economic barriers to the adoption of more-stringent energy conservation standards. DOE also seeks comment and data on any other aspects of its economic justification analysis from the October 2016 Direct Final Rule that may indicate whether a more-stringent energy conservation standard would not be economically justified or cost effective.

Issue 4: DOE seeks information on the October 2016 Direct Final Rule analysis

⁴ The October 2016 Direct Final Rule TSD is available at <https://www.regulations.gov/document?D=EERE-2011-BT-STD-0043-0118>.

resulting in the energy savings estimates. Specifically, DOE requests comment and data on updates to the relevant analysis inputs, including stock of MREFs, shipments, efficiency distributions, and market share by product class.

III. Submission of Comments

DOE invites all interested parties to submit in writing by February 22, 2021, comments and information on matters addressed in this document and on other matters relevant to DOE’s early assessment of whether more-stringent energy conservation standards are not warranted for MREFs.

Submitting comments via <http://www.regulations.gov>. The <http://www.regulations.gov> web page requires you to provide your name and contact information. Your contact information will be viewable to DOE Building Technologies staff only. Your contact information will not be publicly viewable except for your first and last names, organization name (if any), and submitter representative name (if any). If your comment is not processed properly because of technical difficulties, DOE will use this information to contact you. If DOE cannot read your comment due to technical difficulties and cannot contact you for clarification, DOE may not be able to consider your comment.

However, your contact information will be publicly viewable if you include it in the comment or in any documents attached to your comment. Any information that you do not want to be publicly viewable should not be included in your comment, nor in any document attached to your comment. If this instruction is followed, persons viewing comments will see only first and last names, organization names, correspondence containing comments, and any documents submitted with the comments.

Do not submit to <http://www.regulations.gov> information for which disclosure is restricted by statute, such as trade secrets and commercial or financial information (hereinafter referred to as Confidential Business Information (“CBI”). Comments submitted through <http://www.regulations.gov> cannot be claimed as CBI. Comments received through the website will waive any CBI claims for the information submitted. For information on submitting CBI, see the Confidential Business Information section.

DOE processes submissions made through <http://www.regulations.gov> before posting. Normally, comments will be posted within a few days of

being submitted. However, if large volumes of comments are being processed simultaneously, your comment may not be viewable for up to several weeks. Please keep the comment tracking number that <http://www.regulations.gov> provides after you have successfully uploaded your comment.

Submitting comments via email, hand delivery/courier, or postal mail.

Comments and documents submitted via email, hand delivery/courier, or postal mail also will be posted to <http://www.regulations.gov>. If you do not want your personal contact information to be publicly viewable, do not include it in your comment or any accompanying documents. Instead, provide your contact information in a cover letter. Include your first and last names, email address, telephone number, and optional mailing address. The cover letter will not be publicly viewable as long as it does not include any comments.

Include contact information each time you submit comments, data, documents, and other information to DOE. If you submit via postal mail or hand delivery/courier, please provide all items on a CD, if feasible, in which case it is not necessary to submit printed copies. No telefacsimiles (faxes) will be accepted.

Comments, data, and other information submitted to DOE electronically should be provided in PDF (preferred), Microsoft Word or Excel, WordPerfect, or text (ASCII) file format. Provide documents that are not secured, written in English, and free of any defects or viruses. Documents should not contain special characters or any form of encryption and, if possible, they should carry the electronic signature of the author.

Campaign form letters. Please submit campaign form letters by the originating organization in batches of between 50 to 500 form letters per PDF or as one form letter with a list of supporters' names compiled into one or more PDFs. This reduces comment processing and posting time.

Confidential Business Information. Pursuant to 10 CFR 1004.11, any person submitting information that he or she believes to be confidential and exempt by law from public disclosure should submit via email, postal mail, or hand delivery/courier two well-marked copies: One copy of the document marked "confidential" including all the information believed to be confidential, and one copy of the document marked "non-confidential" with the information believed to be confidential deleted. Submit these documents via email or on a CD, if feasible. DOE will make its own

determination about the confidential status of the information and treat it according to its determination.

It is DOE's policy that all comments may be included in the public docket, without change and as received, including any personal information provided in the comments (except information deemed to be exempt from public disclosure).

DOE considers public participation to be a very important part of the process for developing test procedures and energy conservation standards. DOE actively encourages the participation and interaction of the public during the comment period in each stage of this process. Interactions with and between members of the public provide a balanced discussion of the issues and assist DOE in the process. Anyone who wishes to be added to the DOE mailing list to receive future notices and information about this process should contact Appliance and Equipment Standards Program staff at (202) 287-1445 or via email at ApplianceStandardsQuestions@ee.doe.gov.

Signing Authority

This document of the Department of Energy was signed on December 3, 2020, by Daniel R Simmons, Assistant Secretary for Energy Efficiency and Renewable Energy, pursuant to delegated authority from the Secretary of Energy. That document with the original signature and date is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE **Federal Register** Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC, on December 3, 2020.

Treena V. Garrett,

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

[FR Doc. 2020-26969 Filed 12-7-20; 8:45 am]

BILLING CODE 6450-01-P

DEPARTMENT OF ENERGY

10 CFR Part 431

[EERE-2019-BT-TP-0027]

RIN 1904-AE80

Energy Conservation Program: Test Procedures for Commercial Equipment; Early Assessment Review: Packaged Terminal Air Conditioners and Packaged Terminal Heat Pumps

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

ACTION: Request for information (RFI).

SUMMARY: The U.S. Department of Energy ("DOE") is undertaking an early assessment review to determine whether to proceed with a rulemaking to amend DOE's test procedures for packaged terminal air conditioners ("PTACs") and packaged terminal heat pumps ("PTHPs") to adopt the most recent procedures referenced in the American Society of Heating, Refrigerating and Air-Conditioning Engineers ("ASHRAE") Standard 90.1, "Energy Standard for Buildings Except Low-Rise Residential Buildings," which are consistent with DOE's current test procedures, unless there exists clear and convincing evidence supporting the adoption of alternate procedures. DOE welcomes written comments from the public on any subject within the scope of this document (including topics not raised in this RFI), as well as the submission of data and other relevant information concerning this early assessment review.

DATES: Written comments and information will be accepted on or before February 22, 2021.

ADDRESSES: Interested persons are encouraged to submit comments using the Federal eRulemaking Portal at <http://www.regulations.gov>. Follow the instructions for submitting comments. Alternatively, interested persons may submit comments, identified by docket number EERE-2019-BT-TP-0027 and/or RIN 1904-AE80, by any of the following methods:

1. *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.
2. *Email:* to PTACHP2019TP0027@ee.doe.gov. Include docket number EERE-2019-BT-TP-0027 in the subject line of the message.

3. *Postal Mail:* Appliance and Equipment Standards Program, U.S. Department of Energy, Building Technologies Office, Mailstop EE-5B, 1000 Independence Avenue SW, Washington, DC 20585-0121.

Telephone: (202) 287-1445. If possible, please submit all items on a compact disc (“CD”), in which case it is not necessary to include printed copies.

4. *Hand Delivery/Courier*: Appliance and Equipment Standards Program, U.S. Department of Energy, Building Technologies Office, 950 L’Enfant Plaza SW, Suite 600, Washington, DC 20024. Telephone: (202) 287-1445. If possible, please submit all items on a CD, in which case it is not necessary to include printed copies.

No telefacsimiles (“faxes”) will be accepted. For detailed instructions on submitting comments and additional information on this process, see section III of this document.

Docket: The docket for this activity, which includes **Federal Register** notices, comments, and other supporting documents/materials, is available for review at <http://www.regulations.gov>. All documents in the docket are listed in the <http://www.regulations.gov> index. However, some documents listed in the index, such as those containing information that is exempt from public disclosure, may not be publicly available.

The docket web page can be found at <http://www.regulations.gov/docket?D=EERE-2019-BT-TP-0027>. The docket web page contains instructions on how to access all documents, including public comments, in the docket. See section III for information on how to submit comments through <http://www.regulations.gov>.

FOR FURTHER INFORMATION CONTACT: Mr. Bryan Berringer, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies Office, EE-5B, 1000 Independence Avenue SW, Washington, DC 20585-0121. Telephone: (202) 586-0371. Email: ApplianceStandardsQuestions@ee.doe.gov.

Ms. Jennifer Tiedeman, U.S. Department of Energy, Office of the General Counsel, GC-33, 1000 Independence Avenue SW, Washington, DC 20585-0121. Telephone: (202) 287-6111. Email: Jennifer.Tiedeman@Hq.Doe.Gov.

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

SUPPLEMENTARY INFORMATION:

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- A. Authority
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I. Introduction

DOE established an early assessment review process to conduct a more focused analysis of a specific set of facts or circumstances to allow DOE to determine that, based on statutory criteria, an amended test procedure is not warranted. In the case of PTACs and PTHPs, the purpose of the early assessment analysis is to assist DOE in determining whether to adopt industry standard ASHRAE 90.1–2019, which is consistent with DOE’s current test procedures, or whether clear and convincing evidence exists that this standard would not meet the requirements in the Energy Policy and Conservation Act (“EPCA”).¹ (42 U.S.C. 6314(a)(4)(B) and (C))² The purpose of the review is to limit the resources, from both DOE and stakeholders, committed to rulemakings that will not satisfy the requirements of EPCA. See 85 FR 8626, 8653–8654 (Feb. 14, 2020).

As part of the early assessment, DOE publishes an RFI in the **Federal Register**, announcing that DOE is soliciting comments, data and information on the question above. Based on the information received in response to the RFI and DOE’s own analysis, DOE will determine whether to proceed with a rulemaking for an amended test procedure.

If DOE makes an initial determination that clear and convincing evidence does not exist to justify procedures other than those consistent with the industry testing standards referenced in ASHRAE 90.1–2019, DOE would engage in a notice and comment rulemaking to adopt the ASHRAE 90.1–2019 testing standards, which are consistent with the current test procedures and which would satisfy the Department’s 7-year-lookback test procedure review requirement under the statute (as discussed in section I.A of this document).

¹ All references to EPCA in this document refer to the statute as amended through America’s Water Infrastructure Act of 2018, Public Law 115–270 (October 23, 2018).

² Under the Energy Policy and Conservation Act, as amended (“EPCA”), if the industry test procedures for PTACs and PTHPs are amended, DOE must amend its test procedures to be consistent with the amended industry test procedure unless there is clear and convincing evidence that to do so would not meet the EPCA requirements that DOE’s test procedure: (1) Be reasonably designed to measure energy efficiency or energy use during a representative average use cycle or period of use; and (2) not be unduly burdensome to conduct.

Conversely, if DOE makes an initial determination that clear and convincing evidence does exist to justify the consideration of test procedures other than those referenced in ASHRAE 90.1–2019, DOE would undertake the preliminary stages of a rulemaking to issue amended test procedures. Beginning such a rulemaking, however, would not preclude DOE from later making a determination that any such amended test procedures would not satisfy the requirements in EPCA, based upon the full suite of DOE’s analyses. *Id.* at 85 FR 8654.

A. Authority

EPCA among other things authorizes DOE to regulate the energy efficiency of a number of consumer products and certain industrial equipment. (42 U.S.C. 6291–6317) Title III, Part C³ of EPCA established the Energy Conservation Program for Certain Industrial Equipment. This equipment includes PTACs and PTHPs, the subjects of this document. (42 U.S.C. 6311(1)(I))

Under EPCA, DOE’s energy conservation program consists essentially of four parts: (1) Testing, (2) labeling, (3) Federal energy conservation standards, and (4) certification and enforcement procedures. Relevant provisions of EPCA include definitions (42 U.S.C. 6311), test procedures (42 U.S.C. 6314), labeling provisions (42 U.S.C. 6315), energy conservation standards (42 U.S.C. 6313), and the authority to require information and reports from manufacturers. (42 U.S.C. 6316)

Federal energy efficiency requirements for covered equipment established under EPCA generally supersede State laws and regulations concerning energy conservation testing, labeling, and standards. (42 U.S.C. 6316(a) and (b); 42 U.S.C. 6297) DOE may, however, grant waivers of Federal preemption in limited instances for particular State laws or regulations, in accordance with the procedures and other provisions of EPCA. (42 U.S.C. 6316(b)(2)(D))

EPCA requires that the test procedures for PTACs and PTHPs be those generally accepted industry testing standards or rating procedures developed or recognized by the Air-Conditioning, Heating, and Refrigeration Institute (“AHRI”) or by the American Society of Heating, Refrigerating and Air-Conditioning Engineers (“ASHRAE”), as referenced in ASHRAE Standard 90.1, “Energy Standard for Buildings Except Low-Rise Residential

³ For editorial reasons, upon codification in the U.S. Code, Part C was redesignated Part A–1.

Buildings” (“ASHRAE Standard 90.1”). (42 U.S.C. 6314(a)(4)(A)) If such an industry testing standard is amended, DOE must update its test procedure to be consistent with the amended industry testing standard, unless DOE determines, by rule published in the **Federal Register** and supported by clear and convincing evidence, that the amended test procedure would not meet the requirements in 42 U.S.C. 6314(a)(2) and (3) that DOE’s test procedure: (1) Be reasonably designed to measure energy efficiency or energy use during a representative average use cycle or period of use; and (2) not be unduly burdensome to conduct. (42 U.S.C. 6314(a)(4)(B) and (C))

EPCA also requires that, at least once every 7 years, DOE evaluate test procedures for each type of covered equipment, including PTACs and PTHPs, to determine whether amended test procedures would more accurately or fully comply with the requirements for the test procedures to be reasonably designed to produce test results that reflect energy efficiency, energy use, and estimated operating costs during a representative average use cycle and to not be unduly burdensome to conduct. (42 U.S.C. 6314(a)(1)) DOE is publishing this RFI also to collect data and information to inform its decision to satisfy the 7-year-lookback review requirement.

B. Rulemaking History

DOE’s current test procedures for PTACs and PTHPs are codified at 10 CFR 431.96. The test procedures were most recently amended after AHRI published AHRI Standard 310/380–2014, “Standard for Packaged Terminal Air-Conditioners and Heat Pumps” (“AHRI 310/380–2014”) in February 2014. The 2014 version of the standard updated and superseded AHRI Standard 310/380–2004. In a final rule published on June 30, 2015, DOE amended the test procedures for PTACs and PTHPs. 80 FR 37136, 37136–37149. (“June 2015 Final Rule”). In the June 2015 Final Rule, DOE incorporated by reference certain sections of AHRI 310/380–2014. *Id.* at 80 FR 37148. DOE also incorporated by reference (1) American National Standard Institute (“ANSI”)/ASHRAE Standard 16–1983 (RA2009), “Method of Testing for Rating Room Air Conditioners and Packaged Terminal Air Conditioners” (“ASHRAE Standard 16”); (2) ANSI/ASHRAE Standard 58–1986 (RA2009), “Method of Testing for Rating Room Air Conditioner and Packaged Terminal Air Conditioner Heating Capacity” (“ASHRAE Standard 58”); and (3) ANSI/ASHRAE Standard 37–2009, “Methods of Testing for Rating

Electrically Driven Unitary Air-Conditioning and Heat Pump Equipment” (“ASHRAE Standard 37”). *Id.* Additionally, DOE amended the PTAC and PTHP test procedures to specify an optional break-in period; explicitly require that wall sleeves be sealed; allow for the pre-filling of the condensate drain pan; require that measurements of cooling capacity be conducted using electrical instruments accurate to ± 0.5 percent of reading; and require testing with 14-inch deep wall sleeves and the filter option most representative of a typical installation. *Id.* at 80 FR 37149.

AHRI published AHRI Standard 310/380–2017, “Packaged Terminal Air-Conditioners and Heat Pumps” (“AHRI 310/380–2017”) in July 2017. The 2017 version of the standard updated and superseded AHRI Standard 310/380–2014. The 2017 version of the standard incorporated DOE’s additional PTAC and PTHP test procedure specifications listed above. The DOE test procedures for PTACs and PTHPs are consistent with AHRI 310/380–2017.

ASHRAE most recently updated Standard 90.1 in 2019. In the 2019 update, ASHRAE updated the AHRI 310/380 reference to the 2017 edition. As discussed, the DOE test procedures for PTACs and PTHPs are consistent with AHRI 310/380–2017. Clear and convincing evidence is required for DOE to adopt other procedures. (42 U.S.C. 6314(a)(4)(A))

Current Market

Over the past five years, several manufacturers have introduced PTAC and PTHP models that are designed to take outdoor air into the unit, dehumidify the outdoor air, and introduce the dehumidified outdoor air to the conditioned space. These models are commonly referred to as “make-up air PTACs” or “make-up air PTHPs.” The test procedures for PTACs and PTHPs referenced in ASHRAE Standard 90.1 do not specify how to measure the energy use associated with dehumidification of makeup air transferred through the test unit, nor do they account for the additional conditioning required for this makeup air.

Additionally, over the past five years, several PTAC and PTHP models have been introduced to the market that incorporate variable-speed compressors and are capable of part-load operation. The test procedures for PTACs and PTHPs referenced in ASHRAE Standard 90.1 do not specify how to measure the energy use associated with part-load performance of the test unit.

II. Request for Information

DOE is publishing this RFI to collect data and information during the early assessment review to inform its determination of whether to adopt ASHRAE 90.1–2019 in the absence of clear and convincing evidence that would justify the adoption of procedures other than those referenced in ASHRAE 90.1–2019. *See* 42 U.S.C. 6314(a)(4)) Accordingly, DOE has identified specific issues on which it seeks input to aid in its analysis. DOE also welcomes comments on other issues relevant to its early assessment that may not specifically be identified in this document.

A. Energy Use Measurements

DOE’s current test procedures for PTACs and PTHPs are codified at 10 CFR 431.96. The test procedures measure energy use by operating the equipment in cooling-only and heating-only modes at standard rating conditions per AHRI Standard 310/380–2014 and measuring the power input to the equipment in watts. The test metric for the cooling efficiency is the Energy Efficiency Ratio (“EER”), which is the ratio of the produced cooling effect of the PTAC or PTHP to its power input, expressed in Btu/watt-hour, and measured at standard rating conditions. The test metric for the heating efficiency is the Coefficient of Performance (“COP”), which is the ratio of the produced heating effect of the PTHP to its power input, expressed in watts/watts, and measured at standard rating conditions.

Issue 1: DOE seeks comment on whether the test procedure requirements in ASHRAE 90.1–2019 (*e.g.*, instrumentation testing configurations/specifications, calculation methodologies) accurately measure energy use without adding undue burden to the test procedure.

Issue 2: DOE seeks information on the need for DOE’s test procedure for PTACs and PTHPs to specify how to measure the energy use associated with dehumidification of “makeup air” for PTAC and PTHP models designed to take outdoor air into the unit, dehumidify the outdoor air, and introduce the dehumidified outdoor air to the conditioned space.

Issue 3: DOE seeks information on the need for DOE’s test procedure for PTACs and PTHPs to specify how to measure the energy use associated with part-load operation.

Issue 4: DOE requests information on whether any existing industry test procedures may be used to measure the energy use associated with “makeup

air” or part-load operation of PTACs and PTHPs.

B. Representative Average Use Cycle

The current DOE test procedure for PTACs and PTHPs, adopted in 2015, was reasonably designed to measure energy use during a representative average use cycle. Specifically, the test procedure adopted in 2015 provides instructions to measure the energy use of the equipment in cooling and heating modes at standard rating conditions, as prescribed in AHRI Standard 310/380–2014.

Issue 5: DOE seeks comment on whether ASHRAE 90.1–2019 and the references therein is reasonably designed to measure energy use during a representative use cycle.

Issue 6: DOE also seeks comment on “make-up air” and part load operation as they relate to a representative average use cycle for PTACs and PTHPs.

III. Submission of Comments

DOE invites all interested parties to submit in writing by February 22, 2021, comments and information on matters addressed in this notice and on other matters relevant to DOE’s consideration of whether DOE should adopt the most recent version of ASHRAE 90.1, which makes no substantive changes to DOE’s test procedures, or whether there is clear and convincing evidence that ASHRAE 90.1–2019 is not reasonably designed to measure energy efficiency or energy use during a representative average use cycle or period of use; and is not unduly burdensome to conduct.

Submitting comments via <http://www.regulations.gov>. The <http://www.regulations.gov> web page will require you to provide your name and contact information. Your contact information will be viewable to DOE Building Technologies staff only. Your contact information will not be publicly viewable except for your first and last names, organization name (if any), and submitter representative name (if any). If your comment is not processed properly because of technical difficulties, DOE will use this information to contact you. If DOE cannot read your comment due to technical difficulties and cannot contact you for clarification, DOE may not be able to consider your comment.

However, your contact information will be publicly viewable if you include it in the comment or in any documents attached to your comment. Any information that you do not want to be publicly viewable should not be included in your comment, nor in any document attached to your comment. If this instruction is followed, persons

viewing comments will see only first and last names, organization names, correspondence containing comments, and any documents submitted with the comments.

Do not submit to <http://www.regulations.gov> information for which disclosure is restricted by statute, such as trade secrets and commercial or financial information (hereinafter referred to as Confidential Business Information (“CBI”). Comments submitted through <http://www.regulations.gov> cannot be claimed as CBI. Comments received through the website will waive any CBI claims for the information submitted. For information on submitting CBI, see the Confidential Business Information section.

DOE processes submissions made through <http://www.regulations.gov> before posting. Normally, comments will be posted within a few days of being submitted. However, if large volumes of comments are being processed simultaneously, your comment may not be viewable for up to several weeks. Please keep the comment tracking number that <http://www.regulations.gov> provides after you have successfully uploaded your comment.

Submitting comments via email, hand delivery/courier, or postal mail. Comments and documents submitted via email, hand delivery/courier, or postal mail also will be posted to <http://www.regulations.gov>. If you do not want your personal contact information to be publicly viewable, do not include it in your comment or any accompanying documents. Instead, provide your contact information on a cover letter. Include your first and last names, email address, telephone number, and optional mailing address. The cover letter will not be publicly viewable as long as it does not include any comments.

Include contact information each time you submit comments, data, documents, and other information to DOE. If you submit via postal mail or hand delivery/courier, please provide all items on a CD, if feasible, in which case it is not necessary to submit printed copies. No facsimiles (“faxes”) will be accepted.

Comments, data, and other information submitted to DOE electronically should be provided in PDF (preferred), Microsoft Word or Excel, WordPerfect, or text (ASCII) file format. Provide documents that are not secured, written in English and free of any defects or viruses. Documents should not contain special characters or any form of encryption and, if possible,

they should carry the electronic signature of the author.

Campaign form letters. Please submit campaign form letters by the originating organization in batches of between 50 to 500 form letters per PDF or as one form letter with a list of supporters’ names compiled into one or more PDFs. This reduces comment processing and posting time.

Confidential Business Information. According to 10 CFR 1004.11, any person submitting information that he or she believes to be confidential and exempt by law from public disclosure should submit via email, postal mail, or hand delivery/courier two well-marked copies: One copy of the document marked confidential including all the information believed to be confidential, and one copy of the document marked “non-confidential” with the information believed to be confidential deleted. Submit these documents via email to PTACHP2019TP0027@ee.doe.gov or on a CD, if feasible. DOE will make its own determination about the confidential status of the information and treat it according to its determination.

It is DOE’s policy that all comments may be included in the public docket, without change and as received, including any personal information provided in the comments (except information deemed to be exempt from public disclosure).

DOE considers public participation to be a very important part of the process for developing test procedures and energy conservation standards. DOE actively encourages the participation and interaction of the public during the comment period in each stage of this process. Interactions with and between members of the public provide a balanced discussion of the issues and assist DOE in the process. Anyone who wishes to be added to the DOE mailing list to receive future notices and information about this process should contact Appliance and Equipment Standards Program staff at (202) 287–1445 or via email at ApplianceStandardsQuestions@ee.doe.gov.

Signing Authority

This document of the Department of Energy was signed on November 25, 2020, by Alexander N. Fitzsimmons, Deputy Assistant Secretary for Energy Efficiency, Energy Efficiency and Renewable Energy, pursuant to delegated authority from the Secretary of Energy. That document with the original signature and date is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal

Register, the undersigned DOE Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC, on December 1, 2020.

Treena V. Garrett,

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

[FR Doc. 2020-26722 Filed 12-7-20; 8:45 am]

BILLING CODE 6450-01-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2020-1113; Project Identifier MCAI-2020-00893-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) 2019-03-10, which applies to all Airbus SAS Model A300 series airplanes; and Model A300 B4-600, B4-600R, and F4-600R series airplanes, and Model A300 C4-605R Variant F airplanes (collectively called Model A300-600 series airplanes). AD 2019-03-10 requires repetitive detailed visual inspections of the main landing gear (MLG) leg components and replacement of the MLG leg if cracked components are found. Since the FAA issued AD 2019-03-10, it was determined that additional actions (including inspections, modifications, and checks) are needed to address the unsafe condition. This proposed AD would continue to require the actions required by AD 2019-03-10. For certain airplanes, this proposed AD would also require modification of the MLG hinge arm by installing improved MLG hinge arm/barrel pins; an out-of-roundness check of removed pins; repetitive inspections of any affected pins and the associated connecting rod bushes, and replacement of the MLG leg if cracked components are found; and installation of an improved spacer as specified in a European Union Aviation Safety Agency (EASA) AD, which is proposed for

incorporation 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 22, 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:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For material that will be incorporated by reference (IBR) in this AD, contact the EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email ADs@easa.europa.eu; internet www.easa.europa.eu. You may find this IBR material on the EASA website at <https://ad.easa.europa.eu>. You may view this IBR material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206-231-3195. It is also available in the AD docket on the internet at <https://www.regulations.gov> by searching for and locating Docket No. FAA-2020-1113.

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-2020-1113; 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: Dan Rodina, Aerospace Engineer, Large Aircraft Section, International Validation Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206-231-3225; email dan.rodina@faa.gov.

SUPPLEMENTARY INFORMATION:

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-2020-1113; Project Identifier MCAI-2020-00893-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 Dan Rodina, Aerospace Engineer, Large Aircraft Section, International Validation Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206-231-3225; email dan.rodina@faa.gov. 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 2019-03-10, Amendment 39-19562 (84 FR 5595, February 22, 2019) (AD 2019-03-10), which applies to all Airbus SAS Model A300 series airplanes; and Model A300-600 series airplanes. AD 2019-03-10

requires repetitive detailed visual inspections of the MLG leg components and replacement of the MLG leg if cracked components are found. The FAA issued AD 2019-03-10 to address cracking of certain components in the MLG leg, which could result in an MLG collapse, and consequent damage to the airplane and injury to the airplane occupants.

Actions Since AD 2019-03-10 Was Issued

Since the FAA issued AD 2019-03-10, Airbus issued instructions for installation of a new MLG hinge arm/barrel pin with wet primer integration, to improve corrosion protection. It was also determined that an out-of-roundness check of removed pins is needed to detect potential overload. Airbus also issued instructions for repetitive general visual inspections of affected pins and connecting rod bushes. Airbus also issued instructions for modification of the spacer design to prevent migration of the connecting rod bushes in case of bush fracture.

The EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2020-0145, dated July 1, 2020 (EASA AD 2020-0145) (also referred to as the Mandatory Continuing Airworthiness Information, or the MCAI), to correct an unsafe condition for all Airbus SAS Model A300 series airplanes; Model A300-600 series airplanes; and Model A300F4-608ST airplanes. EASA AD 2020-0145 supersedes EASA AD 2018-0170 (which corresponds to FAA AD 2019-03-10). Model A300F4-608ST airplanes are not certificated by the FAA and are not included on the U.S. type certificate data sheet; this proposed AD therefore does not include those airplanes in the applicability.

This proposed AD was prompted by reports of cracks in MLG leg components, and a determination that additional actions (including inspections, modifications, and checks) are needed to address the unsafe condition. The FAA is proposing this AD to address cracking of certain components in the MLG leg, which could result in an MLG collapse, and consequent damage to the airplane and

injury to the airplane occupants. See the MCAI for additional background information.

Explanation of Retained Requirements

Although this proposed AD does not explicitly restate the requirements of AD 2019-03-10, this proposed AD would retain all of the requirements of AD 2019-03-10. Those requirements are referenced in EASA AD 2020-0145, which, in turn, is referenced in paragraph (g) of this proposed AD.

Related Service Information Under 1 CFR Part 51

EASA AD 2020-0145 describes procedures for repetitive detailed visual inspections of the MLG leg components and replacement of the MLG leg if cracked components are found. EASA AD 2020-0145 also describes procedures, for certain airplanes, for modification of the MLG hinge arm by installing improved pins, which would terminate the repetitive detailed inspections required by AD 2019-03-10; an out-of-roundness check of removed pins; repetitive inspections of affected pins and the associated connecting rod bushes for cracking, and replacement of the MLG leg if cracked components are found; and installation of an improved spacer, which would terminate the repetitive pin and rod bushes inspections. EASA AD 2020-0145 also describes procedures for reporting results of the out-of-roundness check to Safran.

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 2020-0145 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 2020-0145 will be incorporated by reference in the FAA final rule. This proposed AD would, therefore, require compliance with EASA AD 2020-0145 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 2020-0145 that is required for compliance with EASA AD 2020-0145 will be available on the internet at <https://www.regulations.gov> by searching for and locating Docket No. FAA-2020-1113 after the FAA final rule is published.

Costs of Compliance

The FAA estimates that this proposed AD affects 128 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 2019-03-10.	1 work-hour × \$85 per hour = \$85, per inspection cycle.	\$0	\$85, per inspection cycle	\$10,880, per inspection cycle.
New proposed modifications ..	180 work-hours × \$85 per hour = \$15,300.	17,993	33,293	4,261,504.

ESTIMATED COSTS FOR REQUIRED ACTIONS *—Continued

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
New proposed inspection	1 work-hour × \$85 per hour = \$85.	0	85	10,880.
New proposed out-of-roundness check.	4 work-hours × \$85 per hour = \$340.	0	340	43,520.

* 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 \$85, or \$85 per product.

ESTIMATED COSTS OF ON-CONDITION ACTIONS

Labor cost	Parts cost	Cost per product
20 work-hours × \$85 per hour = \$1,700 per MLG	\$3,400,000 per MLG	\$3,401,700 per MLG.

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:
 - a. Removing Airworthiness Directive (AD) 2019-03-10, Amendment 39-19562 (84 FR 5595, February 22, 2019), and
 - b. Adding the following new AD:

Airbus SAS: Docket No. FAA-2020-1113; Project Identifier MCAI-2020-00893-T.

(a) Comments Due Date

The FAA must receive comments by January 22, 2021.

(b) Affected Airworthiness Directives (ADs)

This AD replaces AD 2019-03-10, Amendment 39-19562 (84 FR 5595, February 22, 2019) (AD 2019-03-10).

(c) Applicability

This AD applies to all Airbus SAS airplanes, certificated in any category, identified in paragraphs (c)(1) through (5) of this AD.

- (1) Model A300 B2-1A, B2-1C, B2K-3C, B2-203, B4-2C, B4-103, and B4-203 airplanes.
- (2) Model A300 B4-601, B4-603, B4-620, and B4-622 airplanes.
- (3) Model A300 B4-605R and B4-622R airplanes.
- (4) Model A300 F4-605R and F4-622R airplanes.
- (5) Model A300 C4-605R Variant F airplanes.

(d) Subject

Air Transport Association (ATA) of America Code 32, Landing Gear.

(e) Reason

This AD was prompted by reports of cracks in main landing gear (MLG) leg components, and a determination that additional actions (including inspections, modifications, and out-of-roundness checks) are needed to address the unsafe condition. The FAA is issuing this AD to address cracking of certain components in the MLG leg, which could result in an MLG collapse, and consequent damage to the airplane and injury to the airplane occupant.

(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 2020–0145, dated July 1, 2020 (EASA AD 2020–0145).

(h) Exceptions to EASA AD 2020–0145

(1) Where EASA AD 2020–0145 refers to its effective date, this AD requires using the effective date of this AD.

(2) Where EASA AD 2020–0145 refers to the effective date of EASA AD 2018–0170, this AD requires using March 29, 2019 (the effective date of AD 2019–03–10).

(3) The “Remarks” section of EASA AD 2020–0145 does not apply to this AD.

(4) Paragraph (3) of EASA AD 2020–0145 specifies to “send all removed pins for an out-of-roundness check.” For this AD, do an inspection of each pin for out-of-roundness, in accordance with the service information specified in EASA AD 2020–0145.

(5) Paragraph (3) of EASA AD 2020–0145 specifies to report inspection results to Safran within a certain compliance time. For this AD, report inspection results at the applicable time specified in paragraph (h)(5)(i) or (ii) of this AD.

(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 30 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 2020–0145 that contains RC procedures and tests: Except as required by paragraph (i)(2) of this AD, RC procedures and tests must be done to comply with this AD; any procedures or tests that are not identified as RC are recommended. Those procedures and tests that are not identified as RC may be deviated from using accepted methods in accordance with the operator’s maintenance or inspection program without obtaining approval of an AMOC, provided the procedures and tests identified as RC can be done and the airplane can be put back in an airworthy condition. Any substitutions or changes to procedures or tests identified as RC require approval of an AMOC.

(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 information about EASA AD 2020–0145, contact the EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email ADs@easa.europa.eu; internet www.easa.europa.eu. You may find this EASA AD on the EASA website at <https://ad.easa.europa.eu>. You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. This material may be found in the AD docket on the internet at <https://www.regulations.gov> by searching for and locating Docket No. FAA–2020–1113.

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

Issued on December 2, 2020.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2020–26910 Filed 12–7–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Part 39**

[Docket No. FAA–2020–1112; Project Identifier MCAI–2020–01127–T]

RIN 2120–AA64

Airworthiness Directives; ATR—GIE Avions de Transport Régional Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for all ATR—GIE Avions de Transport Régional Model ATR42 airplanes; and Model ATR72 airplanes. This proposed AD was prompted by in-service data which revealed that the minimum operating airspeeds in severe icing conditions, computed to provide adequate stall margins, do not provide sufficient margins to stall speeds at high bank angle while exiting severe icing conditions. This proposed AD would require revising the existing aircraft flight manual (AFM) and applicable corresponding operational procedures to provide emergency procedures and limitations for operating in severe icing conditions, as specified in a European Union Aviation Safety Agency (EASA) AD, which is proposed for incorporation 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 22, 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:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For material incorporated by reference (IBR) in this AD, contact the EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email ADs@easa.europa.eu; internet www.easa.europa.eu. You may find this IBR material on the EASA website at <https://ad.easa.europa.eu>. You may view this IBR material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206-231-3195. It is also available in the AD docket on the internet at <https://www.regulations.gov> by searching for and locating Docket No. FAA-2020-1112.

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-2020-1112; 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: Shahram Daneshmandi, Aerospace Engineer, Large Aircraft Section, International Validation Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206-231-3220; email shahram.daneshmandi@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-2020-1112; Project Identifier MCAI-2020-01127-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 Shahram Daneshmandi, Aerospace Engineer, Large Aircraft Section, International Validation Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206-231-3220; email shahram.daneshmandi@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 EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2020-0177, dated August 11, 2020 (EASA AD 2020-0177) (also referred to as the Mandatory Continuing Airworthiness Information, or the MCAI), to correct an unsafe condition for all ATR—GIE Avions de Transport Régional Model ATR42-200, -300, -320, -400, and -500 airplanes; and Model ATR72 airplanes. Model ATR42-400 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 in-service data which revealed that the minimum operating airspeeds in severe

icing conditions, computed to provide adequate stall margins, do not provide sufficient margins to stall speeds at high bank angle while exiting severe icing conditions. The FAA is proposing this AD to address airplane stalling due to inadvertent exposure to severe icing conditions, which could result in loss of control of the airplane. See the MCAI for additional background information.

Other Related Rulemaking

The FAA issued AD 96-09-28, Amendment 39-9604 (61 FR 20646, May 7, 1996) (AD 96-09-28), for all ATR—GIE Avions de Transport Régional Model ATR42 and ATR72 series airplanes. AD 96-09-28, among other things, prohibits operation of the airplane in certain icing conditions unless modifications are accomplished or alternative procedures and training are adopted and requires restrictions on the use of autopilot in certain conditions. The FAA issued AD 96-09-28 to address the potential hazards associated with operating the airplane in severe icing conditions.

The FAA issued AD 99-09-19, Amendment 39-11152 (64 FR 23766, May 4, 1999) (AD 99-09-19), for all Model ATR42 and ATR72 series airplanes. AD 99-09-19 requires revising the AFM to provide the flightcrew with modified procedures and limitations for operating in severe icing conditions. The FAA issued AD 99-09-19 to prevent the airplane from stalling due to prolonged exposure to severe icing conditions, which could result in reduced performance and controllability of the airplane.

This proposed AD would provide terminating action for paragraphs (a)(1) and (2) of AD 96-09-28 and all requirements of AD 99-09-19.

Related Service Information Under 1 CFR Part 51

EASA AD 2020-0177 describes procedures for revising the AFM to provide emergency procedures and limitations for operating in severe icing conditions.

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 the relevant information and determined the unsafe condition described previously is likely to exist or develop in other products of the same type design.

Proposed AD Requirements

This proposed AD would require accomplishing the actions specified in EASA AD 2020-0177 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 2020-0177 will be incorporated by reference in the FAA final rule. This proposed AD would, therefore, require compliance with EASA AD 2020-0177 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 2020-0177 that is required for compliance with EASA AD 2020-0177 will be available on the internet at <https://www.regulations.gov> by searching for and locating Docket No. FAA-2020-1112 after the FAA final rule is published.

Costs of Compliance

The FAA estimates that this proposed AD affects 59 airplanes of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
1 work-hour × \$85 per hour = \$85	\$0	\$85	\$5,015

Authority for This Rulemaking

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

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

Regulatory Findings

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

For the reasons discussed above, I certify this proposed regulation:

- (1) Is not a “significant regulatory action” under Executive Order 12866,
- (2) Will not affect intrastate aviation in Alaska, and
- (3) Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

ATR—GIE Avions de Transport Régional:
Docket No. FAA-2020-1112; Project Identifier MCAI-2020-01127-T.

(a) Comments Due Date

The FAA must receive comments by January 22, 2021.

(b) Affected ADs

- (1) This AD affects AD 96-09-28, Amendment 39-9604 (61 FR 20646, May 7, 1996) (AD 96-09-28).
- (2) This AD affects AD 99-09-19, Amendment 39-11152 (64 FR 23766, May 4, 1999) (AD 99-09-19).

(c) Applicability

This AD applies to all ATR—GIE Avions de Transport Régional Model ATR42-200, -300, -320, and -500 airplanes; and Model ATR72-101, -102, -201, -202, -211, -212, and -212A airplanes, certificated in any category.

(d) Subject

Air Transport Association (ATA) of America Code 30, Ice and Rain Protection.

(e) Reason

This AD was prompted by in-service data which revealed that the minimum operating airspeeds in severe icing conditions, computed to provide adequate stall margins, do not provide sufficient margins to stall speeds at high bank angle while exiting severe icing conditions. The FAA is issuing this AD to address airplane stalling due to inadvertent exposure to severe icing conditions, which could result in loss of control of the airplane.

(f) Compliance

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

(g) Requirements

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, European Union Aviation

Safety Agency (EASA) AD 2020–0177, dated August 11, 2020 (EASA AD 2020–0177).

(h) Exceptions to EASA AD 2020–0177

(1) Where EASA AD 2020–0177 refers to its effective date, this AD requires using the effective date of this AD.

(2) The “Remarks” section of EASA AD 2020–0177 does not apply to this AD.

(3) Paragraph (1) of EASA AD 2020–0177 specifies amending “the AFM [aircraft flight manual] with the data as specified in Table 1,” but this AD requires amending “the existing AFM and applicable corresponding operational procedures to incorporate the limitations and procedures specified in Table 1 of EASA AD 2020–0177.”

(4) The provisions specified in paragraphs (3) and (4) of EASA AD 2020–0177 do not apply to this AD.

(i) Terminating Action for ADs 96–09–28 and 99–09–19

(1) Accomplishing the actions required by this AD terminates the requirements of paragraphs (a)(1) and (2) of AD 96–09–28 for that airplane.

(2) Accomplishing the actions required by this AD terminates all requirements of AD 99–09–19 for that airplane.

(j) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs)*: The Manager, Large Aircraft Section, International Validation Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or 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 (k)(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 ATR—GIE Avions de Transport Régional’s EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

(k) Related Information

(1) For information about EASA AD 2020–0177, contact the EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email ADs@easa.europa.eu; internet www.easa.europa.eu. You may find this EASA AD on the EASA website at <https://ad.easa.europa.eu>. You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For

information on the availability of this material at the FAA, call 206–231–3195. This material may be found in the AD docket on the internet at <https://www.regulations.gov> by searching for and locating Docket No. FAA–2020–1112.

(2) For more information about this AD, contact Shahram Daneshmandi, Aerospace Engineer, Large Aircraft Section, International Validation Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3220; email shahram.daneshmandi@faa.gov.

Issued on December 2, 2020.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2020–26870 Filed 12–7–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2020–0270; Product Identifier 2019–SW–018–AD]

RIN 2120–AA64

Airworthiness Directives; Bell Textron Inc. (Type Certificate Previously Held by Bell Helicopter Textron Inc.) Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Supplemental notice of proposed rulemaking (SNPRM); reopening of comment period.

SUMMARY: The FAA is revising an earlier proposed Airworthiness Directive (AD) for Bell Textron Inc. (Bell) Model 205B helicopters which proposed to require reducing the life limit of certain tail rotor (T/R) blades and re-identifying certain T/R blades with a new part number (P/N). The notice of proposed rulemaking (NPRM) was prompted by flight testing and fatigue analysis results. This action revises the NPRM by adding additional T/R part numbers (P/Ns) to the proposed applicability. The FAA is proposing this AD to address the unsafe condition on these products. Since these actions would impose an additional burden over those in the NPRM, the FAA is reopening the comment period to allow the public the chance to comment on these changes.

DATES: The comment period for the NPRM published in the **Federal Register** on March 25, 2020 (85 FR 16916), is reopened.

The FAA must receive comments on this SNPRM by January 22, 2021.

ADDRESSES: You may send comments by any of the following methods:

- *Federal eRulemaking Docket*: Go to <https://www.regulations.gov>. Follow the online instructions for sending your comments electronically.

- *Fax*: 202–493–2251.

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

- *Hand Delivery*: Deliver to the “Mail” address between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this SNPRM, contact Bell Helicopter Textron, Inc., P.O. Box 482, Fort Worth, TX 76101; telephone 817–280–3391; fax 817–280–6466; or at <https://www.bellcustomer.com>. You may view the referenced service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177.

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–2020–0270; 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 SNPRM, 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: Kuethe Harmon, Safety Management Program Manager, DSCO Branch, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; telephone 817–222–5198; email kuethe.harmon@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 **ADDRESSES**. Include “Docket No. FAA–2020–0270; Product Identifier 2019–SW–018–AD” at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this 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 proposal.

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 Kuethe Harmon, Safety Management Program Manager, DSCO Branch, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; telephone 817-222-5198; email kuethe.harmon@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 an NPRM to amend 14 CFR part 39 to include an AD that would apply to Bell Model 205B helicopters with a T/R blade P/N 212-010-750-009 or 212-010-750-105 installed. The NPRM published in the **Federal Register** on March 25, 2020 (85 FR 16916). The NPRM proposed to require reducing the life limit of each affected T/R blade; re-identifying the T/R blade P/N on its data plate by vibro-etching to change the last three digits of the existing P/N; creating a component history card or equivalent record; revising the Airworthiness Limitations section of the existing maintenance manual for your helicopter to annotate the new P/N and revised life limit; and prohibit installing any affected T/R blade that has not met the AD requirements. The proposed NPRM was prompted by flight testing and fatigue analysis by Bell which indicated that the affected part-numbered T/R blades sustain greater loads when installed on Bell Model 205B helicopters compared to their use on other model helicopters. The proposed actions were intended to

prevent a T/R blade remaining in service beyond its fatigue life, resulting in failure of the T/R blade and subsequent loss control of the helicopter.

Actions Since Previous NPRM Was Issued

Since the FAA issued the NPRM, further research by Bell has identified additional T/R blade P/Ns, which are also subject to the unsafe condition and would require re-identification and reduced life limits. Accordingly, Bell has revised its service information to include the additional part numbered T/R blades. The FAA has determined the NPRM must be revised by revising the applicability to include these additional part numbered T/R blades and the service information must be updated to include the revised service information with the newly identified T/R blade P/Ns.

Comments

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

Request To Add Additional T/R Blade Part Numbers

Bell requested the Applicability paragraph be updated to include the newly identified T/R blade P/Ns and that the FAA update the corrective actions to include those newly identified T/R blade P/Ns. Bell stated that it is revising the service information to address the additional T/R blade P/Ns and the re-identification and life limit requirements of those additional T/R blades. Accordingly, the commenter requested the FAA postpone the release of the AD until the part numbers are disclosed to the FAA.

The FAA agrees the NPRM should be revised to include the additional T/R blade P/Ns and the re-identification and life limit requirements of those additional T/R blade P/Ns.

FAA's Determination

The FAA is proposing this SNPRM after evaluating all known relevant information and determining that an unsafe condition is likely to exist or develop on other helicopters of the same type design. Certain changes described above expand the scope of the original NPRM. As a result, the FAA has determined that it is necessary to reopen the comment period to provide additional opportunity for the public to comment on this SNPRM.

Related Service Information

The FAA reviewed Bell Helicopter Textron Alert Service Bulletin No. 205B-20-70, dated August 6, 2020, for Model 205B helicopters. This service information specifies reducing the life limit of T/R blade P/N 212-010-750-109, 212-010-750-111, 212-010-750-113, 212-010-750-117, 212-010-750-133, 212-010-750-135, 212-010-750-117FM, and 212-010-750-135FM to 2,500 hours time-in-service (TIS). This service information also specifies re-identifying certain T/R blade P/Ns by assigning new dash number by vibro-etching a new P/N on the T/R blade data plate and annotating the historical record card.

The FAA also reviewed Bell Helicopter Textron Alert Service Bulletin No. 205B-98-27, dated June 1, 1998, for Model 205B helicopters. This service information specifies reducing the life limit of T/R blade P/N 212-010-750-009 and 212-010-750-105 to 2,500 hours TIS and assigning these T/R blades a new dash number by vibro-etching a new P/N on the T/R blade data plate and annotating the historical record card.

Proposed AD Requirements

This proposed AD would require, before further flight, reducing the life limit of each affected T/R blade from 5,000 hours TIS to 2,500 hours TIS; re-identifying certain part numbered T/R blades by vibro-etching to change the last three digits of the existing P/N; creating a component history card or equivalent record; and revising the Airworthiness Limitations section of the existing maintenance manual for your helicopter to annotate the new P/N and revised life limit. Finally, this SNPRM would prohibit installing any affected T/R blade that has not met the proposed AD requirements.

Costs of Compliance

The FAA estimates that this proposed AD would affect 2 helicopters of U.S. Registry. The FAA estimates that operators may incur the following costs in order to comply with this AD. Labor costs are estimated at \$85 per work-hour.

Determining the total hours TIS of a T/R blade, re-identifying the P/N, and updating the helicopter records would take about 1 work-hour for each T/R blade for an estimated cost of \$170 per helicopter and \$340 for the U.S. fleet.

Replacing a T/R blade would take about 8 work-hours and parts would cost about \$29,110 for an estimated cost of \$29,790 per T/R blade.

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, I certify this proposed regulation:

1. Is not a "significant regulatory action" under Executive Order 12866,
2. Will not affect intrastate aviation in Alaska, and
3. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Bell Textron Inc. (Type Certificate Previously Held by Bell Helicopter Textron Inc.) Helicopters: Docket No. FAA-2020-0270; Product Identifier 2019-SW-018-AD.

(a) Comments Due Date

The FAA must receive comments by January 22, 2021.

(b) Affected Airworthiness Directives (AD)

None.

(c) Applicability

This AD applies to Bell Textron Inc. (Bell) Model 205B helicopters, certificated in any category, with a tail rotor (T/R) blade part number (P/N) 212-010-750-009, 212-010-750-105, 212-010-750-109, 212-010-750-111, 212-010-750-113, 212-010-750-117, 212-010-750-133, 212-010-750-135, 212-010-750-117FM, or 212-010-750-135FM installed.

(d) Subject

Joint Aircraft System Component (JASC) Code 6410 Tail Rotor Blades.

(e) Unsafe Condition

This AD was prompted by flight testing and fatigue analysis that indicates that these part-numbered T/R blades sustain greater loads when used on Bell Model 205B helicopters compared to their use on other model helicopters. The FAA is issuing this AD to prevent a T/R blade from remaining in service beyond its fatigue life, resulting in failure of the T/R blade and subsequent loss of control of the helicopter.

(f) Compliance

You are responsible for performing each action required by this AD within the specified compliance time unless it has already been accomplished prior to that time.

(g) Required Actions

(1) Before further flight:

- (i) Determine the total hours time-in-service (TIS) of each T/R blade and remove from service each T/R blade that has accumulated 2,500 or more hours TIS. For each T/R blade that has accumulated less than 2,500 hours TIS, do the following:
 - (ii) Re-identify the P/N on the T/R blade data plate by vibro-etching to change the last three digits of the existing P/N as follows:
 - (A) For T/R blade P/N 212-010-750-009, re-identify the P/N as 212-010-750-111.
 - (B) For T/R blade P/N 212-010-750-105, re-identify the P/N as 212-010-750-109.
 - (C) For T/R blade P/N 212-010-750-113, re-identify the P/N as 212-010-750-117FM.
 - (D) For T/R blade P/N 212-010-750-133, re-identify the P/N as 212-010-750-135FM.
 - (iii) Create a component history card or equivalent record to reflect the change in P/N for each T/R blade, and establish a life limit of 2,500 hours TIS.
 - (iv) Revise the Airworthiness Limitations Section of the existing maintenance manual or the Instructions for Continued

Airworthiness for your helicopter to establish a life limit of 2,500 hours TIS for each T/R blade P/N 212-010-750-109, P/N 212-010-750-111, P/N 212-010-750-117, P/N 212-010-750-135, P/N 212-010-750-117FM, and P/N 212-010-750-135FM.

(2) Thereafter, except as provided in paragraph (i), no alternative life limits may be approved for T/R blade P/N 212-010-750-009, P/N 212-010-750-105, P/N 212-010-750-113, or P/N 212-010-750-133.

(3) After the effective date of this AD, do not install a T/R blade P/N 212-010-750-009, P/N 212-010-750-105, P/N 212-010-750-113, or P/N 212-010-750-133 on any Model 205B helicopter unless the part number has been changed and the life limit reduced in accordance with this AD.

(4) After the effective date of this AD do not install a T/R blade P/N 212-010-750-109, P/N 212-010-750-111, P/N 212-010-750-117, P/N 212-010-750-135, P/N 212-010-750-117FM, or P/N 212-010-750-135FM, on any Model 205B helicopter unless the life limit has been reduced in accordance with this AD.

(h) Special Flight Permits

Special flight permits are prohibited.

(i) Alternative Methods of Compliance (AMOCs)

(1) The Manager, DSCO Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the certification office, send it to the attention of the person identified in paragraph (j)(1) of this AD. Information may be emailed to: 9-ASW-190-COS@faa.gov.

(2) For operations conducted under a 14 CFR part 119 operating certificate or under 14 CFR part 91, subpart K, the FAA suggests that you notify your principal inspector, or lacking a principal inspector, the manager of the local flight standards district office or certificate holding district office before operating any aircraft complying with this AD through an AMOC.

(j) Related Information

(1) For more information about this AD, contact Kuethe Harmon, Safety Management Program Manager, DSCO Branch, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; telephone 817-222-5198; email kuethe.harmon@faa.gov.

(2) For service information identified in this AD, contact Bell Textron Inc., P.O. Box 482, Fort Worth, TX 76101; telephone 817-280-3391; fax 817-280-6466; or at <https://www.bellcustomer.com>. You may view service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N-321, Fort Worth, TX 76177.

Issued on November 12, 2020.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2020-26856 Filed 12-7-20; 8:45 am]

BILLING CODE 4910-13-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 257

[EPA-HQ-OLEM-2020-0508; FRL-10017-69-OLEM]

Texas: Approval of State Coal Combustion Residuals Permit Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability; request for comment.

SUMMARY: Pursuant to the Resource Conservation and Recovery Act (RCRA), the Environmental Protection Agency (EPA or the Agency) is proposing to approve in part the Texas Coal Combustion Residuals (CCR) permit program. After reviewing the state CCR permit program application, submitted by the Texas Commission on Environmental Quality (TCEQ), EPA has preliminarily determined that the Texas CCR permit program meets the standard for partial approval under RCRA. If approved, the Texas CCR permit program will operate in lieu of the federal CCR program, with the exception of the specific provisions noted below. This document announces that EPA is seeking comment on this proposal during a 60-day public comment period and will be holding a virtual public hearing on EPA's preliminary approval of the Texas partial CCR permit program.

DATES: Comments must be received on or before February 8, 2021.

Public Hearing: EPA will hold a virtual public hearing on February 2, 2021.

ADDRESSES: You may send comments, identified by Docket ID No. EPA-HQ-OLEM-2020-0508, by any of the following methods:

- **Federal eRulemaking Portal:** <https://www.regulations.gov/> (our preferred method). Follow the online instructions for submitting comments.

- **Mail:** U.S. Environmental Protection Agency, EPA Docket Center, Office of Land and Emergency Management (OLEM) Docket, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460.

Instructions: All submissions received must include the Docket ID No. for this rulemaking. Comments received may be posted without change to <https://www.regulations.gov/>, including any personal information provided. For detailed instructions on sending comments and additional information on the rulemaking process, see the "Public Participation" heading of the

SUPPLEMENTARY INFORMATION section of this document. Out of an abundance of caution for members of the public and our staff, the EPA Docket Center and Reading Room are closed to the public, with limited exceptions, to reduce the risk of transmitting COVID-19. Our Docket Center staff will continue to provide remote customer service via email, phone, and webform. We encourage the public to submit comments via <https://www.regulations.gov/> or email, as there may be a delay in processing mail and faxes. For further information on EPA Docket Center services and the current status, please visit us online at <https://www.epa.gov/dockets>.

EPA will hold a virtual public hearing. EPA will announce further details on the public hearing website (<https://www.epa.gov/coalash>) in advance of the hearing. The hearing will convene on February 2, 2021 at 9 a.m. (ET) and conclude at 6 p.m. (ET). If necessary, the hearing may go later to accommodate all those wishing to speak. For additional information on the public hearing, see the "Public Participation" heading of the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Michelle Long, Office of Resource Conservation and Recovery, Materials Recovery and Waste Management Division, U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue NW, MC: 5304P, Washington, DC 20460; telephone number: (703) 347-8953; email address: long.michelle@epa.gov. For more information on this document please visit <https://www.epa.gov/coalash>.

SUPPLEMENTARY INFORMATION: Throughout this document "we," "us," and "our" means the U.S. EPA.

I. Public Participation

A. Written Comments

Submit your comments, identified by Docket ID No. EPA-HQ-OLEM-2020-0508, at https://www.regulations.gov (our preferred method), or the other methods identified in the **ADDRESSES** section. Once submitted, comments cannot be edited or removed from the docket. EPA may publish any comment received to its public docket. Do not submit to EPA's docket at https://www.regulations.gov 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. 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 <https://www.epa.gov/dockets/commenting-epa-dockets>.

EPA is temporarily suspending its Docket Center and Reading Room for public visitors, with limited exceptions, to reduce the risk of transmitting COVID-19. Our Docket Center staff will continue to provide remote customer service via email, phone, and webform. We encourage the public to submit comments via <https://www.regulations.gov/> as there may be a delay in processing mail and faxes. For further information and updates on EPA Docket Center services, please visit us online at <https://www.epa.gov/dockets>.

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-19.

B. Participation in Virtual Public Hearing

Please note that EPA is deviating from its typical approach because the President has declared a national emergency. Because of current CDC recommendations, as well as State and local orders for social distancing to limit the spread of COVID-19, EPA cannot hold in-person public hearings at this time.

EPA will begin pre-registering speakers for the hearing upon publication of this document in the **Federal Register**. To register to speak at the virtual hearing, please use the online registration form available on EPA's CCR website (<https://www.epa.gov/coalash>) or contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to register to speak at the hearing. The last day to pre-register to speak at the hearing will be January 29, 2021. On January 29, 2021, EPA will post a general agenda for the hearing on EPA's CCR website (<https://www.epa.gov/coalash>).

EPA will make every effort to follow the schedule as closely as possible on the day of the hearing; however, please plan for the hearing to run either ahead of schedule or behind schedule. Additionally, requests to speak will be

taken the day of the hearing according to the procedures specified on EPA's CCR website (<https://www.epa.gov/coalash>) for this hearing. The Agency will make every effort to accommodate all speakers who arrive and register, although preferences on speaking times may not be able to be fulfilled.

Each commenter will have five (5) minutes to provide oral testimony. EPA encourages commenters to provide EPA with a copy of their oral testimony electronically (via email) to the person listed in the **FOR FURTHER INFORMATION CONTACT** section. If EPA is anticipating a high attendance, the time allotment per testimony may be shortened to no shorter than 3 minutes per person to accommodate all those wishing to provide testimony and who have pre-registered. While EPA will make every effort to accommodate all speakers who do not preregister, opportunities to speak may be limited based upon the number of pre-registered speakers. Therefore, EPA strongly encourages anyone wishing to speak to preregister. Participation in the virtual public hearing does not preclude any entity or individual from submitting a written comment.

EPA may ask clarifying questions during the oral presentations but will not respond to the presentations at that time. Written statements and supporting information submitted during the comment period will be considered with the same weight as oral comments and supporting information presented at the public hearing. Verbatim transcripts of the hearings and written statements will be included in the docket for this action.

Please note that any updates made to any aspect of the hearing will be posted online on EPA's CCR website at <https://www.epa.gov/coalash>. While EPA expects the hearing to go forward as set forth above, please monitor our website or contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to determine if there are any updates. EPA does not intend to publish a document in the **Federal Register** announcing updates.

If you require the service of a translator, please pre-register for the hearing and describe your needs on the registration form by January 19, 2021. If you require special accommodations such as audio description or closed captioning, please pre-register for the hearing and describe your needs on the registration form by January 26, 2021. Alternatively, registrants may notify the person listed in the **FOR FURTHER INFORMATION CONTACT** section of any special needs. We may not be able to

arrange accommodations without advanced notice.

II. General Information

A. Overview of Proposed Action

EPA is proposing to approve the Texas CCR permit program, in part, pursuant to RCRA 4005(d)(1)(B). 42 U.S.C. 6945(d)(1)(B). The fact that Texas is seeking a partial program approval does not mean it must subsequently apply for a full program approval. However, Texas could apply for a revised partial program approval or a full program approval at some point in the future if it chooses to do so. If approved, the Texas CCR permit program would operate in lieu of the federal CCR program, codified at 40 CFR part 257, subpart D, with the exception of the provisions specifically identified below for which the State is not seeking approval. However, even for the approved provisions, EPA would retain its inspection and enforcement authorities under RCRA sections 3007 and 3008, 42 U.S.C. 6927 and 6928. See 42 U.S.C. 6945(d)(4)(B).

EPA has also engaged federally-recognized tribes within the State of Texas in consultation and coordination regarding the program authorizations for the TCEQ. EPA has established opportunities for formal as well as informal discussion throughout the consultation period, beginning with an initial conference call on October 19, 2020. Tribal consultation has been and will continue to be conducted in accordance with the EPA policy on Consultation and Coordination with Indian Tribes (<https://www.epa.gov/sites/production/files/2013-08/documents/cons-and-coord-with-indian-tribes-policy.pdf>).

B. Background

CCR are generated from the combustion of coal, including solid fuels classified as anthracite, bituminous coal, subbituminous coal, and lignite, for the purpose of generating steam to power a generator to produce electricity or electricity and other thermal energy by electric utilities and independent power producers. CCR, commonly known as coal ash, include fly ash, bottom ash, boiler slag, and flue gas desulfurization materials. CCR can be sent offsite for disposal or beneficial use, or disposed of in on-site landfills or surface impoundments.

On April 17, 2015, EPA published a final rule, creating 40 CFR part 257, subpart D, that established a comprehensive set of minimum federal requirements for the disposal of CCR in landfills and surface impoundments (80

FR 21302) ("federal CCR regulations"). The rule created a self-implementing program which regulates the location, design, operating criteria, and groundwater monitoring and corrective action for CCR units, as well as the closure and post-closure care of CCR units. It also requires recordkeeping and notifications for CCR units. The federal CCR regulations do not apply to "beneficial use" of CCR, as that term is defined in 40 CFR 257.53.

On August 5, 2016, EPA published a direct final rule (81 FR 51802), responding to an order issued by the United States Court of Appeals for the District of Columbia Circuit (D.C. Circuit) in *Utility Solid Waste Activities Group, et al. v. EPA*, No. 15–1219 (D.C. Cir. 2015). The direct final rule removed certain provisions of the federal CCR regulations at 40 CFR 257.100(b), (c), and (d) related to the "early closure" of inactive CCR surface impoundments by April 17, 2018, that had been vacated by the D.C. Circuit's June 14, 2016, order.¹ The direct final rule extended the deadlines for owners and operators of inactive CCR surface impoundments who had taken advantage of the "early closure" provisions of 40 CFR 257.100 to bring the units into compliance with the federal CCR regulations' substantive requirements, but did not otherwise amend the federal CCR regulations or impose new requirements on those units.

On July 30, 2018, EPA published a final rule, *Hazardous and Solid Waste Management System: Disposal of Coal Combustion Residuals From Electric Utilities; Amendments to the National Minimum Criteria (Phase One, Part One)*, which finalized additional revisions to the federal CCR regulations (83 FR 36435) ("July 2018 Final Rule"). Specifically, EPA amended the CCR regulations to (1) provide states with approved CCR permit programs under the WIIN Act or EPA, when EPA is the permitting authority, the ability to use alternative performance standards; (2) revise the groundwater protection standards for four constituents in Appendix IV to 40 CFR part 257 for which maximum contaminant levels (MCLs) under the Safe Drinking Water Act have not been established; and (3) provide additional time to facilities, triggered by 40 CFR 257.101(a)(1) and

¹ The D.C. Circuit's June 14, 2016, order also vacated the phrase "not to exceed a height of 6 inches above the slope of the dike" within 40 CFR 257.73(a)(4), 257.73(d)(1)(iv), 257.74(a)(4), and 257.74(d)(1)(iv). EPA proposed slope protection requirements in its Phase One Proposed Rule (83 FR 11584, March 15, 2018) but has not yet finalized such requirements.

(b)(1)(i), to cease receiving waste and initiate closure.

On August 28, 2020, EPA published a final rule *Hazardous and Solid Waste Management System: Disposal of Coal Combustion Residuals From Electric Utilities; A Holistic Approach to Closure Part A: Deadline To Initiate Closure* (85 FR 53516) (“Part A Final Rule”). The rule revises portions of the federal CCR regulations to (1) accurately reflect the D.C. Circuit’s *Util. Solid Waste Activities Group v. Env’tl. Protec. Agency*, 901 F.3d 414 (D.C. 2018) (“USWAG decision” or “USWAG”), which vacated and remanded to EPA the provisions at 40 CFR 257.101(a), 257.71(a)(1)(i) and 257.50(e); (2) address the October 31, 2020 deadline and finalize a new deadline of April 11, 2021 in 40 CFR 257.101(a) and (b)(1)(i), by which CCR surface impoundments must cease receipt of waste in light of the 2018 USWAG decision and the 2019 *Waterkeeper decision* (See *Waterkeeper Alliance Inc. v. EPA*, No. 18–1289 (D.C. Cir. 2019)); (3) finalize alternative closure provisions at 40 CFR 257.103 in order to allow facilities to request additional time to develop alternative capacity to manage their waste streams (both CCR and/or non-CCR) to achieve cease receipt of waste and initiate closure of their CCR surface impoundments; and (4) finalize two of the proposed amendments from the August 14, 2019 rule (84 FR 40353): The addition of an executive summary to the annual groundwater monitoring and corrective action reports under 40 CFR 257.90(e); and amend the requirements for posting to the publicly accessible CCR internet sites under 40 CFR 257.107.

C. Statutory Authority

EPA is issuing this proposed action pursuant to sections 4005(d) and 7004(b)(1) of RCRA. See 42 U.S.C. 6945(d) and 6974(b)(1). Section 2301 of the 2016 Water Infrastructure Improvements for the Nation (WIIN) Act amended section 4005 of RCRA, creating a new subsection (d) that establishes a federal permitting program similar to those under RCRA subtitle C and other environmental statutes. See 42 U.S.C. 6945(d).

Under RCRA section 4005(d)(1)(A), 42 U.S.C. 6945(d)(1)(A), states seeking approval must submit to the Administrator “in such form as the Administrator may establish, evidence of a permit program or other system of prior approval and conditions under State law for regulation by the State of coal combustion residuals units that are located in the State.” EPA shall approve a state permit program if the

Administrator determines that the state program will require each CCR unit located in the state to achieve compliance with either: (1) The federal CCR requirements at 40 CFR part 257, subpart D; or (2) other state criteria that the Administrator, after consultation with the state, determines to be “at least as protective as” the federal requirements. See 42 U.S.C. 6945(d)(1)(B). The Administrator must make a final determination, after providing for public notice and an opportunity for public comment, within 180 days of receiving a state’s complete submittal of the information in RCRA section 4005(d)(1)(A). See 42 U.S.C. 6945(d)(1)(B). EPA may approve a state CCR permit program in whole or in part. *Id.* Once approved, the state permit program operates in lieu of the federal requirements. See 42 U.S.C. 6945(d)(1)(A). In a state with a partial program, only the state requirements that have been approved operate in lieu of the federal requirements, and facilities remain responsible for compliance with all remaining requirements in 40 CFR part 257.

RCRA section 7004(b) applies to all RCRA programs, directing that “public participation in the development, revision, implementation, and enforcement of any . . . program under this chapter shall be provided for, encouraged, and assisted by the Administrator and the States.” 42 U.S.C. 6974(b)(1).

Once a program is approved, the Administrator must review the approved state CCR permit program not less frequently than every 12 years, as well as no later than three years after a revision to an applicable section of 40 CFR part 257, subpart D or one year after any unauthorized significant release from a CCR unit located in the state. EPA also must review an approved program at the request of another state alleging that the soil, groundwater, or surface water of the requesting state is or is likely to be adversely affected by a release from a CCR unit in the approved state. See 42 U.S.C. 6945(d)(1)(D)(i)(I)–(IV).

In a state with an approved state CCR permit program, EPA may commence administrative or judicial enforcement actions under section 3008 of RCRA, 42 U.S.C. 6928, if the state requests assistance or if EPA determines that an EPA enforcement action is likely to be necessary to ensure that a CCR unit is operating in accordance with the criteria of the state’s permit program. See 42 U.S.C. 6945(d)(4). EPA can enforce any federal requirements that remain in effect (*i.e.*, those for which there is no corresponding approved state

provision). EPA may also exercise its inspection and information gathering authorities under section 3007 of RCRA, 42 U.S.C. 6927.

III. The Texas Application

On September 11, 2020, the TCEQ submitted its state CCR permit program application to EPA Region 6 requesting approval of the State’s partial CCR permit program. After receiving comments from EPA, Texas provided revisions to its Program Description on November 9, 2020, and November 23, 2020.² The Texas application package documents included (1) State statutes and regulations, (2) the Attorney General Statement, and (3) a Program Description which provides details about the State’s CCR permit program, including the (a) State agency with the authority for the CCR permit program; (b) scope and coverage of the program, (c) TCEQ responsibilities; (d) structure and processes of TCEQ to implement the CCR program; (e) applications, public notice, hearing, and appeal procedures for CCR registrations; (f) technical requirements for the CCR program; (g) a list of CCR facilities in Texas; and (h) a description of State resources to implement the CCR program.

Throughout this document, EPA interchangeably uses the Texas terms of “registration” and “permit” and “Program Description” to mean the “Narrative” document as described in the Guidance Document (82 FR 38685, August 15, 2017).

IV. EPA Analysis of the Texas Application

RCRA section 4005(d) requires EPA to evaluate two components of a state program to determine whether it meets the standard for approval. First, EPA is to evaluate the permit program itself (or other system of prior approval and conditions). See 42 U.S.C. 6945(d)(1)(A), (B). RCRA section 4005(d)(1)(A) directs the state to provide evidence of a state permit program, in such form as EPA may determine. In turn, RCRA section 4005(d)(1)(B) directs EPA to approve the state program based upon a determination that the program “requires each coal combustion residuals unit located in the State to

² The revised narrative (Program Description), dated November 23, 2020, shall be substituted for the original program description, dated September 2, 2020, and November 9, 2020, as well as Attachment IV—Facility Unit Summary and CCR Units Map, Replacement of Attachment II with Attachment II—30 TAC Chapter 352, and the Texas Water Code—Chapter 26. All other documents submitted as part of the original September 11, 2020 application remain unchanged and are available in the docket for this action.

achieve compliance with the applicable [federal or state] criteria.” In other words, the statute directs EPA to determine that the state has sufficient authority to require compliance from all CCR units located within the state. See also, 42 U.S.C. 6945(d)(1)(D)(ii)(I). To make this determination EPA evaluates the state’s authority to issue permits and impose conditions in those permits, as well as the state’s authority for compliance monitoring and enforcement.

EPA also determines during this portion of the review whether the state permit program contains procedures consistent with the directive in RCRA section 7004(b). RCRA section 7004(b) applies to all RCRA programs, directing that “public participation in the development, revision, implementation, and enforcement of any . . . program under this chapter shall be provided for, encouraged, and assisted by the Administrator and the States.” 42 U.S.C. 6974(b)(1). To make this determination EPA evaluates the state provisions governing the procedures for issuing permits and for intervention in civil enforcement proceedings.

Although 40 CFR part 239 applies to the approval of State Municipal Solid Waste Landfill (MSWLF) programs under RCRA section 4005(c)(1) rather than EPA’s evaluation of CCR permit programs under RCRA section 4005(d), the specific criteria outlined in 40 CFR part 239 provide a helpful framework to examine the relevant aspects of a state’s permit program. In addition, states are familiar with these criteria as a consequence of the MSWLF program (all States have MSWLF programs that have been approved pursuant to these regulations) and the regulations are generally regarded as protective and appropriate.

Consequently, EPA relied on the four categories of criteria outlined in 40 CFR part 239 as guidelines to evaluate the Texas permitting requirements: Requirements for compliance monitoring authority, requirements for enforcement authority, and requirements for intervention in civil enforcement proceedings.

Second, EPA is to evaluate the technical criteria that will be included in each permit, to determine whether they are the same as the federal criteria, or to the extent they differ, whether the modified criteria are “at least as protective as” the federal requirements. See 42 U.S.C. 6945(d)(1)(B). Only if both components meet the statutory requirements may EPA approve the program. See 42 U.S.C. 6945(d)(1).

EPA has preliminarily determined that the Texas CCR permit program

includes all the elements of an adequate state CCR permit program as discussed in more detail below. It also contains all the technical criteria in 40 CFR part 257, except for the provisions specifically discussed below. Consequently, EPA is proposing to approve the Texas permit program “in part.” 42 U.S.C. 6945(d)(1)(B). EPA’s analysis and findings are discussed in greater detail below and in the Technical Support Document, which is available in the docket supporting this preliminary determination.

EPA’s full analysis of the Texas CCR permit program, and how the Texas regulations differ from the federal requirements, can be found in the Technical Support Document. EPA determined that the Texas CCR permit program application was complete and notified Texas of its determination by letter dated on December 3, 2020.³

A. Adequacy of the Texas Permit Program

Section 4005(d)(1)(A) of RCRA, 42 U.S.C. 6945(d)(1)(A), requires a state seeking state CCR permit program approval to submit to EPA, “in such form as the Administrator may establish, evidence of a permit program or other system of prior approval and conditions under State law for regulation by the State of coal combustion residuals units that are located in the State.” Although the statute directs EPA to establish the form of such evidence, the statute does not require EPA to promulgate regulations governing the process or standard for determining the adequacy of such state programs. EPA, therefore, developed the *Coal Combustion Residuals State Permit Program Guidance Document; Interim Final* (82 FR 38685, August 15, 2017) (the “Guidance Document”). The Guidance Document provides recommendations on a process and standards that states may choose to use to apply for EPA approval of its CCR permit programs, based on the standards in RCRA section 4005(d), existing regulations at 40 CFR part 239, and the Agency’s experience in reviewing and approving state programs.

EPA evaluated the Texas CCR permit program using the process, statutory and regulatory standards discussed in the Units II.C and IV.A. EPA’s findings are summarized below and provided in more detail in the Technical Support Document located in the docket

supporting this preliminary determination.

1. Guidelines for Permitting

It is EPA’s judgment that an adequate state CCR permit program will ensure that: (1) Existing and new facilities are permitted or otherwise approved and in compliance with either 40 CFR part 257 or other state criteria; (2) the state has the authority to collect all information necessary to issue permits that are adequate to ensure compliance with relevant 40 CFR part 257, subpart D requirements; and (3) the state has the authority to impose requirements for CCR units adequate to ensure compliance with either 40 CFR part 257, subpart D or such other state criteria that have been determined and approved by the Administrator to be at least as protective as 40 CFR part 257, subpart D.

EPA has preliminarily determined that the Texas approach to CCR registration applications and approvals is adequate. At Title 30 of the Texas Administrative Code (TAC) sections 352.101 through 352.141, Texas has State-specific provisions imposing requirements for CCR registration, registration characteristics and conditions, registration duration, registration amendments, and the issuance and transfer of registrations. 30 TAC section 352.101 specifically requires registration for the management or disposal of CCR in an existing landfill, in an existing or inactive surface impoundment, and for a new or lateral expansion of a landfill or surface impoundment. Such registrations are subject to the state’s standard permit characteristics and conditions established in 30 TAC Chapter 305, Subchapter F (See 30 TAC section 352.111). Under 30 TAC section 352.121, a registration may be issued for the active life of the unit, as well as any post-closure care period, as needed; however, the registration may be revoked or amended at any time that the owner or operator fails to meet the minimum standards of the CCR regulations, or for any other good cause.

Texas also requires that a change in a term, condition or provision of a registration requires an amendment pursuant to 30 TAC section 352.131. An application requesting an amendment is processed as a major amendment or a minor amendment in accordance with 30 TAC section 305.62. At 30 TAC section 305.62(c)(1), Texas describes a major amendment as “an amendment that changes a substantive term, provision, requirement, or a limiting parameter of a permit.” At 30 TAC section 305.62(c)(2), Texas describes a

³ The Texas application, EPA’s completeness determination letter, and the Technical Support Document are available in the docket supporting this action.

minor amendment as “an amendment to improve or maintain the permitted quality or method of disposal of waste, . . .” and which includes any other change “that will not cause or relax a standard or criterion which may result in a potential deterioration of quality of water in the state.” Under 30 TAC section 305.62(d), the executive director may initiate a major amendment or a minor amendment if good cause exists.

The Texas provision at 30 TAC section 352.141 prohibits the transfer of a registration from one person to another without complying with provisions of 30 TAC section 305.64 relating to the transfer of permits. Under 30 TAC section 305.64, the registrant or the transferee must submit an application to the executive director at least 30 days before the proposed transfer date and receive approval of the application from the commission before the registration can be transferred. The Texas regulations provide that a registration cannot be transferred from one facility to another. The specific CCR registration application requirements are established in 30 TAC sections 352.201 through 352.311 where Texas has State-specific provisions addressing CCR registration application contents and information requirements. Under 30 TAC sections 352.241 through 352.301, Texas requires sufficient information to ensure that all the 40 CFR part 257, subpart D technical requirements will be followed. Specifically, a registration application shall include sufficient information and reports to: (1) Characterize the geology and hydrogeology at the facility; (2) demonstrate compliance with location restrictions; (3) demonstrate compliance with design criteria; (4) demonstrate compliance with operating criteria; (5) demonstrate compliance with applicable groundwater monitoring and corrective action requirements; and (6) demonstrate compliance with applicable closure and post-closure requirements. The provision at 30 TAC section 352.311 requires the owner or operator to keep records of data used to complete the application and any supplemental information or material throughout the term of the registration.

At 30 TAC sections 352.401 through 352.481, Texas adopted State-specific provisions addressing procedures for registration application deficiencies, public notifications, and registration decisions by the executive director. As part of the State’s evaluation of the completeness of a registration application, 30 TAC section 352.401 requires the executive director to notify an applicant of any additional information or application materials

required to complete the application by transmitting a notice of deficiency (NOD) to the applicant. The NOD specifies a deadline for the NOD response of up to 60 days from the executive director’s transmittal of the NOD. If the executive director does not receive an adequate and timely response to a notice of deficiency by the response deadline, the executive director may return the incomplete application to the applicant (30 TAC section 352.421).

EPA has preliminarily determined that the Texas approach to CCR registration applications and approvals is adequate, and that this aspect of the Texas CCR permit program meets the standard for program approval.

2. Guidelines for Public Participation

Based on RCRA section 7004, 42 U.S.C. 6974, it is EPA’s judgment that an adequate state CCR permit program will ensure that: (1) Documents for permit determinations are made available for public review and comment; (2) final determinations on permit applications are made known to the public; and (3) public comments on permit determinations are considered. Texas has adopted public participation opportunities for the CCR program that can provide an inclusive dialogue, allowing interested parties to talk openly and frankly about issues within the CCR program and search for mutually agreeable solutions to differences. An overview of the Texas public participation provisions is provided below.

a. Public Participation in the CCR Registration Application Process

Under 30 TAC section 39.418, the TCEQ requires that no later than 30 days after the executive director declares an application to be complete, the applicant must publish a Notice of Receipt of Application and Intent to Obtain Permit in a newspaper of largest circulation in the county in which the facility is located, or, if a newspaper is not published in the county, the notice must be published in any newspaper of general circulation in the county in which the facility is located or proposed to be located. Registration applications are also made available to the public on the applicant’s publicly accessible CCR internet site. Under 30 TAC section 352.461(a)(1), the applicant is also required to make a copy of the application available for review and copying at a public place in the county in which the facility is located. Upon completion of the application review, the TCEQ publishes a public notice of the TCEQ’s receipt of the registration application, the executive director’s

initial decision on the application, and provides an opportunity for public comments or for the public to request a public meeting in accordance with the procedures contained in 30 TAC sections 39.503(c), 39.405(f) and 39.405(h).

30 TAC section 352.471 gives the executive director the authority to prepare a draft registration upon a preliminary determination that an application for a new registration or a major amendment of a registration meets the regulatory requirements for issuance of a registration. When the executive director has prepared a draft registration, copies of it are also made available to the public, along with a technical summary. The technical summary provides information regarding the application, staff review, and agency contacts available to assist members of the public in answering questions about the application. In addition, the commission records are open to the public for review subject to statutory privileges and claims of confidentiality consistent with the Texas Public Information Act. See Texas Government Code Annotated, Chapter 552 and 30 TAC 1.5.

b. Public Notice

30 TAC section 352.461 subjects all public notices to the requirements in (1) 30 TAC section 39.405 (relating to General Notice Provisions); (2) 30 TAC section 39.407 (relating to Mailing Lists); (3) 30 TAC section 39.409 (relating to Deadline for Public Comment, and for Requests for Reconsideration, Contested Case Hearing, or Notice and Comment Hearing); (4) 30 TAC section 39.411 (relating to Text of Public Notice); (5) 30 TAC section 39.413 (relating to Mailed Notice); and (6) 30 TAC section 39.420 (relating to Transmittal of the Executive Director’s Response to Comments and Decision). 30 TAC section 352.431(c) requires that the text of the public notices on the application include the internet address required by 30 TAC section 352.1321 for the publicly accessible website for that facility. Under 30 TAC sections 39.503(c) and 39.405(f), Texas applicants must publish the notice in the newspaper of largest general circulation that is published in the county in which the facility is located or is proposed to be located. In certain instances, Texas applicants may be required to publish notice in a language other than English in a newspaper predominately published in that alternative language. In certain circumstances, Texas requires that notices are mailed to select individuals such as adjacent landowners, State and

local government officials, and anyone who asks to be included in the mailing list, among others. In addition to the 30 TAC section 352.431(c) requirements, the provision at 30 TAC section 352.441 requires that a revised notice be published if changes to an application constitute a major amendment under 30 TAC section 352.131 (relating to Amendments) after notice of receipt of application has been mailed and published.

c. Public Comments and Response to Comments

Texas requires a minimum of a 30-day public comment period for CCR registration applications pursuant to 30 TAC section 352.431(d). Pursuant to 30 TAC section 352.431(e), the executive director shall consider all public comments received before the close of the public comment period. 30 TAC section 352.461(c) requires the executive director to prepare a response to all timely, relevant and material, or significant public comment. The executive director's response and decision are sent to the mailing list, including all commenters, as required under 30 TAC section 39.420.

d. Public Meeting

Under 30 TAC section 352.451(a), the owner or operator and the commission may hold a public meeting under 30 TAC section 55.154 for a new CCR registration application or a major amendment to a CCR registration in the county in which the facility is located, based on the criteria of 30 TAC sections 39.503(e), 55.154(c) or 352.961(c), as cited in 30 TAC section 352.461(b). The purpose of a public meeting is to provide information and receive public comment. Under 30 TAC sections 39.503(e)(1) and 55.154(c)(1) through (2), the TCEQ is required to hold a public meeting upon request of a member of the legislature who represents the general area in which the facility is proposed to be located for an application for a new facility or when the executive director determines that there is substantial public interest in the application or proposed facility. 30 TAC section 39.503(e)(3) provides, for example, that a "substantial public interest" is demonstrated when a request for a public meeting is filed by a homeowners' or property owners' association formally organized or chartered and having at least ten members located in the general area in which the facility is located or proposed to be located; or a group of ten or more local residents, property owners, or businesses located in the general area in which the facility is located or proposed

to be located. Finally, under 30 TAC section 352.961(c), a public meeting must be held on applications for registrations that authorize corrective action and selection of a remedy as provided in 40 CFR 257.96(e). 30 TAC section 352.451(c) requires that a notice of the public meeting must be provided in accordance with the procedures contained in 30 TAC section 39.503(e)(6), including newspaper publication and mailed notice from the chief clerk to persons listed in 30 TAC section 39.413.

e. Challenges to Executive Director's Action on a Registration Application

30 TAC section 352.481 provides that the executive director's action on a CCR application for a new registration or an amendment of a registration is subject to 30 TAC sections 50.139 and 80.272 which provide the public with a right to file a rehearing request for decisions made in administrative hearing and a right to file a motion to overturn the executive director's action on an application decision.

EPA has preliminarily determined that the Texas approach to public participation requirements provides adequate opportunities for public participation in the permitting process sufficient to meet the standard for program approval.

3. Guidelines for Compliance Monitoring Authority

It is EPA's judgment that an adequate permit program should provide the state with the authority to gather information about compliance, perform inspections, and ensure that information it gathers is suitable for enforcement. The TCEQ has compliance monitoring authority under its Texas Health and Safety Code (THSC) and the Texas Water Code (TWC). Specifically, THSC section 361.032 provides the authority for environmental investigators to enter public or private property and conduct inspections or investigate solid waste facilities, including CCR units. In addition, TWC section 5.102 gives the commission the powers to perform any acts specifically authorized by this code, another law, implied by this code, or other law necessary and convenient to the exercise of its jurisdiction, as provided by the laws of the state rules, orders and permits. The TCEQ Enforcement Division maintains compliance schedules and reviews the schedules regularly to determine whether a facility is complying with its schedule. If a facility fails to meet its compliance schedule, the facility is deemed to be in violation of the TWC, the THSC, or TCEQ rules.

EPA has preliminarily determined that these compliance monitoring authorities are adequate, and that this aspect of the Texas CCR permit program meets the standard for program approval.

4. Guidelines for Enforcement Authority

It is EPA's judgment that an adequate state CCR permit program should provide the state with adequate enforcement authority to administer its state CCR permit program, including the authority to: (1) Restrain any person from engaging in activity which may damage human health or the environment, (2) sue to enjoin prohibited activity, and (3) sue to recover civil penalties for prohibited activity.

The TCEQ has adequate enforcement authority for its existing programs under TWC sections 5.512, 7.002, 7.032, 7.051, 7.052, 7.101, 7.103 and 7.105–7.110. Under TWC section 7.002, the state has the authority to initiate an enforcement action to enforce the provisions of the Texas Water Code, the Texas Health and Safety Code within the commission's jurisdiction, and rules adopted under those provisions. Under TWC section 5.512, the TCEQ has specific authority to issue an emergency order concerning an activity of solid waste management under its commission's jurisdiction, even if that activity is not covered by a permit, if it finds that an emergency requiring immediate action to protect the public health and safety exists.

The state also has the authority to sue in a court of competent jurisdiction and may enforce a state rule or a provision of a permit by injunction or other appropriate remedy that may include corrective action. (TWC section 7.032). On request of the executive director, the attorney general may initiate a suit in the name of the state for injunctive relief. (TWC section 7.032(e)).

The TCEQ may assess administrative penalties and civil penalties for solid waste violations under TWC section 7.051, 7.101, 7.103 and 7.105 through 7.110. Under TWC section 7.052(c) and (d), the TCEQ may seek administrative penalties of up to \$25,000 per day for each violation for solid waste management violations. TWC section 7.105(a) specifically provides authority for the Attorney General to initiate a suit to recover a civil penalty, or for both injunctive relief and a civil penalty. The Attorney General may represent the State in civil judicial actions that may seek penalties from \$50 to \$25,000 per day for each violation. (TWC section 7.102).

EPA has preliminarily determined that this aspect of the Texas CCR permit

program meets the standard for program approval.

5. Intervention in Civil Enforcement Proceedings

Based on section 7004 of RCRA, it is EPA's judgment that an adequate State CCR permit program should provide an opportunity for citizen intervention in civil enforcement proceedings. Specifically, the state must either: (a) Provide for citizen intervention as a matter of right or (b) have in place a process to (1) provide notice and opportunity for public involvement in civil enforcement actions, (2) investigate and provide responses to citizen complaints about violations, and (3) not oppose citizen intervention when permissive intervention is allowed by statute, rule, or regulation.

Under TWC sections 7.075, and 7.110, Texas has specific authorities and the TCEQ rules that provide opportunity for public participation in state enforcement proceedings by allowing persons to comment or intervene in certain administrative and civil actions. Notice of the opportunity to comment on the action is published in the Texas Register. Specifically, TWC sections 7.075(a) and 7.110(a) and (b) allow for a 30-day public comment period for administrative enforcement actions and civil enforcement actions. The commission, under TWC section 7.075(b) and the Office of Attorney General under TWC section 7.110(c), must consider any written comments and may withdraw or withhold consent to a proposed order, judgment or other agreement if the comments disclose facts or considerations that indicate that the consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the commission's statutes, rules, or permits.

The TCEQ rules also provide at least two other opportunities for public participation in enforcement actions, including, (1) when an agreement is reached in an enforcement action between a respondent and the executive director, by providing public notice in the Texas Register and a 30-day public comment period (30 TAC section 70.10(c)); and (2) by providing opportunity for public comments at commission meetings on enforcement orders, pursuant to the Texas Open Meetings Act under 30 TAC Chapter 10. Texas Water Code sections 5.176 through 5.1773 provides for a public process for submitting and participating in complaints about a matter within the commission's jurisdiction. If a complaint relating to an entity regulated by the commission is filed with the commission, the commission must

notify the parties to the complaint at least quarterly of the status of the complaint until the complaint reaches final disposition. Additionally, in accordance with TWC section 5.176 through 5.1765, the commission maintains a public website that contains public education materials informing the public about the commission's complaint policies and procedures, the collection and preservation of citizen collected evidence, and the status of environmental complaints and pending enforcement actions, as well as administrative and judicial orders. Under TWC section 7.110(d), the Office of the Attorney General may not oppose intervention by a person who has standing to intervene as provided by Rule 60, Texas Rules of Civil Procedure.

EPA has preliminarily determined that these authorities provide for an adequate level of citizen involvement in the enforcement process, and that this aspect of the Texas CCR permit program meets the standard for program approval.

B. Adequacy of Technical Criteria

EPA conducted an analysis of the Texas CCR Permit Program Application, including a thorough analysis of Texas statutory authorities for the CCR program, as well as its regulations at 30 TAC Chapter 352. As noted, Texas has requested partial program approval of its CCR permit program.

1. Texas CCR Regulatory Authority

On May 6, 2020, the TCEQ adopted 30 TAC Chapter 352—Coal Combustion Residuals Waste Management, which in general are identical or analogous to the requirements of the self-implementing 40 CFR part 257, subpart D. The TCEQ's CCR regulations were effective as of May 28, 2020.⁴ The commission adopted Chapter 352 under: (1) TWC section 5.102, which provides the commission the power to perform any acts necessary and convenient to the exercise of its jurisdiction and powers as provided by the TWC and other laws; TWC section 5.103, which provides the commission with the authority to adopt any rules necessary to carry out its powers and duties under the TWC and other laws of the State; and TWC, section 5.105, which authorizes the commission to establish and approve all general policy of the commission by rule; and (2) THSC, Solid Waste Disposal Act, sections 361.017 and 361.024, which authorize the commission to regulate industrial solid

⁴ The Texas CCR Regulations are included in Attachment II of Texas' application and which is available in the docket supporting this preliminary determination.

waste and municipal hazardous waste and to adopt rules consistent with the general intent and purposes of the THSC; and THSC section 361.090(d), which allows the commission to adopt rules to control the collection, handling, storage, processing, and disposal of industrial solid waste to protect the property of others, public property and rights-of-way, groundwater, and other rights requiring protection.

The TCEQ has identified 58 units that are currently or have been used for disposal of CCR (17 landfills and 41 surface impoundments) in Texas.⁵ The TCEQ demonstrated that it has the personnel and funding to administer a registration program that is at least as protective as the Federal requirements.⁶

2. Texas CCR Regulations

EPA has preliminarily determined that the portions of the Texas CCR permit program that were submitted for approval under RCRA section 4005(d)(1)(B)(i), 42 U.S.C. 6945(d)(1)(B)(i). To make this preliminary determination, EPA compared the technical requirements in the Texas CCR regulations at 30 TAC Chapter 352 to the Federal CCR regulations at 40 CFR part 257, subpart D to determine whether they differed from the Federal requirements, and if so, whether those differences met the standard in RCRA sections 4005(d)(1)(B)(ii) and (C), 42 U.S.C. 6945(d)(1)(B)(ii) and (C).

At 30 TAC Chapter 352, the TCEQ largely adopted by reference the requirements of 40 CFR part 257, subpart D, and implements procedural requirements for a registration and compliance monitoring program to authorize CCR units subject to the Federal CCR regulations. Specifically, Texas adopted by reference 40 CFR 257.52, 40 CFR 257.53, 40 CFR 257.60 through 257.107, and the 40 CFR part 257 Appendices, as amended through August 5, 2016 (81 FR 51807), and as modified by the USWAG decision. Texas did not adopt by reference 40 CFR 257.71, 257.95(h) and 257.101(a). See 30 TAC sections 352.2 and 352.3(a), 30 TAC sections 352.601 through 352.981 and 352.1200 through 352.1431.⁷ With

⁵ For more information on the specific facilities covered by the Texas CCR Permit Program, see Section VII of the Texas Program Description and Attachment IV of the Texas application which are available in the docket for this action.

⁶ The discussion on State personnel and funding is included in Section VIII of the Program Description, which is included in the docket for this action.

⁷ A reference crosswalk comparison of 40 CFR part 257, subpart D and 30 TAC Chapter 352 provided by Texas is also available in the docket as Attachment I.

these exceptions, the technical requirements are identical to the Federal regulations.

In addition to the technical criteria in 30 TAC Chapter 352, Texas has adopted State-specific registration for CCR units and public participation requirements in 30 TAC sections 352.101 through 352.481; State financial assurance requirements in 30 TAC sections 352.1101 and 352.1111; and for certain activities, Texas has additional requirements for State notifications by owners and operators of CCR units, and State approvals by the executive director employed by the commission.

Specifically, in addition to what is required by 40 CFR part 257, the State CCR regulations contain additional State-specific requirements for the use of licensed professional engineers and geoscientists in 30 TAC section 352.4; use of laboratories accredited and certified by the State in 30 TAC section 352.5; State notifications and approvals for specific CCR activities by owners and operators in 30 TAC sections 352.731(b), 352.741(b), 352.831(b), 352.841(b), 352.902, 352.911(b) and (c), 352.931(b), 352.941(b) through (d), 352.951(c) through (e), 352.981(b) and (c), 352.1221(b) and 352.1241(b) and (c); pre-opening inspection requirements for new and lateral expansions of CCR landfills and surface impoundments in 30 TAC section 352.851; groundwater monitoring and corrective action in 30 TAC sections 352.911(d), 352.951(b) and 352.991; recordkeeping in 30 TAC section 352.1301(b); and posting of information on the publicly accessible website in 30 TAC section 352.1321(c) and (d).

3. Texas Partial Program

The TCEQ is seeking approval of its state CCR permit program, in part,

pursuant to RCRA section 4005(d). The TCEQ's rules implement the Federal regulations promulgated through August 5, 2016, and as modified by the *USWAG* decision. The TCEQ has not amended state CCR program rules to implement the Part A Final Rule. Accordingly, Texas is not seeking approval for the following five provisions of its regulations, which are described in more detail below:

1. 30 TAC section 352.1(b)(2); this state provision is the analog to the Federal exclusion of inactive impoundments at inactive facilities, found at 40 CFR 257.50(e), that was vacated in *USWAG*;

2. The state provision that is the analog to the Federal requirement that multiunit groundwater monitoring systems with unlined CCR surface impoundments must retrofit or close, found at 40 CFR 257.91(d)(2), which is no longer relevant, as all unlined CCR surface impoundments must close;

3. The state provision that is the analog to the Federal requirement that unlined CCR surface impoundments must retrofit or close after an assessment of corrective measures is required, found at 40 CFR 257.95(g)(5), which references a provision that was vacated in *USWAG*;

4. 30 TAC sections 352.711(a)(4) and 352.1211(b); these state provisions relate to the date for unlined surface impoundments to cease receipt of waste. EPA has since revised the Federal regulation and the state has not adopted the Federal revision, found at 40 CFR 257.101(a)(1) or 257.101(b)(1)(i);

5. 30 TAC section 352.1231; this state provision is the analog to the Federal alternative closure requirements of CCR units, found at 40 CFR 257.103. EPA has since revised the Federal regulation and the state has not adopted the Federal revision.

With the exception of the five provisions noted above, EPA has preliminarily determined that the Texas CCR regulations contain all of the technical elements of the Federal CCR regulations, including requirements for location restrictions, design and operating criteria, groundwater monitoring and corrective action, closure requirements and post-closure care, recordkeeping, notification and publicly accessible CCR internet site posting requirements. The Texas CCR permit program also contains State-specific language, references, definitions, and State-specific requirements that differ from the Federal CCR regulations, but which EPA has determined to be "at least as protective as" the Federal criteria.

The effect of granting a partial approval is that, except for the five provisions for which EPA has not granted approval, the Texas CCR permit program will apply in lieu of the Federal regulations. For the five state provisions that were not approved, the corresponding Federal requirements will continue to apply directly to facilities, and therefore facilities must comply with both the Federal requirements and the state requirements.

V. Proposed Action

EPA has preliminarily determined that the Texas partial CCR permit program meets the statutory standard for approval. Accordingly, in accordance with 42 U.S.C. 6945(d), EPA is proposing to approve the Texas partial CCR permit program.

Andrew Wheeler,
Administrator.

[FR Doc. 2020-26987 Filed 12-7-20; 8:45 am]

BILLING CODE 6560-50-P

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

Agricultural Marketing Service

Designation of Amarillo Grain Exchange, Inc. To provide Class X or Class Y Weighing Services

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice.

SUMMARY: The Agricultural Marketing Service (AMS) is announcing the designation of Amarillo Grain Exchange, Inc. (Amarillo) to provide Class X or Class Y weighing services under the United States Grain Standards Act (USGSA), as amended.

DATES: Effective July 1, 2020.

FOR FURTHER INFORMATION CONTACT: Austyn Hughes, (816) 891-0456 or FGISQACD@usda.gov.

SUPPLEMENTARY INFORMATION: In the December 12, 2016, *Federal Register* (81 FR 89428), AMS announced the designation of Amarillo to provide official services under the USGSA, effective October 1, 2016, to September 30, 2021. Subsequently, Amarillo asked AMS to amend their designation to include official weighing services. The USGSA authorizes the Secretary to designate authority to perform official weighing to an agency providing official inspection services within a specified geographic area, if such agency is qualified under 7 U.S.C. 79. Under 7 U.S.C. 79(a), AMS evaluated information regarding the designation criteria in section 7 U.S.C. 79 and determined that Amarillo is qualified to provide official weighing services in their currently assigned geographic area. Therefore, Amarillo's designation is amended to include Class X or Class Y weighing within their assigned geographic area, effective July 1, 2020, to September 30, 2021. Interested persons may obtain official services by contacting Amarillo at (806) 372-8511.

Authority: 7 U.S.C. 71-87k.

Bruce Summers,

Administrator, Agricultural Marketing Service.

[FR Doc. 2020-26881 Filed 12-7-20; 8:45 am]

BILLING CODE P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[Doc. No. AMS-FGIS-20-0080]

Request for Extension and Revision of a Currently Approved Information Collection

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: This notice announces the Agricultural Marketing Service's (AMS) intention to request that the Office of Management and Budget (OMB) approve a 3-year extension of a currently approved information collection for the "Reporting and Recordkeeping Requirements under the United States Grain Standards Act (USGSA) and under the Agricultural Marketing Act of 1946 (AMA)." This approval is required under the Paperwork Reduction Act of 1995 (PRA).

DATES: Comments on this notice must be received by February 8, 2021 to be assured of consideration.

ADDRESSES: Interested persons are invited to submit comments concerning this notice by using the electronic process available at www.regulations.gov. All comments should reference the docket number (same number as above assigned by Originating Program), the date, and the page number of this issue of the *Federal Register*. All comments received will be posted without change, including any personal information provided, at www.regulations.gov and will be included in the record and made available to the public.

FOR FURTHER INFORMATION CONTACT: Contact Gregory J. Giese USDA AMS; Telephone: (816) 867-2451; Email: Gregory.J.Giese@usda.gov.

SUPPLEMENTARY INFORMATION: Congress enacted the United States Grain Standards Act (USGSA) (7 U.S.C. 71-87k) and the Agricultural Marketing Act

(AMA) (7 U.S.C. 1621-1627) to facilitate the marketing of grain, oilseeds, pulses, rice, and related commodities. These statutes provide for the establishment of standards and terms which accurately and consistently measure the quality of grain and related products, provide for uniform official inspection and weighing, provide regulatory and service responsibilities, and furnish the framework for commodity quality improvement incentives to both domestic and foreign buyers. AMS's Federal Grain Inspection Service (FGIS) establishes policies, guidelines, and regulations to carry out the objectives of the USGSA and the AMA. Regulations appear at 7 CFR 800, 801, and 802 for the USGSA and 7 CFR 868 for the AMA.

The USGSA, with few exceptions, requires official inspection of export grain sold by grade. Official services are provided, upon request, for grain in domestic commerce. The AMA authorizes similar inspection and weighing services, upon request, for rice, pulses, flour, corn meal, and certain other agricultural products. Conversely, the regulations promulgated under the USGSA and the AMA require specific information collection and recordkeeping necessary to carry out requests for official services. Applicants for official services must specify the kind and level of service, the identification of the product, the location, the amount, and other pertinent information in order that official personnel can efficiently respond to their needs.

Official services under the USGSA are provided through FGIS field offices and delegated and/or designated State and private agencies. Delegated agencies are State agencies delegated authority under the USGSA to provide official inspection service, Class X or Class Y weighing services, or both, at one or more export port locations in the State. Designated agencies are State or local governmental agencies or persons designated under the USGSA to provide official inspection services, Class X or Class Y weighing services, or both, at locations other than export port locations. State and private agencies, as a requirement for delegation and/or designation, must comply with all regulations, procedures, and instructions in accordance with provisions established under the USGSA. FGIS field offices oversee the

performance of these agencies and provide technical guidance as needed.

Official services under the AMA are performed, upon request, on a fee basis for domestic and export shipments either by FGIS employees, individual contractors, or cooperators. Contractors are persons who enter into a contract with FGIS to perform specified sampling and inspection services. Cooperators are agencies or departments of the Federal Government which have an interagency agreement, State agencies, or other entities which have a reimbursable agreement with FGIS.

Title: Reporting and Recordkeeping Requirements (United States Grain Standards Act and Agricultural Marketing Act of 1946).

OMB Number: 0581–0309.

Expiration Date of Approval: January 31, 2021.

Type of Request: Extension and revision of a currently approved information collection.

Abstract: The USGSA and the AMA authorize USDA to inspect, certify and identify the class, quality, quantity and condition of agricultural products shipped or received in interstate and foreign commerce.

Estimate of Burden: Public reporting and record keeping burden for this collection of information is estimated to average .13 hours per response.

Respondents: Grain producers, buyers, and sellers, elevator operators, grain merchandisers, and official grain inspection agencies.

Estimated Number of Respondents: 8,666.

Estimated Number of Responses per Respondent: 143.

Estimated Total Annual Burden on Respondents: 161,614 hours.

As required by the PRA (44 U.S.C. 3506(c)(2)(A)) and its implementing regulations (5 CFR 1320.8(d)(1)(i)), AMS specifically requests comments on: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (3) 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 the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

All responses to this notice will be summarized and included in the request

for OMB approval. All comments will become a matter of public record.

Bruce Summers,

Administrator, Agricultural Marketing Service.

[FR Doc. 2020–26882 Filed 12–7–20; 8:45 am]

BILLING CODE P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

December 3, 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 January 7, 2021 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: 7 CFR part 1738 Rural Broadband Loans, Loan/Grant Combinations, and Loan Guarantees.

OMB Control Number: 0572–0154.

Summary of Collection: The Rural Utilities Service (RUS), is authorized by Title VI, Rural Broadband Access, of the Rural Electrification Act of 1936, as amended (RE Act), to provide loans, loan/grant combinations and loan guarantees to fund the cost of construction, improvement, or acquisition of facilities and equipment for the provision of broadband service in eligible rural areas in the States and Territories of the United States. 7 CFR part 1738 prescribes the types of loans available, facilities financed, and eligible applicants, as well as minimum equity requirements to be considered for a loan. In addition, 7 CFR part 1738 outlines the process through which RUS will consider applicants under the priority consideration required in Title VI.

The term of the loan or loan/grant combination is based on the expected composite economic life based on the depreciation rates of the facilities financed. The term of the loan or loan/grant combination can be as high as 35 years. These loans are secured by a first lien on the borrower's broadband system. In the interest of protecting loan security and accomplishing the statutory objective of a sound program of rural broadband service access, Title VI of the RE Act further requires that RUS make or guarantee a loan only if there is reasonable assurance that the loan, together with all outstanding loans and obligations of the borrower, will be repaid in full within the time agreed; the information gathered in this collection will help RUS determine that reasonable assurance.

This package will replace 0572–0130 and incorporates all the new requirements from the 2018 Farm Bill. This package also covers the Public Notice requirements for the telecommunication infrastructure and the Community Connect program. All other burden associated with those two programs will remain under their current packages.

Need and Use of the Information: The information in the program application guide—RUS Bulletin 1738–1 provides applicants with needed information, definitions and details for completing and submitting an application. The information in the application will be used to determine: Applicant eligibility, availability of broadband service for priority consideration, technical and economic feasibility of the proposed project (that the funds requested are adequate to complete the project taking into consideration any additional funding provided by the applicant and that the loan can be repaid within the

allowable time frame), loan/grant combination eligibility, and applicant compliance with certain Federal regulations and requirements.

Description of Respondents: Business or other for-profit; Not-for-profit institutions.

Number of Respondents: 50.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 20,942.

Levi S. Harrell,

Departmental Information Collection Clearance Officer.

[FR Doc. 2020-26923 Filed 12-7-20; 8:45 am]

BILLING CODE 3410-15-P

DEPARTMENT OF COMMERCE

International Trade Administration

Initiation of Antidumping and Countervailing Duty Administrative Reviews

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) has received requests to conduct administrative reviews of various antidumping duty (AD) and countervailing duty (CVD) orders and findings with October anniversary dates. In accordance with Commerce's regulations, we are initiating those administrative reviews.

DATES: Applicable December 8, 2020.

FOR FURTHER INFORMATION CONTACT: Brenda E. Brown, AD/CVD Operations, Customs Liaison Unit, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230, telephone: (202) 482-4735.

SUPPLEMENTARY INFORMATION:

Background

Commerce has received timely requests, in accordance with 19 CFR 351.213(b), for administrative reviews of various AD and CVD orders and findings with October anniversary dates.

All deadlines for the submission of various types of information, certifications, or comments or actions by Commerce discussed below refer to the number of calendar days from the applicable starting time.

Notice of No Sales

If a producer or exporter named in this notice of initiation had no exports, sales, or entries during the period of review (POR), it must notify Commerce within 30 days of publication of this

notice in the **Federal Register**. All submissions must be filed electronically at <https://access.trade.gov> in accordance with 19 CFR 351.303.¹ Such submissions are subject to verification in accordance with section 782(i) of the Tariff Act of 1930, as amended (the Act). Further, in accordance with 19 CFR 351.303(f)(1)(i), a copy must be served on every party on Commerce's service list.

Respondent Selection

In the event Commerce limits the number of respondents for individual examination for administrative reviews initiated pursuant to requests made for the orders identified below, Commerce intends to select respondents based on U.S. Customs and Border Protection (CBP) data for U.S. imports during the POR. We intend to place the CBP data on the record within five days of publication of the initiation notice and to make our decision regarding respondent selection within 30 days of publication of the initiation **Federal Register** notice. Comments regarding the CBP data and respondent selection should be submitted within seven days after the placement of the CBP data on the record of this review. Parties wishing to submit rebuttal comments should submit those comments within five days after the deadline for the initial comments.

In the event Commerce decides it is necessary to limit individual examination of respondents and conduct respondent selection under section 777A(c)(2) of the Act, the following guidelines regarding collapsing of companies for purposes of respondent selection will apply. In general, Commerce has found that determinations concerning whether particular companies should be "collapsed" (e.g., treated as a single entity for purposes of calculating antidumping duty rates) require a substantial amount of detailed information and analysis, which often require follow-up questions and analysis. Accordingly, Commerce will not conduct collapsing analyses at the respondent selection phase of this review and will not collapse companies at the respondent selection phase unless there has been a determination to collapse certain companies in a previous segment of this AD proceeding (e.g., investigation, administrative review, new shipper review, or changed circumstances review). For any

¹ See *Antidumping and Countervailing Duty Proceedings: Electronic Filing Procedures; Administrative Protective Order Procedures*, 76 FR 39263 (July 6, 2011).

company subject to this review, if Commerce determined, or continued to treat, that company as collapsed with others, Commerce will assume that such companies continue to operate in the same manner and will collapse them for respondent selection purposes. Otherwise, Commerce will not collapse companies for purposes of respondent selection. Parties are requested to (a) identify which companies subject to review previously were collapsed, and (b) provide a citation to the proceeding in which they were collapsed. Further, if companies are requested to complete the Quantity and Value (Q&V) Questionnaire for purposes of respondent selection, in general, each company must report volume and value data separately for itself. Parties should not include data for any other party, even if they believe they should be treated as a single entity with that other party. If a company was collapsed with another company or companies in the most recently completed segment of this proceeding where Commerce considered collapsing that entity, complete Q&V data for that collapsed entity must be submitted.

Deadline for Withdrawal of Request for Administrative Review

Pursuant to 19 CFR 351.213(d)(1), a party that has requested a review may withdraw that request within 90 days of the date of publication of the notice of initiation of the requested review. The regulation provides that Commerce may extend this time if it is reasonable to do so. Determinations by Commerce to extend the 90-day deadline will be made on a case-by-case basis.

Deadline for Particular Market Situation Allegation

Section 504 of the Trade Preferences Extension Act of 2015 amended the Act by adding the concept of a particular market situation (PMS) for purposes of constructed value under section 773(e) of the Act.² Section 773(e) of the Act states that "if a particular market situation exists such that the cost of materials and fabrication or other processing of any kind does not accurately reflect the cost of production in the ordinary course of trade, the administering authority may use another calculation methodology under this subtitle or any other calculation methodology." When an interested party submits a PMS allegation pursuant to section 773(e) of the Act, Commerce will respond to such a submission consistent with 19 CFR 351.301(c)(2)(v).

² See Trade Preferences Extension Act of 2015, Public Law 114-27, 129 Stat. 362 (2015).

If Commerce finds that a PMS exists under section 773(e) of the Act, then it will modify its dumping calculations appropriately.

Neither section 773(e) of the Act nor 19 CFR 351.301(c)(2)(v) set a deadline for the submission of PMS allegations and supporting factual information. However, in order to administer section 773(e) of the Act, Commerce must receive PMS allegations and supporting factual information with enough time to consider the submission. Thus, should an interested party wish to submit a PMS allegation and supporting new factual information pursuant to section 773(e) of the Act, it must do so no later than 20 days after submission of initial responses to section D of the questionnaire.

Separate Rates

In proceedings involving non-market economy (NME) countries, Commerce begins with a rebuttable presumption that all companies within the country are subject to government control and, thus, should be assigned a single antidumping duty deposit rate. It is Commerce’s policy to assign all exporters of merchandise subject to an administrative review in an NME country this single rate unless an exporter can demonstrate that it is sufficiently independent so as to be entitled to a separate rate.

To establish whether a firm is sufficiently independent from government control of its export activities to be entitled to a separate rate, Commerce analyzes each entity exporting the subject merchandise. In accordance with the separate rates criteria, Commerce assigns separate rates to companies in NME cases only

if respondents can demonstrate the absence of both *de jure* and *de facto* government control over export activities.

All firms listed below that wish to qualify for separate rate status in the administrative reviews involving NME countries must complete, as appropriate, either a separate rate application or certification, as described below. For these administrative reviews, in order to demonstrate separate rate eligibility, Commerce requires entities for whom a review was requested, that were assigned a separate rate in the most recent segment of this proceeding in which they participated, to certify that they continue to meet the criteria for obtaining a separate rate. The Separate Rate Certification form will be available on Commerce’s website at <https://enforcement.trade.gov/nme/nme-sep-rate.html> on the date of publication of this **Federal Register** notice. In responding to the certification, please follow the “Instructions for Filing the Certification” in the Separate Rate Certification. Separate Rate Certifications are due to Commerce no later than 30 calendar days after publication of this **Federal Register** notice. The deadline and requirement for submitting a Certification applies equally to NME-owned firms, wholly foreign-owned firms, and foreign sellers who purchase and export subject merchandise to the United States.

Entities that currently do not have a separate rate from a completed segment of the proceeding³ should timely file a Separate Rate Application to demonstrate eligibility for a separate rate in this proceeding. In addition, companies that received a separate rate

in a completed segment of the proceeding that have subsequently made changes, including, but not limited to, changes to corporate structure, acquisitions of new companies or facilities, or changes to their official company name,⁴ should timely file a Separate Rate Application to demonstrate eligibility for a separate rate in this proceeding. The Separate Rate Application will be available on Commerce’s website at <https://enforcement.trade.gov/nme/nme-sep-rate.html> on the date of publication of this **Federal Register** notice. In responding to the Separate Rate Application, refer to the instructions contained in the application. Separate Rate Applications are due to Commerce no later than 30 calendar days after publication of this **Federal Register** notice. The deadline and requirement for submitting a Separate Rate Application applies equally to NME-owned firms, wholly foreign-owned firms, and foreign sellers that purchase and export subject merchandise to the United States.

For exporters and producers who submit a Separate Rate Application or Certification and subsequently are selected as mandatory respondents, these exporters and producers will no longer be eligible for separate rate status unless they respond to all parts of the questionnaire as mandatory respondents.

Initiation of Reviews

In accordance with 19 CFR 351.221(c)(1)(i), we are initiating administrative reviews of the following AD and CVD orders and findings. We intend to issue the final results of these reviews not later than October 31, 2021.

	Period to be reviewed
AD Proceedings	
AUSTRALIA: Hot-Rolled Steel Flat Products, A–602–809 BlueScope Steel, Ltd ⁵ .	10/1/19–9/30/20
BRAZIL: Hot-Rolled Steel Flat Products, A–351–845 Aperam Inox America Do Sul S.A. Arcelormittal Brasil S.A. Companhia Siderúrgica Do Pecém (CSP). Gerdau Açominas S.A. Gerdau Summit Acos Fundidos e Forjados S.A. Lámina Desplegada S.A. de C.V. MAHLE Metal Leve S.A. NVent do Brasil Eletrometalurgica Ltda. Prensas Schuler S.A. Signode Brasileira Ltda. Ternium Brasil Ltda. Usinas Siderúrgicas de Minas Gerais S.A. (Usiminas).	10/1/19–9/30/20
INDIA: Stainless Steel Flanges, A–533–877	10/1/19–9/30/20

³ Such entities include entities that have not participated in the proceeding, entities that were preliminarily granted a separate rate in any currently incomplete segment of the proceeding (e.g., an ongoing administrative review, new

shipper review, etc.) and entities that lost their separate rate in the most recently completed segment of the proceeding in which they participated.

⁴ Only changes to the official company name, rather than trade names, need to be addressed via a Separate Rate Application. Information regarding new trade names may be submitted via a Separate Rate Certification.

	Period to be reviewed
<p> Ae Engineers & Exporters. Arien Global. Armstrong International Pvt. Ltd. Avini Metal Limited. Balkrishna Steel Forge Pvt. Ltd. Bebitz Flanges Works Pvt. Ltd. Bee Gee Enterprises. BFN Forgings Private Limited (formerly Bebitz Flanges Works Private Limited). Broadway Overseas Ltd. Bsl Freight Solutions Pvt., Ltd. CD Industries (Prop. Kisaan Engineering Works Pvt. Ltd). Chandan Steel Limited. Cipriani Harrison Valves Pvt. Ltd. CTL Logistics (India) Pvt. Ltd. Dongguan Good Luck Furniture Industrial Co., Ltd. DSV Air and Sea Pvt. Ltd. DSV Logistics. Echjay Forgings Pvt. Ltd. Fivebros Forgings Pvt. Ltd. Fluid Controls Pvt. Ltd. G.I. Auto Pvt. Ltd. Geodis Oversea Pvt., Ltd. Globelink WW India Pvt., Ltd. Good Luck Engineering Co. Goodluck India Ltd. Hilton Metal Forging Limited. Jai Auto Pvt. Ltd. Jay Jagdamba Forgings Private Limited. Jay Jagdamba Limited. Jay Jagdamba Ltd. Jay Jagdamba Profile Private Limited. Katariya Steel Distributors. Kisaan Die Tech. Kunj Forgings Pvt. Ltd. Lotus CNC Components. Montane Shipping Pvt., Ltd. Motor Aids. Noble Shipping Pvt. Ltd. Paramount Forge. Pashupati Ispat Pvt. Ltd. Pashupati Tradex Pvt., Ltd. Peekay Steel Castings Pvt. Ltd. Pradeep Metals Ltd. R D Forge Pvt., Ltd. Rolex Fittings India Pvt. Ltd. Rollwell Forge Pvt. Ltd. Safewater Lines (I) Pvt. Ltd. Saini Flange Pvt. Ltd. SAR Transport Systems. Shilpan Steelcast Pvt. Ltd. Shree Jay Jagdamba Flanges Private Limited. Teamglobal Logistics Pvt. Ltd. Technical Products Corporation. Technocraft Industries India Ltd. Transworld Enterprises. Transworld Global Logistics Solutions (India) Pvt. Ltd. Transworld Group. VEEYES Engineering Pvt. Ltd. Viraj Profiles Ltd. Vishal Shipping Agencies Pvt. Ltd. Yusen Logistics (India) Pvt. Ltd. JAPAN: Certain Hot-Rolled Steel Flat Products, A-588-874 HANWA Co., Ltd. Higuchi Manufacturing America, LLC. Higuchi Seisakusho Co., Ltd. Hitachi Metals, Ltd. Honda Trading Canada, Inc. JFE Steel Corporation. JFE Shoji Trade America. JFE Shoji Trade Corporation. Kanematsu Corporation. Kobe Steel, Ltd. Metal One Corporation. Mitsui & Co., Ltd. </p>	<p>10/1/19-9/30/20</p>

	Period to be reviewed
Miyama Industry Co., Ltd. Nakagawa Special Steel Inc. Nippon Steel & Sumikin Bussan Corporation. Nippon Steel & Sumikin Logistics Co., Ltd. Nippon Steel & Sumitomo Metal Corporation. Nippon Steel Corporation. Nippon Steel Trading Corporation (formerly Nippon Steel & Sumikin Bussan Corporation). Nisshin Steel Co., Ltd. OKAYA & Co., Ltd. Panasonic Corporation. Saint-Gobain K.K. Shinsho Corporation. Sumitomo Corporation. Suzukaku Co., Ltd. Suzukaku Corporation. Tokyo Steel Manufacturing Co., Ltd. Toyota Tsusho Corporation Nagoya.	
MEXICO: Refillable Stainless Steel Kegs, A-201-849	10/9/19-9/30/20
Cerveceria Cuauhtemoc Moctezuma S.A. de C.V. Europartners Mexico S.A. de C.V. Grupo de Intercambio Comercial S.A. de C.V. Thielmann Mexico S.A. de C.V.	
MEXICO: Carbon and Certain Alloy Steel Wire Rod, A-201-830	10/1/19-9/30/20
ArcelorMittal Las Truchas, S.A. de C.V. Deacero S.A.P.I. de C.V. Grupo Villacero S.A. de C.V. Talleres y Aceros S.A. de C.V. Ternium Mexico S.A. de C.V.	
REPUBLIC OF KOREA: Certain Hot-Rolled Steel Flat Products, A-580-883	10/1/19-9/30/20
Dongkuk Industries Co., Ltd. Dongkuk Steel Mill Co., Ltd. Hyundai Steel Company. KG Dongbu Steel Co., Ltd. Marubeni-Itochu Steel Korea, Ltd. POSCO. POSCO Daewoo Corporation. Snp Ltd. Soon Hong Trading Co. Sungjin Co., Ltd.	
THAILAND: Glycine, A-549-837	8/5/19-9/30/20
Newtrend Food Ingredient (Thailand) Co., Ltd.	
THE NETHERLANDS: Certain Hot-Rolled Steel Flat Products, A-421-813	10/1/19-9/30/20
Tata Steel Ijmuiden BV.	
TURKEY: Certain Hot-Rolled Steel Flat Products, A-489-826	10/1/19-9/30/20
Agir Haddecilik AS. Cag Celik Demir ve Celik. Colakoglu Metalurji, AS/Colakoglu Dis Ticaret AS ⁶ . Eregli Demir ve Celik Fabrikalari T.A.S. Gazi Metal Mamulleri Sanayi Ve Ticaret AS. Habas Industrial and Medical Gases Production Industries Inc. Habas Sinai ve Tibbi Gazlar Istihsal Endustrisi. Iskenderun Iron & Steel Works Co. Kayseri Metal Center San. ve Tic. AS. Kibar Group (Kibar Dis Ticaret A.S.). MMK Atakas Metalurji. Ozkan Iron and Steel Ind. Seametal San ve Dis Tic. Tosyali Holding (Toscelik Profile and Sheet Ind. Co., Toscelik Profil ve Sac).	
UKRAINE: Oil Country Tubular Goods ⁷ , A-823-815	7/10/19-6/30/20
CVD Proceedings	
BRAZIL: Certain Hot-Rolled Steel Flat Products, C-351-846	1/1/19-12/31/19
Aperam Inox America Do Sul S.A. Arcelormittal Brasil S.A. Companhia Siderurgica Do Pecem (CSP). Gerdau Açominas S.A. Gerdau Summit Aços Fundidos e Forjados S.A. Lamina Desplegada S.A. de C.V. MAHLE Metal Leve S.A. NVent do Brasil Eletrometalurgica Ltda. Prensas Schuler S.A. Signode Brasileira Ltda. Ternium Brasil Ltda. Usinas Siderurgicas de Minas Gerais S.A. (Usiminas).	
INDIA: Stainless Steel Flanges, C-533-878	1/1/19-12/31/19

	Period to be reviewed
<p>Arien Global. Arien Metals Private Limited. Armstrong International Pvt. Ltd. Avini Metal Limited. Balkrishna Steel Forge Pvt. Ltd. Bebitz Flanges Works Pvt. Ltd. Bee Gee Enterprises. BFN Forgings Private Limited. Bsl Freight Solutions Pvt., Ltd. CD Industries (Prop. Kisaan Engineering Works Pvt. Ltd). Chandan Steel Limited. Cipriani Harrison Valves Pvt. Ltd. CTL Logistics (India) Pvt. Ltd. Dongguan Good Luck Furniture Industrial Co., Ltd. DSV Air and Sea Pvt. Ltd. DSV Logistics. Echjay Forgings Pvt. Ltd. Fivebros Forgings Pvt. Ltd. Fluid Controls Pvt. Ltd. Geodis Oversea Pvt., Ltd. Globelink WW India Pvt., Ltd. Good Luck Engineering Co. Goodluck India Ltd. Hilton Metal Forging Limited. Jai Auto Pvt. Ltd. Jay Jagdamba Limited. Jay Jagdamba Profile Private Limited. Jay Jagdamba Forgings Private Limited. Katariya Steel Distributors. Kisaan Die Tech Pvt. Ltd. Kunj Forgings Pvt. Ltd. Montane Shipping Pvt., Ltd. Noble Shipping Pvt. Ltd. Paramount Forge. Pashupati Ispat Pvt. Ltd. Pashupati Tradex Pvt., Ltd. Peekay Steel Castings Pvt. Ltd. Pradeep Metals Ltd. R D Forge Pvt., Ltd. Rolex Fittings India Pvt. Ltd. Rollwell Forge Pvt. Ltd. Safewater Lines (I) Pvt. Ltd. Saini Flange Pvt. Ltd. SAR Transport Systems. Shilpan Steelcast Pvt. Ltd. Shree Jay Jagdamba Flanges Private Limited. Teanglobal Logistics Pvt. Ltd. Technical Products. Technical Products Corporation. Technocraft Industries India Ltd. Transworld Enterprises. Transworld Global Logistics Solutions (India) Pvt. Ltd. Transworld Group. VEEYES Engineering Pvt. Ltd. Viraj Profiles Ltd. Vishal Shipping Agencies Pvt. Ltd. Yusen Logistics (India) Pvt. Ltd.</p>	
<p>REPUBLIC OF KOREA: Certain Hot-Rolled Steel Flat Products, C-580-884</p> <p>DCE Inc. Dong Chuel America Inc. Dong Chuel Industrial Co., Ltd. Dongbu Incheon Steel Co., Ltd. Dongbu Steel Co., Ltd. Dongkuk Industries Co., Ltd. Dongkuk Steel Mill Co., Ltd. Hyewon Sni Corporation (H.S.I.). Hyundai Steel Company⁸. JFE Shoji Trade Korea Ltd. POSCO. POSCO Coated & Color Steel Co., Ltd. POSCO Daewoo Corporation. Soon Hong Trading Co., Ltd. Sung-A Steel Co., Ltd.</p>	<p>1/1/19-12/31/19</p>

Suspension Agreements

None.

Duty Absorption Reviews

During any administrative review covering all or part of a period falling between the first and second or third and fourth anniversary of the publication of an AD order under 19 CFR 351.211 or a determination under 19 CFR 351.218(f)(4) to continue an order or suspended investigation (after sunset review), Commerce, if requested by a domestic interested party within 30 days of the date of publication of the notice of initiation of the review, will determine whether AD duties have been absorbed by an exporter or producer subject to the review if the subject merchandise is sold in the United States through an importer that is affiliated with such exporter or producer. The request must include the name(s) of the exporter or producer for which the inquiry is requested.

Gap Period Liquidation

For the first administrative review of any order, there will be no assessment of antidumping or countervailing duties on entries of subject merchandise

⁵ Commerce found that BlueScope Steel (AIS) Pty Ltd and BlueScope Steel Distribution Pty Ltd are affiliated with BlueScope Steel, Ltd, the company for which a review was requested, as such, is initiating this review with respect to all three companies. See *Certain Hot-Rolled Steel Flat Products from Australia: Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination*, 81 FR 15241 (March 22, 2016), and accompanying Preliminary Decision Memorandum at 8; unchanged in *Certain Hot-Rolled Steel Flat Products from Australia: Final Determination of Sales at Less Than Fair Value*, 81 FR 53406, 53407 (August 12, 2016), and accompanying Issues and Decision Memorandum.

⁶ In the final determination, Commerce continued to find that Colakoglu Metalurji A.S. and Colakoglu Dis Ticaret A.S. are a single entity—Colakoglu. See *Certain Hot-Rolled Steel Flat Products from the Republic of Turkey: Final Determination of Sales at Less Than Fair Value*, 81 FR 53428 (August 12, 2016). Certain Hot-Rolled Steel Flat Products from Turkey produced and exported by Colakoglu were excluded from the order effective May 15, 2020. See *Certain Hot-Rolled Steel Flat Products from Turkey: Notice of Court Decision Not in Harmony with the Amended Final Determination in the Less-Than-Fair-Value Investigation; Notice of Amended Final Determination, Amended Antidumping Duty Order, Notice of Revocation of Antidumping Duty Order in Part; and Discontinuation of the 2017–18 and 2018–19 Antidumping Duty Administrative Reviews, in Part*, 85 FR 29399 (May 15, 2020). Accordingly, we are initiating this administrative review with respect to Colakoglu only for Certain Hot-Rolled Flat Products produced in Turkey where Colakoglu acted as either the manufacturer or exporter (but not both).

⁷ In the initiation notice that published on September 3, 2020 (85 FR 54983) Commerce inadvertently listed the wrong period of review for the referenced case above. The correct POR is listed in this notice.

⁸ This company may also be referenced as “Hyundai Steel Co., Ltd”.

entered, or withdrawn from warehouse, for consumption during the relevant “gap” period of the order (*i.e.*, the period following the expiry of provisional measures and before definitive measures were put into place), if such a gap period is applicable to the POR.

Administrative Protective Orders and Letters of Appearance

Interested parties must submit applications for disclosure under administrative protective orders in accordance with the procedures outlined in Commerce’s regulations at 19 CFR 351.305. Those procedures apply to administrative reviews included in this notice of initiation. Parties wishing to participate in any of these administrative reviews should ensure that they meet the requirements of these procedures (*e.g.*, the filing of separate letters of appearance as discussed at 19 CFR 351.103(d)).

Factual Information Requirements

Commerce’s regulations identify five categories of factual information in 19 CFR 351.102(b)(21), which are summarized as follows: (i) Evidence submitted in response to questionnaires; (ii) evidence submitted in support of allegations; (iii) publicly available information to value factors under 19 CFR 351.408(c) or to measure the adequacy of remuneration under 19 CFR 351.511(a)(2); (iv) evidence placed on the record by Commerce; and (v) evidence other than factual information described in (i)–(iv). These regulations require any party, when submitting factual information, to specify under which subsection of 19 CFR 351.102(b)(21) the information is being submitted and, if the information is submitted to rebut, clarify, or correct factual information already on the record, to provide an explanation identifying the information already on the record that the factual information seeks to rebut, clarify, or correct. The regulations, at 19 CFR 351.301, also provide specific time limits for such factual submissions based on the type of factual information being submitted. Please review the *Final Rule*,⁹ available at <https://enforcement.trade.gov/frn/2013/1304frn/2013-08227.txt>, prior to submitting factual information in this segment. Note that Commerce has temporarily modified certain of its

requirements for serving documents containing business proprietary information, until further notice.¹⁰

Any party submitting factual information in an AD or CVD proceeding must certify to the accuracy and completeness of that information using the formats provided at the end of the *Final Rule*.¹¹ Commerce intends to reject factual submissions in any proceeding segments if the submitting party does not comply with applicable certification requirements.

Extension of Time Limits Regulation

Parties may request an extension of time limits before a time limit established under Part 351 expires, or as otherwise specified by Commerce.¹² In general, an extension request will be considered untimely if it is filed after the time limit established under Part 351 expires. For submissions which are due from multiple parties simultaneously, an extension request will be considered untimely if it is filed after 10:00 a.m. on the due date. Examples include, but are not limited to: (1) Case and rebuttal briefs, filed pursuant to 19 CFR 351.309; (2) factual information to value factors under 19 CFR 351.408(c), or to measure the adequacy of remuneration under 19 CFR 351.511(a)(2), filed pursuant to 19 CFR 351.301(c)(3) and rebuttal, clarification and correction filed pursuant to 19 CFR 351.301(c)(3)(iv); (3) comments concerning the selection of a surrogate country and surrogate values and rebuttal; (4) comments concerning CBP data; and (5) Q&V questionnaires. Under certain circumstances, Commerce may elect to specify a different time limit by which extension requests will be considered untimely for submissions which are due from multiple parties simultaneously. In such a case, Commerce will inform parties in the letter or memorandum setting forth the deadline (including a specified time) by which extension requests must be filed to be considered timely. This policy also requires that an extension request must be made in a separate, stand-alone submission, and clarifies the circumstances under which Commerce will grant untimely-filed requests for the extension of time limits. Please review the *Final Rule*, available at <https://www.gpo.gov/fdsys/pkg/FR-2013-09-20/>

¹⁰ See *Temporary Rule Modifying AD/CVD Service Requirements Due to COVID–19*, 85 FR 41363 (July 10, 2020).

¹¹ See section 782(b) of the Act; see also *Final Rule*; and the frequently asked questions regarding the *Final Rule*, available at https://enforcement.trade.gov/tlei/notices/factual_info_final_rule_FAQ_07172013.pdf.

¹² See 19 CFR 351.302.

⁹ See *Certification of Factual Information To Import Administration During Antidumping and Countervailing Duty Proceedings*, 78 FR 42678 (July 17, 2013) (*Final Rule*); see also the frequently asked questions regarding the *Final Rule*, available at https://enforcement.trade.gov/tlei/notices/factual_info_final_rule_FAQ_07172013.pdf.

[html/2013-22853.htm](https://www.federalregister.gov/documents/2020/12/08/html/2013-22853.htm), prior to submitting factual information in these segments.

These initiations and this notice are in accordance with section 751(a) of the Act (19 U.S.C. 1675(a)) and 19 CFR 351.221(c)(1)(i).

Dated: December 3, 2020.

James Maeder,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2020-26948 Filed 12-7-20; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

[A-441-801]

Certain Cold-Drawn Mechanical Tubing of Carbon and Alloy Steel From Switzerland: Rescission of Antidumping Duty Administrative Review: 2019-2020

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) is rescinding the administrative review of the antidumping duty (AD) order on certain cold-drawn mechanical tubing of carbon and alloy steel (cold-drawn mechanical tubing) from Switzerland for the period of review June 1, 2019, through May 31, 2020, based on timely withdrawals of the requests for review.

DATES: Applicable December 8, 2020.

FOR FURTHER INFORMATION CONTACT:

Laurel LaCivita, AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-4243.

SUPPLEMENTARY INFORMATION:

Background

On June 2, 2020, Commerce published in the **Federal Register** a notice of opportunity to request and administrative review of the AD order on cold-drawn mechanical tubing from Switzerland for the period of review June 1, 2019, through May 31, 2020.¹ Pursuant to requests from Mubea Präzisionsstahlrohr AG (MPST) and Mubea Inc. (collectively, Mubea),² and

¹ See *Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity to Request Administrative Review*, 85 FR 33628, 33630 (June 2, 2020).

² See Mubea's Letter, "Certain Cold-Drawn Mechanical Tubing of Carbon and Alloy Steel: Request for Administrative Review," dated June 5, 2020.

ArcelorMittal Tubular Products LLC, Michigan Seamless Tube, LLC, PTC Alliance Corp., and Webco Industries, Inc., (the petitioners),³ in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.221(c)(1)(i), Commerce initiated an administrative review of the antidumping duty order on cold-drawn mechanical tubing from Switzerland on August 6, 2020, with respect to two companies: Benteler Rothrist AG (Benteler Rothrist), and Mubea Präzisionsstahlrohr AG (Mubea).⁴ On October 9, 2020, the petitioners timely withdrew their request for an administrative review with respect to Benteler Rothrist.⁵ On November 2, 2020, Mubea timely withdrew its request for review.⁶ On November 4, 2020, the petitioners withdrew their request for an administrative review with respect to Mubea.⁷

Rescission of Review

Pursuant to 19 CFR 351.213(d)(1), Commerce will rescind an administrative review, in whole or in part, if the party that requested the review withdraws its request within 90 days of the publication date of the notice of initiation of the requested review. The petitioners and Mubea, the only parties to request reviews, withdrew their requests within the 90-day deadline. Accordingly, we are rescinding the administrative review of the AD order on cold-drawn mechanical tubing from Switzerland for the period June 1, 2019, through May 31, 2020, in its entirety.

Assessment

Commerce will instruct U.S. Customs and Border Protection (CBP) to assess antidumping duties on all appropriate entries of cold-drawn mechanical tubing from Switzerland. Antidumping duties shall be assessed at rates equal to the cash deposit rate of estimated antidumping duties required at the time

³ See Petitioners' letter, "Cold-Drawn Mechanical Tubing from Switzerland—Domestic Industry's Request for Second Administrative Review of the Antidumping Duty Order," dated July 1, 2019.

⁴ See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 85 FR 47731 (August 6, 2020).

⁵ See Petitioners' letter, "Cold-Drawn Mechanical Tubing from Switzerland—Domestic Industry's Withdrawal of Request for Second Administrative Review," dated October 9, 2020.

⁶ See Mubea's letter, "Antidumping Duty Administrative Review of Cold-Drawn Mechanical Tubing of Carbon and Alloy Steel from Switzerland: Withdrawal of Request for Administrative Review of the Antidumping Order," dated November 2, 2020.

⁷ See Petitioners' Letter, "Cold-Drawn Mechanical Tubing from Switzerland—Domestic Industry's Withdrawal of Request for Second Administrative Review of Mubea," dated November 4, 2020.

of entry, or withdrawal from warehouse, for consumption, in accordance with 19 CFR 351.212(c)(1)(i). Commerce intends to issue appropriate assessment instructions to CBP 15 days after publication of this notice in the **Federal Register**.

Notification to Importers

This notice serves as the only reminder to importers whose entries will be liquidated as a result of this rescission notice, of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the presumption that reimbursement of the antidumping duties occurred and the subsequent assessment of double antidumping duties.

Notification Regarding Administrative Protective Order

This notice also serves as the only reminder to all parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a sanctionable violation.

Notification to Interested Parties

This notice is issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.213(d)(4).

Dated: December 1, 2020.

James Maeder,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2020-26921 Filed 12-7-20; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

[C-570-089]

Certain Steel Racks From the People's Republic of China: Rescission of Countervailing Duty Administrative Review; 2018-2019

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) is rescinding the

administrative review of the countervailing duty order on certain steel racks (steel racks) from the People's Republic of China (China) for the period December 3, 2018, through December 31, 2019, based on the timely withdrawal of the request for review.

DATES: Applicable December 8, 2020.

FOR FURTHER INFORMATION CONTACT: Stephen Bailey, AD/CVD Operations, Office IV, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-0193.

Background

On September 1, 2020, Commerce published in the **Federal Register** a notice of opportunity to request an administrative review of the countervailing duty order on steel racks from China for the period December 3, 2018, through December 31, 2019.¹ On September 30, 2020, Nanjing Dongsheng Shelf Manufacturing Co., Ltd. (Dongsheng), filed a timely request for review, in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.213(b).² Pursuant to this request and in accordance with section 751(a) of the Act and 19 CFR 351.221(c)(1)(i), we initiated an administrative review of Dongsheng.³ No other requests for review were received. On November 17, 2020, Dongsheng timely withdrew its request for an administrative review.⁴

Rescission of Review

Pursuant to 19 CFR 351.213(d)(1), the Secretary will rescind an administrative review, in whole or in part, if the party that requested the review withdraws the request within 90 days of the date of publication of the notice of initiation of the requested review. As noted above, Dongsheng, the only party to file a request for review, withdrew this request by the 90-day deadline. Accordingly, we are rescinding, in its entirety, the administrative review of the countervailing duty order on steel racks from China covering the period December 3, 2018, through December 31, 2019.

¹ See *Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity to Request Administrative Review*, 85 FR 54349 (September 1, 2020).

² See Letter from Dongsheng, "Steel Racks from the People's Republic of China—Request for Administrative Review," dated September 30, 2020.

³ See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 85 FR 68840 (October 30, 2020).

⁴ See Letter from Dongsheng, "Steel Racks from the People's Republic of China—Withdrawal of Request for Administrative Review," dated November 17, 2020.

Assessment

Commerce intends to instruct U.S. Customs and Border Protection (CBP) to assess countervailing duties on all appropriate entries of steel racks from China. Countervailing duties shall be assessed at rates equal to the cash deposit of estimated countervailing duties required at the time of entry, or withdrawal from warehouse, for consumption, in accordance with 19 CFR 351.212(c)(1)(i). Commerce intends to issue appropriate assessment instructions to CBP 15 days after the date of publication of this notice in the **Federal Register**.

Notification to Importers

This notice serves as a reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of countervailing duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the presumption that reimbursement of countervailing duties occurred and the subsequent assessment of doubled countervailing duties.

Notification Regarding Administrative Protective Orders

This notice also serves as a reminder to all parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

This notice is issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.213(d)(4).

Dated: December 1, 2020.

James Maeder,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2020-26945 Filed 12-7-20; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648-XA643]

Pacific Island Fisheries; Experimental Fishing Permit

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

ACTION: Notice of application for experimental fishing permit; request for comments.

SUMMARY: The Hawaii Longline Association (HLA) has applied for an experimental fishing permit (EFP) to test the conservation and management usefulness of tori lines (bird scaring streamers) in the Hawaii deep-set longline fishery.

DATES: NMFS must receive comments by January 7, 2021.

ADDRESSES: You may submit comments on this document, identified by NOAA-NMFS-2020-0155, by either of the following methods:

- **Electronic Submission:** Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to <http://www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2020-0155>, click the "Comment Now!" icon, complete the required fields, and enter or attach your comments.

- **Mail:** Send written comments to Michael D. Tosatto, Regional Administrator, NMFS Pacific Islands Region (PIR), 1845 Wasp Blvd., Bldg. 176, Honolulu, HI 96818.

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on www.regulations.gov without change. All personal identifying information (e.g., name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter "N/A" in the required fields if you wish to remain anonymous).

You may review the EFP application at www.regulations.gov.

FOR FURTHER INFORMATION CONTACT: Sarah Ellgen, Sustainable Fisheries, NMFS Pacific Islands Regional Office, tel (808) 725-5173.

SUPPLEMENTARY INFORMATION: HLA applied for an EFP under the authority

of the Magnuson-Stevens Fishery Conservation and Management Act and regulations at 50 CFR 665.17. HLA would test the use of tori lines in the Hawaii deep-set longline fishery, without using strategic offal discharge (discharging bait and fish offal) when seabirds are present or blue-dyed bait, both of which are normally required while deploying longline gear (setting north of 23° N (50 CFR 665.815(a)(2))). If approved, the EFP would allow up to four stern-setting vessels to test tori lines north of 23° N. The EFP would be effective for no longer than one year from the date of issuance, unless earlier revoked, suspended, or modified.

Nearly all of the seabird interactions observed in the fishery are with black-footed and Laysan albatrosses. Interaction rates for both species are higher in the first and second quarters (January through June). Accordingly, the applicant would focus fishing effort during periods of higher seabird abundance, as practicable.

In 2017, the Western Pacific Fishery Management Council (Council) held a workshop to explore the cause of higher than typical fishery interactions with black-footed albatross. The workshop suggested that a positive (warm) Pacific Decadal Oscillation, with its cooler sea surface in the western Pacific and stronger westerly winds, may increase the overlap of fishing effort and black-footed albatross foraging grounds, leading to more seabird interactions in the fishery.

In 2018, the Council held a workshop to review seabird mitigation requirements and identify research needed to inform future fishing requirements to reduce interactions with seabirds. That workshop identified certain mitigation measures, including tori lines, as a high priority for further research and development due to their potential to provide an effective alternative to blue-dyed bait. Workshop participants also identified blue-dyed bait as a candidate for removal from the existing suite of seabird mitigation measures due to concerns with efficacy and practicality.

The Council recommended the EFP research at its September 2020 meeting, based on results from a cooperative research project conducted in 2019–2020. Results from that project had indicated that tori lines, when used in conjunction with blue-dyed bait, significantly reduced albatross feeding attempts and contact with longline gear. Project results also indicated the potential for offal discharge to increase bird interactions during gear setting. The project results led the Council to identify the need for additional research

to test the effectiveness of tori lines without blue-dyed bait and strategic offal discharge.

With the exception of using tori lines without blue-dyed bait and strategic offal discharge, vessels participating under the EFP would carry out fishing operations consistent with conventional deep-set longline fishing targeting bigeye tuna, and would continue to employ all other required seabird mitigation measures, including weighted branch lines, line shooters, and safe handling practices.

HLA anticipates that fishing under the EFP would have similar environmental impacts on target fish species, non-target fish species, and non-seabird protected species to conventional deep-set fishing, and hypothesizes that seabird interaction rates for the tori line treatment sets would be lower. The EFP application provides additional information about these anticipated impacts.

Each vessel would carry an electronic monitoring system. A stern-mounted video camera would monitor the number of birds present, and seabird attacks and contacts, during gear setting. After a vessel returns to port, scientists would review the video recordings, and would verify seabird captures through logbook data.

At the completion of the project, EFP findings would be available to support Council decision-making about measures to reduce seabird interactions.

NMFS seeks comments on the proposed experimental activity. We will consider comments received when deciding whether to approve the permit, and whether to attach any additional terms and conditions.

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

Dated: December 3, 2020.

Jennifer M. Wallace,

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

[FR Doc. 2020–26966 Filed 12–7–20; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XA693]

Fisheries of the Northeastern United States; Atlantic Sea Scallop Fishery; Withdrawal of the Notice of Intent To Prepare an Environmental Impact Statement for Amendment 21 to the Atlantic Sea Scallop Fishery Management Plan

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

ACTION: Notice of withdrawal.

SUMMARY: The New England Fishery Management Council is drafting Amendment 21 to the Atlantic Sea Scallop Fishery Management Plan, which considers measures related to the Northern Gulf of Maine Scallop Management Area and various Limited Access General Category management measures. Based on the range of alternatives developed for this action, the Council has developed an environmental assessment to analyze the impacts. The purpose of this notice is to announce that the Council no longer intends to develop an environmental impact statement for Amendment 21.

FOR FURTHER INFORMATION CONTACT: Travis Ford, Fishery Policy Analyst, 978–281–9233, travis.ford@noaa.gov.

SUPPLEMENTARY INFORMATION:

Background

The New England Fishery Management Council initiated development of Amendment 21 to the Atlantic Sea Scallop Fishery Management Plan on January 29, 2019. Amendment 21 considers measures related to the Northern Gulf of Maine Scallop Management Area, Limited Access General Category (LAGC) individual fishing quota (IFQ) possession limits, and the ability of Limited Access vessels with LAGC IFQ permits to transfer quota to LAGC IFQ-only vessels. At the recommendation of the Council, NMFS published a notice of intent (NOI) in the **Federal Register** on March 1, 2019 (84 FR 7041), to prepare an environmental impact statement (EIS) in accordance with the National Environmental Policy Act to analyze the impacts on the human environment resulting from Amendment 21. Additional details about the range of alternatives considered in this action are included in the March 1, 2019, NOI and are not repeated here. NMFS solicited

public input on the scope of the analysis through a public comment period on the NOI from March 1, 2019, to April 15, 2019.

Based on the range of alternatives developed for this action, the Council has determined that it is not necessary to prepare an EIS for Amendment 21 and, instead, is developing an environmental assessment to analyze the impacts of the Amendment. Consequently, we are informing the public that the Council will not be developing an EIS for Amendment 21 and that we are withdrawing the NOI published on March 1, 2019.

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

Dated: December 3, 2020.
Jennifer M. Wallace,
Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.
 [FR Doc. 2020-26944 Filed 12-7-20; 8:45 am]
BILLING CODE 3510-22-P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 20-35]

Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense.

ACTION: Arms sales notice.

SUMMARY: The Department of Defense is publishing the unclassified text of an arms sales notification.

FOR FURTHER INFORMATION CONTACT: Karma Job at karma.d.job.civ@mail.mil or (703) 697-8976.

SUPPLEMENTARY INFORMATION: This 36(b)(1) arms sales notification is published to fulfill the requirements of section 155 of Public Law 104-164 dated July 21, 1996. The following is a copy of a letter to the Speaker of the House of Representatives, Transmittal 20-35 with attached Policy Justification and Sensitivity of Technology.

Dated: November 25, 2020.

Kayyonne T. Marston,
Alternate OSD Federal Register Liaison Officer, Department of Defense.



DEFENSE SECURITY COOPERATION AGENCY
 201 12TH STREET SOUTH, SUITE 101
 ARLINGTON, VA 22202-5408

September 30, 2020

The Honorable Nancy Pelosi
 Speaker of the House
 U.S. House of Representatives
 H-209, The Capitol
 Washington, DC 20515

Dear Madam Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 20-35 concerning the Air Force's proposed Letter(s) of Offer and Acceptance to the Government of Switzerland for defense articles and services estimated to cost \$6.58 billion. After this letter is delivered to your office, we plan to issue a news release to notify the public of this proposed sale.

Sincerely,

Heidi H. Grant
 Director

Enclosures:

1. Transmittal
2. Policy Justification
3. Sensitivity of Technology

Transmittal No. 23–35

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) *Prospective Purchaser*: Government of Switzerland

(ii) *Total Estimated Value*:

Major Defense Equipment* ..	\$4.08 billion
Other .....	.50 billion
TOTAL	6.58 billion

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase*:

Major Defense Equipment (MDE):

Forty (40) F-35 Joint Strike Fighter Conventional Take Off and Landing (CTOL) Aircraft
 Forty-six (46) Pratt & Whitney F-135 Engines (40 installed and 6 spares)
 Forty (40) Sidewinder AIM-9X Block II+ (Plus) Tactical Missiles
 Fifty (50) Sidewinder AIM-9X Block II Captive Air Training Missiles (CATMs)
 Six (6) Sidewinder AIM-9X Block II Special Air Training Missiles (NATMS)
 Four (4) Sidewinder AIM-9X Block II Tactical Guidance Units
 Ten (10) Sidewinder AIM-9X Block II CATM Guidance Units
 Eighteen (18) KMU-572 JDAM Guidance Kits for GBU-54
 Twelve (12) Bomb MK-82 500LB, General Purpose
 Twelve (12) Bomb MK-82, Inert
 Twelve (12) GBU-53/B Small Diameter Bomb II (SDB II) All-Up Round (AUR)
 Eight (8) GBU-53/B SDB II Guided Test Vehicle (GTV)

Non-MDE:

Also included are Electronic Warfare Systems; Command, Control, Communications, Computer and Intelligence/Communications, Navigational, and Identification (C4I/CNI); Autonomic Logistics Global Support System (ALGS); Autonomic Logistics Information System (ALIS); Full Mission Trainer; Weapons Employment Capability and other Subsystems, Features, and Capabilities; F-35 unique infrared flares; reprogramming center access; F-35 Performance Based Logistics; software development/integration; flight test instrumentation; aircraft ferry and tanker support; Detector Laser DSU-38A/B, Detector Laser DSU-38A(D-2)/B, FMU-139D/B Fuze, KMU-572(D-2)/B Trainer (JDAM), 40 inch Wing Release Lanyard; GBU-53/B SDB II Weapon Load Crew Trainers (WLCT); Cartridge, 25 mm PGU-23/U; weapons containers; aircraft and munitions support and test equipment; communications equipment;

spares and repair parts; repair and return support; personnel training and training equipment; publications and technical documents; U.S. Government and contractor engineering, technical, and logistics support services; and other related elements of logistical and program support.

(iv) *Military Department*: Air Force (SZ–D–SAA; SZ–D–YAD), Navy (SZ–P–LAY)

(v) *Prior Related Cases, if any*: None
 (vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid*: None

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold*: See Attached Annex

(viii) *Date Report Delivered to Congress*: September 30, 2020

*As defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Switzerland—F-35 Joint Strike Fighter Aircraft and Weapons

The Government of Switzerland requested to buy up to forty (40) F-35 Joint Strike Fighter Conventional Take Off and Landing (CTOL) aircraft; forty-six (46) Pratt & Whitney F-135 engines; forty (40) Sidewinder AIM-9X Block II+ (Plus) Tactical Missiles; fifty (50) Sidewinder AIM-9X Block II Captive Air Training Missiles (CATMs); six (6) Sidewinder AIM-9X Block II Special Air Training Missiles (NATMS); four (4) Sidewinder AIM-9X Block II Tactical Guidance Units; ten (10) Sidewinder AIM-9X Block II CATM Guidance Units; eighteen (18) KMU-572 JDAM Guidance Kits for GBU-54; twelve (12) Bomb MK-82 500LB, General Purpose; twelve (12) Bomb MK-82, Inert; twelve (12) GBU-53/B Small Diameter Bomb II (SDB II) All-Up Round (AUR); and eight (8) GBU-53/B SDB II Guided Test Vehicle (GTV). Also included are Electronic Warfare Systems; Command, Control, Communications, Computer and Intelligence/Communications, Navigational, and Identification (C4I/CNI); Autonomic Logistics Global Support System (ALGS); Autonomic Logistics Information System (ALIS); Full Mission Trainer; Weapons Employment Capability and other Subsystems, Features, and Capabilities; F-35 unique infrared flares; reprogramming center access; F-35 Performance Based Logistics; software development/integration; flight test instrumentation; aircraft ferry and tanker support; Detector Laser DSU-38A/B, Detector Laser DSU-38A(D-2)/B, FMU-139D/B Fuze, KMU-572(D-2)/B Trainer (JDAM), 40 inch Wing Release Lanyard; GBU-53/B SDB II Weapon

Load Crew Trainers (WLCT); Cartridge, 25 mm PGU-23/U; weapons containers; aircraft and munitions support and test equipment; communications equipment; spares and repair parts; repair and return support; personnel training and training equipment; publications and technical documents; U.S. Government and contractor engineering, technical, and logistics support services; and other related elements of logistical and program support. The total estimated cost is \$6.58 billion.

This proposed sale will support the foreign policy and national security of the United States by helping to improve the security of a friendly European nation that continues to be an important force for political stability and economic progress in Europe.

This proposed sale of F-35s and associated missiles and munitions will provide the Government of Switzerland with a credible defense capability to deter aggression in the region. The proposed sale will also replace Switzerland's retiring F/A-18s and enhance its air-to-air and air-to-ground self-defense capability. Switzerland will have no difficulty absorbing these aircraft into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The principal contractors will be Lockheed Martin Aeronautics Company, Fort Worth, TX; Pratt & Whitney Military Engines, East Hartford, CT; The Boeing Company, St. Charles, MO and Raytheon Missiles and Defense, Tucson, AZ. This proposal is being offered in the context of a competition. The purchaser typically requests offsets. Any offset agreement will be defined in negotiations between the purchaser and the contractor.

Implementation of this proposed sale will require multiple trips to Switzerland involving U.S. Government and contractor representatives for technical reviews/support, program management and training over the life of the program. U.S. contractor representatives will be required in Switzerland to conduct Contractor Engineering Technical Services (CETS) and Autonomic Logistics and Global Support (ALGS).

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 20–35

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex

Item No. vii

(vii) *Sensitivity of Technology:*

1. The F-35A Conventional Take Off and Landing (CTOL) aircraft is a single-seat, single engine, all-weather, stealth, fifth-generation, multirole aircraft. It contains sensitive technology including the low observable airframe/outer mold line, the Pratt and Whitney F135 engine, AN/APG-81 radar, an integrated core processor central computer, a mission systems/electronic warfare suite, a multiple sensor suite, technical data/documentation and associated software. Sensitive elements of the F-35A are also included in operational flight and maintenance trainers. Sensitive and classified elements of the F-35A CTOL aircraft include hardware, accessories, components, and associated software for the following major subsystems:

a. The Pratt and Whitney F135 engine is a single 40,000-lb thrust class engine designed for the F-35 and assures highly reliable, affordable performance. The engine is designed to be utilized in all F-35 variants, providing unmatched commonality and supportability throughout the worldwide base of F-35 users.

b. The AN/APG-81 Active Electronically Scanned Array (AESA) is a high processing power/high transmission power electronic array capable of detecting air and ground targets from a greater distance than mechanically scanned array radars. It also contains a synthetic aperture radar (SAR), which creates high-resolution ground maps and provides weather data to the pilot, and provides air and ground tracks to the mission system, which uses it as a component to fuse sensor data.

c. The Electro-Optical Targeting System (EOTS) provides long-range detection and tracking as well as an infrared search and track (IRST) and forward-looking infrared (FLIR) capability for precision tracking, weapons delivery and bomb damage assessment (BDA).

The EOTS replaces multiple separate internal or podded systems typically found on legacy aircraft.

d. The Electro-Optical Distributed Aperture System (EODAS) provides the pilot with full spherical coverage for air-to-air and air-to-ground threat awareness, day/night vision enhancements, a fire control capability and precision tracking of wingmen/friendly aircraft. The EODAS provides

data directly to the pilot's helmet as well as the mission system.

e. The Electronic Warfare (EW) system is a reprogrammable, integrated system that provides radar warning and electronic support measures (ESM) along with a fully integrated countermeasures (CM) system. The EW system is the primary subsystem used to enhance situational awareness, targeting support and self-defense through the search, intercept, location and identification of in-band emitters and to automatically counter IR and RF threats.

f. The Command, Control, Communications, Computers and Intelligence/ Communications, Navigation, and Identification (C4I/CNI) system provides the pilot with unmatched connectivity to flight members, coalition forces and the battlefield. It is an integrated subsystem designed to provide a broad spectrum of secure, anti-jam voice and data communications, precision radio navigation and landing capability, self-identification, beyond visual range target identification and connectivity to off-board sources of information. It also includes an inertial navigation and global positioning system (GPS) for precise location information. The functionality is tightly integrated within the mission system to enhance efficiency.

g. The aircraft C4I/CNI system includes two data links: the Multi-Function Advanced Data Link (MADL) and Link 16. The MADL is designed specifically for the F-35 and allows for stealthy communications between F-35s. Link 16 data link equipment allows the F-35 to communicate with legacy aircraft using widely-distributed J-series message protocols.

h. The F-35 Autonomic Logistics Global Sustainment (ALGS) provides a fully integrated logistics management solution. ALGS integrates a number of functional areas, including supply chain management, repair, support equipment, engine support and training. The ALGS infrastructure employs a state-of-the-art information system that provides real-time, decision-worthy information for sustainment decisions by flight line personnel. Prognostic health monitoring technology is integrated with the air system and is crucial to predictive maintenance of vital components.

i. The F-35 Autonomic Logistics Information System (ALIS) provides an intelligent information infrastructure that binds all the key concepts of ALGS into an effective support system. ALIS establishes the appropriate interfaces among the F-35 Air Vehicle, the warfighter, the training system,

government information technology (IT) systems, and supporting commercial enterprise systems. Additionally, ALIS provides a comprehensive tool for data collection and analysis, decision support and action tracking.

j. The F-35 Training System includes several training devices to provide integrated training for pilots and maintainers. The pilot training devices include a Full Mission Simulator (FMS) and Deployable Mission Rehearsal Trainer (DMRT). The maintenance training devices include an Aircraft Systems Maintenance Trainer (ASMT), Ejection System Maintenance Trainer (ESMT), Outer Mold Line (OML) Lab, Flexible Linear Shaped Charge (FLSC) Trainer, F135 Engine Module Trainer and Weapons Loading Trainer (WLT). The F-35 Training System can be integrated, where both pilots and maintainers learn in the same Integrated Training Center (ITC). Alternatively, the pilots and maintainers can train in separate facilities (Pilot Training Center and Maintenance Training Center).

k. Other subsystems, features, and capabilities include the F-35's low observable air frame, Integrated Core Processor (ICP) Central Computer, Helmet Mounted Display System (HMDS), Pilot Life Support System (PLSS), Off-Board Mission Support (OMS) System, and publications/maintenance manuals. The HMDS provides a fully sunlight readable, bi-ocular display presentation of aircraft information projected onto the pilot's helmet visor. The use of a night vision camera integrated into the helmet eliminates the need for separate Night Vision Goggles. The PLSS provides a measure of Pilot Chemical, Biological, and Radiological Protection through use of an OnBoard Oxygen Generating System (OBOGS); and an escape system that provides additional protection to the pilot. OBOGS takes the Power and Thermal Management System (PTMS) air and enriches it by removing gases (mainly nitrogen) by adsorption, thereby increasing the concentration of oxygen in the product gas and supplying breathable air to the pilot. The OMS provides a mission planning, mission briefing, and a maintenance/intelligence/tactical debriefing platform for the F-35.

2. The Reprogramming Center is located in the United States and provides F-35 customers with a means to update F-35 EW databases.

3. The AIM-9X Block II and Block II+ (Plus) SIDEWINDER Missile represents a substantial increase in missile acquisition and kinematics performance over the AIM-9M and replaces the AIM-9X Block I Missile configuration. The

missile includes a high off-boresight seeker, enhanced countermeasure rejection capability, low drag/high angle of attack airframe and the ability to integrate with a helmet mounted cueing system. The software algorithms are the most sensitive portion of the AIM-9X missile. The software continues to be modified via a pre-planned product improvement (P³I) program to improve counter-countermeasure capabilities. Purchase will include AIM-9X Guidance Sections.

4. The GBU-54 Laser Joint Direct Attack Munition (LJDAM) is a 500 pound JDAM which incorporates all the capabilities of the JDAM guidance tail kit and adds a precision laser guidance set. The LJDAM gives the weapon system an optional semi-active laser guidance in addition to the Inertial Navigation System/Global Positioning System (INS/GPS) guidance. This provides the optional capability to strike moving targets. The GBU-54 consists of a laser guidance set, KMU-572 warhead specific tail kit, and MK-82 bomb body.

5. The GBU-53/B Small Diameter Bomb Increment II (SDB II) is a 250-lb class precision-guided, semi-autonomous, conventional, air-to-ground munition used to defeat moving targets through adverse weather from standoff range. The SDB II has deployable wings and fins and uses GPS/INS guidance, network-enabled datalink (Link-16 and UHF), and a multi-mode seeker (millimeter wave radar, imaging infrared) to autonomously search, acquire, track, and defeat targets. The SDB II employs a multi-effects warhead (Blast, Fragmentation, and ShapedCharge) for maximum lethality against armored and soft targets. The SDB II weapon system consists of the AUR weapon; a 4-place common carriage system; and mission planning system application.

a. SDB II Guided Test Vehicles (GTV) is an SDB II configuration used for land or sea range-based testing of the SDB II weapon system. The GTV has common flight characteristics of an SDB II AUR, but in place of the multi-effects warhead is a Flight Termination, Tracking, and Telemetry (FTTT) subassembly that mirrors the AUR multi-effects warhead's size and mass properties, but provides safe flight termination, free flight tracking and telemetry of encrypted data from the GTV to the data receivers. The SDB II GTV can have either inert or live fuses. All other flight control, guidance, data-link, and seeker functions are representative of the SDB II AUR.

b. SDB II Captive Carry Reliability Test (CCRT) vehicles are an SDB II configuration primarily used for reliability data collection during

carriage. The CCRT has common characteristics of an SDB II AUR but with an inert warhead and fuze. The CCRT has an inert mass in place of the warhead that mimics the warhead's mass properties. The CCRT is a flight capable representative of the SDB II AUR but is not approved for release from any aircraft. Since all other flight control, guidance, data-link, and seeker functions are representative of the SDB II AUR, this configuration could be used for any purpose where an inert round without telemetry or termination capability would be useful.

6. This sale will involve the release of sensitive and/or classified technology. The highest level of classification of information included in this potential sale is SECRET.

7. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures that might reduce weapon system effectiveness or be used in the development of a system with similar advanced capabilities.

8. A determination has been made that Switzerland can provide substantially the same degree of protection for the sensitive technology being released as the U.S. Government. This sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification.

9. All defense articles and services listed in this transmittal are authorized for release and export to the Government of Switzerland.

[FR Doc. 2020-26885 Filed 12-7-20; 8:45 am]

BILLING CODE 5001-06-P

DEPARTMENT OF DEFENSE

Department of the Navy

Certificate of Alternate Compliance for USS OREGON (SSN 793)

AGENCY: Department of the Navy, DoD.

ACTION: Notice of Issuance of Certificate of Alternate Compliance.

SUMMARY: The U.S. Navy hereby announces that a Certificate of Alternate Compliance has been issued for USS OREGON (SSN 793). Due to the special construction and purpose of this vessel, the Deputy Assistant Judge Advocate General (DAJAG) (Admiralty and Maritime Law) has determined it is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with the certain provisions of the International Regulations for Preventing Collisions at

Sea, 1972 (72 COLREGS) without interfering with its special function as a naval ship. The intended effect of this notice is to warn mariners in waters where 72 COLREGS apply.

DATES: This Certificate of Alternate Compliance is effective December 8, 2020 and is applicable beginning November 20, 2020.

FOR FURTHER INFORMATION CONTACT: Lieutenant J. Martin Bunt, JAGC, U.S. Navy, Admiralty Attorney, Office of the Judge Advocate General, Admiralty and Maritime Law Division (Code 11), 1322 Patterson Ave. SE, Suite 3000, Washington Navy Yard, DC 20374-5066, 202-685-5040, or admiralty@navy.mil.

SUPPLEMENTARY INFORMATION:

Background and Purpose. Executive Order 11964 of January 19, 1977 and 33 U.S.C. 1605 provide that the requirements of the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), as to the number, position, range, or arc of visibility of lights or shapes, as well as to the disposition and characteristics of sound-signaling appliances, shall not apply to a vessel or class of vessels of the Navy where the Secretary of the Navy shall find and certify that, by reason of special construction or purpose, it is not possible for such vessel(s) to comply fully with the provisions without interfering with the special function of the vessel(s). Notice of issuance of a Certificate of Alternate Compliance must be made in the **Federal Register**.

In accordance with 33 U.S.C. 1605, the DAJAG (Admiralty and Maritime Law), under authority delegated by the Secretary of the Navy, hereby finds and certifies that USS OREGON (SSN 793) is a vessel of special construction or purpose, and that, with respect to the position of the following navigational lights, it is not possible to comply fully with the requirements of the provisions enumerated in the 72 COLREGS without interfering with the special function of the vessel:

Rule 23(a) and Annex I, paragraph 2(a)(i), pertaining to the vertical placement of the masthead light, and Annex I, paragraph 2(f)(i), pertaining to the masthead light being above and clear of all other lights and obstructions; Rule 30(a), Rule 21(e), and Annex I, paragraph 2(k), pertaining to the vertical separation of the anchor lights, vertical placement of the forward anchor light above the hull, and the arc of visibility of all-around lights; Rule 23(a) and Annex I, paragraph 3(b), pertaining to the location of the sidelights; and Rule

21(c), pertaining to the location and arc of visibility of the sternlight.

The DAJAG (Admiralty and Maritime Law) further finds and certifies that these navigational lights are in closest possible compliance with the applicable provision of the 72 COLREGS.

Authority: 33 U.S.C. 1605(c), E.O. 11964.

Approved: December 3, 2020.

K.R. Callan,

Commander, Judge Advocate General's Corps, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. 2020-26922 Filed 12-7-20; 8:45 am]

BILLING CODE 3810-FF-P

DEPARTMENT OF EDUCATION

[Docket No. ED-2020-SCC-0159]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Vocational Rehabilitation Program Corrective Action Plan (CAP)

AGENCY: Office of Special Education and Rehabilitation Services (OSERS), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing an extension without change of a currently approved collection.

DATES: Interested persons are invited to submit comments on or before January 7, 2021.

ADDRESSES: Written comments and recommendations for proposed information collection requests should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection request by selecting "Department of Education" under "Currently Under Review," then check "Only Show ICR for Public Comment" checkbox.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Joseph Doney, 202-245-7526.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection

requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Vocational Rehabilitation Program Corrective Action Plan (CAP).

OMB Control Number: 1820-0694.

Type of Review: An extension without change of a currently approved collection.

Respondents/Affected Public: State, Local, and Tribal Governments.

Total Estimated Number of Annual Responses: 60.

Total Estimated Number of Annual Burden Hours: 975.

Abstract: Section 107 of the Rehabilitation Act of 1973 (Rehabilitation Act), as amended by Title IV of the Workforce Innovation and Opportunity Act (WIOA), requires the Commissioner of the Rehabilitation Services Administration (RSA) to conduct annual reviews and periodic on-site monitoring of the vocational rehabilitation (VR) program to determine whether a state agency is complying substantially with the provisions of its State Plan under section 101 of the Rehabilitation Act and with the evaluation standards and performance indicators established under section 106 of the Rehabilitation Act subject to the performance accountability provisions described in Section 116(b) of WIOA. To fulfill its monitoring responsibility, RSA reviews a maximum of 15 VR agencies in each Federal fiscal year. In order to resolve findings of non-compliance, RSA requires that VR agencies develop a Corrective Action Plan (CAP). The CAP must contain the specific steps that the agency will take to resolve each finding, timelines for the completion of each step and methods for evaluating that the findings have been resolved. RSA requires the agency to report progress toward completion of the CAP on a quarterly basis.

Dated: December 3, 2020.

Kate Mullan,

PRA Coordinator, Strategic Collections and Clearance, Governance and Strategy Division, Office of Chief Data Officer, Office of Planning, Evaluation and Policy Development.

[FR Doc. 2020-26928 Filed 12-7-20; 8:45 am]

BILLING CODE 4000-01-P

DEPARTMENT OF ENERGY

[FE Docket No. 20-153-LNG]

Vista Pacifico LNG, S.A.P.I. de C.V.; Application for Long-Term, Multi-Contract Authorization To Export Domestically Produced Natural Gas Through Mexico to Non-Free Trade Agreement Countries After Liquefaction to Liquefied Natural Gas

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 18, 2020, by Vista Pacifico LNG, S.A.P.I de C.V. (Vista Pacifico), and supplemented on November 23, 2020. The Application requests long-term, multi-contract authorization to export domestically produced natural gas by pipeline to Mexico in a volume up to 240 billion cubic feet (Bcf) per year (Bcf/yr), and to re-export 200 Bcf/yr of this natural gas as liquefied natural gas (LNG). Vista Pacifico seeks to re-export this LNG by vessel from one of two sets of proposed Topolobampo liquefaction and export terminal facilities, referred to as the VPLNG Mid-Scale Project, to be located in Topolobampo in the state of Sinaloa, Mexico. Vista Pacifico filed the Application under the Natural Gas Act (NGA). Protests, motions to intervene, notices of intervention, and written comments 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, February 8, 2021.

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 or (202) 586-2627, benjamin.nussdorf@hq.doe.gov or amy.sweeney@hq.doe.gov

Cassandra Bernstein, U.S. Department of Energy (GC-76) Office of the Assistant General Counsel for Electricity and Fossil Energy, Forrestal Building, 1000 Independence Avenue SW, Washington, DC 20585, (202) 586-9793, cassandra.bernstein@hq.doe.gov

SUPPLEMENTARY INFORMATION: Vista Pacifico requests long-term, multi-contract authorization to export domestically produced natural gas to Mexico for both consumption in Mexico and to convert the natural gas to LNG for re-export to: (i) Any nation with which the United States has entered into a free trade agreement (FTA) requiring national treatment for trade in natural gas (FTA nations), and (ii) any other nation with which trade is not prohibited by U.S. law or policy (non-FTA nations). This Notice applies only to Vista Pacifico's proposed re-export of LNG produced from U.S.-sourced natural gas to non-FTA countries, pursuant to section 3(a) of the NGA, 15 U.S.C. 717b(a). DOE/FE will review Vista Pacifico's request for a FTA export authorization separately pursuant to section 3(c) of the NGA, 15 U.S.C. 717b(c).

Vista Pacifico requests the authorization on its own behalf and as agent for other entities that will hold title to the natural gas or LNG at the point of export or re-export, respectively. Vista Pacifico is seeking the non-FTA authorization for a term commencing on the earlier of the date of first commercial export or seven years from the date of the requested authorization, and ending on December 31, 2050 (or the maximum time permitted by DOE/FE policy). Additional details can be found in Vista Pacifico's Application, posted on the DOE/FE website at: [https://www.energy.gov/sites/prod/files/2020/](https://www.energy.gov/sites/prod/files/2020/11/f80/20-153-LNG%20Mid-Scale%20Project.pdf)

[11/f80/20-153-LNG%20Mid-Scale%20Project.pdf](https://www.energy.gov/sites/prod/files/2020/11/f80/20-153-LNG%20Mid-Scale%20Project.pdf).

DOE/FE Evaluation

In reviewing Vista Pacifico's request, DOE will consider any issues required by law or policy. DOE will consider domestic need for the natural gas, as well as any other issues determined to be appropriate, including whether the arrangement is consistent with DOE's policy of promoting competition in the marketplace by allowing commercial parties to freely negotiate their own trade arrangements. As part of this analysis, DOE will consider the study entitled, *Macroeconomic Outcomes of Market Determined Levels of U.S. LNG Exports* (2018 LNG Export Study),¹ and DOE/FE's response to public comments received on that Study.²

Additionally, DOE will consider the following environmental documents:

- *Addendum to Environmental Review Documents Concerning Exports of Natural Gas From the United States*, 79 FR 48132 (Aug. 15, 2014);³
- *Life Cycle Greenhouse Gas Perspective on Exporting Liquefied Natural Gas From the United States*, 79 FR 32260 (June 4, 2014);⁴ and
- *Life Cycle Greenhouse Gas Perspective on Exporting Liquefied Natural Gas From the United States: 2019 Update*, 84 FR 49278 (Sept. 19, 2019), and DOE/FE's response to public comments received on that study.⁵

Parties that may oppose this Application should address these issues and documents in their comments and 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

¹ 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>.

² 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).

³ The Addendum and related documents are available at: <http://energy.gov/fe/draft-addendum-environmental-review-documents-concerning-exports-natural-gas-united-states>.

⁴ 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>.

⁵ 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>.

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. Interested parties will be provided 60 days from the date of publication of this Notice in which to submit comments, protests, motions to intervene, or notices of intervention.

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 in 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 No. 20-153-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 No. 20-153-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. Additional procedures will be used as necessary to achieve a complete understanding of the facts and issues. If an additional procedure is scheduled, notice will be

provided to all parties. 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, notices 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 December 2, 2020.

Amy Sweeney,

Director, Office of Regulation, Analysis, and Engagement, Office of Oil and Natural Gas.

[FR Doc. 2020-26913 Filed 12-7-20; 8:45 am]

BILLING CODE 6450-01-P

DEPARTMENT OF ENERGY

Energy Information Administration

Agency Information Collection Extension

AGENCY: U.S. Energy Information Administration (EIA), U.S. Department of Energy (DOE).

ACTION: Notice and request for OMB review and comment.

SUMMARY: EIA submitted an information collection request for extension as required by the Paperwork Reduction Act of 1995. The information collection requests a three-year extension of the *Natural Gas Data Collection Program*, OMB Control Number 1905-0175. The surveys covered by this request include: Form EIA-176 *Annual Report of Natural and Supplemental Gas Supply and Disposition*; Form EIA-191 *Monthly Underground Natural Gas Storage Report*; Form EIA-191L *Monthly Liquefied Natural Gas Storage Report*; Form EIA-757 *Natural Gas Processing Plant Survey*; Form EIA-857 *Monthly Report of Natural Gas Purchases and Deliveries to Consumers*; Form EIA-910 *Monthly Natural Gas Marketer Survey*; and Form EIA-912 *Weekly Natural Gas Storage Report*. The Natural Gas Data Collection Program provides information on natural gas production, underground storage, supply, processing, transmission, distribution,

and consumption by sector within the United States.

DATES: Comments on this information collection must be received no later than January 7, 2021. Written comments and recommendations for the information collection should be sent within 30 days of publication of this notice to <https://www.reginfo.gov/public/do/PRAMain>. Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function.

FOR FURTHER INFORMATION CONTACT: Michael Kopalek, U.S. Energy Information Administration, telephone (202) 586-4001, or by email at michael.kopalek@eia.gov. The forms and instructions are available on EIA’s website at www.eia.gov/survey/.

SUPPLEMENTARY INFORMATION: This information collection request contains

(1) OMB No.: 1905-0175;

(2) *Information Collection Request*

Title: Natural Gas Data Collection Program;

(3) *Type of Request:* Three-year extension with changes;

(4) *Purpose:* The surveys included in the *Natural Gas Data Collection Program* collect information on natural gas underground storage, supply, processing, transmission, distribution, consumption by sector, and consumer prices. The data collected supports public policy analyses and produce estimates of the natural gas industry. The statistics generated from these surveys are published on EIA’s website, <http://www.eia.gov>, and are used in various EIA information products, including the *Weekly Natural Gas Storage Report (WNGSR)*, *Natural Gas Monthly (NGM)*, *Natural Gas Annual (NGA)*, *Monthly Energy Review (MER)*, *Short-Term Energy Outlook (STEO)*, *Annual Energy Outlook (AEO)*, and *Annual Energy Review (AER)*.

(4a) *Changes to Information Collection:*

Form EIA-176 Annual Report of Natural and Supplemental Gas Supply and Disposition

Form EIA-176 collects data on natural, synthetic, and other supplemental gas supplies, their disposition, and certain revenues by state. EIA is modifying the survey instructions to include Renewable Natural Gas (RNG) producers who inject high-Btu RNG into an interstate pipeline, intra-state pipeline, or natural gas distribution company system. This excludes on-site and local pipelines that deliver to a nearby end-user, such as to a CNG fueling station or power plant.

EIA is adding this type of RNG producer because these facilities produce the equivalent of pipeline-quality natural gas that is not captured elsewhere in EIA’s production statistics.

Form EIA-191 Monthly Underground Natural Gas Storage Report

Form EIA-191 collects data on the operations of all active underground storage facilities. The name of the survey is changing from *Monthly Underground Gas Storage Report* to *Monthly Underground Natural Gas Storage Report*.

Form EIA-191L Monthly Liquefied Natural Gas Storage Report

EIA is adding a new survey, Form EIA-191L *Monthly Liquefied Natural Gas Storage Report* to collect natural gas inventory storage data from approximately 85 operators of Liquefied Natural Gas (LNG) facilities. These facilities include LNG peakshavers and satellite LNG facilities. EIA is specifically excluding marine terminals (due to their high variability in stock levels), on-site power plant LNG storage tanks, and LNG fueling tanks. Form EIA-191L is a shorter version of Form EIA-191 and will collect the same natural gas data as Form EIA-191 except it will not collect information on base gas, working gas, field type, and facility type.

Form EIA-757 Natural Gas Processing Plant Survey

Form EIA-757 collects information on the capacity, status, and operations of natural gas processing plants, and monitors their constraints to natural gas supplies during catastrophic events, such as hurricanes. *Schedule A* of Form EIA-757 collects baseline operating and capacity information from all respondents on a triennial basis. *Schedule B* is used on an emergency standby basis and is activated during natural disasters or other energy disruptive events. *Schedule B* collects data from a sample of respondents in the affected areas. There are no changes to Form EIA-757.

Form EIA-857 Monthly Report of Natural Gas Purchases and Deliveries to Consumers

Form EIA-857 collects data on the quantity and cost of natural gas delivered to distribution systems and the quantity and revenue of natural gas delivered to consumers by end-use sector, on a monthly basis by state. There are no changes to this survey.

Form EIA-910 Monthly Natural Gas Marketer

Form EIA-910 collects information on natural gas sales from marketers in selected states that have active consumer choice programs. EIA is increasing the number of respondents to this survey due to the increased number of natural gas market participants.

Form EIA-912 Weekly Underground Natural Gas Storage Report

Form EIA-912 collects information on weekly inventories of natural gas in underground storage facilities. EIA is increasing the requested burden by 5 additional respondents to accommodate future changes in required reporting sample sizes.

(5) *Annual Estimated Number of Respondents:* 3,510.

Form EIA-176 consists of 2,070 respondents;

Form EIA-191 consists of 145 respondents;

Form EIA-191L consists of 85 respondents;

Form EIA-757 Schedule A consists of 600 respondents

Form EIA-757 Schedule B consists of 20 respondents;

Form EIA-857 consists of 330 respondents;

Form EIA-910 consists of 160 respondents;

Form EIA-912 consists of 100 respondents.

(6) *Annual Estimated Number of Total Responses:* 16,297.

(7) *Annual Estimated Number of Burden Hours:* 55,296.

(8) *Annual Estimated Reporting and Recordkeeping Cost Burden:* \$4,431,421 (55,296 burden hours times \$80.14 per hour). EIA estimates that respondents will have no additional costs associated with the survey other than the burden hours and the maintenance of the information as part of the normal course of business.

Comments are invited on whether or not: (a) The proposed collection of information is necessary for the proper performance of agency functions, including whether the information will have a practical utility; (b) EIA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used, is accurate; (c) EIA can improve the quality, utility, and clarity of the information it will collect; and (d) EIA can minimize the burden of the collection of information on respondents, such as automated collection techniques or other forms of information technology.

Statutory Authority: 15 U.S.C. 772(b) and 42 U.S.C. 7101 *et seq.*

Signed in Washington, DC, on December 2, 2020.

Samson A. Adeshiyani,

Office Director, Office of Statistical Methods & Research, U.S. Energy Information Administration.

[FR Doc. 2020-26884 Filed 12-7-20; 8:45 am]

BILLING CODE 6450-01-P

DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission**

[Project No. 3472-024]

Aspinook Hydro, LLC; Notice Soliciting Scoping Comments

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* New Major License.

b. *Project No.:* 3472-024.

c. *Date Filed:* April 30, 2020; and revised on October 13, 2020.

d. *Applicant:* Aspinook Hydro, LLC, a subsidiary of Gravity Renewables, Inc.

e. *Name of Project:* Wyre Wynd Hydroelectric Project.

f. *Location:* On the Quinebaug River in New London and Windham Counties, Connecticut. No federal lands are occupied by the project works or located within the project boundary.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791(a)-825(r).

h. *Applicant Contact:* Mark Boumansour, Chief Operating Officer, Gravity Renewables, Inc.; 1401 Walnut Street, Boulder, Colorado 80302; Phone at (303) 440-3378, or email at mark@gravityrenewables.com.

i. *FERC Contact:* Kristine Sillett at (202) 502-6575, or kristine.sillett@ferc.gov.

j. *Deadline for filing scoping comments:* January 31, 2021.

The Commission strongly encourages electronic filing. Please file scoping comments using the Commission's eFiling system at <https://ferconline.ferc.gov/FERCONline.aspx>. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at <https://ferconline.ferc.gov/QuickComment.aspx>. 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. All filings must clearly identify the project name and docket number on the first page: Wyre Wynd Hydroelectric Project (P-3472-024).

The Commission's Rules of Practice and Procedure require all interveners filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if an intervener 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. The application is not ready for environmental analysis at this time.

l. *The existing Wyre Wynd Project consists of:* (1) A concrete-encased masonry dam that includes: (a) A 473-foot-long, 18-foot-high spillway with 2-foot-high wooden flashboards, and one, 5-foot-wide by 3-foot-high sluice gate; (b) a 100-foot-long left abutment that includes a 65-foot-wide headgate structure with five, 10-foot-wide by 12-foot-high headgates; and (c) a 4-foot-long right abutment; (2) a 333-acre impoundment with a usable storage capacity of 167-acre-feet at a normal elevation of 97.3 feet National Geodetic Vertical Datum of 1929 (NGVD29); (3) a 170-foot-long, 50-foot-wide forebay that includes: (a) A 60-foot-long, 10-foot-high auxiliary spillway; and (b) two, 10-foot-wide, 12-foot-high arched-top low-level outlet gates; (4) a powerhouse intake structure located at the downstream end of the forebay that includes: (a) A 37-foot-high steel trash rack structure varying in width from 19.5 feet to 21.3 feet, with a clear bar spacing of 2.6 inches; and (b) a 16-foot-long, 12-foot-diameter steel penstock that supplies flow to the main 2.7-megawatt (MW) S-type Kaplan turbine-generator unit housed within the 30-foot-wide, 100-foot-long concrete powerhouse; (5) a 450-foot-long, 50-foot-wide tailrace that receives discharges from the main turbine-generator unit; (6) a second intake structure branching off of the right side of the forebay, approximately 35 feet downstream of the headgate structure, that includes: (a) A 4-foot-wide, 4-foot-high head gate; (b) a 9-foot-wide, 20-foot-high trash rack structure with 1.5-inch clear bar spacing that extends from the floor of the headgate structure to approximately 12

feet below the forebay water surface; and (c) a 40-foot-long, 4-foot-diameter steel penstock that provides flow to a mini, in-line 0.08-MW fixed-blade propeller turbine-generator unit; (7) a 10-foot-long, 30-foot-wide tailrace that receives discharges from the mini turbine-generator unit; (8) an 80-foot-long, 600-volt transmission line that connects the generators to the local utility distribution system; and (9) appurtenant facilities. The project creates an approximately 400-foot-long bypassed reach of the Quinebaug River.

m. 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 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 the Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID-19), issued by the President on March 13, 2020. For assistance, contact FERC at FERCOnlineSupport@ferc.gov or call toll-free, (866) 208-3676 or TTY, (202) 502-8659.

n. You may also register online at <https://ferconline.ferc.gov/ferconline.aspx> to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

o. Scoping Process

Commission staff will prepare either an environmental assessment (EA) or an Environmental Impact Statement (EIS) that describes and evaluates the probable effects, if any, of the licensee's proposed action and alternatives. The EA or EIS will consider environmental impacts and reasonable alternatives to the proposed action. The Commission's scoping process will help determine the required level of analysis and satisfy the NEPA scoping requirements, irrespective of whether the Commission prepares an EA or an EIS. Due to restrictions on mass gatherings related to COVID-19, we do not intend to conduct a public scoping meeting and site visit in this case. Instead, we are soliciting written comments and suggestions on the preliminary list of issues and alternatives to be addressed in the NEPA document, as described in scoping document 1 (SD1), issued December 2, 2020.

Copies of the SD1 outlining the subject areas to be addressed in the

NEPA document were distributed to the parties on the Commission's mailing list and the applicant's distribution list. Copies of SD1 may be viewed on the web at <http://www.ferc.gov> using the eLibrary link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, call 1-866-208-3676 or for TTY, (202) 502-8659.

Dated: December 2, 2020.

Kimberly D. Bose,
Secretary.

[FR Doc. 2020-26931 Filed 12-7-20; 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: EG21-43-000.

Applicants: Wolf Ridge Wind Energy, LLC.

Description: Notice of Self-Certification of Exempt Wholesale Generator Status of Wolf Ridge Wind Energy, LLC.

Filed Date: 12/1/20.

Accession Number: 20201201-5380.

Comments Due: 5 p.m. ET 12/22/20.

Docket Numbers: EG21-44-000.

Applicants: Blue Summit I Wind, LLC.

Description: Notice of Self-Certification of Exempt Wholesale Generator Status of Blue Summit I Wind, LLC.

Filed Date: 12/1/20.

Accession Number: 20201201-5381.

Comments Due: 5 p.m. ET 12/22/20.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10-3246-016; ER10-2474-022; ER10-2475-022; ER10-2984-049; ER13-1266-032; ER15-2211-029.

Applicants: PacifiCorp, Nevada Power Company, Sierra Pacific Power Company, CalEnergy, LLC, MidAmerican Energy Services, LLC, Merrill Lynch Commodities, Inc.

Description: Notice of Non-Material Change in Status of the BHE MBR Sellers and Merrill Lynch Commodities, Inc.

Filed Date: 12/1/20.

Accession Number: 20201201-5393.

Comments Due: 5 p.m. ET 12/22/20.

Docket Numbers: ER21-71-001.

Applicants: Florida Power & Light Company.

Description: Tariff Amendment: FPL & Seminole Amendment to Second Revised NITSA RS No. 162 to be effective 9/1/2018.

Filed Date: 12/2/20.

Accession Number: 20201202-5168.

Comments Due: 5 p.m. ET 12/23/20.

Docket Numbers: ER21-529-000.

Applicants: Consolidated Edison Company of New York, Inc.

Description: § 205(d) Rate Filing: DLM Filing December 2020 to be effective 12/1/2020.

Filed Date: 12/1/20.

Accession Number: 20201201-5326.

Comments Due: 5 p.m. ET 12/22/20.

Docket Numbers: ER21-530-000.

Applicants: Midcontinent Independent System Operator, Inc.

Description: § 205(d) Rate Filing: 2020-12-01_Schedule 49 Cost Allocation for RDT Payments to be effective 2/1/2021.

Filed Date: 12/1/20.

Accession Number: 20201201-5327.

Comments Due: 5 p.m. ET 12/22/20.

Docket Numbers: ER21-531-000.

Applicants: Southwest Power Pool, Inc.

Description: § 205(d) Rate Filing: 1885R10 Evergy Kansas Central, Inc. NITSA NOA—Bronson to be effective 9/1/2020.

Filed Date: 12/2/20.

Accession Number: 20201202-5009.

Comments Due: 5 p.m. ET 12/23/20.

Docket Numbers: ER21-532-000.

Applicants: Southwest Power Pool, Inc.

Description: § 205(d) Rate Filing: 1891R9 Evergy Kansas Central, Inc. NITSA NOA—Mulberry to be effective 9/1/2020.

Filed Date: 12/2/20.

Accession Number: 20201202-5012.

Comments Due: 5 p.m. ET 12/23/20.

Docket Numbers: ER21-533-000.

Applicants: Southwest Power Pool, Inc.

Description: § 205(d) Rate Filing: 1894R9 Evergy Kansas Central, Inc. NITSA NOA—Vermillion to be effective 9/1/2020.

Filed Date: 12/2/20.

Accession Number: 20201202-5025.

Comments Due: 5 p.m. ET 12/23/20.

Docket Numbers: ER21-534-000.

Applicants: Southwest Power Pool, Inc.

Description: § 205(d) Rate Filing: 1978R9 Evergy Kansas Central, Inc. NITSA NOA—Toronto to be effective 9/1/2020.

Filed Date: 12/2/20.

Accession Number: 20201202-5038.

Comments Due: 5 p.m. ET 12/23/20.

Docket Numbers: ER21-535-000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Original Service Agreement No. 5857; Queue No. AB2-180 to be effective 11/2/2020.

Filed Date: 12/2/20.

Accession Number: 20201202-5069.

Comments Due: 5 p.m. ET 12/23/20.

Docket Numbers: ER21-536-000.

Applicants: Montague Wind Power Facility, LLC.

Description: § 205(d) Rate Filing: Tariff Revision to be effective 2/1/2021.

Filed Date: 12/2/20.

Accession Number: 20201202-5088.

Comments Due: 5 p.m. ET 12/23/20.

Docket Numbers: ER21-537-000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Original ISA No. 5852; Queue No. AC2-079 to be effective 11/2/2020.

Filed Date: 12/2/20.

Accession Number: 20201202-5132.

Comments Due: 5 p.m. ET 12/23/20.

Docket Numbers: ER21-538-000.

Applicants: AEP Ohio Transmission Company, Inc., Ohio Power Company, American Electric Power Service Corporation, PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: AEP submits ILDSA SA No. 1336 and Hatton FA to be effective 2/1/2021.

Filed Date: 12/2/20.

Accession Number: 20201202-5198.

Comments Due: 5 p.m. ET 12/23/20.

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: December 2, 2020.

Kimberly D. Bose,
Secretary.

[FR Doc. 2020-26932 Filed 12-7-20; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2426-227]

California Department of Water Resources and Los Angeles Department of Water and Power; Notice of Application Accepted for Filing, Soliciting Motions To Intervene and Protests, Ready for Environmental Analysis, and Soliciting Comments, Recommendations, Preliminary Terms and Conditions, and Preliminary Fishway Prescriptions

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* New Major License.

b. *Project No.:* 2426-227.

c. *Date filed:* January 30, 2020.

d. *Co-Applicants:* California Department of Water Resources and Los Angeles Department of Water and Power.

e. *Name of Project:* South SWP Hydropower Project

f. *Location:* Along the West Branch of the California Aqueduct, and along Piru Creek and Castaic Creek, tributaries to the Santa Clara River, in Los Angeles County, California. The project currently occupies 2,790 acres of federal land administered by the U.S. Department of Agriculture, Forest Service, as part of the Angeles National Forest and the Los Padres National Forest; and 17 acres of federal land administered by the U.S. Department of Interior, Bureau of Land Management.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791(a)-825(r).

h. *Applicant Contact:* Gwen Knittweis, Chief, Hydropower License Planning and Compliance Office, California Department of Water Resources, P.O. Box 924836, Sacramento, California 94236-0001, (916) 557-4554, or Gwen.Knittweis@water.ca.gov; and Simon Zewdu, Manager of Strategic Initiatives, Power Planning and Development, Los Angeles Department of Water and Power, 111 North Hope Street, Room 921, Los Angeles, CA 90012, (213) 367-0881, or Simon.Zewdu@ladwp.com.

i. *FERC Contact:* Kyle Olcott at (202) 502-8963; or email at kyle.olcott@ferc.gov.

j. *Deadline for filing motions to intervene and protests, comments, recommendations, preliminary terms and conditions, and preliminary prescriptions:* 60 days from the issuance date of this notice; reply comments are

due 105 days from the issuance date of this notice.

The Commission strongly encourages electronic filing. Please file using the Commission's eFiling system at <https://ferconline.ferc.gov/ferconline.aspx>. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at <https://ferconline.ferc.gov/QuickComment.aspx>. 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-2426-227.

Intervenors—those on the Commission's service list for this proceeding—are reminded that if they file comments with the Commission, they must also serve a copy of their filing on each person whose name appears on the official service list. Note that the list is periodically updated. The official service list can be obtained on the Commission's website (<https://www.ferc.gov>)—click on Documents and Filing and click on eService—or call the Office of the Secretary, Dockets Branch at (202) 502-8715. In addition, if any party 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 the resource agency.

k. This application has been accepted for filing and is now ready for environmental analysis.

The Council on Environmental Quality (CEQ) issued a final rule on July 15, 2020, revising the regulations under 40 CFR parts 1500-1518 that federal agencies use to implement NEPA (see Update to the Regulations Implementing the Procedural Provisions of the National Environmental Policy Act, 85 FR 43,304). The Final Rule became effective on and applies to any NEPA process begun after September 14, 2020. An agency may also apply the regulations to ongoing activities and environmental documents begun before September 14, 2020, which includes the

proposed Gouverneur Project. Commission staff intends to conduct its NEPA review in accordance with CEQ's new regulations.

1. *The project consists of two developments:* Warne Development and Castaic Development. The average annual generation of the South SWP Project from 2007 to 2017 was 304 gigawatt-hours (GWh) at the Warne powerplant and 520 GWh at the Castaic powerplant.

Warne Development

The major features of the Warne Development include: (1) Quail Lake, (2) Lower Quail Canal, (3) Peace Valley pipeline and intake embankment, (4) Gorman bypass channel, (5) the William E. Warne powerplant (Warne powerplant), (6) switchyard, (7) the transmission line that interconnects Warne powerplant with the Southern California Edison (SCE) Pastoria-Pardee transmission line, and (8) appurtenant facilities.

Quail Lake is a small regulating reservoir along the State Water Project (SWP) that was created by constructing an embankment along a sag pond formed by the San Andreas fault.

Water released from Quail Lake through the Quail Lake outlet flows into the 2-mile-long Lower Quail canal which serves as a conveyance to the Peace Valley pipeline intake.

SWP water flowing from Quail Lake through Lower Quail canal is routed into the Peace Valley pipeline to Warne powerplant and then to Pyramid Lake.

In the event of a Peace Valley pipeline outage or scheduled SWP water releases exceeding the pipeline's capacity, the water is routed through the Gorman bypass channel directly into Pyramid Lake.

The Warne powerplant, an above-ground, steel-reinforced, concrete powerhouse, is located at the northern (upstream) end of Pyramid Lake, at the terminus of the Peace Valley pipeline. The powerplant has two 37.5-MW Pelton-type generating units, each with a rated discharge of 782 cubic feet per second (cfs).

The project includes a 3-mile-long, single-circuit, 220-kilovolt (kV) transmission line that connects output from the project through the Warne switchyard to SCE's Pardee-Pastoria transmission line.

Castaic Development

The major features of the Castaic Development include: (1) Pyramid dam, (2) Pyramid Lake, (3) the Angeles tunnel and seven penstocks, (4) the Castaic powerplant and switchyard, (5) the Elderberry forebay and dam, (6) storm

bypass channel and check dams, (7) the transmission lines that interconnect Castaic switchyard with the Independent System Operator power grid, and (8) appurtenant facilities. DWR owns and operates the facilities above the surge chamber at the southeastern end of the Angeles tunnel, and LADWP owns and operates the remainder of the facilities, including the surge chamber.

Pyramid dam, at the southern end of Pyramid Lake, is a 1,090-foot-long, 400-foot-high zoned earth and rock fill dam. Water is typically released from a low-level outlet to an 18-mile-long section of Piru Creek (Pyramid reach), which extends from Pyramid dam to the NMWSE of Lake Piru.

Pyramid Lake serves as regulated storage for the Castaic powerplant. Pyramid Lake also serves as emergency storage for the SWP.

Angeles tunnel, the principal outlet from Pyramid Lake, supplies water to the Castaic powerplant in the generating mode and returns water to the lake from Elderberry forebay when the powerplant is operating in the pumping mode.

The Castaic powerplant, an aboveground/underground, steel-reinforced, concrete powerhouse, is located on the northern (upstream) end of Elderberry forebay and is a pump-generating plant with the ability to pump water back to Pyramid Lake using off-peak energy when it is economical to do so. Elderberry forebay serves as an afterbay for the Castaic powerplant while in generating mode and as a forebay while in pumping mode. Pyramid Lake serves as the upper reservoir for the powerplant.

The powerplant has six Francis-type pump-turbine units each with a rated output of 355,000 horsepower (hp), and an estimated rated discharge of 3,500 cfs. It also has one Pelton-type pump starting turbine unit with a rated output of 69,000 hp and an approximate rated discharge of 752 cfs.

Elderberry forebay dam is a 1,990-foot-long, 200-foot-high zoned earthfill dam.

The Castaic switchyard is a fenced switchyard located adjacent to the powerhouse. An 11.4-mile-long, 230-kV transmission line delivers energy from the Castaic switchyard to the Haskell Junction substation and transmits energy to the Castaic powerplant when in the pump-back operating mode.

Co-Licensees' Proposed Modifications In their Final License Application, the co-licensees propose to add the following facilities to the project license: The existing Quail Detention Embankment, segments of some existing roads necessary for project operation and maintenance, and an existing

streamflow gage located on Piru Creek downstream of Pyramid Dam. Additionally, the co-licensees propose to remove the Warne Transmission Line from the project license.

The co-licensees also propose to modify the project boundary to reduce the amount of land from 6,928 acres to 4,563.8 acres. The project, as proposed by the licensee, would reduce the amount of federal land from 2,790 acres to 2,007 acres of federal lands: 1,336 acres administered by the U.S. Department of Agriculture, Forest Service, as part of the Angeles National Forest; 665 acres administered by the U.S. Department of Agriculture, Forest Service, as part of the Los Padres National Forest; and 6.5 acres administered by the U.S. Department of the Interior, Bureau of Land Management.

m. A copy of the application can be viewed on the Commission's website at <https://www.ferc.gov> using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support.

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, contact FERC Online Support.

n. 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, and .214. 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.

All filings must (1) bear in all capital letters the title PROTEST, MOTION TO INTERVENE, COMMENTS, REPLY COMMENTS, RECOMMENDATIONS, PRELIMINARY TERMS AND CONDITIONS, or PRELIMINARY FISHWAY PRESCRIPTIONS; (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 protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, recommendations, terms and conditions or prescriptions must set

forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). Agencies may obtain copies of the application directly from the applicant. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application. A copy of all other filings in reference to this application 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 4.34(b) and 385.2010.

o. *Procedural Schedule:* The application will be processed according to the following schedule. Revisions to the schedule may be made as appropriate

Milestone	Target date
Deadline for filing comments, recommendations, preliminary terms and conditions, and preliminary fishway prescriptions.	February 2021.
Deadline for Filing Reply Comments.	March 2021.

p. Final amendments to the application must be filed with the Commission no later than 30 days from the issuance date of this notice.

q. A license applicant must file no later than 60 days following the date of issuance of the notice of acceptance and ready for environmental analysis provided for in § 5.22: (1) A copy of the water quality certification; (2) a copy of the request for certification, including proof of the date on which the certifying agency received the request; or (3) evidence of waiver of water quality certification.

Dated: December 2, 2020.

Kimberly D. Bose,
Secretary.

[FR Doc. 2020-26929 Filed 12-7-20; 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: RP21-268-000.

Applicants: Texas Eastern Transmission, LP.

Description: § 4(d) Rate Filing: Negotiated Rates—Colonial 911723 eff 12-01-2020 to be effective 12/1/2020.

Filed Date: 12/1/20.

Accession Number: 20201201-5001.
Comments Due: 5 p.m. ET 12/14/20.

Docket Numbers: RP21-269-000.

Applicants: Equitrans, L.P.

Description: § 4(d) Rate Filing: Negotiated Rate Capacity Release Agreements—12/1/2020 to be effective 12/1/2020.

Filed Date: 12/1/20.

Accession Number: 20201201-5053.

Comments Due: 5 p.m. ET 12/14/20.

Docket Numbers: RP21-270-000.

Applicants: NEXUS Gas

Transmission, LLC.

Description: § 4(d) Rate Filing: Negotiated Rates—Various Releases eff 12-01-2020 to be effective 12/1/2020.

Filed Date: 12/1/20.

Accession Number: 20201201-5078.

Comments Due: 5 p.m. ET 12/14/20.

Docket Numbers: RP21-271-000.

Applicants: Texas Eastern Transmission, LP.

Description: § 4(d) Rate Filing: Negotiated Rates—Chevron 911109 Releases eff 12-01-2020 to be effective 12/1/2020.

Filed Date: 12/1/20.

Accession Number: 20201201-5090.

Comments Due: 5 p.m. ET 12/14/20.

Docket Numbers: RP21-272-000.

Applicants: Texas Eastern

Transmission, LP.

Description: § 4(d) Rate Filing: Negotiated Rates—Gulfport 911377 to Eco eff 12-1-20 to be effective 12/1/2020.

Filed Date: 12/1/20.

Accession Number: 20201201-5127.

Comments Due: 5 p.m. ET 12/14/20.

Docket Numbers: RP21-273-000.

Applicants: Columbia Gas

Transmission, LLC.

Description: § 4(d) Rate Filing: Dec 20 Neg Rate Agmts Amends to be effective 12/1/2020.

Filed Date: 12/1/20.

Accession Number: 20201201-5150.

Comments Due: 5 p.m. ET 12/14/20.

Docket Numbers: RP21-274-000.

Applicants: Northern Natural Gas

Company.

Description: § 4(d) Rate Filing: 20201201 Remove Non-Conforming Golden Spread to be effective 1/1/2021.

Filed Date: 12/1/20.

Accession Number: 20201201-5175.

Comments Due: 5 p.m. ET 12/14/20.

Docket Numbers: RP21-275-000.

Applicants: Gulf South Pipeline

Company, LLC.

Description: § 4(d) Rate Filing: Cap Rel Neg Rate Agmts (Atlanta Gas 8438 to various shippers eff 12-1-2020) to be effective 12/1/2020.

Filed Date: 12/1/20.

Accession Number: 20201201-5220.

Comments Due: 5 p.m. ET 12/14/20.

Docket Numbers: RP21-276-000.

Applicants: Gulf South Pipeline Company, LLC.

Description: § 4(d) Rate Filing: Cap Rel Neg Rate Agmts (Marathon releases eff 12-1-2020) to be effective 12/1/2020.

Filed Date: 12/1/20.

Accession Number: 20201201-5222.

Comments Due: 5 p.m. ET 12/14/20.

Docket Numbers: RP21-277-000.

Applicants: Texas Gas Transmission, LLC.

Description: § 4(d) Rate Filing: Remove Expired Agmts eff 12-1-2020 to be effective 12/1/2020.

Filed Date: 12/1/20.

Accession Number: 20201201-5224.

Comments Due: 5 p.m. ET 12/14/20.

Docket Numbers: RP21-278-000.

Applicants: MarkWest Pioneer, L.L.C.

Description: § 4(d) Rate Filing: Quarterly Fuel Adjustment Filing to be effective 1/1/2021.

Filed Date: 12/1/20.

Accession Number: 20201201-5244.

Comments Due: 5 p.m. ET 12/14/20.

Docket Numbers: RP21-279-000.

Applicants: Enable Gas Transmission, LLC.

Description: § 4(d) Rate Filing: Negotiated Rate Filing—December 1, 2020 CERC 1001019 to be effective 12/1/2020.

Filed Date: 12/1/20.

Accession Number: 20201201-5267.

Comments Due: 5 p.m. ET 12/14/20.

Docket Numbers: RP21-280-000.

Applicants: Chandeaur Pipe Line, LLC.

Description: Compliance filing Chandeaur Annual Fuel and Gas Loss Retention Adjustment Filing to be effective N/A.

Filed Date: 12/1/20.

Accession Number: 20201201-5268.

Comments Due: 5 p.m. ET 12/14/20.

Docket Numbers: RP21-281-000.

Applicants: Alliance Pipeline L.P.

Description: § 4(d) Rate Filing: Hess 2021 Tioga Usage Charge Filing to be effective 1/1/2021.

Filed Date: 12/1/20.

Accession Number: 20201201-5277.

Comments Due: 5 p.m. ET 12/14/20.

Docket Numbers: RP21-282-000.

Applicants: Alliance Pipeline L.P.

Description: § 4(d) Rate Filing: Negotiated Rates—Rate Schedule PAL to be effective 12/1/2020.

Filed Date: 12/1/20.

Accession Number: 20201201-5297.

Comments Due: 5 p.m. ET 12/14/20.

Docket Numbers: RP21-283-000.

Applicants: Dominion Energy Questar Pipeline, LLC.

Description: § 4(d) Rate Filing: Fuel Gas Reimbursement Percentage for 2021 to be effective 1/1/2021.

Filed Date: 12/1/20.

Accession Number: 20201201–5302.

Comments Due: 5 p.m. ET 12/14/20.

Docket Numbers: RP21–284–000.

Applicants: Columbia Gulf Transmission, LLC.

Description: § 4(d) Rate Filing: CGT SWN Non-conforming NRA #216577 to be effective 1/1/2021.

Filed Date: 12/1/20.

Accession Number: 20201201–5304.

Comments Due: 5 p.m. ET 12/14/20.

Docket Numbers: RP21–285–000.

Applicants: Cameron Interstate Pipeline, LLC.

Description: § 4(d) Rate Filing: Cameron Interstate Pipeline, LLC Annual Adjustment of Fuel Retainage Percentage to be effective 1/1/2021.

Filed Date: 12/1/20.

Accession Number: 20201201–5310.

Comments Due: 5 p.m. ET 12/14/20.

Docket Numbers: RP21–286–000.

Applicants: Dominion Energy Overthrust Pipeline, LLC.

Description: § 4(d) Rate Filing: Non-conforming TSAs—BP, WIC TSAs to be effective 1/1/2021.

Filed Date: 12/1/20.

Accession Number: 20201201–5339.

Comments Due: 5 p.m. ET 12/14/20.

The filings are accessible in the Commission's eLibrary system (<https://elibrary.ferc.gov/idmws/search/fercgensearch.asp>) by querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: <http://www.ferc.gov/docs-filing/efiling/filing-req.pdf>. For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: December 2, 2020.

Kimberly D. Bose,

Secretary.

[FR Doc. 2020–26933 Filed 12–7–20; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2741–036]

Kings River Conservation District; Notice of Application Accepted for Filing and 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:* Amendment of license to change the project boundary.

b. *Project No:* 2741–036.

c. *Date Filed:* November 13, 2020.

d. *Applicant:* Kings River Conservation District.

e. *Name of Project:* Pine Flat Hydroelectric Project.

f. *Location:* The project is located at the Pine Flat Dam on the Kings River in Fresno County, California. The dam is operated by the U.S. Army Corps of Engineers (Corps).

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791a–825r.

h. *Applicant Contact:* David M. Merritt, Kings River Conservation District, 4886 E. Jensen Ave, Fresno, CA 93725; telephone (559) 237–5567; or email dmeritt@krcd.org.

i. *FERC Contact:* Tara Perry, (202) 502–6546, tara.perry@ferc.gov.

j. *Deadline for filing comments, motions to intervene, and protests:* January 4, 2021.

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 the

docket number P–2741–036. 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 licensee filed an application to remove approximately 7.40 acres of lands and waters from the project boundary that it states are not needed for safe project operation and maintenance or fulfillment of any other license purpose. The licensee proposes to remove 0.71 acres of land south of the project powerhouse and downstream of the dam, owned by the Corps, and 6.68 acres of submerged lands extending into the river channel, owned by the state of California.

l. In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (<http://ferc.gov>) using the eLibrary link. Enter the docket number excluding the last three digits in the docket number field to access the document. At this time, the Commission has suspended access to the Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID–19), issued by the President on March 13, 2020. For assistance, contact FERC at FERCOnlineSupport@ferc.gov or call toll-free, (886) 208–3676 or TTY, (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: December 2, 2020.

Kimberly D. Bose,
Secretary.

[FR Doc. 2020-26930 Filed 12-7-20; 8:45 am]

BILLING CODE 6717-01-P

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OAR-2020-0415; FRL-10016-00-OAR]

Proposed Information Collection Request; Comment Request; Implementation of the 8-Hour National Ambient Air Quality Standards for Ozone

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The U.S. Environmental Protection Agency (EPA) is planning to submit a renewal of an information collection request (ICR), "Implementation of the 8-hour National Ambient Air Quality Standards for Ozone: State Implementation Plan Requirements" (EPA ICR No. 2347.04, OMB Control No. 2060-0695), to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*). This renewal provides updated burden estimates for the 2021-2024 time period for implementing the 2008 ozone National Ambient Air Quality Standards (NAAQS), and it provides

new burden estimates for the information collection resulting from implementation of the 2015 ozone NAAQS. It also provides new burden estimates for the information collection resulting from ongoing implementation of the revoked 1997 ozone NAAQS. Before submittal to OMB, the EPA is soliciting public comments on specific aspects of the proposed information collection as described below. The time period covered in this ICR renewal is a 3-year period from April 2021 through April 2024. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

DATES: Comments must be submitted on or before February 8, 2021.

ADDRESSES: Submit your comments, referencing Docket ID No. EPA-HQ-OAR-2020-0415, online using <http://www.regulations.gov> (our preferred method), or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460.

Out of an abundance of caution for members of the public and our staff, the EPA Docket Center and Reading Room are closed to the public, with limited exceptions, to reduce the risk of transmitting COVID-19. Our Docket Center staff will continue to provide remote customer service via email, phone, and webform. We encourage the public to submit comments via <https://www.regulations.gov> or email, as there may be a delay in processing mail and faxes. Hand deliveries and couriers may be received by scheduled appointment only. For further information on EPA Docket Center services and the current status, please visit us online at <https://www.epa.gov/dockets>.

The EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information, or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Mr. C.W. Stackhouse, Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, by phone at (919) 541-5208 or by email at stackhouse.butch@epa.gov.

SUPPLEMENTARY INFORMATION: Supporting documents which explain in detail the information that the EPA will be collecting are available in the public docket for this ICR. The docket can be viewed online at <http://www.regulations.gov>, or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Avenue NW, Washington, DC. The telephone number for the Docket Center is (202) 566-1744. For additional information about EPA's public docket, visit <http://www.epa.gov/dockets>.

www.regulations.gov, or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Avenue NW, Washington, DC. The telephone number for the Docket Center is (202) 566-1744. For additional information about EPA's public docket, visit <http://www.epa.gov/dockets>.

Pursuant to section 3506(c)(2)(A) of the PRA, the EPA is soliciting comments and information to enable it to: (i) 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; (ii) 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; (iii) enhance the quality, utility, and clarity of the information to be collected; and (iv) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses. The EPA will consider the comments received and amend the ICR as appropriate. The final ICR package will then be submitted to OMB for review and approval. At that time, the EPA will issue another **Federal Register** notice to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB. 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.

Abstract: Currently, the EPA has an existing OMB-approved ICR that estimates the burden on states and EPA for implementation-related activities associated with the 2008 ozone NAAQS for the period February 2018 to April 2021. States with nonattainment areas for the 2008 ozone NAAQS are implementing the NAAQS pursuant to the CAA and implementation regulations issued for that NAAQS.¹ The state activities include, but are not limited to, developing and submitting attainment demonstrations, reasonable further progress plans, and reasonably

¹ See 77 FR 30160, "Implementation of the 2008 National Ambient Air Quality Standards for Ozone: Nonattainment Area Classifications Approach, Attainment Deadlines and Revocation of the 1997 Ozone Standards for Transportation Conformity Purposes," and 80 FR 12264, "Implementation of the 2008 National Ambient Air Quality Standards for Ozone: State Implementation Plan Requirements."

available control technology (RACT) determinations. This proposed ICR renewal estimates the burden for states to meet the ongoing planning requirements that apply to their remaining nonattainment areas for the 2008 ozone NAAQS over the period April 2021 to April 2024. These requirements primarily affect 2008 ozone NAAQS nonattainment areas that may fail to attain the NAAQS by their attainment date during this time period and be reclassified to a higher classification with new SIP revisions required from the states.

In addition, this ICR renewal includes a new burden estimate for state and EPA activities related to implementing the 2015 8-hour ozone standard, promulgated on October 1, 2015. The two rules governing the implementation of that NAAQS, addressing classification of ozone nonattainment areas and the development of State Implementation Plans (SIPs) and other important implementation issues, provide clarity and certainty to states regarding their planning obligations for the 2015 8-hour NAAQS.² This proposed ICR estimates the burden for states to implement the 2015 ozone NAAQS based on the classification of the ozone nonattainment areas lying within those states, as well as for states in the Ozone Transport Region (OTR).

Finally, this ICR renewal estimates a small amount of additional burden to states to meet the anti-backsliding requirements for the revoked 1997 NAAQS.

This proposed ICR thus estimates the implementation-related burden for states over the 3 years following the ICR approval date for all three 8-hour ozone NAAQS. The burden estimate for the 2008 NAAQS accounts for nine nonattainment areas currently classified as Serious that could be reclassified to Severe-15, and thus subject to additional attainment planning requirements, if the areas fail to attain the NAAQS by the July 20, 2021, attainment date. Such Severe area SIPs will be due within 12–24 months from the date of reclassification, which would be during the reporting period for this ICR. The burden estimate for the 2015 NAAQS is associated with plan development and plan revisions related to states' implementation efforts for 52 nonattainment areas, the majority of which were classified as Marginal, and

assumes that 28 Marginal areas will fail to attain the 2015 NAAQS by the August 3, 2021 attainment date and thus will be subject to reclassification to Moderate and the SIP revisions required for Moderate areas. The burden estimate also accounts for meeting the planning requirements for the 12 states and the District of Columbia in the OTR, where the primary obligation for the 2015 NAAQS is to determine if the RACT requirement is satisfied by the previously approved SIP. The burden estimate for the 1997 NAAQS includes states developing and submitting the second maintenance plans required 8 years after the effective date of the first maintenance plans' final approval by EPA for areas redesignated from nonattainment to attainment. It is worth noting that in some cases, states will be implementing the 2008, 2015, and/or 1997 ozone NAAQS in the same areas concurrently during the 3-year ICR renewal period. The cumulative burden of states simultaneously implementing multiple NAAQS is reflected in this proposed ICR.

The estimates included in this ICR renewal include both the state burden to develop and submit, and the EPA burden to review and to approve or disapprove, attainment plans to meet the requirements prescribed in CAA sections 110 and part D, subparts 1 and 2 of title I as interpreted by EPA's SIP requirements rules. An ozone NAAQS attainment plan contains state rules and other measures designed to improve air quality and achieve the NAAQS by the deadlines established under the CAA. It also must address several additional CAA requirements related to demonstrating timely attainment, and must contain contingency measures in the event the nonattainment area does not achieve reasonable further progress throughout the attainment period or in the event the area does not attain the NAAQS by its attainment date. States that have attained by the applicable attainment date may be eligible to submit a redesignation request and maintenance plan to receive a redesignation from "nonattainment" to "attainment." After a state submits an attainment or maintenance plan, the CAA requires the EPA to approve or disapprove the plan. Tribes may develop or submit attainment plans but are not required to do so.

The original ozone ICR No. 2347.01 that applied to the 2008 8-hour ozone NAAQS was issued after the ozone NAAQS was revised in 2012. The original ICR was renewed as No. 2347.02 for the period February 1, 2015 through January 31, 2018. The ICR No. 2347.02 was renewed in ICR No.

2347.03 for time period covered from February 1, 2018, through April 30, 2021. The ICR No. 2347.01 and the renewals applied to the 2008 8-hour ozone NAAQS before the ozone NAAQS was revised in 2015. This proposed ICR renewal adds the burden of implementing the 2015 8-hour ozone NAAQS and also continues to address any new requirements for the remaining 2008 ozone nonattainment areas. It also includes the estimated burden for a small number of areas subject to ongoing requirements to implement the revoked 1997 ozone NAAQS. This ICR will be effective from April 30, 2021 to April 30, 2024.

Respondents/affected entities: State and local governments.

Respondent's obligation to respond: Mandatory.

Estimated number of responses: 96.

Frequency of response: Once per triggering event [e.g., an air agency is required to revise and submit a SIP revision when the area is designated nonattainment or reclassified to a higher classification, or if it is in an OTR member state to determine if RACT is satisfied by the previously-approved state SIP. An air agency is also required to submit a second 10-year maintenance plan for maintenance areas or portions of maintenance areas for the 1997 ozone NAAQS not also designated as nonattainment for the 2008 ozone NAAQS, and for maintenance areas for the 2008 ozone NAAQS].

Estimated burden for respondents: 119,133 hours per year. Burden is defined at 5 CFR 1320.03(b).

Estimated labor cost for respondents: \$8.4 M (present value) per year.

Estimated cost: \$0 annualized capital or operation & maintenance costs.

Changes in estimates: The EPA expects an increase of 85,133 annual labor hours in the total estimated respondent burden compared with the ICR currently approved by OMB. This increase is due to the activities expected to occur during this period, which are similar but not identical to the SIP planning and submission activities in the previous ICR renewal period. As explained in greater detail below, the main factors contributing to the change include: (1) The addition of the new burden associated with the requirements for 2015 ozone NAAQS nonattainment areas and 1997 ozone NAAQS maintenance areas, which was not covered by the prior ICR, (2) the reduction in the number of 2008 ozone NAAQS nonattainment areas due to states' relative success in attaining the 2008 NAAQS, and (3) the increase in burden associated with the particular stage of the 2008 ozone implementation

² See 83 FR 10376, "Implementation of the 2015 National Ambient Air Quality Standards for Ozone: Nonattainment Area Classifications Approach," and 83 FR 62998, "Implementation of the 2015 National Ambient Air Quality Standards for Ozone: Nonattainment Area State Implementation Plan Requirements."

program that areas still in nonattainment for the 2008 NAAQS are in. In total, the EPA estimates there to be an additional burden of 357,400 hours for the state respondents over the 3-year period compared to the 102,000 hours during the period of the current renewal of the 8-hour ozone NAAQS ICR currently approved by OMB (EPA ICR No. 2247.03).

The main reason for the increase is the addition of the burden to implement the 2015 NAAQS in accordance with the 2015 ozone SIP Requirements rule, which requires submissions from air agencies for 52 nonattainment areas. In contrast, only 13 submissions are expected from air agencies to meet ongoing requirements for the 2008 ozone NAAQS during the ICR renewal period. Moreover, 28 of the 2015 ozone nonattainment areas are expected not to attain by the 2015 ozone NAAQS Marginal attainment date based on preliminary 2020 air quality data. The burden estimate is based on the 5,000 hours needed to meet SIP submittal requirements that result from an area being reclassified from Marginal to Moderate during the ICR 3-year period.

The 2008 ozone NAAQS burden does not significantly change. However, while there are fewer 2008 nonattainment areas now that might require reclassification than in the prior ICR period (13 versus 14) due to states' progress toward attainment, the anticipated reclassification of these nine areas to Severe will trigger submittal requirements during the upcoming period. An additional minor difference in burden is that previous ozone ICRs did not include the burden estimate included here for the states in the OTR to certify the current state SIPs meets the CAA section 184(b)(1)(B) RACT requirements.

Another additional minor difference in burden is that previous ozone ICRs did not include the burden estimate that is included here for the second maintenance plans required from states for four 1997 ozone maintenance areas and three 2008 ozone maintenance areas due 8 years after the effective date of the first maintenance plans' final approval by EPA.

Finally, the cost estimates differ because the current ICR renewal was based on estimates calculated using 2017 dollars and the new ICR renewal is based on 2020 dollars. The burden estimate is detailed in the supporting statement located in the docket for this proposed ICR. The adjustments to the cost assumptions are summarized in sections 6(b) and 6(c) of the supporting statement.

Dated: October 19, 2020.

Scott Mathias,

Director, Air Quality Policy Division.

[FR Doc. 2020-26872 Filed 12-7-20; 8:45 am]

BILLING CODE 6560-50-P

FEDERAL COMMUNICATIONS COMMISSION

[WC Docket No. 18-336; DA 20-1378; FRS 17262]

Implementation of the National Suicide Hotline Improvement Act of 2018

AGENCY: Federal Communications Commission

ACTION: Notice.

SUMMARY: The National Suicide Hotline Designation Act of 2020 (Suicide Hotline Act) designates 988 as the universal telephone number within the United States for the purpose of the national suicide prevention and mental health crisis hotline system within one year after enactment of the Suicide Hotline Act. It also directs the Federal Communications Commission to submit a report on location identification. This public notice seeks comment on issues to inform the location identification report, which is due to Congress by April 17, 2021. This Public Notice also clarifies that the designation of 988 as the universal telephone number within the United States for the national suicide prevention and mental health crisis hotline will take effect on October 17, 2021, which is one year after the date of enactment of the Suicide Hotline Act, and not on October 16, 2020.

DATES: Comments are due on or before December 21, 2020 and Reply Comments are due on or before January 11, 2021.

ADDRESSES: You may submit comments, identified by WC Docket No. 18-336, by any of the following methods:

- *Federal Communications Commission's website:* <http://apps.fcc.gov/ecfs/>. Follow the instructions for submitting comments.
- *Mail:* Federal Communications Commission, 45 L St. NE, Washington, DC 20554.
- *People with Disabilities:* Contact the FCC to request reasonable accommodations (accessible format documents, sign language interpreters, CART, etc.) by email: FCC504@fcc.gov or phone: 202-418-0530 or TTY: 202-418-0432.

FOR FURTHER INFORMATION CONTACT: Michelle Sclater, michelle.sclater@fcc.gov or (202) 418-0388.

SUPPLEMENTARY INFORMATION: On October 17, 2020, the President signed

the National Suicide Hotline Designation Act of 2020 into law (Suicide Hotline Act). The Suicide Hotline Act designates 988 as the universal telephone number within the United States for the purpose of the national suicide prevention and mental health crisis hotline system within one year after enactment of the Suicide Hotline Act. It also directs the Commission to submit a report on location identification. By this public notice, we seek comment on issues to inform the location identification report, which is due to Congress by April 17, 2021.

Section 5 of the Suicide Hotline Act requires the Commission to submit a report to the appropriate committees "that examines the feasibility and cost of including an automatic dispatchable location that would be conveyed with a 9-8-8 call, regardless of the technological platform used and including with calls from multi-line telephone systems," and as such, we seek comment on these issues generally. More specifically, what is the feasibility of including location information with a 988 call? What technical issues are involved and how can they be overcome, including with respect to multi-line telephone systems? How long would an implementation process take? What are the costs involved—both the financial costs and any potential risks to consumer privacy or other non-monetary costs? We note that in addition to soliciting written public comment by this Public Notice, we will invite members of our expert advisory committee, the North American Numbering Council, to discuss and provide input on the feasibility and cost of including an automatic dispatchable location with a 988 call at a forthcoming meeting.

We also take this opportunity to clarify the 988 implementation date, as well as the effective date of the designation of 988 as the universal telephone number within the United States for the national suicide prevention and mental health crisis hotline. Prior to enactment of the Suicide Hotline Act, the Commission designated 988 as the universal telephone number within the United States for the national suicide prevention and mental health crisis hotline in a *Report and Order* released on July 17, 2020, and that became effective on October 16, 2020. (85 FR 57767 (Sept. 16, 2020)). The *Report and Order* also set an implementation date of July 16, 2022 for all telecommunications carriers, interconnected voice over internet Protocol (VoIP) providers, and one-way

VoIP providers to make any network changes necessary to ensure that users can dial 988 to reach the Lifeline. The Suicide Hotline Act states that the 988 designation shall take effect one year after enactment, but is silent on implementation. The implementation deadline set forth in the *Report and Order* “to allow sufficient time—but no more time than necessary—for covered providers to meet the challenges of implementing 10-digit dialing in 87 area codes and of making necessary changes to their switches” therefore remains unchanged by the Suicide Hotline Act.

Although the Suicide Hotline Act does not mention the Commission’s earlier designation of 988 in the *Report and Order*, we construe Congress’s independent designation of 988 in the Suicide Hotline Act as a ratification of the Commission’s designation. Accordingly, the *Report and Order* is unaffected by the Suicide Hotline Act, except that we now clarify that the designation of 988 as the universal telephone number within the United States for the national suicide prevention and mental health crisis hotline will take effect on October 17, 2021, which is one year after the date of enactment of the Suicide Hotline Act, and not on October 16, 2020. This clarification is necessary to make the *Report and Order* consistent with Congress’s clear intent that designation become effective one year after the date of enactment, as stated in section 3 of the Suicide Hotline Act. To the extent necessary, we hereby waive the October 16, 2020 effective date of the designation in the *Report and Order* until one year after the date of enactment of the Suicide Hotline Act. This waiver is necessary to effectuate Congress’s intent, and we are aware of no harm to the public interest that would be caused by adopting the effective date that Congress prescribed in the Suicide Hotline Act.

The proceeding this Notice initiates shall be treated as a “permit-but-disclose” proceeding in accordance with the Commission’s *ex parte* rules. Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and

arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter’s written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (e.g., .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission’s *ex parte* rules.

Pursuant to sections 1.415 and 1.419 of the Commission’s rules, 47 CFR 1.415, 1.419, interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. Comments may be filed using the Commission’s Electronic Comment Filing System (ECFS). See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

- **Electronic Filers:** Comments may be filed electronically using the internet by accessing the ECFS: <http://apps.fcc.gov/ecfs/>.

- **Paper Filers:** Parties who choose to file by paper must file an original and one copy of each filing.

- Filings can be sent by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission’s Secretary, Office of the Secretary, Federal Communications Commission.

- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701. U.S. Postal Service first-class, Express, and Priority mail must be addressed to 45 L Street NE, Washington, DC 20554.

- Effective March 19, 2020, and until further notice, the Commission no longer accepts any hand or messenger

delivered filings. This is a temporary measure taken to help protect the health and safety of individuals, and to mitigate the transmission of COVID-19. See FCC Announces Closure of FCC Headquarters Open Window and Change in Hand-Delivery Policy, Public Notice, DA 20–304 (March 19, 2020). <https://www.fcc.gov/document/fcc-closes-headquarters-open-window-and-changes-hand-delivery-policy>.

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an email to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202–418–0530 (voice), 202–418–0432 (TTY).

Federal Communications Commission.

Daniel Kahn,

Associate Bureau Chief, Wireline Competition Bureau.

[FR Doc. 2020–26917 Filed 12–7–20; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

Sunshine Act Meeting

TIME AND DATE: 10:00 a.m., Thursday, December 17, 2020.

PLACE: This meeting will be conducted through a videoconference involving all Commissioners. Any person wishing to listen to the proceeding may call the number listed below.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following in open session: *Secretary of Labor v. Solar Sources Mining, LLC*, Docket No. LAKE 2017–0099 (Issues include whether, on remand, the Judge’s penalty assessment was erroneous.)

Any person attending this meeting who requires special accessibility features and/or auxiliary aids, such as sign language interpreters, must inform the Commission in advance of those needs. Subject to 29 CFR 2706.150(a)(3) and 2706.160(d).

CONTACT PERSON FOR MORE INFORMATION: Emogene Johnson, (202) 434–9935/(202) 708–9300 for TDD Relay/1–800–877–8339 for toll free.

Phone Number for Listening to

Meeting: 1–(866) 236–7472.

Passcode: 678–100.

Authority: 5 U.S.C. 552b.

Dated: December 4, 2020.

Sarah L. Stewart,

Deputy General Counsel.

[FR Doc. 2020–27093 Filed 12–4–20; 4:15 pm]

BILLING CODE 6735–01–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 January 7, 2021.

A. Federal Reserve Bank of New York (Ivan Hurwitz, Senior Vice President) 33 Liberty Street, New York, New York 10045-0001. Comments can also be sent electronically to

Comments.applications@ny.frb.org:

1. *SBD Bancorp, Inc., Danbury, Connecticut*; to become a bank holding company by acquiring The Savings Bank of Danbury, also of Danbury, Connecticut.

Board of Governors of the Federal Reserve System, December 3, 2020.

Michele Taylor Fennell,

Deputy Associate Secretary of the Board.

[FR Doc. 2020-26955 Filed 12-7-20; 8:45 am]

BILLING CODE P

FEDERAL RESERVE SYSTEM**Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company**

The notificants listed below have applied under the Change in Bank Control Act (Act) (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the applications are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

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 paragraph 7 of the Act.

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 23, 2020.

A. Federal Reserve Bank of Minneapolis (Chris P. Wangen, Assistant Vice President), 90 Hennepin Avenue, Minneapolis, Minnesota 55480-0291:

1. *Brian Kenneth Solsrud, North Oaks, Minnesota*; to acquire additional voting shares of Belt Valley Bank, Belt, Montana.

Board of Governors of the Federal Reserve System, December 3, 2020.

Michele Taylor Fennell,

Deputy Associate Secretary of the Board.

[FR Doc. 2020-26952 Filed 12-7-20; 8:45 am]

BILLING CODE P

DEPARTMENT OF HEALTH AND HUMAN SERVICES**Administration for Children and Families**

[CFDA Number: 93.595]

Announcement of the Intent To Award a Single-Source Grant to the University of Maryland in College Park, Maryland

AGENCY: Office of Planning, Research, and Evaluation (OPRE), Administration for Children and Families (ACF), Department of Health and Human Services (HHS).

ACTION: Notice of Issuance of a Single-Source award.

SUMMARY: ACF/OPRE announces the intent to award a grant in the amount of \$499,514 to the University of Maryland in College Park, Maryland. The purpose of this award is to develop alternative statistical methods for adjusting Temporary Assistance for Needy Families (TANF) caseload data to account for states' programmatic differences and examine the relative effectiveness of state programs.

DATES: The proposed period of performance is January 1, 2021 to December 31, 2023.

FOR FURTHER INFORMATION CONTACT: Girley Wright, Senior Program Analyst, Office of Planning, Research, and Evaluation, 330 C Street SW, Washington, DC 20201. Telephone: 202-401-5070; Email: girley.wright@acf.hhs.gov.

SUPPLEMENTARY INFORMATION: The University of Maryland plans to develop several alternative statistical methods for comparing TANF outcomes across states and complete two reports. The first report will describe the results of applying the selected models to each of the TANF performance measures, the sensitivity of the analyses to assumptions and model specifications, the sufficiency of the existing federal TANF data, and the usefulness of supplemental, state-level TANF data. The second report will describe the grantee efforts to convene cross-state, peer-to-peer performance improvement exchanges, including the results of an evaluation of states' efforts. The results of this award will increase ACF's ability to answer questions about how well TANF helps recipients increase their employment and earnings and move toward self-sufficiency. The Office of Family Assistance in coordination with OPRE would find this analysis informative and useful for ongoing TANF performance management efforts.

Statutory Authority: Social Security Act, Title IV, Section 413(a), 42 U.S.C. § 613(a).

Elizabeth Leo,

Senior Grants Policy Specialist, Office of Grants Policy, Office of Administration.

[FR Doc. 2020-26970 Filed 12-7-20; 8:45 am]

BILLING CODE 8414-09-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Solicitation of Nominations for Membership To Serve on the National Advisory Council on Migrant Health

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services (HHS).

ACTION: Request for nominations.

SUMMARY: HRSA is seeking nominations of qualified candidates to be considered for appointment as members of the National Advisory Council on Migrant Health (NACMH). The NACMH consults with and makes recommendations to the HHS Secretary concerning the organization, operation, selection, and funding of migrant health centers (MHC) and other entities funded under grants and contracts under section 330(g) of the Public Health Service (PHS) Act. HRSA is seeking nominations to fill up to three positions on the NACMH.

DATES: HRSA will receive written nominations for NACMH membership on a continuous basis.

ADDRESSES: Nomination packages must be submitted in hard copy to the Designated Federal Official (DFO), NACMH, Strategic Initiatives and Planning Division, Office of Policy and Program Development, Bureau of Primary Health Care, HRSA, 16N38B, 5600 Fishers Lane, Rockville, Maryland 20857.

FOR FURTHER INFORMATION CONTACT: All requests for information regarding NACMH nominations should be sent to Esther Paul, DFO, NACMH, HRSA by sending an email to hrsabphcoppdnacmh@hrsa.gov. A copy of the NACMH charter and list of the current membership are available on the NACMH website at <https://bphc.hrsa.gov/qualityimprovement/strategicpartnerships/nacmh/index.html>.

SUPPLEMENTARY INFORMATION: NACMH was established and authorized under section 217 of the PHS Act, as amended (42 U.S.C. 218), to consult with and make recommendations to the HHS Secretary concerning the organization,

operation, selection, and funding of MHCs, and other entities under grants and contracts under section 330 of the PHS Act (42 U.S.C. 254b). The NACMH meets twice each calendar year, or at the discretion of the DFO in consultation with the NACMH Chair.

Nominations: HRSA is seeking nominations for voting members to serve as Special Government Employees (SGEs) on the NACMH to fill three open positions. Specifically, HRSA is requesting nominations for the following positions: Board Member/Patient (1 nominee) and Administrator/Provider (2 nominees). The Board Member/Patient nominee must be a member or member-elect of a governing board of an organization receiving funding under section 330(g) of the PHS Act. The board member nominee must also be a patient of the health center that he/she represents. Additionally, a board member nominee must be familiar with the delivery of primary health care to migratory and seasonal agricultural workers (MSAWs) and their families. The Administrator/Provider nominees must be qualified by training and experience in the medical sciences or in the administration of health programs for MSAWs and their families. Interested applicants may be nominated by another individual or organization.

The Secretary appoints NACMH members with the expertise needed to fulfill the duties of the Advisory Committee. The membership requirements set forth in section 217 of the PHS Act, as amended (42 U.S.C. 218), require that the NACMH consist of 15 members, at least 12 of whom shall be members of the governing boards of MHCs or other entities assisted under section 330 of the PHS Act (42 U.S.C. 254b). Of such 12 members, at least nine shall be chosen from among those members served by such health centers and familiar with the delivery of health care to MSAWs. The remaining three NACMH members shall be individuals qualified by training and experience in the medical sciences or in the administration of health programs. New members filling a vacancy that occurred prior to expiration of a term may serve only for the remainder of such term. Members may serve after the expiration of their terms until their successors have taken office, but no longer than 120 days. Nominees must reside in the United States, and international travel cannot be funded.

Individuals selected for appointment to the NACMH will be appointed for four year terms. Members appointed as SGEs receive a stipend and reimbursement for per diem and travel expenses incurred for attending

NACMH meetings, as authorized by 5 U.S.C. 5703 for persons employed intermittently in government service.

The following information must be included in the package of materials submitted for each individual nominated for consideration: (1) A NACMH nomination form, which can be requested by contacting the DFO at the email provided above; (2) three letters of reference; (3) a statement of prior service on the NACMH; and (4) a current copy of the nominee's curriculum vitae. Nomination packages may be submitted directly by the individual being nominated or by the person/organization recommending the candidate.

HHS endeavors to ensure that the membership of the NACMH is fairly balanced in terms of points of view represented and that individuals from a broad representation of geographic areas, gender, and ethnic and minority groups, as well as individuals with disabilities, are considered for membership. Appointments shall be made without discrimination on the basis of age, race, color, national origin, sex, disability, or religion.

Individuals who are selected to be considered for appointment will be required to provide detailed information regarding their financial holdings, consultancies, and research grants or contracts. Disclosure of this information is required in order for HRSA ethics officials to determine whether there is a potential conflict of interest between the SGE's public duties as a member of the NACMH and their private interests, including an appearance of a loss of impartiality as defined by federal laws and regulations, and to identify any required remedial action needed to address the potential conflict.

Authority: NACMH is authorized under section 217 of the PHS Act, as amended (42 U.S.C. 218), and established by the Secretary. It is governed by the Federal Advisory Committee Act (5 U.S.C. Appendix 2) (FACA), which sets forth standards for the formation and use of advisory committees.

Maria G. Button,

Director, Executive Secretariat.

[FR Doc. 2020-26956 Filed 12-7-20; 8:45 am]

BILLING CODE 4165-15-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Neurological Disorders and Stroke; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Neurological Disorders and Stroke Special Emphasis Panel; Stroke Clinical Research.

Date: December 17, 2020.

Time: 9:00 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Virtual Meeting).

Contact Person: Shanta Rajaram, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Activities, NINDS/NIH, NSC, 6001 Executive Blvd., Suite 3208, MSC 9529, Rockville, MD 20852, (301) 435-6033, rajarams@mail.nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.853, Clinical Research Related to Neurological Disorders; 93.854, Biological Basis Research in the Neurosciences, National Institutes of Health, HHS)

Dated: December 3, 2020.

Ronald J. Livingston, Jr.,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2020-26958 Filed 12-7-20; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as

amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; Physiology of the Weight Reduced State Data Coordinating Center.

Date: December 7, 2020.

Time: 1:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health DEM2, 6707 Democracy Blvd., Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Peter J. Kozel, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Activities, National Institute of Diabetes and Digestive and Kidney Diseases (NIDDK), kozelp@mail.nih.gov, (301) 594-4721.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; Physiology of the Weight Reduced State UG3 Clinical Centers.

Date: December 8, 2020.

Time: 11:00 a.m. to 1:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health DEM2, 6707 Democracy Blvd., Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Peter J. Kozel, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Activities, National Institute of Diabetes and Digestive and Kidney Diseases (NIDDK), kozelp@mail.nih.gov, (301) 594-4721.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: December 3, 2020.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2020-26959 Filed 12-7-20; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Neurological Disorders and Stroke; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Neurological Disorders and Stroke Special Emphasis Panel; BRAIN K99 to Promote Diversity.

Date: January 13, 2021.

Time: 10:00 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Virtual Meeting).

Contact Person: Delany Torres, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Activities, NINDS, Neuroscience Center Building (NSC), 6001 Executive Blvd., Suite 3208, Rockville, MD 20852, delany.torressalazar@nih.gov.

Name of Committee: National Institute of Neurological Disorders and Stroke Special Emphasis Panel; NINDS K Awards to Promote Diversity.

Date: January 26, 2021.

Time: 11:00 a.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Virtual Meeting).

Contact Person: Delany Torres, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Activities, NINDS, Neuroscience Center Building (NSC), 6001 Executive Blvd., Suite 3208, Rockville, MD 20852, delany.torressalazar@nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.853, Clinical Research Related to Neurological Disorders; 93.854, Biological Basis Research in the Neurosciences, National Institutes of Health, HHS)

Dated: December 2, 2020.

Ronald J. Livingston, Jr.,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2020-26868 Filed 12-7-20; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Clinical Center; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the Board of Scientific Counselors of the NIH Clinical Center.

The meeting will be closed to the public as indicated below in accordance with the provisions set forth in section 552b(c)(6), Title 5 U.S.C., as amended for the review, discussion, and evaluation of individual intramural programs and projects conducted by the CLINICAL CENTER, including consideration of personnel qualifications and performance, and the competence of individual investigators, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Board of Scientific Counselors of the NIH Clinical Center.

Date: January 7, 2021.

Time: 3:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate the 2020 report of the Clinical Center's RADIS Scientific Review.

Place: Bethesda, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Ronald Neumann, MD, Senior Investigation, Clinical Center, National Institutes of Health, 10 Center Drive, Bethesda, MD 20892, 301-496-6455, rneumann@cc.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. This meeting is closed to the public.

In the interest of security, NIH has instituted stringent procedures for entrance onto the NIH campus. All visitor vehicles, including taxicabs, hotel, and airport shuttles will be inspected before being allowed on campus. Visitors will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit.

Dated: December 2, 2020.

Ronald J. Livingston, Jr.,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2020-26865 Filed 12-7-20; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Alcohol Abuse and Alcoholism; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Alcohol Abuse and Alcoholism Initial Review Group; Clinical, Treatment and Health Services Research Review Subcommittee Clinical, Treatment and Health Services Research Review Subcommittee.

Date: February 17, 2021.

Time: 8:30 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute of Health, National Institute on Alcohol Abuse and Alcoholism, 6700 B Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Luis Espinoza, Ph.D., Scientific Review Officer, Extramural Project Review Branch, National Institute on Alcohol Abuse and Alcoholism, 6700B Rockledge Drive, Room 2109, Bethesda, MD 20817, (301) 443-8599, espinozala@mail.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.271, Alcohol Research Career Development Awards for Scientists and Clinicians; 93.272, Alcohol National Research Service Awards for Research Training; 93.273, Alcohol Research Programs; 93.891, Alcohol Research Center Grants; 93.701, ARRA Related Biomedical Research and Research Support Awards, National Institutes of Health, HHS)

Dated: December 2, 2020.

Patricia B. Hansberger,

Supervisory Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2020-26961 Filed 12-7-20; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID: FEMA-2020-0027; OMB No. 1660-0144]

Agency Information Collection Activities: Submission for OMB Review; Comment Request; Individual & Community Preparedness Division (ICPD) Youth Preparedness Council (YPC) Application Form

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: 30-Day notice and request for comments.

SUMMARY: The Federal Emergency Management Agency (FEMA), as part of its continuing effort to reduce paperwork and respondent burden, invites the general public to take this opportunity to comment on a reinstatement, with change, of a previously approved information collection for which approval has expired. FEMA will submit the information collection abstracted below to the Office of Management and Budget for review and clearance in accordance with the requirements of the Paperwork Reduction Act of 1995. The submission will describe the nature of the information collection, the categories of respondents, the estimated burden (*i.e.*, the time, effort and resources used by respondents to respond) and cost, and the actual data collection instruments FEMA will use.

DATES: Comments must be submitted on or before January 7, 2021.

ADDRESSES: Submit comments at www.regulations.gov under Docket ID FEMA-2020-0027. Follow the instructions for submitting comments. All submissions received must include the agency name and Docket ID, and will be posted, without change, to the Federal eRulemaking Portal at <http://www.regulations.gov>, and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to read the Privacy and Security Act Notice that is available via a link on the homepage of www.regulations.gov.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection should be made to Director, Information Management Division, FEMA-Information-Collections-Management@fema.dhs.gov or Gretchen Wesche, Youth Preparedness Lead, Individual and Community Preparedness Division,

Federal Emergency Management Agency, 202–856–2202, fema-prepare@fema.dhs.gov.

SUPPLEMENTARY INFORMATION: This proposed information collection previously published in the **Federal Register** on July 10, 2020, at 85 FR 41622 with a 60 day public comment period. No comments were received. The purpose of this notice is to notify the public that FEMA will submit the information collection abstracted below to the Office of Management and Budget for review and clearance.

Collection of Information

Title: Individual & Community Preparedness Division (ICPD) Youth Preparedness Council (YPC) Application Form.

Type of information collection: Revision of a currently approved information collection.

OMB Number: 1660–0144.

Form Titles and Numbers: FEMA Form 008–0–0–24. Title: Individual & Community Preparedness Division (ICPD) Youth Preparedness Council (YPC) Application Form.

Abstract: This application form is used to select interested council members based on dedication to public service, efforts in making a difference in their community, and potential for expanding their impact as a national advocate for youth preparedness.

Affected Public: Individuals or households, State, local or Tribal government.

Estimated Number of Respondents: 200.

Estimated Number of Responses: 200.

Estimated Total Annual Burden Hours: 283.

Estimated Total Annual Respondent Cost: \$2,997.

Estimated Respondents' Operation and Maintenance Costs: \$0.

Estimated Respondents' Capital and Start-Up Costs: \$72,796.

Comments

Comments may be submitted as indicated in the **ADDRESSES** caption above. Comments are solicited to (a) evaluate whether the proposed data collection is necessary for the proper performance of the agency, including whether the information shall have practical utility; (b) 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; (c) enhance the quality, utility, and clarity of the information to be collected; and (d) minimize the burden of the collection of information on those

who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Maile Arthur,

Acting Records Management Branch Chief, Office of the Chief Administrative Officer, Mission Support, Federal Emergency Management Agency, Department of Homeland Security.

[FR Doc. 2020–26909 Filed 12–7–20; 8:45 am]

BILLING CODE 9111–27–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2020–0016]

Plan of Action To Establish a National Strategy for the Manufacture, Allocation, and Distribution of Personal Protective Equipment (PPE) To Respond to COVID–19; Implemented Under the Voluntary Agreement for the Manufacture and Distribution of Critical Healthcare Resources Necessary To Respond to a Pandemic

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: The Federal Emergency Management Agency (FEMA) announces the activation of a Plan of Action to establish a National Strategy for the manufacture, allocation, and distribution of Personal Protective Equipment (PPE) to respond to COVID–19 implemented under the Voluntary Agreement for the manufacture and distribution of critical healthcare resources necessary to respond to a pandemic. This Notice contains the text of the Plan of Action.

FOR FURTHER INFORMATION CONTACT:

Robert Glenn, Office of Business, Industry, Infrastructure Integration, Federal Emergency Management Agency, (202) 212–1666, and email OB3I@fema.dhs.gov.

SUPPLEMENTARY INFORMATION:

Authority

Section 708 of the Defense Production Act (DPA), 50 U.S.C. 4558, allows the President to provide for the formation of voluntary agreements and plans of action by the private sector to help provide for the national defense. This authority was delegated to the Secretary

of Homeland Security generally in section 401 of Executive Order 13603,¹ “National Defense Resources Preparedness,” and specifically for response to COVID–19 in section 3 of Executive Order 13911,² “Delegating Additional Authority Under the Defense Production Act With Respect to Health and Medical Resources To Respond to the Spread of COVID–19.” The Secretary of Homeland Security has delegated these authorities to the FEMA Administrator in Department of Homeland Security (DHS) Delegation 09052 Rev. 00, “Delegation of Defense Production Act Authority to the Administrator of the Federal Emergency Management Agency,” (Jan. 3, 2017), and DHS Delegation 09052 Rev. 00.1, “Delegation of Defense Production Act Authority to the Administrator of the Federal Emergency Management Agency” (Apr. 1, 2020), respectively.

Background

FEMA sought and received approval from the Attorney General, after consultation with the Federal Trade Commission (FTC), to begin consultation with the private sector, as required by Section 708(c)(2). Pursuant to that approval, on May 12, 2020, FEMA posted an announcement of a public meeting and request for comments to develop a Voluntary Agreement in the **Federal Register** (85 FR 28031). FEMA held a public meeting on May 21, 2020, and accepted public comments until June 5, 2020.³ FEMA received 34 public comments and considered these comments when preparing the Voluntary Agreement.⁴

The Attorney General, in consultation with the Chairman of the Federal Trade Commission, made the required finding that the purpose of the Voluntary Agreement may not reasonably be achieved through an agreement having less anticompetitive effect or without any Voluntary Agreement. Pursuant to Sec. 708(f)(1)(B) of the DPA, the Department of Justice separately published this finding in the **Federal Register** on August 17, 2020 as a notice (85 FR 50049). The FEMA Administrator, as the Sponsor of the agreement, certified in writing that the agreement was necessary to help provide for the national defense. FEMA provided notice of the formation and the

¹ 77 FR 16651 (Mar. 22, 2012).

² 85 FR 18403 (Apr. 1, 2020).

³ The original comment period was extended to allow commentators additional time to respond. FEMA posted notices of extension to www.regulations.gov under the Docket ID for this notice, FEMA–2020–0016.

⁴ Available on www.regulations.gov under the Docket ID for this notice.

text of the Voluntary Agreement in the **Federal Register** on August 17, 2020 (85 FR 50035).

On October 13, 2020, FEMA held a virtual meeting to implement the Voluntary Agreement for the Manufacture and Distribution of Critical Healthcare Resources Necessary to Respond to a Pandemic (*see* 85 FR 63567). A portion of the meeting was open to the public. One objective of this meeting was to discuss the activation of the first Plan of Action under the Voluntary Agreement to identify more efficient methods of allocating and distributing Personal Protective Equipment to meet national demand and ways of expanding the production of critical healthcare resources, with an initial focus on the manufacture of N95 masks. From this meeting, FEMA incorporated public comments and feedback from the U.S. Department of Justice and the Federal Trade Commission to develop the Plan of Action.

The Attorney General, in consultation with the Chairman of the Federal Trade Commission, made the required finding that the purposes of section 708(c)(1) of the DPA cannot reasonably be achieved without any Plan of Action, or by a plan of action having less anticompetitive effects than the proposed Plan of Action. Pursuant to section 708(f)(1)(B) of the DPA, the Department of Justice is separately publishing this finding in the **Federal Register** as a notice. The FEMA Administrator has certified in writing that this Plan of Action is necessary to help provide for the national defense.

Text of the Plan of Action to Establish a National Strategy for the manufacture, allocation, and distribution of Personal Protective Equipment (PPE) to respond to COVID-19 implemented under the voluntary agreement for the MANUFACTURE AND DISTRIBUTION OF CRITICAL HEALTHCARE RESOURCES NECESSARY TO RESPOND TO A PANDEMIC

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- VIII. Assignment

Preface

Pursuant to section 708 of the Defense Production Act of 1950 (DPA), as amended (50 U.S.C. 4558), the Federal Emergency Management Agency (FEMA) Administrator (Administrator), after consultation with the Secretary of the Department of Health and Human Services (HHS), the Attorney General of the United States (Attorney General), and the Chairman of the Federal Trade Commission (FTC), developed a Voluntary Agreement for the Manufacture and Distribution of Critical Healthcare Resources Necessary to Respond to a Pandemic (Voluntary Agreement), 85 FR 50035 (August 17, 2020). The Voluntary Agreement, which operates through a series of Plans of Action, maximizes the manufacture and efficient distribution of Critical Healthcare Resources nationwide to respond to a pandemic by establishing unity of effort between Participants and the Federal Government for integrated coordination, planning, information sharing with FEMA, as authorized by FEMA, and allocation and distribution of Critical Healthcare Resources.

This document establishes a Plan of Action (Plan) for the Manufacture, Allocation, and Distribution of Personal Protective Equipment (PPE) to Respond to COVID-19. This Plan will be implemented under the Voluntary Agreement by several Sub-Committees:

- (1) Sub-Committee to Define COVID-19 PPE Requirements,
- (2) Sub-Committee for N-95 and other Medical Respirators,
- (3) Sub-Committee for Gloves,
- (4) Sub-Committee for Gowns, and
- (5) Sub-Committee for Eye and Facial Coverings.

FEMA may establish additional Sub-Committees under this Plan of Action, so long as:

- (1) The Sub-Committee addresses one specific and well-defined category of PPE; and
- (2) The Sub-Committee is recommended by the Sub-Committee to Define COVID-19 PPE Requirements.

The purpose of the Plan and the Sub-Committees is to maximize the manufacture and efficient distribution of selected types of critical PPE and create a prioritization protocol for End-Users based upon their demonstrated or projected requirements including geographic and regional circumstances.

The primary goal of the Plan is to create a mechanism to immediately meet exigent PPE requests anywhere in the Nation and to ensure that actions to support PPE stockpiling and reserves do not interfere with immediate requirements that would result in an unacceptable risk to healthcare providers or other potential PPE recipients. When the requirements of the Plan are met, it affords Sub-Committee Participants defenses to civil and criminal actions brought under the antitrust laws (or any similar law of any state) for actions taken within the scope of the Plan. The Plan is designed to foster a close working relationship among FEMA, HHS, and Sub-Committee Participants to address national defense needs through cooperative action under the direction and active supervision of FEMA.

I. Purpose

A pandemic may present conditions that pose a direct threat to the national defense of the United States or its preparedness programs such that, pursuant to DPA section 708(c)(1), an agreement to collectively coordinate, plan, and collaborate for the manufacture and distribution of PPE is necessary for the national defense. This Plan of Action to Establish a National Strategy for the Manufacture, Allocation, and Distribution of Personal Protective Equipment (PPE) to Respond to COVID-19 is established under the Voluntary Agreement and establishes five Sub-Committees to oversee and implement the Plan. The Plan and Sub-Committees will optimize the manufacture and the efficient distribution of selected types of critical PPE and create a prioritization protocol for End-Users based upon their demonstrated or projected requirements and taking into account geographic and regional circumstances for stabilization and reduction of COVID-19 exposure.

II. Authorities

Section 708, Defense Production Act (50 U.S.C. 4558); sections 402(2) & 501(b), Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121-5207); sections 503(b)(2)(B) & 504(a)(10) & (16) of the Homeland Security Act of 2002 (6 U.S.C. 313(b)(2)(B), 314(a)(10) & (16)); sections 201, 301, National Emergencies Act (50 U.S.C. 1601 *et seq.*); section 319, Public Health Service Act (42 U.S.C. 247d); Executive Order (E.O.) 13911, 85 FR 18403 (March 27, 2020); Prioritization and Allocation of Certain Scarce or Threatened Health and Medical Resources for Domestic Use, 85 FR 20195 (April 10, 2020). Pursuant to DPA

section 708(f)(1)(A), the Administrator certifies that this Plan is necessary for the national defense.

III. General Provisions

A. Definitions

Administrator

The FEMA Administrator is the Sponsor of the Voluntary Agreement. Pursuant to a delegation or redelegation of the functions given to the President by DPA section 708, the Administrator proposes and provides for the development and carrying out of the Voluntary Agreement, including through the development and implementation of Plans of Action. The Administrator is responsible for carrying out all duties and responsibilities required by 50 U.S.C. 4558 and 44 CFR part 332 and for appointing one or more Chairpersons to manage and administer the Committee and all Sub-Committees formed to carry out the Voluntary Agreement.

Agreement

The Voluntary Agreement for the Manufacture and Distribution of Critical Healthcare Resources Necessary to Respond to a Pandemic (Voluntary Agreement).

Allocation

The process of determining and directing the relative distribution among one or more competing requests from End-Users for the same PPE. Through the Allocation process, FEMA—with participation from Sub-Committee Participants—will assess the actual needs of End-Users and determine how to divide the available and projected supply of PPE to minimize impacts to life, safety, and economic disruption associated with shortages of critical PPE. Allocation will take place only under Exigent Circumstances. FEMA retains decision-making authority for all Allocation under this Plan.

Attendees

Subject matter experts, invited by the Chairperson or a Sub-Committee Chairperson to attend meetings authorized under the Voluntary Agreement or this Plan of Action, to provide technical advice or to represent other government agencies or interested parties. Invitations to attendees will be extended as required for Committee or Sub-Committee meetings and deliberations.

Chairperson

FEMA senior executive(s), appointed by the Administrator, to chair the Committee for the Distribution of

Healthcare Resources Necessary to Respond to a Pandemic (Committee). The Chairperson shall be responsible for the overall management and administration of the Committee, the Voluntary Agreement, and Plans of Action developed under the Voluntary Agreement while remaining under the supervision of the Administrator; shall initiate, or approve in advance, each meeting held to discuss problems, determine policies, recommend actions, and make decisions necessary to carry out the Voluntary Agreement; appoint one or more co-Chairpersons to chair the Committee, and otherwise shall carry out all duties and responsibilities assigned to him. With the approval of the Administrator, the Chairperson may create one or more Sub-Committees, and may appoint one or more Sub-Committee Chairpersons to chair the Sub-Committees, as appropriate.

Committee

Committee for the Distribution of Healthcare Resources Necessary to Respond to a Pandemic established under the Voluntary Agreement.

Competitively Sensitive Information

Competitively Sensitive Information that is shared pursuant to this Plan of Action may include any Document or other tangible thing or oral transmission that contains financial, business, commercial, scientific, technical, economic, or engineering information or data, including, but not limited to

- Financial statements and data,
- customer and supplier lists,
- price and other terms of sale to customers,
- sales records, projections and forecasts,
- inventory levels,
- capacity and capacity utilization,
- cost information,
- sourcing and procurement information,
- manufacturing and production information,
- delivery and shipping information,
- systems and data designs, and
- methods, techniques, processes, procedures, programs, codes, or similar information, whether tangible or intangible, and regardless of the method of storage, compilation, or recordation, if the owner thereof has taken reasonable measures to protect the information from disclosure to the public or competitors. These measures may be evidenced by marking or labeling the items as “competitively sensitive information” during submission to FEMA or in the Participant’s customary and existing

treatment of such information (regardless of labeling).

All Competitively Sensitive Information provided by a Sub-Committee Participant as described herein is deemed Competitively Sensitive Information, except for Information that:

- a. Is published or has been made publicly available at the time of disclosure by the Sub-Committee Participant;
- b. was in the possession of, or was lawfully and readily available to, FEMA from another source at the time of disclosure without breaching any obligation of confidentiality applicable to the other source; or
- c. was independently developed or acquired without reference to or reliance upon the Sub-Committee Participant’s Competitively Sensitive Information;

Where information deemed Competitively Sensitive Information is required to be disclosed by law, regulation, or court order, the “Competitively Sensitive” (or substantially similar) label will continue to attach to all information and portion(s) of documents that are not made public through the required disclosure.

Document

Any information, on paper or in electronic/audio/visual format, including written, recorded, and graphic materials of every kind, in the possession, custody, or control of the Participant and used or shared in the course of participation in the Voluntary Agreement or a subsequent Plan of Action.

End-User

This includes all direct and ancillary medical support including, but not limited to, hospitals, independent healthcare providers, nursing homes, medical laboratories, dental care providers, independent physician offices, first responders, alternate care facilities and the general public that reasonably represents the totality of the nation’s professional or medical response to COVID-19. “End-User” may also include essential workers necessary to maintain or restore critical infrastructure operations, including but not limited to law enforcement, education, food and agriculture, energy, water and wastewater, and public works personnel.

Exigent Circumstances

As determined by the Chairperson, the actual or forecasted shortage of a particular type or types of PPE which

likely cannot be fulfilled via usual market mechanisms for an acute, critical time period, and where immediate and substantial harm is projected to occur from lack of intervention.

Pandemic

A Pandemic is defined as an epidemic that has spread to human populations across a large geographic area that is subject to one or more declarations under the National Emergencies Act, the Public Health Service Act, or the Robert T. Stafford Disaster Relief and Emergency Assistance Act, or if the Administrator determines that one or more declarations is likely to occur and the epidemic poses a direct threat to the national defense or its preparedness programs. For example, Coronavirus Disease 2019 (COVID-19).

Participant

An individual, partnership, corporation, association, or private organization, other than a federal agency, that has substantive capabilities, resources or expertise to carry out the purpose of the Voluntary Agreement, that has been specifically invited to participate in the Voluntary Agreement by the Chairperson, and that has applied and agreed to the terms of the Voluntary Agreement. "Participant" includes a corporate or non-corporate entity entering into the Voluntary Agreement and all subsidiaries and affiliates of that entity in which that entity has 50 percent or more control either by stock ownership, board majority, or otherwise. The Administrator may invite Participants to join the Voluntary Agreement at any time during its effective period.

Personal Protective Equipment (PPE)

Objects that provide measures of safety protection for healthcare workers, first responders, critical infrastructure personnel and/or the general public for the response to the Pandemic. These PPE items may include, but are not limited to, face coverings, filtering facepiece respirators, face shields, isolation and surgical gowns, examination and surgical gloves, suits, and foot coverings.

Plan of Action (Plan)

This document. A documented method, pursuant to 50 U.S.C. 4558(b)(2), proposed by FEMA to implement a particular set of activities under the Voluntary Agreement, through a Sub-Committee focused on a particular Critical Healthcare Resource, or pandemic response workstream or functional area necessary for the national defense.

Plan of Action Agreement

A separate commitment made by Participants upon invitation and agreement to participate in a Plan of Action as part of one or more Sub-Committees. Completing the Plan of Action Agreement confers responsibilities on the Participant consistent with those articulated in the Plan of Action and affords Participants a defense against antitrust claims under section 708 for actions taken to develop or carry out the Plan of Action and the appropriate Sub-Committee(s), as described in Section IV below.

Representatives

The representatives the Administrator identifies and invites to the Committee from FEMA, HHS, and other federal agencies with equities in this Plan, and empowered to speak on behalf of their agencies' interests. The Attorney General and the Chairman of the FTC, or their delegates, may also attend any meeting as a Representative.

Sub-Committee

A body formed by the Administrator from select Participants to implement a Plan of Action.

Sub-Committee Chairperson

FEMA official, appointed by the Chairperson, to chair a Sub-Committee to implement a Plan of Action. The Sub-Committee Chairperson shall be responsible for the overall management and administration of the Sub-Committee in furtherance of this Plan of Action while remaining under the supervision of the Administrator and the Chairperson.

Sub-Committee Members

Collectively the Sub-Committee Chairperson(s), Representatives, and Sub-Committee Participants. Jointly responsible developing and executing this Plan.

Sub-Committee Participant

A subset of Participants of the Committee, that have been specifically invited to participate in a Sub-Committee by the Sub-Committee Chairperson, and that have applied and agreed to the terms of this Plan and signed the Plan of Action Agreement. The Sub-Committee Chairperson may invite Participants in the Committee to join a Sub-Committee as a Sub-Committee Participant at any time during the Plan's effective period.

B. Plan of Action Participation

This Plan will be carried out by a subset of the Participants in the

Voluntary Agreement through several Sub-Committees:

- (1) Sub-Committee to Define COVID-19 PPE Requirements,
- (2) Sub-Committee for N-95 and other Medical Respirators,
- (3) Sub-Committee for Gloves,
- (4) Sub-Committee for Gowns, and
- (5) Sub-Committee for Eye and Facial Coverings.

FEMA may establish additional Sub-Committees under this Plan of Action, so long as:

- (1) The Sub-Committee addresses one specific and well-defined category of PPE; and

- (2) The Sub-Committee is recommended by the Sub-Committee to Define COVID-19 PPE Requirements.

Each Sub-Committee will consist of the (1) Sub-Committee Chairperson(s), (2) Representatives from FEMA, HHS, the Department of Justice (DOJ), and other federal agencies with equities in this Plan, and (3) Sub-Committee Participants that have substantive capabilities, resources or expertise to carry out the purpose of this Plan and have signed the Plan of Action Agreement. The Chairperson shall invite Sub-Committee Participants who, in his or her determination, are reasonably representative of the appropriate industry or segment of such industry. Other Attendees—invited by the Sub-Committee Chairperson as subject matter experts to provide technical advice or to represent the interests of other government agencies or interested parties—may also participate in Sub-Committee meetings. The naming of these Sub-Committees does not commit the Administrator to creating them unless and until circumstances dictate.

C. Effective Date and Duration of Participation

This Plan is effective immediately upon satisfaction of the requirements of DPA section 708(f)(1). This Plan shall remain in effect until terminated in accordance with 44 CFR 332.4. It shall be effective for no more than five (5) years from August 17, 2020, when the requirements of DPA section 708(f)(1) were satisfied for the Voluntary Agreement, unless otherwise terminated pursuant to DPA section 708(h)(9) and 44 CFR 332.4 or extended as set forth in DPA section 708(f)(2). No action may take place under this Plan until it is activated, as described in Section III(E), below.

D. Withdrawal

Participation in the Plan is voluntary, as is the acceptance of most obligations under the Plan. Sub-Committee Participants may withdraw from this

Plan or from an individual Sub-Committee at any point, subject to the fulfillment of obligations previously agreed upon by the Participant prior to the date of withdrawal. Note that the obligations outlined in V.B regarding information management and associated responsibilities apply once a party has shared or received information through a Sub-Committee, and remain in place after the party's withdrawal from the Sub-Committee or Plan. If a Sub-Committee Participant indicates an intent to withdraw from the Plan due to a modification or amendment of the Plan (described below), the Sub-Committee Participant will not be required to perform actions directed by that modification or amendment.

Withdrawal from the Plan will automatically trigger withdrawal from all Sub-Committees; however, a Participant may withdraw from a Sub-Committee without also withdrawing from the Plan or other Sub-Committees. To withdraw from the Plan or from an individual Sub-Committee, a Participant must provide written notice to the Administrator at least fifteen (15) calendar days prior to the effective date of that Sub-Committee Participant's withdrawal specifying the scope of withdrawal. Following receipt of such notice, the Administrator will inform the other Sub-Committee Participants of the date and the scope of the withdrawal.

Upon the effective date of the withdrawal from the Plan, the Sub-Committee Participant must cease all activities under the Plan. Upon the effective date of the withdrawal from one or more Sub-Committee(s), the Sub-Committee Participant must cease all activities under the Plan that pertain to the withdrawn Sub-Committee(s).

E. Plan of Action Activation and Deactivation

The Administrator, in consultation with the Chairperson and Sub-Committee Chairperson, will invite a select group of Participants in the Voluntary Agreement to form the following Sub-Committees, which will be responsible for implementing this Plan:

- (1) Sub-Committee to Define COVID-19 PPE Requirements,
- (2) Sub-Committee for N-95 and other Medical Respirators,
- (3) Sub-Committee for Gloves,
- (4) Sub-Committee for Gowns, and
- (5) Sub-Committee for Eye and Facial Coverings.

FEMA may establish additional Sub-Committees under this Plan of Action, so long as:

(1) The Sub-Committee addresses one specific and well-defined category of PPE; and

(2) The Sub-Committee is recommended by the Sub-Committee to Define COVID-19 PPE Requirements.

This Plan will be activated for each invited Participant when the Participant executes a Plan of Action Agreement, and a Participant may not participate in a Sub-Committee until the Plan of Action Agreement is executed. Participants will be invited to join this Plan at the discretion of the Chairperson or the Sponsor to the Voluntary Agreement. Participants will be further invited to attend specific meetings of one or more Sub-Committees at the discretion of the Chairperson.

F. Rules and Regulations

Sub-Committee Participants acknowledge and agree to comply with all provisions of DPA section 708, as amended, and regulations related thereto which are promulgated by FEMA, the Department of Homeland Security, HHS, the Attorney General, and the FTC. FEMA has promulgated standards and procedures pertaining to voluntary agreements in 44 CFR part 332. The Administrator shall inform Participants of new rules and regulations as they are issued.

G. Modification and Amendment

The Administrator, after consultation with the Attorney General and the Chairman of the FTC, may terminate or modify, in writing, this Plan at any time. The Attorney General, after consultation with the Chairman of the FTC and the Administrator, may terminate or modify, in writing, this Plan at any time. Sub-Committee Participants may propose modifications or amendments to the Plan or to the Sub-Committees at any time.

Where possible, material modifications to the Plan or a Sub-Committee will be subject to a 30 calendar day delayed implementation and opportunity for notice and comment by Sub-Committee Participants to the Chairperson. This delayed implementation period may be shortened or eliminated if the Administrator deems it necessary. The Administrator shall inform Sub-Committee Participants of modifications or amendments to the Plan or to the Sub-Committees as they are proposed and issued.

The Administrator, after consultation with the Attorney General and the Chairman of the FTC, may remove Sub-Committee Participants from the Plan or from a Sub-Committee at any time. The Attorney General, after consultation

with the Chairman of the FTC and the Administrator, may remove Sub-Committee Participants from this Plan or from a Sub-Committee at any time. If a Participant is removed from the Plan or from a Sub-Committee, the Participant may request written notice of the reasons for removal from the Chairperson, who shall provide such notice in a reasonable time period.

H. Expenses

Participation in this Plan or in a Sub-Committee does not confer funds to Sub-Committee Participants, nor does it limit or prohibit any pre-existing source of funds. Unless otherwise specified, all expenses, administrative or otherwise, incurred by Sub-Committee Participants associated with participation in this Plan or a Sub-Committee shall be borne exclusively by the Sub-Committee Participants.

I. Record Keeping

Each Sub-Committee Chairperson shall have primary responsibility for maintaining records in accordance with 44 CFR part 332 and shall be the official custodian of records related to carrying out this Plan. Each Sub-Committee Participant shall maintain for five years all minutes of meetings, transcripts, records, documents, and other data, including any communications with other Sub-Committee Participants or with any other member of the Sub-Committee, including drafts, related to the carrying out of this Plan or incorporating data or information received in the course of carrying out this Plan. Each Sub-Committee Participant agrees to produce to the Administrator, the Attorney General, and the Chairman of the FTC upon request any item that this section requires the Participant to maintain. Any record maintained in accordance with 44 CFR part 332 shall be available for public inspection and copying, unless exempted on the grounds specified in 5 U.S.C. 552(b)(1), (3) or (4) or identified as privileged and confidential information in accordance with DPA section 705(d), and 44 CFR 332.5.

IV. Antitrust Defense

Under the provisions of DPA subsection 708(j), each Sub-Committee Participant in this Plan shall have available as a defense to any civil or criminal action brought for violation of the antitrust laws (or any similar law of any State) with respect to any action to develop or carry out this Plan, that such action was taken by the Sub-Committee Participant in the course of developing or carrying out this Plan, that the Sub-

Committee Participant complied with the provisions of DPA section 708 and the rules promulgated thereunder, and that the Sub-Committee Participant acted in accordance with the terms of the Voluntary Agreement and this Plan. Except in the case of actions taken to develop this Plan, this defense shall be available only to the extent the Sub-Committee Participant asserting the defense demonstrates that the action was specified in, or was within the scope of, this Plan and within the scope of the appropriate Sub-Committee(s), including being taken at the direction and under the active supervision of FEMA.

This defense shall not apply to any actions taken after the termination of this Plan. Immediately upon modification of this Plan, no defense to antitrust claims under Section 708 shall be available to any subsequent action that is beyond the scope of the modified Plan. The Sub-Committee Participant asserting the defense bears the burden of proof to establish the elements of the defense. The defense shall not be available if the person against whom the defense is asserted shows that the action was taken for the purpose of violating the antitrust laws.

V. Terms and Conditions

As the sponsoring agency, FEMA will maintain oversight over Sub-Committee activities and direct and supervise actions taken to carry out this Plan, including by retaining decision-making authority over actions taken pursuant to the Plan to ensure such actions are necessary to address a direct threat to the national defense. The Attorney General and the Chairman of the FTC will monitor activities of the Sub-Committees to ensure they execute their responsibilities in a manner consistent with this Plan and their actions have the least anticompetitive effects possible.

A. Plan of Action Execution

This Plan will be used to support the following objectives to respond to a Pandemic by maximizing the manufacture and efficient distribution of selected types of critical PPE and creating a prioritization protocol for End-Users based upon their demonstrated or projected requirements and taking into account geographic and regional circumstances. Each Sub-Committee will undertake the following Objectives for the PPE item(s) within its area of jurisdiction.

1. Objectives

(1) Optimize the timely production of sufficient quantities of PPE to reduce

loss of life and transmission of the COVID-19 virus.

(2) Ensure PPE is distributed effectively across the whole community nationally based on risk.

(3) Balance restoration and maintenance of the nation's stockpile of PPE with near-term requirements.

(4) Establish a process for FEMA Allocation of PPE nationwide.

(5) Ensure ongoing competition in the manufacture and distribution of PPE to the greatest extent possible under the DPA.

2. Actions

Sub-Committee Participants may be asked to support these objectives by taking the following specific actions:

(1) Assist the Chairperson in identifying which types of critical PPE should be included within each Sub-Committee. Identification will be based upon each item's importance to the national response to COVID-19 and whether it can be reasonably inferred, based upon the best evidence available, that that current and projected supply measured against current and projected demand may not adequately meet the PPE requirements to all identified End-Users or regional or geographic areas of the country as result of measures taken to respond to COVID-19.

(2) Provide input to the Chairperson in creating a prioritized list of PPE End-Users by categories for each type of critical PPE identified by each Sub-Committee, and ascertaining the relative demand and supply of PPE among and within those End User categories. Prioritization shall be decided by the Chairperson, based upon each item's importance, reflecting the consensus views of the Sub-Committee Members that it represents the most effective way to save lives and prevent the transmission of the COVID-19 virus. This list may be updated throughout the life of the Plan of Action based upon either short term or long-term demands. These categories should be considered holistically in terms of the Whole-of-Nation response to COVID-19.

(3) Evaluate the domestic supply of PPE and identify when the expansion of the domestic manufacture of PPE may be necessary, as directed and decided by the Chairperson.

(4) Provide information, assist, and validate, as necessary as decided by the Chairperson, demand projections for PPE.

(5) Create a process for and collaborate in the evaluation of competing claims for PPE from End-Users.

(6) Prepare a general strategy to accomplish the activities listed in

V(A)(2)(7) below regarding activities in Exigent Circumstances consistent with the decisions made by the Chairperson.

(7) In Exigent Circumstances, with review and concurrence in all possible instances by DOJ in consultation with FTC:

- Facilitate maximum availability of PPE to the nation or particular geographies by deconflicting overlapping demands from the collective Participants' customer base, as directed and decided by the Chairperson.

- Facilitate maximum availability of PPE to the nation or particular geographies by deconflicting overlapping supply chain demands placed upon Members, as directed and decided by the Chairperson.

- Facilitate the efficient distribution of PPE by deconflicting overlapping distribution chain activities of Members, as directed and decided by the Chairperson.

- Create a process for and collaborate in the Allocation of PPE nationwide or in particular geographies consistent with the decisions made by the Chairperson.

- Create a process for and collaborate in meeting any other exigent requirements throughout the nation or particular geographies consistent with the overall strategy prepared by this Sub-Committee.

(8) Provide data and information necessary to validate the efforts of the Sub-Committee including the actual and planned amounts of PPE to be distributed throughout the Nation, as determined by the Chairperson.

(9) Provide feedback to the Sub-Committee on the outcomes of the collective efforts of the Sub-Committee Members and any impediments or bottlenecks.

(10) Advise the Chairperson whether additional Participants or Attendees should be invited to join this Plan of Action and Sub-Committee.

(11) Carry out other activities regarding critical PPE as identified by Sub-Committees under this Plan as determined and directed by the Chairperson necessary to address the COVID-19 virus' direct threat to the national defense, where such activities have been reviewed and approved by DOJ and FTC and received concurrence from Sub-Committee members.

B. Information Management and Responsibilities

FEMA will request only that data and information from Sub-Committee Participants that is necessary to meet the objectives of the Plan and consistent with the scope of the relevant Sub-

Committees. Upon signing a Plan of Action Agreement for this Plan, FEMA requests that Participants endeavor to cooperate with diligence and speed, and to the extent permissible under this Plan, and share with FEMA data and information necessary to meet the objectives of this Plan.

Sub-Committee Participants agree to share with FEMA the following data with diligence and speed, to the extent permissible under this Plan, and abide by the following guidelines, where feasible and consistent with the data that is owned by each Sub-Committee Participant:

(1) In general, Participants will not be asked to share Competitively Sensitive Information directly with other Participants.

(2) FEMA will only request direct sharing of Competitively Sensitive Information among Participants during Exigent Circumstances where there is a mission critical need or timeline such that sharing only through FEMA is impractical or threatens the outcome of the Plan or Sub-Committee action. Such requests, if made, will be only among Participants whose participation is necessary to meet the objectives of the Plan, will be limited in scope to the greatest extent possible, and will be shared only pursuant to safeguards subject to prior review and audit by DOJ and FTC. Direct sharing of Competitively Sensitive Information with other Participants will be limited in scope and circumstances to the greatest extent possible. Participants may not share Competitively Sensitive Information directly with other Participants unless specifically requested by FEMA, in consultation with DOJ and FTC. All Competitively Sensitive Information delivered to FEMA or to another Sub-Committee Participant shall be delivered by secure means, for example, password-protected or encrypted electronic files or drives with the password/key delivered by separate communication or method or via upload to an appropriately secure web portal as directed by FEMA. All data delivered to the web portal designated by FEMA is deemed to be Competitively Sensitive Information.

(3) To allow FEMA to identify and appropriately protect documents containing Competitively Sensitive Information by the Sub-Committee Participant providing the documents, the Sub-Committee Participant will make good faith efforts to designate any Competitively Sensitive Information by placing restrictive markings on documents and things considered to be competitively sensitive, the restrictive markings being sufficiently clear in

wording and visibility to indicate the restricted nature of the data. The Sub-Committee Participant will identify Competitively Sensitive Information that is disclosed verbally by oral warning. Information designated as competitively sensitive will, to the extent allowed by law, be presumed to constitute trade secrets, or commercial or financial information, and be provided by the Sub-Committee Participant to FEMA with the expectation that it will be kept confidential by both parties, as such terms are understood in accordance with 5 U.S.C. 552(b)(4) of the Freedom of Information Act and federal judicial interpretations of this statute. FEMA agrees that to the extent any information designated as competitively sensitive by a Sub-Committee Participant is responsive to a request for disclosure under the Freedom of Information Act, FEMA will consult with the Sub-Committee Participant and afford the Participant ten (10) working days to object to any disclosure by FEMA.

(4) FEMA will make good faith efforts to appropriately recognize unmarked Documents containing Competitively Sensitive Information as Competitively Sensitive Information. However, FEMA cannot guarantee that all unmarked Documents will be recognized as being Competitively Sensitive Information and protected from disclosure to third parties. If the unmarked Documents have not been disclosed without restriction outside of FEMA, the Sub-Committee Participant may retroactively request to have appropriate designations placed on the Documents. If the unmarked Documents have been disclosed without restriction outside of FEMA, FEMA will, to the extent practicable, remove any requested information from public forums controlled by FEMA and will work promptly to request that a receiving party return or destroy disclosed unmarked Documents if requested by the Sub-Committee Participant.

(5) Competitively Sensitive Information may be used by FEMA, alone or in combination with additional information, including Documents and Competitively Sensitive Information received from third parties, to support FEMA's implementation of this Plan of Action as determined by the Chairperson. In all situations, FEMA will aggregate and anonymize Competitively Sensitive Information to the greatest extent possible to protect the interests retained by the owners of the data while still allowing the objectives of the Plan of Action and Sub-Committee to be achieved. To the greatest extent possible, such

aggregation will render the competitively sensitive nature of the Competitively Sensitive Information of the Sub-Committee Participant no longer recognizable in a commercially sensitive manner, and without sufficient information to enable, by inference or otherwise, attribution to Sub-Committee Participant or its affiliates (as clearly identified and disclosed to FEMA). Any disclosure of Competitively Sensitive Information by FEMA, within or outside a Sub-Committee, will be subject to review and approval by DOJ and FTC.

(6) Except as otherwise expressly permitted by applicable federal law, FEMA shall not disclose any Competitively Sensitive Information or use any Competitively Sensitive Information for any purpose other than in connection with the purposes of this Plan of Action, and FEMA will not sell any Competitively Sensitive Information of any Sub-Committee Participant.

(7) Except as described below, FEMA may disclose Competitively Sensitive Information only to its employees, officers, directors, contractors, agents, and advisors (including attorneys, accountants, consultants, and financial advisors). Any individual with access to Competitively Sensitive Information will be expected to comply with the terms of this Plan of Action.

a. *Information Sharing within the Sub-Committee:* FEMA may share Competitively Sensitive Information with Sub-Committee Participants and Federal Representatives of the Plan of Action, and their respective employees, officers, directors, contractors, agents, and advisors (including attorneys, accountants, consultants, and financial advisors) where there is a need to know and where disclosure is reasonably necessary in furtherance of implementing the Plan of Action. FEMA will aggregate and anonymize data prior to sharing with the Sub-Committee Participants to the greatest extent possible while still allowing the objectives of the Plan of Action to be achieved, and will not share data—particularly to competitors of the submitter—prior to consultation with and approval by the DOJ and FTC.

i. Sub-Committee Participants, when providing Competitively Sensitive Information to FEMA, may request that this Information not be shared with other Sub-Committee Participants. Where these requests are made in good faith and are reasonable in nature, FEMA will respect these requests to the greatest extent possible and will consult the owner of the data prior to any release made to Sub-Committee Participants.

b. *Restricted Reports.* FEMA may communicate Competitively Sensitive Information to appropriate government officials through Restricted Reports. The information contained in Restricted Reports shall be aggregated and anonymized to the greatest extent possible, while recognizing that these officials may need a certain amount of granularity and specificity of information to appropriately respond to COVID-19. FEMA will aim to aggregate data to the County level, and will not share Restricted Reports prior to consultation and approval from the DOJ and FTC. FEMA may disclose Restricted Reports to relevant White House and Administration officials and State Governors, and their respective employees, officers, directors, contractors, agents, and advisors (including attorneys, accountants, consultants, and financial advisors) who have a need to know and to whom such disclosure is reasonably necessary solely in furtherance of the implementation of this Plan of Action. FEMA shall take appropriate action (by instructions, agreement, or otherwise) to ensure that receiving parties comply with all data-sharing confidentiality and obligations under this Plan of Action as if such persons or entities had been parties to this Plan of Action.

c. *Public Reports.* FEMA may share information with the public through Public Reports. Data contained in Public Reports shall be fully aggregated and anonymized. Public Reports shall be aggregated to at least a state level and may be publicly disclosed after consultation and approval from the DOJ and FTC.

(8) Where possible and not obviated by Exigent Circumstances, FEMA will notify Sub-Committee Participants prior to the release of any Competitively Sensitive Information that has not been fully aggregated and anonymized. In consultation with DOJ and FTC, FEMA will consider any good-faith requests made by Sub-Committee members to hold the release of data or requests for further aggregation or anonymization. In general, FEMA will not provide notification prior to the release of *Public Reports*, under the presumption that the data in these reports has already been fully anonymized and de-identified.

(9) Any party receiving Competitively Sensitive Information through this Plan shall use such information solely for the purposes outlined in the Plan and take steps, such as imposing previously approved firewalls or tracking usage, to prevent misuse of the information. Disclosure and use of Competitively Sensitive Information will be limited to the greatest extent possible, and any

party receiving Competitively Sensitive Information shall follow the procedures outlined in paragraph 7 above.

(10) At the conclusion of a Participant's involvement in a Plan—due to the deactivation of the Plan or due to the Participant's withdrawal or removal—each Participant will be requested to sequester any and all Competitively Sensitive Information received through participation in the Plan. This sequestration shall include the deletion of all Competitively Sensitive Information unless required to be kept pursuant to the Record Keeping requirements as described *supra*, Section I, 44 CFR part 332, or any other provision of law.

C. *Oversight*

Each Sub-Committee Chairperson is responsible for ensuring that the Attorney General, or suitable delegate(s) from the DOJ, and the FTC Chairman, or suitable delegate(s) from the FTC, have awareness of activities under this Plan, including activation, deactivation, and scheduling of meetings. The Attorney General, the FTC Chairman, or their delegates may attend Sub-Committee meetings and request to be apprised of any activities taken in accordance with activities under this Plan. DOJ or FTC Representatives may request and review any proposed action by the Sub-Committee or Sub-Committee Participants undertaken pursuant to this Plan, including the provision of data. If any DOJ or FTC Representative believes any actions proposed or taken are not consistent with relevant antitrust protections provided by the DPA, he or she shall provide warning and guidance to the Sub-Committee as soon as the potential issue is identified. If questions arise about the antitrust protections applicable to any particular action, FEMA may request DOJ, in consultation with the FTC, provide an opinion on the legality of the action under relevant DPA antitrust protections.

VI. Establishment of the Sub-Committees

This Plan establishes Sub-Committees to implement the Plan to Establish a National Strategy for the Manufacture, Allocation, and Distribution of Personal Protective Equipment (PPE) to Respond to COVID-19 to provide the Federal Government and the Participants a forum to maximize the manufacture and efficient distribution of selected types of critical PPE and to create a prioritization protocol based upon identified types of PPE End-Users and their demonstrated or projected requirements, and demonstrated or projected geographic and regional areas of need. The outcome

should include a framework to expeditiously meet any PPE needs in Exigent Circumstances anywhere in the Nation, and to ensure that actions to support PPE stockpiling and reserves do not interfere with immediate requirements that would result in an unacceptable risk to healthcare providers or other potential PPE recipients. A Sub-Committee Chairperson designated by the Chairperson will convene and preside over each Sub-Committee. Sub-Committees will not be used for contract negotiations or contract discussions between the Participants and the Federal Government; such negotiations or discussions will be in accordance with applicable federal contracting policies and procedures. However, this shall not limit any discussion within a Sub-Committee about the operational utilization of existing and potential contracts between the Participants and Representatives when seeking to align their use with overall manufacturing and distribution efforts consistent with this Plan.

Each Sub-Committee will consist of designated Representatives from FEMA, HHS, other federal agencies with equities in this Plan, and each Sub-Committee Participant. The Attorney General and Chairman of the FTC, or their delegates, may also join each Sub-Committee and attend meetings at their discretion. Attendees may also be invited at the discretion of a Sub-Committee Chairperson as subject matter experts, to provide technical advice, or to represent other government agencies, but will not be considered part of the Sub-Committee.

To the extent necessary to respond to the Pandemic, only at the explicit direction of a Sub-Committee Chairperson, and subject to the provisions of Section V(B), Sub-Committee Members may be asked to provide technical advice, share information, help identify and validate places and resources of the greatest need, help project future manufacturing and distribution demands, assist in identifying and resolving the allocation of scarce resources amongst all necessary public and private sector domestic needs under Exigent Circumstances, and take any other necessary actions to maximize the timely manufacture and distribution of PPE as determined necessary by FEMA to respond to the Pandemic. A Sub-Committee Chairperson or his or her designee, at the Sub-Committee Chairperson's sole discretion, will make decisions on these issues in order to ensure the maximum efficiency and effectiveness in the use of Sub-

Committee Member's resources. All Sub-Committee Participants will be invited to open Sub-Committee meetings. For selected Sub-Committee meetings, attendance may be limited to designated Sub-Committee Participants to meet specific operational requirements, as determined by FEMA.

Each Sub-Committee Chairperson shall notify the Attorney General, the Chairman of the FTC, Representatives, and Participants of the time, place, and nature of each meeting and of the proposed agenda of each meeting to be held to carry out this Plan of Action. Additionally, each Sub-Committee Chairperson shall provide for publication in the **Federal Register** of a notice of the time, place, and nature of each meeting. If a meeting is open, a **Federal Register** notice will be published reasonably in advance of the meeting. A Sub-Committee Chairman may restrict attendance at meetings only on the grounds outlined by 44 CFR 332.5(c)(1)–(3). If a meeting is closed, a **Federal Register** notice will be published within ten (10) days of the meeting and will include the reasons why the meeting is closed pursuant to 44 CFR 332.3(c)(2).

The Sub-Committee Chairperson shall establish the agenda for each meeting, be responsible for adherence to the agenda, and provide for a written summary or other record of each meeting and provide copies of transcripts or other records to FEMA, the Attorney General, the Chairman of the FTC, and all Sub-Committee Participants. The Chairperson shall take necessary actions to protect from public disclosure any data discussed with or obtained from Sub-Committee Participants which a Sub-Committee Participant has identified as a trade secret or as privileged and confidential in accordance with DPA sections 708(h)(3) and 705(d), or which qualifies for withholding under 44 CFR 332.5.

VII. Application and Agreement

The Sub-Committee Participant identified below hereby agrees to join in the Federal Emergency Management Agency sponsored Plan of Action to Establish a National Strategy for the Manufacture, Allocation, and Distribution of Personal Protective Equipment (PPE) under the Voluntary Agreement for the Manufacture and Distribution of Healthcare Resources Necessary to Respond to a Pandemic and to become a Participant in one or more Sub-Committees established by this Plan. This Plan will be published in the **Federal Register**. This Plan is authorized under section 708 of the Defense Production Act of 1950, as

amended. Regulations governing the Voluntary Agreement for the Manufacture and Distribution for the Manufacture and Distribution of Healthcare Resources Necessary to Respond to a Pandemic and all subsequent Plans of Action appear at 44 CFR part 332. The applicant, as a Sub-Committee Participant, agrees to comply with the provisions of section 708 of the Defense Production Act of 1950, as amended, the regulations at 44 CFR part 332, and the terms of this Plan.

VIII. Assignment

No Sub-Committee Participant may assign or transfer this Plan, in whole or in part, or any protections, rights or obligations hereunder without the prior written consent of the Sub-Committee Chairperson. When requested, the Sub-Committee Chairperson will respond to written requests for consent within 10 (ten) business days of receipt.

(Company name)

(Name of authorized representative)

(Signature of authorized representative)

(Date)

Sub-Committee Chairperson

(Date)

Pete Gaynor,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2020–26986 Filed 12–7–20; 8:45 am]

BILLING CODE 9111–19–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615–0035]

Agency Information Collection Activities; Extension, Without Change, of a Currently Approved Collection; Application To Adjust Status From Temporary to Permanent Resident

AGENCY: U.S. Citizenship and Immigration Services, Department of Homeland Security.

ACTION: 30-Day notice.

SUMMARY: The Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS) will be submitting the following information collection request to the Office of Management and Budget (OMB) for

review and clearance in accordance with the Paperwork Reduction Act of 1995. The purpose of this notice is to allow an additional 30 days for public comments.

DATES: Comments are encouraged and will be accepted until January 7, 2021.

ADDRESSES: Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, must be submitted via the Federal eRulemaking Portal website at <http://www.regulations.gov> under e-Docket ID number USCIS–2008–0019. All submissions received must include the OMB Control Number 1615–0035 in the body of the letter, the agency name and Docket ID USCIS–2008–0019.

FOR FURTHER INFORMATION CONTACT: USCIS, Office of Policy and Strategy, Regulatory Coordination Division, Samantha Deshommès, Chief, Telephone number (240) 721–3000 (This is not a toll-free number; comments are not accepted via telephone message.). Please note contact information provided here is solely for questions regarding this notice. It is not for individual case status inquiries.

Applicants seeking information about the status of their individual cases can check Case Status Online, available at the USCIS website at <http://www.uscis.gov>, or call the USCIS Contact Center at (800) 375–5283; TTY (800) 767–1833.

SUPPLEMENTARY INFORMATION:

Comments

The information collection notice was previously published in the **Federal Register** on August 07, 2020, at 85 FR 47979, allowing for a 60-day public comment period. USCIS did receive one comment in connection with the 60-day notice.

You may access the information collection instrument with instructions, or additional information by visiting the Federal eRulemaking Portal site at: <http://www.regulations.gov> and enter USCIS–2008–0019 in the search box. The comments submitted to USCIS via this method are visible to the Office of Management and Budget and comply with the requirements of 5 CFR 1320.12(c). All submissions will be posted, without change, to the Federal eRulemaking Portal at <http://www.regulations.gov>, and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to consider limiting the amount of personal information that you provide in any voluntary submission you make

to DHS. DHS may withhold information provided in comments from public viewing that it determines may impact the privacy of an individual or is offensive. For additional information, please read the Privacy Act notice that is available via the link in the footer of <http://www.regulations.gov>.

Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

(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 submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection Request:* Extension, Without Change, of a Currently Approved Collection.

(2) *Title of the Form/Collection:* Application to Adjust Status from Temporary to Permanent Resident.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* I-698; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Individuals or households. The data collected on Form I-698 is used by USCIS to determine the eligibility to adjust an applicant's residence status.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The estimated total number of respondents for the information collection Form I-698 is 100 and the estimated hour burden per response is 1.25 hours; the estimated total number of respondents for biometrics processing is 100 and the estimated hour burden per response is 1.17 hours.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total estimated annual

hour burden associated with this collection is 242 hours.

(7) *An estimate of the total public burden (in cost) associated with the collection:* The estimated total annual cost burden associated with this collection of information is \$49,000.

Dated: December 2, 2020.

Samantha L. Deshommès,
Chief, Regulatory Coordination Division,
Office of Policy and Strategy, U.S. Citizenship
and Immigration Services, Department of
Homeland Security.

[FR Doc. 2020-26904 Filed 12-7-20; 8:45 am]

BILLING CODE 9111-97-P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615-0037]

Agency Information Collection Activities; Extension, Without Change, of a Currently Approved Collection; Refugee/Asylee Relative Petition

AGENCY: U.S. Citizenship and Immigration Services, Department of Homeland Security.

ACTION: 30-Day notice.

SUMMARY: The Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995. The purpose of this notice is to allow an additional 30 days for public comments.

DATES: Comments are encouraged and will be accepted until January 7, 2021.

ADDRESSES: Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, must be submitted via the Federal eRulemaking Portal website at <http://www.regulations.gov> under e-Docket ID number USCIS-2007-0030. All submissions received must include the OMB Control Number 1615-0037 in the body of the letter, the agency name and Docket ID USCIS-2007-0030.

FOR FURTHER INFORMATION CONTACT: USCIS, Office of Policy and Strategy, Regulatory Coordination Division, Samantha Deshommès, Chief, Telephone number (240) 721-3000 (This is not a toll-free number; comments are not accepted via telephone message.). Please note contact

information provided here is solely for questions regarding this notice. It is not for individual case status inquiries. Applicants seeking information about the status of their individual cases can check Case Status Online, available at the USCIS website at <http://www.uscis.gov>, or call the USCIS Contact Center at (800) 375-5283; TTY (800) 767-1833.

SUPPLEMENTARY INFORMATION:

Comments

The information collection notice was previously published in the **Federal Register** on August 26, 2020, at 85 FR 52619, allowing for a 60-day public comment period. USCIS did receive one comment in connection with the 60-day notice.

You may access the information collection instrument with instructions, or additional information by visiting the Federal eRulemaking Portal site at: <http://www.regulations.gov> and enter USCIS-2007-0030 in the search box. The comments submitted to USCIS via this method are visible to the Office of Management and Budget and comply with the requirements of 5 CFR 1320.12(c). All submissions will be posted, without change, to the Federal eRulemaking Portal at <http://www.regulations.gov>, and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to consider limiting the amount of personal information that you provide in any voluntary submission you make to DHS. DHS may withhold information provided in comments from public viewing that it determines may impact the privacy of an individual or is offensive. For additional information, please read the Privacy Act notice that is available via the link in the footer of <http://www.regulations.gov>.

Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

(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 submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection Request:* Extension, Without Change, of a Currently Approved Collection.

(2) *Title of the Form/Collection:* Refugee/Asylee Relative Petition.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* I-730; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Primary: Individuals or households. Form I-730 is used by a refugee or asylee to file on behalf of his or her spouse and/or children for follow-to-join benefits provided that the relationship to the refugee/asylee existed prior to their admission to the United States.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The estimated total number of respondents for the information collection I-730 is 13,000 and the estimated hour burden per response is 0.667 hours.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total estimated annual hour burden associated with this collection is 8,671 hours.

(7) *An estimate of the total public burden (in cost) associated with the collection:* The estimated total annual cost burden associated with this collection of information is \$1,592,500.

Dated: December 2, 2020.

Samantha L. Deshommes,

Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2020-26903 Filed 12-7-20; 8:45 am]

BILLING CODE 9111-97-P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615-0100]

Agency Information Collection Activities; Extension, Without Change, of a Currently Approved Collection: Request for the Return of Original Documents

AGENCY: U.S. Citizenship and Immigration Services, Department of Homeland Security.

ACTION: 30-Day notice.

SUMMARY: The Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995. The purpose of this notice is to allow an additional 30 days for public comments.

DATES: Comments are encouraged and will be accepted until January 7, 2021.

ADDRESSES: Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, must be submitted via the Federal eRulemaking Portal website at <http://www.regulations.gov> under e-Docket ID number USCIS-2008-0010. All submissions received must include the OMB Control Number 1615-0100 in the body of the letter, the agency name and Docket ID USCIS-2008-0010.

FOR FURTHER INFORMATION CONTACT: USCIS, Office of Policy and Strategy, Regulatory Coordination Division, Samantha Deshommes, Chief, Telephone number (240) 271-3000 (This is not a toll-free number; comments are not accepted via telephone message.). Please note contact information provided here is solely for questions regarding this notice. It is not for individual case status inquiries. Applicants seeking information about the status of their individual cases can check Case Status Online, available at the USCIS website at <http://www.uscis.gov>, or call the USCIS Contact Center at (800) 375-5283; TTY (800) 767-1833.

SUPPLEMENTARY INFORMATION:

Comments

The information collection notice was previously published in the **Federal Register** on September 18, 2020, at 85

FR 58380, allowing for a 60-day public comment period. USCIS did not receive any comments in connection with the 60-day notice.

You may access the information collection instrument with instructions, or additional information by visiting the Federal eRulemaking Portal site at: <http://www.regulations.gov> and enter USCIS-2018-0010 in the search box. The comments submitted to USCIS via this method are visible to the Office of Management and Budget and comply with the requirements of 5 CFR 1320.12(c). All submissions will be posted, without change, to the Federal eRulemaking Portal at <http://www.regulations.gov>, and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to consider limiting the amount of personal information that you provide in any voluntary submission you make to DHS. DHS may withhold information provided in comments from public viewing that it determines may impact the privacy of an individual or is offensive. For additional information, please read the Privacy Act notice that is available via the link in the footer of <http://www.regulations.gov>.

Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

(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 submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection Request:* Extension, Without Change, of a Currently Approved Collection.

(2) *Title of the Form/Collection:* Request for the Return of Original Documents.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection: G-884; USCIS.*

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary: Individuals or households. This form standardizes the USCIS procedures for requesting the return of original documents contained in alien files. The information provided will be used by the USCIS to determine whether a person is eligible to obtain original documents contained in an alien file.*

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond: The estimated total number of respondents for the information collection G-884 is 6,600 and the estimated hour burden per response is 0.5 hours.*

(6) *An estimate of the total public burden (in hours) associated with the collection: The total estimated annual hour burden associated with this collection is 3,300 hours.*

(7) *An estimate of the total public burden (in cost) associated with the collection: The estimated total annual cost burden associated with this collection of information is \$808,500.*

Dated: December 2, 2020.

Samantha L. Deshommes,

Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2020-26905 Filed 12-7-20; 8:45 am]

BILLING CODE 9111-97-P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[18X LLWO600000.L18200000.XP0000]

Call for Nominations to the Utah Resource Advisory Council

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The purpose of this notice is to request public nominations to the Bureau of Land Management's (BLM) Utah Resource Advisory Council (RAC).

DATES: All nominations must be received no later than January 7, 2021.

ADDRESSES: Nominations and completed applications should be sent to Lola Bird, BLM Utah State Office, 440 West 200 South, Suite 500, Salt Lake City, UT 84101, Attention: Utah RAC Nominations; or email lbird@blm.gov with the subject line "Utah RAC

Nominations." The Utah State Office will accept public nominations for 30 days from the date this notice is posted.

FOR FURTHER INFORMATION CONTACT: Lola Bird, BLM Utah State Office; phone: (801) 539-4033; email: lbird@blm.gov. Persons who use a telecommunications device for the deaf may call the Federal Relay Service (FRS) at 1-800-877-8339 to leave a message or question for the above individual. The FRS is available 24 hours a day, 7 days a week. Replies are provided during normal business hours.

SUPPLEMENTARY INFORMATION: The Federal Land Policy and Management Act (FLPMA) directs the Secretary of the Interior to involve the public in planning and issues related to management of lands administered by the BLM. Section 309 of FLPMA (43 U.S.C. 1739) directs the Secretary to establish 10- to 15-member citizen-based advisory councils that are consistent with the Federal Advisory Committee Act (FACA). As required by FACA, RAC membership must be balanced and representative of the various interests concerned with the management of the public lands. The rules governing RACs are found at 43 CFR subpart 1784.

The RAC is seeking nominations in the following categories:

Category One—Holders of Federal grazing permits or leases within the area for which the RAC is organized; represent interests associated with transportation or rights-of-way; represent developed outdoor recreation, off-highway vehicle users, or commercial recreation activities, including, for example, commercial/charter or recreational fishing; represent the commercial timber industry; or represent energy and mineral development.

Category Two—Representatives of nationally or regionally recognized environmental organizations; dispersed recreational activities, including, for example, hunting and shooting sports; archaeological and historical interests; or nationally or regionally recognized wild horse and burro interest groups.

Category Three—Hold State, county, or local elected office; are employed by a State agency responsible for the management of natural resources, land, or water, including, for example, State/local fire associations; represent Indian tribes within or adjacent to the area for which the RAC is organized; are employed as academicians in natural resource management or the natural sciences; or represent the affected public at large, including, for example,

sportsmen and sportswomen communities.

Individuals may nominate themselves or others. Nominees must be residents of the State in which the RAC has jurisdiction. The BLM will evaluate nominees based on their education, training, experience, and knowledge of the geographic area of the RAC. Nominees should demonstrate a commitment to collaborative resource decision-making.

The following must accompany all nominations:

—A completed RAC application, which can be obtained on the Utah RAC web page at: <https://www.blm.gov/get-involved/resource-advisory-council/near-you/utah/RAC>.

—A letter(s) of reference from represented interests or organizations; and

—Any other information that addresses the nominee's qualifications.

Authority: 43 CFR 1784.4-1.

Gregory Sheehan,

State Director.

[FR Doc. 2020-26873 Filed 12-7-20; 8:45 am]

BILLING CODE 4310-84-P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLORL00000.L10200000.XZ0000.
LXSSH1050000.212.HAG 21-0012]

Notice of Public Meetings for the Southeast Oregon Resource Advisory Council

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of public meetings.

SUMMARY: In accordance with the Federal Land Policy and Management Act of 1976 and the Federal Advisory Committee Act of 1972, the U.S. Department of the Interior Bureau of Land Management's (BLM) Southeast Oregon Resource Advisory Council (RAC) will meet as indicated below:

DATES: The Southeast Oregon RAC will meet Wednesday, January 13 and Thursday, January 14, 2021. On Wednesday, January 13, the meeting will be held from 1 p.m. to 5 p.m. (Pacific Time) and on Thursday, January 14 from 8 a.m. to 12:00 noon (Pacific Time). The RAC will also meet Thursday, April 29 and Friday, April 30, 2021. On Thursday, April 29, the meeting will be held from 1 p.m. to 5 p.m. (Pacific Time) and on Thursday, April 30 from 8 a.m. to 12:00 noon (Pacific Time). A public comment period will be offered on the second day

of each meeting (January 14 and April 30).

ADDRESSES: The January meetings will be held at the BLM Burns District Office, 28910 Hwy. 20 West, Hines, Oregon 97738; and the April meetings will be held at the Lakeview Interagency Office, 1301 South G Street, Lakeview, Oregon 97630. If public health restrictions remain in place, the meetings will be held virtually.

FOR FURTHER INFORMATION CONTACT: Lisa McNee, Public Affairs Specialist, 1301 South G Street, Lakeview, Oregon 97630; 541-947-6811; lmcnee@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 the above individual during normal business hours. The FRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The Southeast Oregon RAC is chartered, and the 15 members are appointed by the Secretary of the Interior. Their diverse perspectives are represented in commodity, non-commodity, and local interests. The RAC serves in an advisory capacity to BLM and U.S. Forest Service officials concerning planning and management of public land and national forest resources located, in whole or part, within the boundaries of the BLM's Vale Field Office of the Vale District, the Burns District, the Lakeview District, and the Fremont-Winema and Malheur National Forests. All meetings are open to the public in their entirety. Information to be distributed to the RAC is requested before the start of each meeting.

Agenda items include updates regarding the Southeast Oregon and Lakeview Resource Management Plan Amendment processes; management of energy and minerals, timber, rangeland and grazing, commercial and dispersed recreation, wildland fire and fuels, and wild horses and burros; review of and/or recommendations regarding proposed actions by the Burns, Vale or Lakeview BLM Districts; and any other business that may reasonably come before the RAC. A final agenda will be posted online at <https://www.blm.gov/get-involved/resource-advisory-council/near-you/oregon-washington/southeast-oregon-rac> at least one week before the meeting. Comments can be mailed to: BLM Lakeview District, Attn: Todd Forbes, 1301 South G Street, Lakeview, OR 97630. All comments received will be provided to the Southeast Oregon RAC members.

The public may address the Southeast Oregon RAC during the public comment portion of the meeting on January 14 and April 30, 2021. Depending on the number of persons wishing to speak, and the time available, the time for individual comments may be limited.

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 we will be able to do so.

(Authority: 43 CFR 1784.4-2)

James Forbes,

Lakeview District Manager.

[FR Doc. 2020-26894 Filed 12-7-20; 8:45 am]

BILLING CODE 4310-33-P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

[S1D1S SS08011000 SX064A000 211S180110; S2D2S SS08011000 SX064A000 21XS501520; OMB Control Number 1029-0063]

Agency Information Collection Activities; Abandoned Mine Reclamation Fund—Fee Collection and Coal Production Reporting and Form OSM-1, Coal Reclamation Fee Report

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Notice of Information Collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, we, the Office of Surface Mining Reclamation and Enforcement (OSMRE) are proposing to renew an information collection.

DATES: Interested persons are invited to submit comments on or before January 7, 2021.

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. Please provide a copy of your comments to Mark Gehlhar, Office of Surface Mining Reclamation and Enforcement, 1849 C Street NW,

Room 4556-MIB, Washington, DC 20240; or by email to mgehlhar@osmre.gov. Please reference OMB Control Number 1029-0063 in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Mark Gehlhar by email at mgehlhar@osmre.gov, or by telephone at (202) 208-2716. You may also view the ICR at <http://www.reginfo.gov/public/do/PRAMain>.

SUPPLEMENTARY INFORMATION: In accordance with the PRA 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.

A **Federal Register** notice with a 60-day public comment period soliciting comments on this collection of information was published on August 26, 2020 (85 FR 52636). No comments were received.

As part of our continuing effort to reduce paperwork and respondent burdens, we are again soliciting comments from the public and other Federal agencies on the proposed ICR that is described below. 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. 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 is used to maintain a record of coal produced for sale, transfer, or use nationwide each calendar quarter, the method of coal removal and the type of coal, and the basis for coal tonnage reporting in compliance with 30 CFR 870 and section 401 of P.L. 95–87. Individual reclamation fee payment liability is based on this information. Without the collection of this information, OSMRE could not implement its regulatory responsibilities and collect the fee.

Title of Collection: Abandoned Mine Reclamation Fund—Fee Collection and Coal Production Reporting and Form OSM–1, Coal Reclamation Fee Report.

OMB Control Number: 1029–0063.

Form Number: OSM–1.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: Coal mine permittees.

Total Estimated Number of Annual Respondents: 425.

Total Estimated Number of Annual Responses: 6,023.

Estimated Completion Time per Response: 5 minutes.

Total Estimated Number of Annual Burden Hours: 465.

Respondent's Obligation: Mandatory.

Frequency of Collection: Annual.

Total Estimated Annual Nonhour Burden Cost: \$164,800.

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.*).

Mark J. Gehlhar,

*Information Collection Clearance Officer,
Division of Regulatory Support.*

[FR Doc. 2020–26934 Filed 12–7–20; 8:45 am]

BILLING CODE 4310–05–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–650–651 (Final)]

Phosphate Fertilizers From Morocco and Russia; Scheduling of the Final Phase of Countervailing Duty Investigations

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice of the scheduling of the final phase of countervailing duty investigation Nos. 701–TA–650–651 (Final) pursuant to the Tariff Act of 1930 (“the Act”) to determine whether an industry in the United States is materially injured or threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports of phosphate fertilizers from Morocco and Russia, provided for in 3103.11.00, 3103.19.00, 3103.90.00, 3105.10.00, 3105.20.00, 3105.30.00, 3105.40.00, 3105.51.00, 3105.59.00, 3105.60.00, and 3105.90.00 of the Harmonized Tariff Schedule of the United States preliminarily determined by the Department of Commerce (“Commerce”) to be subsidized.

DATES: November 23, 2020.

FOR FURTHER INFORMATION CONTACT:

Calvin Chang (202) 205–3062), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission’s TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (<https://www.usitc.gov>). The public record for these investigations may be viewed on the Commission’s electronic docket (EDIS) at <https://edis.usitc.gov>.

SUPPLEMENTARY INFORMATION:

Scope.—For purposes of this investigation, Commerce has defined the subject merchandise as phosphate fertilizers in all physical forms (*i.e.*, solid or liquid form), with or without coating or additives such as anti-caking agents. Phosphate fertilizers in solid form are covered whether granular, prilled (*i.e.*, pelletized), or in other solid form (*e.g.*, powdered).

The covered merchandise includes phosphate fertilizers in the following forms: Ammonium dihydrogenorthophosphate or monoammonium phosphate (MAP), chemical formula $\text{NH}_4\text{H}_2\text{PO}_4$; diammonium hydrogenorthophosphate or diammonium phosphate (DAP), chemical formula $(\text{NH}_4)_2\text{HPO}_4$; normal superphosphate (NSP), also known as ordinary superphosphate or single superphosphate, chemical formula $\text{Ca}(\text{H}_2\text{PO}_4)_2 \cdot \text{CaSO}_4$; concentrated

superphosphate, also known as double, treble, or triple superphosphate (TSP), chemical formula $\text{Ca}(\text{H}_2\text{PO}_4)_2 \cdot 2\text{H}_2\text{O}$; and proprietary formulations of MAP, DAP, NSP, and TSP.

The covered merchandise also includes other fertilizer formulations incorporating phosphorous and non-phosphorous plant nutrient components, whether chemically-bonded, granulated (*e.g.*, when multiple components are incorporated into granules through, *e.g.*, a slurry process), or compounded (*e.g.*, when multiple components are compacted together under high pressure), including nitrogen, phosphate, sulfur (NPS) fertilizers, nitrogen, phosphorous, potassium (NPK) fertilizers, nitric phosphate (also known as nitrophosphate) fertilizers, ammoniated superphosphate fertilizers, and proprietary formulations thereof that may or may not include other nonphosphorous plant nutrient components. For phosphate fertilizers that contain nonphosphorous plant nutrient components, such as nitrogen, potassium, sulfur, zinc, or other nonphosphorous components, the entire article is covered, including the non-phosphorous content, provided that the phosphorous content (measured by available diphosphorous pentoxide, chemical formula P_2O_5) is at least 5% by actual weight.

Phosphate fertilizers that are otherwise subject to this investigation are included when commingled (*i.e.*, mixed or blended) with phosphate fertilizers from sources not subject to this investigation. Phosphate fertilizers that are otherwise subject to this investigation are included when commingled with substances other than phosphate fertilizers subject to this investigation (*e.g.*, granules containing only non-phosphate fertilizers such as potash or urea). Only the subject component of such commingled products is covered by the scope of this investigation.

The following products are specifically excluded from the scope of this investigation:

- (1) ABC dry chemical powder preparations for fire extinguishers containing MAP or DAP in powdered form;
- (2) industrial or technical grade MAP in white crystalline form with available P_2O_5 content of at least 60% by actual weight;
- (3) industrial or technical grade diammonium phosphate in white crystalline form with available P_2O_5 content of at least 50% by actual weight;
- (4) liquid ammonium polyphosphate fertilizers;

(5) dicalcium phosphate, chemical formula CaHPO_4 ;

(6) monocalcium phosphate, chemical formula $\text{CaH}_2\text{P}_2\text{O}_8$;

(7) trisodium phosphate, chemical formula Na_3PO_4 ;

(8) sodium tripolyphosphate, chemical formula $\text{Na}_5\text{P}_3\text{O}_{10}$;

(9) prepared baking powders containing sodium bicarbonate and any form of phosphate;

(10) animal or vegetable fertilizers not containing phosphate fertilizers otherwise covered by the scope of this investigation;

(11) phosphoric acid, chemical formula H_3PO_4 .

The Chemical Abstracts Service (CAS) numbers for covered phosphate fertilizers include, but are not limited to: 7722-76-1 (MAP); 7783-28-0 (DAP); and 65996-95-4 (TSP).

The covered products may also be identified by Nitrogen-Phosphate-Potash composition, including but not limited to: NP 11-52-0 (MAP); NP 18-46-0 (DAP); and NP 0-46-0 (TSP). The covered merchandise is currently classified in the Harmonized Tariff Schedule of the United States (HTSUS) at subheadings 3103.11.0000; 3103.19.0000; 3105.20.0000; 3105.30.0000; 3105.40.0010; 3105.40.0050; 3105.51.0000; and 3105.59.0000. Phosphate fertilizers subject to this investigation may also enter under subheadings 3103.90.0010, 3105.10.0000, 3105.60.0000, 3105.90.0010, and 3105.90.0050. Although the HTSUS subheadings and CAS registry numbers are provided for convenience and customs purposes, the written description of the scope is dispositive.

Background.—The final phase of these investigations is being scheduled, pursuant to section 705(b) of the Tariff Act of 1930 (19 U.S.C. 1671d(b)), as a result of affirmative preliminary determinations by Commerce that certain benefits which constitute subsidies within the meaning of § 703 of the Act (19 U.S.C. 1671b) are being provided to manufacturers, producers, or exporters in Morocco and Russia of phosphate fertilizers. The investigations were requested in petitions filed on June 26, 2020, by The Mosaic Company, Plymouth, Minnesota.

For further information concerning the conduct of this phase of the investigations, hearing procedures, and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A and B (19 CFR part 201), and part 207, subparts A and C (19 CFR part 207).

Participation in the investigations and public service list.—Persons, including

industrial users of the subject merchandise and, if the merchandise is sold at the retail level, representative consumer organizations, wishing to participate in the final phase of these investigations as parties must file an entry of appearance with the Secretary to the Commission, as provided in § 201.11 of the Commission's rules, no later than 21 days prior to the hearing date specified in this notice. A party that filed a notice of appearance during the preliminary phase of the investigations need not file an additional notice of appearance during this final phase. The Secretary will maintain a public service list containing the names and addresses of all persons, or their representatives, who are parties to the investigations.

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.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and BPI service list.—Pursuant to § 207.7(a) of the Commission's rules, the Secretary will make BPI gathered in the final phase of these investigations available to authorized applicants under the APO issued in the investigations, provided that the application is made no later than 21 days prior to the hearing date specified in this notice. Authorized applicants must represent interested parties, as defined by 19 U.S.C. 1677(9), who are parties to the investigations. A party granted access to BPI in the preliminary phase of the investigations need not reapply for such access. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Staff report.—The prehearing staff report in the final phase of these investigations will be placed in the nonpublic record on January 27, 2020, and a public version will be issued thereafter, pursuant to § 207.22 of the Commission's rules.

Hearing.—The Commission will hold a hearing in connection with the final phase of these investigations beginning at 9:30 a.m. on Tuesday, February 9, 2021. Information about the place and form of the hearing, including about how to participate in and/or view the hearing, will be posted on the Commission's website at <https://www.usitc.gov/calendarpad/calendar.html>. Interested parties should

check the Commission's website periodically for updates. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission on or before Thursday, February 4, 2021. A nonparty who has testimony that may aid the Commission's deliberations may request permission to present a short statement at the hearing. All parties and nonparties desiring to appear at the hearing and make oral presentations should attend a prehearing conference to be held at 9:30 a.m. on Monday, February 8, 2021. Oral testimony and written materials to be submitted at the public hearing are governed by sections 201.6(b)(2), 201.13(f), and 207.24 of the Commission's rules. Parties must submit any request to present a portion of their hearing testimony *in camera* no later than 7 business days prior to the date of the hearing.

Written submissions.—Each party who is an interested party shall submit a prehearing brief to the Commission. Prehearing briefs must conform with the provisions of § 207.23 of the Commission's rules; the deadline for filing is February 3, 2021. Parties may also file written testimony in connection with their presentation at the hearing, as provided in section 207.24 of the Commission's rules, and posthearing briefs, which must conform with the provisions of § 207.25 of the Commission's rules. The deadline for filing posthearing briefs is February 17, 2021. In addition, any person who has not entered an appearance as a party to the investigations may submit a written statement of information pertinent to the subject of the investigations, including statements of support or opposition to the petition, on or before February 17, 2021. On March 4, 2021, the Commission will make available to parties all information on which they have not had an opportunity to comment. Parties may submit final comments on this information on or before March 8, 2021, but such final comments must not contain new factual information and must otherwise comply with § 207.30 of the Commission's rules. All written submissions must conform with the provisions of § 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of §§ 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's *Handbook on Filing Procedures*, available on the Commission's website at https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf, elaborates upon the Commission's procedures with respect to filings.

Additional written submissions to the Commission, including requests pursuant to section 201.12 of the Commission's rules, shall not be accepted unless good cause is shown for accepting such submissions, or unless the submission is pursuant to a specific request by a Commissioner or Commission staff.

In accordance with §§ 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the investigations must be served on all other parties to the investigations (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Authority: These investigations are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to § 207.21 of the Commission's rules.

By order of the Commission.
Issued: December 2, 2020.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2020-26906 Filed 12-7-20; 8:45 am]

BILLING CODE 7020-02-P

DEPARTMENT OF JUSTICE

Antitrust Division

Issuance of Updated Guidance Regarding the Use of Arbitration and Case Selection Criteria

AGENCY: Antitrust Division, Department of Justice.

ACTION: Notice.

SUMMARY: This notice publishes updated and supplemental guidance on the use of arbitration by the Antitrust Division of the Department of Justice. The document includes case selection criteria to help identify Antitrust Division cases that would benefit from the application of arbitration. In addition, it includes guidance regarding practices that may be employed in an arbitration. The Antitrust Division is authorized to use alternative dispute resolution techniques, including arbitration, by the Administrative Dispute Resolution Act of 1990. This document updates and supplements previous Antitrust Division guidance regarding the appropriate use of ADR techniques.

ADDRESSES: The document is available on the Department's website at: <https://www.justice.gov/atr/page/file/1336516/download>.

FOR FURTHER INFORMATION CONTACT: David B. Lawrence, Chief, Competition Policy & Advocacy Section, Antitrust Division, U.S. Department of Justice, at (202) 305-9850, David.Lawrence@usdoj.gov.

Suzanne Morris,

Chief, Premerger and Division Statistics.

[FR Doc. 2020-26953 Filed 12-7-20; 8:45 am]

BILLING CODE 4410-11-P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA-747]

Importer of Controlled Substances Application: Johnson Matthey Inc.

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of application.

SUMMARY: Johnson Matthey Inc. has applied to be registered as an importer of basic class(es) of controlled substance(s). Refer to Supplemental Information listed below for further drug information.

DATES: Registered bulk manufacturers of the affected basic class(es), and applicants therefore, may file written comments on or objections to the issuance of the proposed registration on or before January 7, 2021. Such persons may also file a written request for a hearing on the application on or before January 7, 2021.

ADDRESSES: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/DPW, 8701 Morrisette Drive, Springfield, Virginia 22152. All requests for a hearing must be sent to: Drug Enforcement Administration, Attn: Administrator, 8701 Morrisette Drive, Springfield, Virginia 22152. All requests for a hearing should also be sent to: (1) Drug Enforcement Administration, Attn: Hearing Clerk/OALJ, 8701 Morrisette Drive, Springfield, Virginia 22152; and (2) Drug Enforcement Administration, Attn: DEA Federal Register Representative/DPW, 8701 Morrisette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 1301.34(a), this is notice that on November 2, 2020, Johnson Matthey Inc., 2003 Nolte Drive, West Deptford, New Jersey 08066-1742, applied to be registered as an importer of the following basic class(es) of controlled substance(s):

Controlled substance	Drug code	Schedule
Coca Leaves	9040	II

Controlled substance	Drug code	Schedule
Thebaine	9333	II
Opium, raw	9600	II
Noroxymorphone	9668	II
Poppy Straw Concentrate	9670	II
Fentanyl	9801	II

The company plans to import Coca Leaves (9040), Opium, raw (9600), and Poppy Straw Concentrate (9670) in order to bulk manufacture Active Pharmaceutical Ingredients (API) for distribution to its customers. The company plans to also import Thebaine (9333), Noroxymorphone (9668), and Fentanyl (9801) to use as analytical reference standards, both internally and to be sold to their customers to support testing of Johnson Matthey Inc.'s API's only.

Approval of permit applications will occur only when the registrant's business activity is consistent with what is authorized under 21 U.S.C. 952(a)(2). Authorization will not extend to the import of Food and Drug Administration-approved or non-approved finished dosage forms for commercial sale.

William T. McDermott,

Assistant Administrator.

[FR Doc. 2020-26912 Filed 12-7-20; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

[OMB Number 1117-NEW]

Agency Information Collection Activities; Proposed eCollection, eComments Requested; Registration for CSA Data-Use Request

AGENCY: Drug Enforcement Administration, Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The Department of Justice (DOJ), Drug Enforcement Administration (DEA), 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: Comments are encouraged and will be accepted for 60 days until February 8, 2021.

FOR FURTHER INFORMATION CONTACT: If you have comments 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 Scott A. Brinks, Diversion Control Division, Drug Enforcement Administration; Mailing Address: 8701

Morrisette Drive, Springfield, Virginia 22152; Telephone: (571) 362-3261.

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 agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency’s estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Evaluate whether and if so how the quality, utility, and clarity of the information proposed 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 forms of information technology, e.g.,

permitting electronic submission of responses.

Overview of This Information Collection

1. *Type of Information Collection:* New collection.
2. *Title of the Form/Collection:* Registration for CSA-Data Use Request.
3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* There will be no form number. The applicable component within the Department of Justice is the Drug Enforcement Administration, Diversion Control Division.
4. *Affected public who will be asked or required to respond, as well as a brief abstract:*
Affected public (Primary): Business or other for-profit.
Affected public (Other): Not-for-profit institutions; Federal, State, local, and tribal governments.
Abstract: In accordance with the Controlled Substance Act (CSA), every person who manufactures, distributes, dispenses, conducts research with, imports, or exports any controlled substance to obtain a registration issued

by the Attorney General. 21 U.S. 822, 823, and 957. While DEA registrants are able to self-verify their registration status, non-registrants do not have an obligation to register under the CSA, and therefore does not have an automatic means to verify the registration of a DEA-registrant. Non-registrants have obligations to verify the registration statuses before doing things such as hiring practitioners, paying for controlled substance prescriptions covered by Medicaid or Medicare, and other means that are apart of commerce. This proposed collection would allow non-registrants to register for access to the CSA Database System, which gives the names and registration statuses of all DEA-registrants. Applicants would be required to re-apply annually by completing this form and submitting to DEA.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The below table presents information regarding the number of respondents, responses and associated burden hours.

Activity	Number of annual responses	Number of annual responses	Average time per response (minutes)	Total annual hours
Registration for CSA Data-Use Request	1,000	1,000	15	250
Total	1,000	1,000	.....	250

6. *An estimate of the total public burden (in hours) associated with the proposed collection:* DEA estimates that this collection takes 250 annual burden hours.

If additional information is required please 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, Suite 3E.405B, Washington, DC 20530.

Dated: December 3, 2020.

Melody Braswell,
Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2020-26937 Filed 12-7-20; 8:45 am]

BILLING CODE 4410-09-P

DEPARTMENT OF JUSTICE

[OMB Number 1121-NEW]

Agency Information Collection Activities; Proposed eCollection eComments Requested; New Collection: National Prisoner Statistics Program: Coronavirus Pandemic Supplement

AGENCY: Bureau of Justice Statistics, Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The Department of Justice (DOJ), Office of Justice Programs, Bureau of Justice Statistics, 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:** Comments are encouraged and will be accepted for 60 days until February 8, 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 E. Ann Carson, Statistician, Bureau of Justice Statistics, 810 Seventh Street NW, Washington, DC 20531 (email: elizabeth.carson@usdoj.gov; telephone: 202-616-3496).

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 Bureau of Justice Statistics, 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:* New collection.

(2) *The Title of the Form/Collection:* National Prisoner Statistics program: Coronavirus Pandemic Supplement (NPS–CPan).

(3) *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* The form number is NPS–CPan. The applicable component within the Department of Justice is the Bureau of Justice Statistics, in the Office of Justice Programs.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Respondents will be staff from state departments of correction and the Federal Bureau of Prisons. The NPS–CPan survey will request information on the prison response to the coronavirus disease (COVID–19) between March 1, 2020 and February 28, 2021, including: Monthly counts of admissions and stock populations in all publicly and privately operated facilities within each state, the total number of persons who received expedited release from prison due to the COVID–19 pandemic and criteria for deciding which prisoners received expedited release, the number of tests performed on prisoners and staff, the number of unique prisoners and staff testing positive for COVID–19, the age, sex, and race distributions of prisoners testing positive for, and dying from COVID–19, the number of prison staff who died from COVID–19, and the use of common mitigation tactics in facilities to identify persons with the disease and prevent its spread.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* BJS estimates that responding to the NPS–CPan survey will require an average of 4 hours, based on feedback from respondents to a cognitive test of the data collection.

(6) *An estimate of the total public burden (in hours) associated with the collection:* There is an estimated 204

total burden hours associated with this collection.

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: December 3, 2020.

Melody Braswell,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2020–26939 Filed 12–7–20; 8:45 am]

BILLING CODE 4410–18–P

DEPARTMENT OF JUSTICE

[OMB Number 1140–0007]

Agency Information Collection Activities; Proposed eCollection of eComments Requested; Extension With Change of a Currently Approved Collection Release and Receipt of Imported Firearms, Ammunition and Defense Articles—ATF Form 6A (5330.3C)

AGENCY: Bureau of Alcohol, Tobacco, Firearms and Explosives, Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The Department of Justice (DOJ), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), will submit 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: Comments are encouraged and will be accepted for 60 days until February 8, 2021.

FOR FURTHER INFORMATION CONTACT: If you have additional comments, regarding 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: Desiree Dickinson, EPS/IMPORTS/FESD, either by mail at 244 Needy Road, Martinsburg, WV 25405, by email at desiree.dickinson@atf.gov, or by telephone at 304–616–4550.

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 agency, including whether the information will have practical utility;

- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

Overview of This Information Collection

1. *Type of Information Collection (check justification or form 83):* Extension with change of a currently approved collection.

2. *The Title of the Form/Collection:* Release and Receipt of Imported Firearms, Ammunition and Defense Articles.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* Form number (if applicable): ATF Form 6A (5330.3C).

Component: Bureau of Alcohol, Tobacco, Firearms and Explosives, U.S. Department of Justice.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: Individuals or households.

Other (if applicable): Business or other for-profit and not-for-profit institutions.

Abstract: The information collected on the Release and Receipt of Imported Firearms, Ammunition and Defense Articles—ATF Form 6A (5330.3C) is used to determine if articles listed on the permit application meet the statutory and regulatory criteria for importation, and were actually imported.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* An estimated 28,000 respondents will use the form annually, and it will take each respondent approximately 35 minutes to complete their responses.

6. *An estimate of the total public burden (in hours) associated with the collection:* The estimated annual public burden associated with this collection is

16,333 hours, which is equal to 28,000 (# of respondents) * .58332 (35 minutes).

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.

Melody Braswell,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2020-26940 Filed 12-7-20; 8:45 am]

BILLING CODE 4410-14-P

DEPARTMENT OF JUSTICE

[OMB Number—1110-0049]

Agency Information Collection Activities; Proposed eCollection Activities Requested—Revision of Current Collection

AGENCY: Federal Bureau of Investigation, DOJ.

ACTION: 30 Day notice.

SUMMARY: The Department of Justice, Office of Private Sector, is 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 7, 2021.

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: 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 [Component or Office name], 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:* Revision of Current Collection.

2. *The Title of the Form/Collection:* InfraGard Membership Application and Profile Questionnaire. The agency form number, if any, and the applicable component of the Department sponsoring the collection: There is no agency form number for this collection. The applicable component within the Department of Justice is the Office of Private Sector.

3. *Affected public who will be asked or required to respond, as well as a brief abstract:* The public affected is an individual or household. This collection is used by FBI’s Office of Private Sector to vet applicant’s for InfraGard membership. InfraGard is a Public/Private Alliance with the purpose of sharing intelligence and criminal information between the FBI and the private sector about threats and infrastructure vulnerabilities.

4. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 11,000 complete the application annually, taking approximately 30 minutes to complete.

5. *An estimate of the total public burden (in hours) associated with the collection:* This collection takes approximately 5,500 hours.

6. *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: December 3, 2020.

Melody Braswell,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2020-26941 Filed 12-7-20; 8:45 am]

BILLING CODE 4410-18-P

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act

On December 2, 2020, the Department of Justice lodged a proposed Consent Decree (“Consent Decree”) in the United States District Court for the Northern District of Alabama (Eastern Division), in the lawsuit entitled the *United States of America v. Pharmacia, LLC and Solutia, Inc.*, Civil Action No. 1:02-CV-0749 (KOB).

This Consent Decree represents a settlement of certain claims of the United States (“Plaintiff”) against Pharmacia, LLC and Solutia, Inc. (“Defendants”) under Sections 106, 107, and 113 of the Comprehensive Environmental Response, Compensation, and Liability Act (“CERCLA”), 42 U.S.C. 9606, 9607, and 9613, relating to the Anniston PCB Hazardous Waste Site (“Site”) located in and around Anniston, Alabama. Under the proposed Consent Decree, the Defendants will be required to implement a Record of Decision (“ROD”) issued by the Environmental Protection Agency (“EPA”) with respect to Operable Units 1 and 2 (“OU1” and “OU2”) of the Anniston PCB Site in Anniston, Alabama. The proposed Consent Decree requires the Defendants to finance and conduct the remedial design and remedial action (“RD/RA”), which includes remedial action for both soils and groundwater within OU1 and OU2. These two operable units are outside the plant site (OU3) and consist of both residential and non-residential properties. A previous RD/RA Consent Decree addressing certain properties within OU1 and OU2 identified by EPA as unauthorized waste disposal areas was entered into last year between the United States and MRC Holding Company. This proposed Consent Decree addresses the remainder of OU1 and OU2.

The publication of this notice opens a period for public comment on the Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States of America v. Pharmacia, LLC and Solutia, Inc.*, and the D.J. Ref. No. 90-11-2-07135/1. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

<i>To submit comments:</i>	<i>Send them to:</i>
By email	<i>pubcomment-ees.enrd@usdoj.gov.</i>
By mail	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

During the public comment period, the Consent Decree may be examined and downloaded at this Justice Department website: http://www.usdoj.gov/enrd/Consent_Decrees.html. We will provide a paper copy of 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 \$11.50 (25 cents per page reproduction cost) payable to the United States Treasury for the Consent Decree and \$20.00 for the Consent Decree and Appendices thereto.

Lori Jonas,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2020–26963 Filed 12–7–20; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF JUSTICE

[OMB Number 1117–0038]

Agency Information Collection Activities; Proposed eCollection, eComments Requested; Revision of a Currently Approved Collection; Reporting and Recordkeeping for Digital Certificates

AGENCY: Drug Enforcement Administration, Department of Justice.
ACTION: 60-Day notice.

SUMMARY: The Department of Justice (DOJ), Drug Enforcement Administration (DEA), 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: Comments are encouraged and will be accepted for 60 days until February 8, 2021.

FOR FURTHER INFORMATION CONTACT: If you have comments 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 Scott A. Brinks, Diversion Control

Division, Drug Enforcement Administration; Mailing Address: 8701 Morrisette Drive, Springfield, Virginia 22152; Telephone: (571) 362–3261.

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 agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Evaluate whether and if so how the quality, utility, and clarity of the information proposed 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 forms of information technology, *e.g.*, permitting electronic submission of responses.

Overview of This Information Collection

1. *Type of Information Collection:* Revision of a currently approved collection.

2. *Title of the Form/Collection:* Reporting and Recordkeeping for Digital Certificates.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:*
DEA Form 251: CSOS DEA Registrant Certificate Application.

DEA Form 252: CSOS Principal Coordinator/Alternate Coordinator Certificate Application.

DEA Form 253: CSOS Power of Attorney Certificate Application.

DEA Form 254: CSOS Certificate Application Registrant List Addendum.

The Department of Justice component is the Drug Enforcement Administration, Diversion Control Division.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:*

Affected public (Primary): Business or other for-profit.

Affected public (Other): None.

Abstract: DEA collects information in regards to reporting and recordkeeping for digital certificates. The application

for a digital certificate is required to ensure that the person applying for the certificate is either a DEA registrant or someone who has power of attorney from a DEA registrant to sign orders for Schedule I and II substances. The DEA Certification Authority uses the information to verify the person's identity and eligibility to hold a DEA-issued digital certificate.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* DEA estimates a total of 10,064 respondents. *The average time to respond:* 1.5 hours.

6. *An estimate of the total public burden (in hours) associated with the proposed collection:* DEA estimates that this collection takes 40,439 annual burden hours.

If additional information is required please 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, Suite 3E.405B, Washington, DC 20530.

Dated: December 3, 2020.

Melody Braswell,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2020–26938 Filed 12–7–20; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Department of Labor Generic Solution for Outreach Activities

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting this Office of the Assistant Secretary for Administration and Management (OASAM)-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 January 7, 2021.

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: Anthony May by telephone at 202–693–4129 (this is not a toll-free number) or by email at DOL_PRA_PUBLIC@dol.gov.

SUPPLEMENTARY INFORMATION: This information collection activity provides a means to garner qualitative customer and stakeholder feedback in an efficient, timely manner. Feedback will provide insights into customer or stakeholder perceptions, experiences and expectations, provide an early warning of issues interest, or focus attention on areas where communication, training, or changes in operations or policy might improve delivery of products, services, or Federal policy. Information collected will also allow feedback to contribute directly to the improvement of program management and performance.

These information collections will be designed to support the DOL mission and function. They will cover a wide range of agency responsibilities including, for example, pension programs, occupational safety and health programs, mine safety and health programs, veterans’ programs, employment and training programs, statistical programs, and labor management standards. Any response to these information collections is voluntary and will not require ongoing reporting or record keeping requirements.

For additional substantive information about this ICR, see the related notice published in the **Federal Register** on September 30, 2020 (85 FR 61773).

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–OASAM.

Title of Collection: Department of Labor Generic Solution for Outreach Activities.

OMB Control Number: 1225–0059.

Affected Public: State, Local, and Tribal Governments; Individuals or Households; Businesses or other for-profits, farms, and not-for-profit institutions.

Total Estimated Number of Respondents: 800,000.

Total Estimated Number of Responses: 800,000.

Total Estimated Annual Time Burden: 80,000.

Total Estimated Annual Other Costs Burden: \$0.

Authority: 44 U.S.C. 3507(a)(1)(D).

Dated: December 3, 2020.

Anthony May,

Management and Program Analyst.

[FR Doc. 2020–26951 Filed 12–7–20; 8:45 am]

BILLING CODE 4510–04–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2020–0010]

Maritime Advisory Committee on Occupational Safety and Health (MACOSH): Request for Nominations

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Request for nominations.

SUMMARY: OSHA invites interested persons to submit nominations for membership on the Maritime Advisory Committee on Occupational Safety and Health (MACOSH).

DATES: You must submit nominations for MACOSH membership (postmarked, sent, transmitted, or received) by January 22, 2021.

ADDRESSES: You may submit nominations and supporting materials by one of the following methods:

Electronically: You may submit nominations, including attachments, electronically at: <http://www.regulations.gov>, the Federal eRulemaking Portal. Follow the online instructions for submitting nominations.

Facsimile: If your nomination and supporting materials, including attachments, do not exceed 10 pages, you may fax them to the OSHA Docket Office at (202) 693–1648.

Regular mail, express mail, hand delivery, messenger or courier service: When using regular mail, you must submit a copy of your nomination and supporting materials to the OSHA Docket Office, Docket No. OSHA–2020–0010, N–3653, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue NW, Washington, DC 20210. *Please note:* While OSHA’s Docket Office is continuing to accept and process submissions by regular mail, due to the COVID–19 pandemic, the Docket Office is closed to the public and unable to receive submissions to the docket by hand, express mail, messenger, and courier service.

Instructions: All submissions must include the agency name and docket number for this **Federal Register** notice (Docket No. OSHA–2020–0010). Because of security-related procedures, submissions by regular mail may result in a significant delay in receipt.

OSHA will post submissions in response to this **Federal Register** notice, including personal information provided, without change at <http://www.regulations.gov>. Therefore, OSHA cautions interested parties about submitting personal information such as social security numbers and birthdates.

Docket: To read or download submissions in response to this **Federal Register** notice, go to Docket No. OSHA–2020–0010 at <http://www.regulations.gov>. All documents in the docket are available in the <http://www.regulations.gov> index; however, some documents (e.g., copyrighted material) are not publicly available to read or download through that web page. All submissions, including copyrighted material, are available for inspection and copying through the OSHA Docket Office.

FOR FURTHER INFORMATION CONTACT: *Press inquiries:* Frank Meilinger, OSHA, Office of Communications, Occupational Safety and Health Administration, U.S. Department of Labor, telephone: (202) 693–1999; email: meilinger.francis2@dol.gov.

General information and technical inquiries: Amy Wangdahl, Office of Maritime and Agriculture, Directorate of Standards and Guidance, Occupational Safety and Health Administration, U.S. Department of Labor, telephone (202) 693-2066; email: wangdahl.amy@dol.gov.

SUPPLEMENTARY INFORMATION: The Secretary of Labor invites interested persons to submit nominations for membership on MACOSH.

I. Background

MACOSH was established by Section 7(d) of the Occupational Safety and Health Act of 1970 (OSH Act) (29 U.S.C. 651, 656) to advise the Secretary of Labor through the Assistant Secretary of Labor for Occupational Safety and Health (Assistant Secretary) in formulating maritime industry standards and regarding matters pertaining to the administration of the OSH Act related to the maritime industry. MACOSH is a non-discretionary advisory committee of indefinite duration (see section 3510 of the National Defense Authorization Act of 2020 (Pub. L. 116-92)).

MACOSH operates in accordance with the Federal Advisory Committee Act (FACA) (5 U.S.C. App. 2), its implementing regulations (41 CFR parts 101-6 and 102-3), and OSHA's regulations on Advisory Committees (29 CFR part 1912). Pursuant to FACA (5 U.S.C. App. 2, 14(b)(2)), the MACOSH charter must be renewed every two years.

The Committee meets approximately two times per year. Committee members serve without compensation, but OSHA provides travel and per diem expenses. Members serve a two-year term, which begins from the date of appointment by the Secretary of Labor. The current MACOSH membership will expire on April 11, 2021.

II. MACOSH Membership

MACOSH consists of not more than 15 members appointed by the Secretary of Labor. The agency seeks committed members who have a strong interest in the safety and health of workers in the maritime industries. The U.S. Department of Labor is committed to equal opportunity in the workplace. The Secretary of Labor will appoint members to create a broad-based, balanced, and diverse committee reflecting the shipyard, longshoring, and commercial fishing industries, and representing affected interests such as employers, employees, safety and health professional organizations, government organizations with interests or activities

related to the maritime industry, academia, and the public.

Nominations of new members, or resubmissions of current or former members, will be accepted in all categories of membership. Interested persons may nominate themselves or submit the name of another person whom they believe to be interested in and qualified to serve on MACOSH. Nominations may also be submitted by organizations from one of the categories listed above (e.g., employer, employee, public, safety and health professional organization, state safety and health agency, academia).

III. Submission Requirements

Nominations must include the following information:

- (1) Nominee's contact information and current employment or position;
- (2) Nominee's resume or curriculum vitae, including prior membership on MACOSH and other relevant organizations and associations;
- (3) Maritime industry interest (e.g., employer, employee, public, safety and health professional organization, state safety and health agency, academia) that the nominee is qualified to represent;
- (4) A summary of the background, experience, and qualifications that addresses the nominee's suitability for membership; and
- (5) A statement that the nominee is aware of the nomination, is willing to regularly attend and participate in MACOSH meetings, and has no conflicts of interest that would preclude membership on MACOSH.

OSHA will conduct a basic background check of candidates before their appointment to MACOSH. The background check will involve accessing publicly available, internet-based sources.

IV. Member Selection

The Secretary of Labor will select MACOSH members based on their experience, knowledge, and competence in the field of occupational safety and health, particularly in the maritime industries. Information received through this nomination process, and other relevant sources of information, will assist the Secretary of Labor in appointing members to MACOSH. In selecting MACOSH members, the Secretary of Labor will consider individuals nominated in response to this **Federal Register** notice, as well as other qualified individuals. OSHA will publish a list of MACOSH members in the **Federal Register**.

Authority and Signature

Loren Sweatt, Principal Deputy Assistant Secretary of Labor for Occupational Safety and Health, authorized the preparation of this notice pursuant to 29 U.S.C. 653, 655, and 656, Secretary's Order 8-2020 (85 FR 58393; September 18, 2020), FACA, as amended (5 U.S.C. App. 2), the implementing regulations (41 CFR part 102-3), Department of Labor Manual Series Chapter 1-900 (August 31, 2020), and OSHA's regulations on Advisory Committees (29 CFR part 1912).

Signed at Washington, DC, on December 2, 2020.

Loren Sweatt,

Principal Deputy Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2020-26877 Filed 12-7-20; 8:45 am]

BILLING CODE P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA-2020-0010]

Maritime Advisory Committee on Occupational Safety and Health (MACOSH): Charter Renewal

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Renewal of the MACOSH charter.

SUMMARY: The Secretary of Labor (Secretary) has renewed the charter for MACOSH.

FOR FURTHER INFORMATION CONTACT:

Press inquiries: Mr. Frank Meilinger, Director, OSHA Office of Communications, U.S. Department of Labor; telephone: (202) 693-1999; email: meilinger.francis2@dol.gov.

General information: Ms. Amy Wangdahl, Director, Office of Maritime and Agriculture, Directorate of Standards and Guidance; telephone: (202) 693-2066; email: wangdahl.amy@dol.gov.

SUPPLEMENTARY INFORMATION: The Secretary renewed the MACOSH charter on December 8, 2020. The charter will expire December 8, 2022.

MACOSH is established in Section 7(d) of the Occupational Safety and Health Act of 1970 (OSH Act) (29 U.S.C. 651, 656) to advise the Secretary of Labor through the Assistant Secretary of Labor for Occupational Safety and Health (Assistant Secretary) in order to inform the administration of the OSH Act with respect to the maritime industry. The Assistant Secretary may seek the advice of this Committee on

activities related to priorities set by the Agency, including: Worker training, education, and assistance; setting and enforcing standards; and assuring safe and healthful working conditions in the maritime industry.

MACOSH is a non-discretionary advisory committee of indefinite duration, operating in accordance with the provisions of the Federal Advisory Committee Act (FACA), as amended (5 U.S.C. App. 2), the implementing regulations (41 CFR parts 101–6 and 102–3), chapter 1–900 of Department of Labor Manual Series 3 (Aug. 31, 2020), and OSHA’s regulations on Advisory Committees (29 CFR part 1912). Pursuant to FACA (5 U.S.C. App. 2, 14(b)(2)), the MACOSH charter must be renewed every two years.

The new MACOSH charter is available to read or download at <http://www.regulations.gov> (Docket No. OSHA–2020–0010), the federal rulemaking portal. The charter also is available on the MACOSH page on OSHA’s web page at <http://www.osha.gov> and at the OSHA Docket Office, N–3653, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue NW, Washington, DC 20210; telephone (202) 693–2350. **Please note:** While OSHA’s Docket Office is continuing to accept and process requests, due to the COVID–19 pandemic, the Docket Office is closed to the public. In addition, the charter is available for viewing or download at the Federal Advisory Committee Database at <http://www.facadatabase.gov>.

Authority and Signature

Loren Sweatt, Principal Deputy Assistant Secretary of Labor for Occupational Safety and Health, authorized the preparation of this notice pursuant to 29 U.S.C. 653, 655, and 656, Secretary’s Order 8–2020 (85 FR 58393; Sept. 18, 2020), and FACA, as amended (5 U.S.C. App. 2), the implementing regulations (41 CFR part 102–3), Department of Labor Manual Series Chapter 1–900 (August 31, 2020), and 29 CFR part 1912.

Signed at Washington, DC, on December 2, 2020.

Loren Sweatt,

Principal Deputy Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2020–26878 Filed 12–7–20; 8:45 am]

BILLING CODE 4510–26–P

NUCLEAR REGULATORY COMMISSION

[NRC–2020–0262]

Proposed Evaluation Policy Statement

AGENCY: Nuclear Regulatory Commission.

ACTION: Request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is requesting public comment on this proposed Evaluation Policy Statement that presents the standards that will govern the NRC’s planning, conduct, and use of program evaluations. The policy statement is intended to provide agency personnel and stakeholders with a clear understanding of the expectations related to the NRC’s evaluation standards that include rigor, relevance and utility, transparency, collaboration, independence and objectivity, and ethics.

DATES: Submit comments by January 7, 2021. Comments received after this date will be considered if it is practical to do so, but the Commission is able to ensure consideration only for comments received before this date.

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

- *Federal Rulemaking Website:* Go to <https://www.regulations.gov> and search for Docket ID NRC–2020–0262. Address questions about NRC dockets to Dawn Forder; telephone: 301–415–3407; email: Dawn.Forder@nrc.gov. For technical questions contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

- *Email comments to:* Rulemaking.Comments@nrc.gov. If you do not receive an automatic email reply confirming receipt, then contact us at 301–415–1677.

- *Mail comments to:* Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, ATTN: Rulemakings and Adjudications Staff.

For additional direction on obtaining information and submitting comments, see “Obtaining Information and Submitting Comments” in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Matthew Meyer, Office of the Executive Director for Operations, U.S. Nuclear Regulatory Commission, Washington DC 20555–0001, telephone: 301–415–6198, email: Matthew.Meyer@nrc.gov.

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2020–0262 when contacting the NRC about the availability of information for this action. You may obtain publicly-available information related to this action by any of the following methods:

- *Federal Rulemaking Website:* Go to <https://www.regulations.gov> and search for Docket ID NRC–2020–0262.

- *NRC’s Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at <https://www.nrc.gov/reading-rm/adams.html>. To begin the search, select “Begin Web-based ADAMS Search.” For problems with ADAMS, please contact the NRC’s Public Document Room (PDR) reference staff at 1–800–397–4209, at 301–415–4737, or by email to pdr.resource@nrc.gov. The proposed Evaluation Policy Statement is available in ADAMS under Accession number ML20268A811.

- *Attention:* The Public Document Room (PDR), where you may examine and order copies of public documents is currently closed. You may submit your request to the PDR via email at PDR.Resource@nrc.gov or call 1–800–397–4209 between 8:00 a.m. and 4:00 p.m. (EST), Monday through Friday, except Federal holidays.

B. Submitting Comments

Please include Docket ID NRC–2020–0262 in your comment submission.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at <https://www.regulations.gov> as well as enter the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Background

The Foundations for Evidence-Based Policymaking Act of 2018 (“Evidence Act”) became law on January 14, 2019 (Pub. L. 115–435), to enhance evidence-building activities, make data more accessible, and strengthen privacy protections.¹ The Evidence Act requires each agency to name an Evaluation Officer. At the NRC the Director of the Office of Nuclear Regulatory Research holds this position and must “establish and implement an agency evaluation policy” to fulfill a primary function of this position.² The agency evaluation policy “should guide the agency’s activities throughout the evaluation lifecycle.”³ Evaluation activities include “developing and coordinating multi-year Learning Agendas, establishing Annual Evaluation Plans, planning and managing or conducting specific evaluations, summarizing evaluation findings for particular programs or policies, supporting other offices within an agency to interpret evaluation findings, and bringing evaluation-related evidence to bear in decision-making.”⁴ In directing these activities, “the Evidence Act creates a new paradigm by calling on agencies to significantly rethink how they currently plan and organize evidence building, data management, and data access functions to ensure an integrated and direct connection to data and evidence needs.”⁵

The Office of Management and Budget (OMB) has provided guidance to agencies on establishing an agency evaluation policy based on “approaches that Federal agencies have found useful.”⁶ This guidance includes “[e]nsuring that the agency evaluation policy incorporates the evaluation standards” recommended by OMB.⁷ OMB developed these evaluation standards through an interagency council that “reviewed an extensive list of source documents to identify widely accepted standards for evaluation.”⁸ The interagency council identified the following evaluation standards: relevance and utility, rigor,

independence and objectivity, transparency, and ethics.⁹

Historically, the NRC has relied on high-quality evidence for its environmental and safety evaluations of civilian applications to utilize nuclear technologies.¹⁰ Frequently, the agency has obtained such evidence from external entities or through its own capacity, largely centered in the Office of Nuclear Regulatory Research.¹¹ In undertaking these activities, the NRC has been guided by its own Principles of Good Regulation: Independence, efficiency, clarity, reliability, and openness.¹²

In recent years the agency has begun evidence-building activities to support licensing new or novel nuclear technologies, including advanced, non-light water reactor designs; accident tolerant nuclear fuel; and digital instrumentation and controls.¹³ Additionally, the NRC has increasingly sought to rely on evidence-based metrics to improve internal agency performance including budgeting and financial management.¹⁴ To develop the following evaluation policy statement, the NRC sought to enhance its existing evidence-building activities through the activities directed in the Evidence Act. The NRC envisions that this approach will strengthen the agency’s oversight of existing uses of nuclear technology, enhance the agency’s readiness to license and regulate new and novel nuclear technologies, and further the NRC’s ongoing efforts to improve its internal processes.

III. Proposed Evaluation Policy Statement

The purpose of this Evaluation Policy Statement is to present the standards that will govern the NRC’s planning and conduct of program evaluations¹⁵ (evaluations). This policy statement is required by the Foundations for Evidence-Based Policymaking Act of 2018 and is a commitment to using evidence and scientific methods when conducting evaluations to make informed decisions. The NRC is a

learning and evidence-based organization, with a culture of continuous improvement. The NRC’s evaluations are used to make informed decisions, are based on objective, technical assessments of available information and documented with an explicitly stated rationale. Furthermore, the NRC commits to implementing evaluation standards of rigor; relevance and utility; transparency; collaboration; independence and objectivity; and ethics in the conduct of its evaluations. This policy statement presents the NRC’s evaluation standards.

The Commission, as a collegial body, formulates policies, develops regulations governing nuclear reactor and nuclear material safety, issues orders to licensees, and adjudicates legal matters. The collegial decision-making process results in actions reflecting the collective judgment of a group rather than an individual, aided by professional and administrative staff and advisory committees, such as the Advisory Committee on Reactor Safeguards. Strict requirements govern the admission and consideration of “evidence” when the Commission acts in its adjudicatory capacity. This policy is intended to apply to the NRC’s non-adjudicatory functions.¹⁶

The NRC’s Principles of Good Regulation, which include independence, efficiency, clarity, reliability, and openness, have guided the agency’s regulatory activities and decisions using evidence and scientific methods. The principles focus on meeting the agency’s important safety and security mission while appropriately considering the interests of stakeholders, including licensees; State, local, and Tribal governments; nongovernmental organizations; and the public. The agency’s openness principle explicitly recognizes that the public must be informed about and have an opportunity to participate in the regulatory process.

Evidence building and evaluation are used to inform agency activities and actions, such as licensing, oversight, budgeting, program improvement, accountability, management, rulemaking, guidance development, and policy development. The emphasis on evidence is meant to support innovation, improvement, and learning. The NRC uses many types of evidence, including evaluations. Other evidence types include, but are not limited to, descriptive studies, performance

¹⁶ This policy does not apply to the admission and consideration of evidence when the Commission acts in its adjudicatory capacity. The NRC’s rules of practice and procedure in 10 CFR part 2 govern that process.

¹ Public Law 115–435, 132 Stat 5529 (2019).

² 5 U.S.C. 313(d)(3).

³ Office of Management and Budget, M–20–12, “Phase 4 Implementation of the Foundations for Evidence-Based Policymaking Act of 2018: Program Evaluation Standards and Practices,” Appendix C (March 10, 2020) (M–20–12).

⁴ *Id.* at Appendix A.

⁵ Office of Management and Budget, M–19–23, “Phase 1 Implementation of the Foundations for Evidence-Based Policymaking Act of 2018: Learning Agendas, Personnel, and Planning Guidance,” 2 (July 10, 2019).

⁶ M–20–12, Appendix C.

⁷ *Id.*

⁸ *Id.* at 2.

⁹ *Id.* at 3–5.

¹⁰ Nuclear Regulatory Commission, NUREG–1350, 2019–2020 Information Digest, at 4–5 (August, 2019).

¹¹ *Id.* at 10.

¹² *Id.* at 3.

¹³ *Id.* at 4.

¹⁴ *Id.* at 7.

¹⁵ The Evidence Act defines “evaluation” as “an assessment using systematic data collection and analysis of one or more programs, policies, and organizations intended to assess their effectiveness and efficiency” (5 U.S.C. 311(3)). Evaluation can look beyond the program, policy, or organizational level to include assessment of projects or interventions within a program.

measurements, financial and cost data, and program administrative data. The NRC carries out evidence-building and evaluation activities to (1) identify, evaluate, and resolve safety issues; (2) ensure that an independent technical basis exists to review licensee submittals; (3) evaluate operating experience and results of risk assessments for safety implications; and (4) support the development and use of risk-informed regulatory approaches.

Evaluation Standards

The NRC staff will use the following evaluation standards when conducting evaluations.

1. **Rigor**—The NRC is committed to using rigorous evaluation methods by qualified evaluators with relevant education, skills, and experience to ensure evaluations are appropriate and feasible within statutory, budgetary, and other constraints.

Rigorous evaluations require inferences about cause and effect to be well founded (internal validity); clarity about the populations, settings, or circumstances to which results can be generalized (external validity); and the use of measures that accurately capture the intended information (measurement reliability and validity). The NRC's evaluations are conducted by qualified staff with relevant education, skills, and experience for the methods undertaken. The NRC's evaluations use appropriate designs and methods that adhere to widely accepted scientific principles to answer key questions while balancing goals, scale, timeline, feasibility, and available resources. Additionally, the NRC's Information Quality Program¹⁷ ensures that all information relied on by the NRC is subject to rigorous quality standards.

2. **Relevance and Utility**—The NRC will ensure that evaluations are relevant and provide useful findings to inform agency activities and actions and stakeholders.

The NRC performs evaluations to examine questions of importance and serve the information needs of stakeholders. The NRC's evaluations present findings that are clear, concise, actionable, and available within a timeline that is appropriate to the questions under consideration. The NRC's evaluation priorities consider legislative requirements; the NRC's strategic safety and security goals, objectives, and strategies; and the interests and views of stakeholders.

¹⁷ Management Directive 3.17, "Information Quality Program," ensures that peer review is conducted on all influential scientific information and highly influential scientific assessment that the agency intends to disseminate.

3. **Transparency**—The NRC is committed to conducting evaluations in an open and transparent manner, which keeps stakeholders informed of the agency's evaluation activities.

NRC activities will be conducted openly and the public must be informed about and have an opportunity to participate in the NRC's regulatory process. As a regulator, the NRC will listen to, respect, and analyze different views from stakeholders. The NRC will also ensure open channels of communication are maintained between the NRC and stakeholders, including Congress, other government agencies, licensees, nongovernmental organizations, individual members of the public, and international and domestic nuclear communities. The NRC takes reasonable efforts to make all information, including information about the NRC's evaluations (including their purpose, objectives, design, findings, and evaluation methods), broadly available and accessible. The NRC releases public evaluation findings in a timely manner and archives the evaluation data for secondary use by stakeholders, as appropriate.

4. **Collaboration**—The NRC is committed to working collaboratively when conducting evaluations and draws on the expertise of subject matter experts to ensure diversity in perspectives.

The NRC fosters a collaborative work environment that encourages diverse views, alternative approaches, critical thinking, creative problem solving, unbiased evaluations, and honest feedback. The NRC emphasizes trust, respect, and open communication to promote a positive work environment that maximizes the potential of all individuals, which improves evidence building and evaluation activities. A collaborative environment leverages expertise from subject matter experts and enables peer reviews to ensure rigorous evaluations. The NRC also conducts research and collaborates with organizations that develop consensus standards to improve data and methods used in risk analysis. The NRC collaborates with national laboratories, other Federal agencies, universities, and international organizations.

5. **Independence and Objectivity**—As an independent Federal agency, the NRC is committed to conducting evaluations that are independent and based on objective assessments of all relevant information.

The NRC was established as an independent agency to regulate civilian uses of radioactive material. The NRC's evaluations will be independent and objective to maintain credibility. The

implementation of evaluation activities, including the selection and function of the evaluators, should be appropriately insulated from factors that may affect their objectivity, impartiality, and professional judgment. Evaluations are inclusive and seek diverse participation from stakeholders in setting evaluation priorities, identifying evaluation questions, and assessing the implications of findings. The NRC strives for objectivity in the planning and conduct of evaluations.

6. **Ethics**—The NRC is committed to conducting evaluations that adhere to Government-wide ethics standards to protect the public and maintain public trust.

The NRC's evaluations comply with relevant legal requirements and are conducted in a manner that is free from conflicts of interest, undue influence, and the appearance of bias and that safeguards the dignity, rights, safety, and privacy of participants. The NRC complies with Governmentwide ethics standards contained in Federal statutes and regulations, which are intended to ensure that every citizen can have confidence in the integrity of the Federal Government.

IV. Specific Request for Comments

The NRC is interested in obtaining feedback from stakeholders on the proposed Evaluation Policy Statement. The focus of this request is to gather information that will permit the NRC staff to develop the final Evaluation Policy Statement. The NRC is particularly interested in comments that address the extent to which the proposed Evaluation Policy Statement will facilitate the agency's review of new and novel technologies and the agency's efforts to improve internal performance.

Dated: December 2, 2020.

For the Nuclear Regulatory Commission.

Annette L. Vietti-Cook,

Secretary of the Commission.

[FR Doc. 2020-26864 Filed 12-7-20; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

[NRC-2020-0192]

Consolidated Decommissioning Guidance, Characterization, Survey, and Determination of Radiological Criteria

AGENCY: Nuclear Regulatory Commission.

ACTION: Draft NUREG; request for comment.

SUMMARY: The Nuclear Regulatory Commission (NRC) is issuing a draft report for comment, NUREG–1757, Volume 2, Revision 2, “Consolidated Decommissioning Guidance, Characterization, Survey, and Determination of Radiological Criteria.” NUREG–1757 has been revised to address lessons learned and experience gained from review of license termination plans, decommissioning plans, and final status surveys for licensees undergoing license termination since the last revision to the document in September 2006. This NUREG is intended for use by applicants, licensees, and the NRC staff.

DATES: Submit comments by February 8, 2021. Comments received after this date will be considered if it is practical to do so, but the NRC is able to ensure consideration only for comments received on or before this date.

ADDRESSES: You may submit comments by any of the following methods; however, the NRC encourages electronic comment submission through the Federal Rulemaking Website:

- *Federal Rulemaking Website:* Go to <https://www.regulations.gov> and search for Docket ID NRC–2020–0192. Address questions about Docket IDs in [regulations.gov](https://www.regulations.gov) to Jennifer Borges; telephone: 301–287–9127; email: Jennifer.Borges@nrc.gov. For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

- *Mail comments to:* Office of Administration, Mail Stop: TWFN–7–A60M, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, ATTN: Program Management, Announcements and Editing Staff.

For additional direction on obtaining information and submitting comments, see “Obtaining Information and Submitting Comments” in the **SUPPLEMENTARY INFORMATION** section of this document.

- *NRC’s Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at <https://www.nrc.gov/reading-rm/adams.html>. To begin the search, select “Begin Web-based ADAMS Search.” For problems with ADAMS, please contact the NRC’s Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to pdr.resource@nrc.gov. NUREG–1757, Volume 2, Revision 2, is located in ADAMS under Accession Number ML20273A010.

FOR FURTHER INFORMATION CONTACT: Cynthia Barr, Office of Nuclear Material Safety and Safeguards; U.S. Nuclear

Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–4015; email: cynthia.barr@nrc.gov.

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2020–0192 when contacting the NRC about the availability of information for this action. You may obtain publicly available information related to this action by any of the following methods:

- *Federal Rulemaking Website:* Go to <https://www.regulations.gov> and search for Docket ID NRC–2020–0192.
- *NRC’s Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at <https://www.nrc.gov/reading-rm/adams.html>. To begin the search, select “Begin Web-based ADAMS Search.” For problems with ADAMS, please contact the NRC’s Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to pdr.resource@nrc.gov. NUREG–1757, Volume 2, Revision 2, is located at ADAMS Accession Number ML20273A010.

- *Attention:* The PDR, where you may examine and order copies of public documents is currently closed. You may submit your request to the PDR via email at PDR.Resource@nrc.gov or call 1–800–397–4209 between 8:00 a.m. and 4:00 p.m. (EST), Monday through Friday, except Federal holidays.

B. Submitting Comments

The NRC encourages electronic comment submission through the Federal Rulemaking website (<https://www.regulations.gov>). Please include Docket ID NRC–2020–0192 in your comment submission.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at <https://www.regulations.gov> as well as enter the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment

submissions to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Discussion

The NRC is issuing for public comment, Revision 2 to NUREG–1757, Volume 2, “Consolidated Decommissioning Guidance, Characterization, Survey, and Determination of Radiological Criteria.” NUREG–1757 has been revised to address lessons learned and experience gained from review of license termination plans, decommissioning plans, and final status surveys for licensees undergoing license termination. The NUREG has been updated to include new guidance related to dose modeling, as low as reasonably achievable (ALARA) criteria, surface water and groundwater characterization, use of engineered barriers, and radiological surveys (e.g., composite sampling, subsurface surveys, and surveys demonstrating indistinguishability from background).

The NRC staff recognizes that the proposed revisions to NUREG–1757 are significant advancements. Licensee may choose to take advantage of these advancements immediately. However, this draft NUREG–1757 is being published for comment, and the NRC staff may make revisions and corrections in the final document. Such changes from draft guidance would not be a change in position because a draft guidance document issued for comment does not constitute a staff position.

This NUREG is intended for use by applicants, licensees, and the NRC staff. The purpose of this notice is to notify the public that NUREG–1757, Volume 2, Revision 2 is being issued as a draft report for comment.

Dated: December 2, 2020.

For the Nuclear Regulatory Commission.

Patricia K. Holahan,

Director, Division of Decommissioning, Uranium Recovery, and Waste Programs, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 2020–26876 Filed 12–7–20; 8:45 am]

BILLING CODE 7590–01–P

PEACE CORPS

Information Collection Request; Submission for OMB Review

AGENCY: Peace Corps.

ACTION: 60-Day notice and request for comments.

SUMMARY: The Peace Corps will be submitting the following information

collection request to the Office of Management and Budget (OMB) for review and approval. In accordance with the Paperwork Reduction Act of 1995 and implementing OMB guidance, we are requesting comments on this collection from all interested individuals and organizations. The purpose of this notice is to allow 60 days for public comment in the **Federal Register** preceding submission to OMB.

DATES: Submit comments on or before February 8, 2021.

ADDRESSES: Address written comments and recommendations for the proposed information collection to Virginia Burke, FOIA/Privacy Act Officer, by email at pcf@peacecorps.gov. Email comments must be made in text and not in attachments.

FOR FURTHER INFORMATION CONTACT: Virginia Burke, FOIA/Privacy Act Officer, at (202) 692-1887, or PCFR@peacecorps.gov.

SUPPLEMENTARY INFORMATION: *Title:* Peace Corps Response Interview Assessment Form.

OMB Control Number: 0420-0556.

Type of Request: Revision/New.

Affected Public: Individuals.

Respondents Obligation to Reply: Voluntary.

Respondents: Potential and current volunteers.

Burden to the Public:

- Peace Corps Response Interview Assessment:

(a) *Estimated number of Applicants:* 1,000.

(b) *Frequency of response:* one time.

(c) *Estimated average burden per response:* 60 Minutes.

(d) *Estimated total reporting burden:* 1,000.

(e) *Estimated annual cost to respondents:* 0.00.

General Description of Collection: The Peace Corps Response interview is necessary to assess applicants' qualifications and eligibility to serve in Peace Corps Response. The interview is a critical point in the recruitment process, as it is the point when the applicant and the recruitment and placement specialist verbally discuss the nature of the Volunteer assignment.

Request for Comment: Peace Corps invites comments on whether the proposed collections of information are necessary for proper performance of the functions of the Peace Corps, including whether the information will have practical use; the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the information to be collected; and, ways to minimize the burden of the collection of

information on those who are to respond, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

This notice is issued in Washington, DC, on December 2, 2020.

Virginia Burke,

FOIA/Privacy Act Officer, Management.

[FR Doc. 2020-26886 Filed 12-7-20; 8:45 am]

BILLING CODE 6051-01-P

PEACE CORPS

Information Collection Request; Submission for OMB Review

AGENCY: Peace Corps.

ACTION: 60-Day notice and request for comments.

SUMMARY: The Peace Corps will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval. In accordance with the Paperwork Reduction Act of 1995 and implementing OMB guidance, we are requesting comments on this collection from all interested individuals and organizations. The purpose of this notice is to allow 60 days for public comment in the **Federal Register** preceding submission to OMB.

DATES: Submit comments on or before February 8, 2021.

ADDRESSES: Address written comments and recommendations for the proposed information collection to Virginia Burke, FOIA/Privacy Act Officer, by email at pcf@peacecorps.gov. Email comments must be made in text and not in attachments.

FOR FURTHER INFORMATION CONTACT: Virginia Burke, FOIA/Privacy Act Officer, at (202) 692-1887, or PCFR@peacecorps.gov.

SUPPLEMENTARY INFORMATION:

Title: Rating Tool Interview Form.

OMB Control Number: 0420-0555.

Type of Request: Revision/Re-Approve.

Affected Public: Individuals.

Respondents Obligation to Reply: Voluntary.

Respondents: Potential and current volunteers.

Burden to the Public:

- Estimated burden (hours) of the collection of information:

(a) *Estimated number of Applicants:* 10,000.

(b) *Frequency of response:* one time.

(c) *Estimated average burden per response:* 90 Minutes.

(d) *Estimated total reporting burden:* 15,000.

(e) *Estimated annual cost to respondents:* 0.00.

General Description of Collection: The Peace Corps will use the information as an integral part of the selection process to learn whether an applicant possesses the necessary characteristics and skills to serve as a Peace Corps Volunteer. The information will be used to determine if an invitation to serve will be issued to the applicant.

Request for Comment: Peace Corps invites comments on whether the proposed collections of information are necessary for proper performance of the functions of the Peace Corps, including whether the information will have practical use; the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the information to be collected; and, ways to minimize the burden of the collection of information on those who are to respond, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

This notice is issued in Washington, DC, on December 1, 2020.

Virginia Burke,

FOIA/Privacy Act Officer, Management.

[FR Doc. 2020-26887 Filed 12-7-20; 8:45 am]

BILLING CODE 6051-01-P

PEACE CORPS

Information Collection Request; Submission for OMB Review

AGENCY: Peace Corps.

ACTION: 60-Day notice and request for comments.

SUMMARY: The Peace Corps will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval. In accordance with the Paperwork Reduction Act of 1995 and implementing OMB guidance, we are requesting comments on this collection from all interested individuals and organizations. The purpose of this notice is to allow 60 days for public comment in the **Federal Register** preceding submission to OMB.

DATES: Submit comments on or before January 7, 2021.

ADDRESSES: Address written comments and recommendations for the proposed information collection to Virginia Burke, FOIA/Privacy Act Officer, by email at pcf@peacecorps.gov. Email comments must be made in text and not in attachments.

FOR FURTHER INFORMATION CONTACT: Virginia Burke, FOIA/Privacy Act

Officer, at (202) 692-1887, or *PCFR@peacecorps.gov*.

SUPPLEMENTARY INFORMATION:

Title: Donation Form.

OMB Control Number: 0420-0564.

Type of Request: Revision of a currently approved collection..

Affected Public: Individuals.

Respondents Obligation to Reply: Voluntary.

Respondents: Potential, current, and Returned Volunteers, and associated members of the public.

Burden to the Public:

- Donation Form.

(a) *Estimated number of Applicants:* 13,000.

(b) *Frequency of response:* One time.

(c) *Estimated average burden per response:* 10 Minutes.

(d) *Estimated total reporting burden:* 2,167 hours.

(e) *Estimated annual cost to respondents:* 0.00.

General Description of Collection:

These are the forms used by members of the public to donate to the Peace Corps. Information collected allows for donations to made in honor or memory of a Peace Corps Volunteer, or allows for a Returned Peace Corps Volunteer to donate to a specific project or Post. The information pulled from the donation form is used internally and on a daily basis by the Peace Corps Office of Strategic Partnerships (OSP) to coordinate and oversee the development and implementation of partnerships to support the agency's three goals and enhance programs through every stage of the Volunteer life cycle, communication with prospective and current donors.

Request for Comment: Peace Corps invites comments on whether the proposed collections of information are necessary for proper performance of the functions of the Peace Corps, including whether the information will have practical use; the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the information to be collected; and, ways to minimize the burden of the collection of information on those who are to respond, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

This notice is issued in Washington, DC, on December 2, 2020.

Virginia Burke,

FOIA/Privacy Act Officer, Management.

[FR Doc. 2020-26879 Filed 12-7-20; 8:45 am]

BILLING CODE 6051-01-P

PENSION BENEFIT GUARANTY CORPORATION

Submission of Information Collection for OMB Review; Comment Request; Missing Participants

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice of request for extension of OMB approval of information collection, with modifications.

SUMMARY: The Pension Benefit Guaranty Corporation (PBGC) is requesting that the Office of Management and Budget (OMB) extend approval, under the Paperwork Reduction Act, of a collection of information under PBGC's regulation on Missing Participants, with modifications. This notice informs the public of PBGC's request and solicits public comment on the collection.

DATES: Comments must be submitted on or before January 7, 2021.

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.

A copy of the request will be posted on PBGC's website at <https://www.pbgc.gov/prac/laws-and-regulation/federal-register-notices-open-for-comment>. It may also be obtained without charge by writing to the Disclosure Division of the Office of the General Counsel of PBGC, 1200 K Street NW, Washington, DC 20005-4026; faxing a request to 202-326-4042; or, calling 202-326-4040 during normal business hours (TTY users may call the Federal Relay Service toll-free at 800-877-8339 and ask to be connected to 202-326-4040). The Disclosure Division will email, fax, or mail the information to you, as you request.

FOR FURTHER INFORMATION CONTACT:

Stephanie Cibinic, Deputy Assistant General Counsel for Regulatory Affairs, Office of the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street NW, Washington, DC 20005-4026; 202-229-6352. (TTY users may call the Federal Relay Service toll-free at 800-877-8339 and ask to be connected to 202-229-6352.)

SUPPLEMENTARY INFORMATION: The process of closing out a terminated retirement plan involves the disposition of plan assets to satisfy the benefits of plan participants and beneficiaries. One difficulty faced by plan administrators

in closing out terminated plans is how to provide for the benefits of missing persons. Title IV of ERISA includes a provision (section 4050 of ERISA) under which the Pension Benefit Guaranty Corporation (PBGC) holds retirement benefits for missing participants and beneficiaries in terminated pension plans and seeks to reunite those participants and beneficiaries with the benefits being held for them.

The missing participants program was limited to single-employer DB plans covered by the title IV insurance program. The Pension Protection Act of 2006 authorized expansion of the missing participants program, and PBGC by final rule published on December 22, 2017 (82 FR 60800), extended the program to—

- defined contribution (DC) plans (not covered by title IV ¹),
- small professional service DB plans (not covered by title IV), and
- multiemployer DB plans (covered by title IV).

All four programs follow the same basic design. The most prominent difference among them lies in the mandatory or voluntary nature of the programs. For plans covered by the title IV insurance program, participation in the program is mandatory. For plans not covered by title IV, PBGC's regulation permits, but does not require, such plans to participate in PBGC's missing participants program.

PBGC needs information from plans that participate in the missing participants program to identify the plans and the missing participants and beneficiaries, to search for missing participants and beneficiaries, to determine the persons entitled to benefits that the plans transfer to PBGC and the form and amount of benefits payable, and to refer claimants of benefits being held elsewhere to the institutions holding the benefits.

PBGC intends to modify its information collection to require additional information about missing participants in two categories in order to properly withhold taxes when such participants are located and their benefits claimed and paid. For DC plans that permit Roth accounts, PBGC intends to require a breakdown of qualified and non-qualified Roth amounts transferred to PBGC (if any), and if non-qualified Roth amounts are being transferred, the date the first Roth contribution was made. Where relevant for DB and DC plans, PBGC intends to require identification of the portion of a

¹ Eligibility for the missing participants program under ERISA section 4050 is not by itself considered coverage by title IV or ERISA.

participant's benefit transfer amount treated as foreign-source income, and if so, for DB plans how that determination was made. PBGC as administrator of the Missing Participants Program relies on information provided and certified to by the plan administrator or plan sponsor as applicable.

The existing collection of information was approved under OMB control number 1212-0069 (expires January 31, 2021). On September 1, 2020 PBGC published in the **Federal Register** (at 85 FR 54433) a notice informing the public of its intent to request an extension of this collection of information, as modified. No comments were received. PBGC is requesting that OMB extend its approval of this collection of information (with modifications) for three years. 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.

PBGC estimates that it will receive a total of 226 filings from plans each year under this collection of information. PBGC further estimates that the annual burden of this collection of information is 646 hours and \$115,650.

Issued in Washington, DC.

Stephanie Cibinic,

Deputy Assistant General Counsel for Regulatory Affairs, Pension Benefit Guaranty Corporation.

[FR Doc. 2020-26890 Filed 12-7-20; 8:45 am]

BILLING CODE 7709-02-P

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2021-37 and CP2021-38; MC2021-38 and CP2021-39]

New Postal Products

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing for the Commission's consideration concerning a negotiated service agreement. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* December 9, 2020.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at <http://www.prc.gov>. Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202-789-6820.

SUPPLEMENTARY INFORMATION:

Table of Contents

- I. Introduction
- II. Docketed Proceeding(s)

I. Introduction

The Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related to negotiated service agreement(s). The request(s) may propose the addition or removal of a negotiated service agreement from the market dominant or the competitive product list, or the modification of an existing product currently appearing on the market dominant or the competitive product list.

Section II identifies the docket number(s) associated with each Postal Service request, the title of each Postal Service request, the request's acceptance date, and the authority cited by the Postal Service for each request. For each request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 (Public Representative). Section II also establishes comment deadline(s) pertaining to each request.

The public portions of the Postal Service's request(s) can be accessed via the Commission's website (<http://www.prc.gov>). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3011.301.¹

The Commission invites comments on whether the Postal Service's request(s) in the captioned docket(s) are consistent with the policies of title 39. For request(s) that the Postal Service states concern market dominant product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3622, 39 U.S.C. 3642, 39 CFR part 3030, and 39 CFR part 3040, subpart B. For request(s) that the Postal Service states concern competitive product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633, 39 U.S.C. 3642, 39 CFR part 3035, and 39 CFR part 3040, subpart B. Comment deadline(s) for each request appear in section II.

II. Docketed Proceeding(s)

1. *Docket No(s).*: MC2021-37 and CP2021-38; *Filing Title:* USPS Request

¹ See Docket No. RM2018-3, Order Adopting Final Rules Relating to Non-Public Information, June 27, 2018, Attachment A at 19-22 (Order No. 4679).

to Add Priority Mail & First-Class Package Service Contract 179 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* December 1, 2020; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3040.130 through 3040.135, and 39 CFR 3035.105; *Public Representative:* Christopher C. Mohr; *Comments Due:* December 9, 2020.

2. *Docket No(s).*: MC2021-38 and CP2021-39; *Filing Title:* USPS Request to Add Priority Mail Express Contract 85 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* December 1, 2020; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3040.130 through 3040.135, and 39 CFR 3035.105; *Public Representative:* Christopher C. Mohr; *Comments Due:* December 9, 2020.

This Notice will be published in the **Federal Register**.

Erica A. Barker,
Secretary.

[FR Doc. 2020-26891 Filed 12-7-20; 8:45 am]

BILLING CODE 7710-FW-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-90549; File No. SR-NASDAQ-2020-028]

Self-Regulatory Organizations; The Nasdaq Stock Market LLC; Notice of Designation of a Longer Period for Commission Action on Proceedings To Determine Whether To Approve or Disapprove a Proposed Rule Change, as Modified by Amendment No. 1, To Amend IM-5101-1 (Use of Discretionary Authority) To Deny Listing or Continued Listing or To Apply Additional and More Stringent Criteria to an Applicant or Listed Company Based on Considerations Related to the Company's Auditor or When a Company's Business Is Principally Administered in a Jurisdiction That Is a Restrictive Market

December 2, 2020.

On May 19, 2020, The Nasdaq Stock Market LLC ("Nasdaq" or "Exchange") filed with the Securities and Exchange Commission ("Commission"), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")¹ and Rule 19b-4 thereunder,² a proposed rule change to amend IM-5101-1 (Use of Discretionary Authority) to deny listing or continued listing or to apply additional and more stringent criteria to

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

an applicant or listed company based on considerations related to the company's auditor or when a company's business is principally administered in a jurisdiction that has secrecy laws, blocking statutes, national security laws, or other laws or regulations restricting access to information by regulators of U.S.-listed companies in such jurisdiction. The proposed rule change was published for comment in the **Federal Register** on June 8, 2020.³ On July 20, 2020, pursuant to Section 19(b)(2) of the Act,⁴ the Commission designated a longer period within which to approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to disapprove the proposed rule change.⁵ On September 2, 2020, the Commission instituted proceedings under Section 19(b)(2)(B) of the Act⁶ to determine whether to approve or disapprove the proposed rule change.⁷ On November 6, 2020, the Exchange filed Amendment No. 1 to the proposed rule change, which replaced and superseded the proposed rule change as originally filed.⁸

Section 19(b)(2) of the Act⁹ provides that, after initiating disapproval proceedings, the Commission shall issue an order approving or disapproving the proposed rule change not later than 180 days after the date of publication of notice of filing of the proposed rule change. The Commission may extend the period for issuing an order approving or disapproving the proposed rule change, however, by not more than 60 days if the Commission determines that a longer period is appropriate and publishes the reasons for such determination. The date of publication of notice of filing of the proposed rule change was June 8, 2020. December 5, 2020 is 180 days from that date, and February 3, 2021 is 240 days from that date.

The Commission finds it appropriate to designate a longer period within which to issue an order approving or

disapproving the proposed rule change so that it has sufficient time to consider this proposed rule change. Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,¹⁰ designates February 3, 2021, as the date by which the Commission shall either approve or disapprove the proposed rule change, as modified by Amendment No. 1 (File No. SR-NASDAQ-2020-028).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹¹

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2020-26898 Filed 12-7-20; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-90552; File No. SR-NYSEArca-2020-102]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Adopt New Rule 6.78A-O Regarding In-Kind Exchanges of Options Positions in Connection With Exchange-Traded Fund Shares and Unit Investment Trust Interests

December 2, 2020.

Pursuant to Section 19(b)(1)¹ of the Securities Exchange Act of 1934 ("Act"),² and Rule 19b-4 thereunder,³ notice is hereby given that on November 24, 2020, NYSE Arca, Inc. ("NYSE Arca" 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 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 adopt new Rule 6.78A-O regarding in-kind exchanges of options positions and exchange-traded fund shares and unit investment trust interests. The proposed rule change is available on the Exchange's website at www.nyse.com, at the principal office of the Exchange, and at the Commission's Public Reference Room.

¹⁰ *Id.*

¹¹ 17 CFR 200.30-3(a)(57).

¹ 15 U.S.C. 78s(b)(1).

² 15 U.S.C. 78a.

³ 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 self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to adopt Rule 6.78A-O regarding in-kind exchanges of options positions and exchange-traded fund ("Fund") shares and unit investment trust ("UIT") interests. This is a competitive filing that is substantively identical to rules in place on Cboe and its affiliated exchange Cboe BZX, except the Exchange proposes to add a provision allowing it to request information from OTP Holders and OTP Firms that utilize the new rule.⁴ Currently, in general, Funds and UITs can effect in-kind transfers with respect to equity securities and fixed-income securities. The in-kind process is the means by which assets may be added to or removed from Funds and UITs.

Proposed Rule 6.78A-O, like the Cboe Rule, would allow positions in options listed on the Exchange to be transferred off the Exchange by an OTP Holder or OTP Firm (collectively, "OTP Holders") in connection with transactions (1) to

⁴ See Cboe Options Rule 6.9 (the "Cboe Rule"); see also Securities Exchange Act Release Nos. 87340 (October 17, 2019), 84 FR 56877 (October 23, 2019) (SR-CBOE-2019-048) (Order Approving on an Accelerated Basis a Proposed Rule Change, as Modified by Amendment Nos. 2 and 3, to Adopt Rule 6.9 (In-Kind Exchange of Options Positions and ETF Shares)); and 88786 (April 30, 2020), 85 FR 26998 (May 6, 2020) (SR-CBOE-2020-042) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Rule 6.9 To Permit In-Kind Transfers of Positions Off of the Exchange in Connection With Unit Investment Trusts ("UITs")). See also CboeBZX Rule 20.12; Securities Exchange Act Release No. 89313 (July 14, 2020), 85 FR 43907 (July 20, 2020) (SR-CboeBZX-2020-054) (immediately effective filing for, among other things, in-kind transfers of Funds and UITs). See also Nasdaq PHLX Rule 1059; Securities Exchange Act Release Nos. 87768 (December 17, 2019), 84 FR 70605 (December 23, 2019) (SR-Phlx-2019-53) (immediately effective filing to adopt new Rule 1059 to allow in-kind transfers of Funds). The new Phlx rule does not extend to allowing for in-kind transfers of UITs, thus the Exchange focuses on Cboe and its affiliates in this filing.

³ See Securities Exchange Act Release No. 88987 (June 2, 2020), 85 FR 34774. Comments on the proposed rule change can be found at: <https://www.sec.gov/comments/sr-nasdaq-2020-028/srnasdaq2020028.htm>.

⁴ 15 U.S.C. 78s(b)(2).

⁵ See Securities Exchange Act Release No. 89344, 85 FR 44951 (July 24, 2020). The Commission designated September 6, 2020 as the date by which the Commission shall approve or disapprove, or institute proceedings to determine whether to approve or disapprove, the proposed rule change.

⁶ 15 U.S.C. 78s(b)(2)(B).

⁷ See Securities Exchange Act Release No. 89739, 85 FR 55708 (September 9, 2020).

⁸ Amendment No. 1 is available at <https://www.sec.gov/comments/sr-nasdaq-2020-028/srnasdaq2020028.htm>.

⁹ 15 U.S.C. 78s(b)(2).

purchase or redeem “creation units” of Fund Shares between an “authorized participant”⁵ and the issuer⁶ of such Fund Shares⁷ or (2) to create or redeem units of a UIT between a broker-dealer and the issuer⁸ of such UIT units, which transfers would occur at the price used to calculate the net asset value (“NAV”) of such Fund Shares or UIT units, respectively. Allowing the Exchange to permit off-Exchange transfers of options positions in connection with the creation and redemption process would enable the Exchange to compete with other options exchanges that allow such transfers.⁹

However, the Exchange believes it is appropriate to include in proposed Rule 6.78A–O the requirement that OTP Holders that engage in such transfers “must, upon request of the Exchange, provide to the Exchange information relating to the transfers in a form and manner prescribed by the Exchange.”¹⁰ The Exchange believes that this proposed provision, which is not in the Cboe Rule (nor is it in Phlx Rule 1059), would help ensure that OTP Holders keep accurate books and records relating to such transfers for review by the Exchange, which is to the benefit of all market participants.¹¹

The Exchange’s proposal mirrors the Cboe Rule in that it applies solely in the

context of transfers of options positions effected in connection with transactions to purchase or redeem creation units of Fund Shares between Funds and authorized participants,¹² and units of UITs between UITs and sponsors.

Other than the transfers covered by the proposed rule, transactions involving options, whether held by a Fund or an authorized participant, or a UIT or a sponsor would be fully subject to all applicable trading Rules.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,¹³ in general, and furthers the objectives of Section 6(b)(5) of the Act,¹⁴ in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest.

The Exchange believes proposed Rule 6.78A–O to permit off-Exchange transfers in connection with the in-kind Fund and UIT creation and redemption process would promote just and equitable principles of trade as it would permit Funds and UITs that invest in options traded on the Exchange to utilize the in-kind creation and redemption process that is available for Funds and UITs that invest in equities and fixed-income securities.

The Exchange believes it is appropriate to require OTP Holders that engage in off-floor transfers as provided in proposed Rule 6.78A–O(a) to keep records of such transactions such that this information could be shared with the Exchange upon request. The Exchange believes this provision, which is not in the Cboe Rule, would prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade because the

provision would help ensure that OTP Holders keep accurate books and records relating to such transfers for review by the Exchange, which is to the benefit of all market participants.

Finally, this proposed rule change would align Exchange rules with that of other options exchanges, including Cboe and its affiliates, thereby allowing the Exchange to compete on equal footing.¹⁵

B. Self-Regulatory Organization’s Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange does not believe the proposed rule change will impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. Utilizing the proposed exception would be voluntary. Proposed Rule 6.78A–O would provide market participants with a means to transfer positions as part of the creation and redemption process for Funds and UITs only under the circumstances specified. The proposed exception would enable all Funds and UITs that hold options to enjoy the benefits of in-kind creations and redemptions already available to other Funds and UITs (and to pass these benefits along to investors). Use of the in-kind, off-exchange transfer process in connection with creating and redeeming ETFs or UITs would be voluntary and would apply in the same manner to all entities that meet the definition of “authorized participant” or to all broker-dealers, respectively, that opt to invoke such process.

The Exchange does not believe the proposed rule change will impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. As indicated above, the proposed rule change is intended to provide a limited circumstance in which options positions can be transferred off an exchange. The Exchange believes the requirement that OTP Holders have the ability to produce to the Exchange, upon request, documentation relating to off-floor transfers would benefit market participants as it would add transparency to such transfers and would not pose an undue burden on intermarket competition.

Lastly, the Exchange notes that the proposed rule change is based on rules already in place on Cboe and its affiliate exchanges.¹⁶ As such, the Exchange

⁵ The Exchange is proposing that, for purposes of proposed Rule 6.78A–O, the term “authorized participant” would be defined as an entity that has a written agreement with the issuer of Fund Shares or one of its service providers, which allows the authorized participant to place orders for the purchase and redemption of creation units (*i.e.*, specified numbers of Fund Shares). While an authorized participant may be an OTP Holder and directly effect transactions in options on the Exchange, an authorized participant that is not an OTP Holder may effect transactions in options on the Exchange through an OTP Holder on its behalf.

⁶ The Exchange proposes that, for purposes of proposed Rule 6.78A–O, any issuer of Fund Shares would be registered with the Commission as an open-end management investment company under the Investment Company Act of 1940 (the “1940 Act”).

⁷ A Fund Share is a share or other security traded on a national securities exchange and defined as an NMS stock, as set forth in in Rule 600(b)(47) of Regulation NMS, which includes open-end management investment companies registered with the Commission. *See* Rule 5.3–O(g).

⁸ The Exchange proposes that, for purposes of proposed Rule 6.78A, any issuer of UIT units would be a trust registered with the Commission as a unit investment trust under the 1940 Act.

⁹ *See supra* note 4. *See* proposed Rule 6.78A–O(a) (providing that positions in options listed on the Exchange may be transferred off the Exchange by a OTP Holder or OTP Firm to effect creations and redemptions in Funds or UITs on an in-kind basis; “provided, however, that such OTP Holder or OTP Firm comply with the requirements of paragraph (b) of this Rule”).

¹⁰ *See* proposed Rule 6.78A–O(b). The Exchange anticipates informing OTP Holders of the notice requirements via Trader Update.

¹¹ *See supra* note 4 (regarding Cboe and Phlx rules).

¹² *See supra* note 5. The term “authorized participant” is specific and narrowly defined. As noted in the Investment Company Act Release No. 33140 (June 28, 2018), 83 FR 37332 (July 31, 2018) (the “Proposed ETF Rule Release”), the requirement that only authorized participants of a Fund may purchase creation units from (or sell creation units to) a Fund “is designed to preserve an orderly creation unit issuance and redemption process between [Funds] and authorized participants.” Furthermore, an “orderly creation unit issuance and redemption process is of central importance to the arbitrage mechanism.” *See* Proposed ETF Rule Release at 83 FR 37348.

¹³ 15 U.S.C. 78f(b).

¹⁴ 15 U.S.C. 78f(b)(5).

¹⁵ *See supra* note 4.

¹⁶ *See supra* note 4.

believes that its proposal enhances fair competition between markets by providing for additional listing venues for Funds and UITs that hold options to utilize the in-kind transfers proposed herein.

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

Because the foregoing proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act¹⁷ and Rule 19b-4(f)(6) thereunder.¹⁸

A proposed rule change filed pursuant to Rule 19b-4(f)(6) under the Act¹⁹ normally does not become operative for 30 days after the date of its filing. However, Rule 19b-4(f)(6)(iii)²⁰ permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has requested that the Commission waive the 30-day operative delay so that the proposed rule change may become operative upon filing. The Exchange states that waiver of the operative delay is consistent with the protection of investors and the public interest because it will ensure fair competition among the options exchanges by allowing the Exchange implement without delay proposed Rule 6.78A-O, which is substantially identical to Cboe Options Rule 6.9 and Cboe BZX Rule 21.12, except that the Exchange's proposed Rule 6.78A-O(b) is more restrictive in that it requires OTP Holders to provide to the Exchange information related to the transfers. For this reason, and because the proposal does not raise any novel regulatory

issues, the Commission believes that waiver of the 30-day operative delay is consistent with the protection of investors and the public interest. Accordingly, the Commission hereby waives the operative delay and designates the proposed rule change operative upon filing.²¹

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include File Number SR-NYSEArca-2020-102 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090.
- All submissions should refer to File Number SR-NYSEArca-2020-102. 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-NYSEArca-2020-102 and should be submitted on or before December 29, 2020.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.²²

J. Matthew DeLesDernier,
Assistant Secretary.

[FR Doc. 2020-26896 Filed 12-7-20; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-90551; File No. SR-FICC-2020-015]

Self-Regulatory Organizations; Fixed Income Clearing Corporation; Notice of Filing of Proposed Rule Change To Include Same-Day Settling Trades in the Risk Management, Novation, Guarantee, and Settlement Services of the Government Securities Division's Delivery-Versus-Payment Service, and Make Other Changes

December 2, 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 19, 2020, Fixed Income Clearing Corporation ("FICC") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II and III below, which Items have been prepared by the clearing agency.³ The

²² 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ On November 19, 2020, FICC filed this proposed rule change as an advance notice (SR-FICC-2020-803) with the Commission pursuant to Section 806(e)(1) of Title VIII of the Dodd-Frank Wall Street Reform and Consumer Protection Act entitled the Payment, Clearing, and Settlement Supervision Act

Continued

¹⁷ 15 U.S.C. 78s(b)(3)(A).

¹⁸ 17 CFR 240.19b-4(f)(6). In addition, Rule 19b-4(f)(6)(iii) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

¹⁹ 17 CFR 240.19b-4(f)(6).

²⁰ 17 CFR 240.19b-4(f)(6)(iii).

²¹ For purposes only of waiving the 30-day operative delay, the Commission also has considered the proposed rule's impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Clearing Agency's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change consists of amendments to the FICC Government Securities Division ("GSD") Rulebook (the "Rules")⁴ in order to (i) include Same-Day Settling Trades (as defined below) in the risk management, Novation, guarantee, and settlement services of GSD's delivery-versus-payment service ("DVP Service"), (ii) provide that FICC would attempt to settle, on a reasonable efforts basis, any Same-Day Settling Trades that are compared in the timeframe specified by FICC in notices made available to Members from time to time⁵ to the extent described below, (iii) introduce an optional service that would allow GSD to systematically pair-off certain Members' failed Securities Settlement Obligations between approximately 3:32 p.m. and 4:00 p.m., (iv) change the time of intraday funds-only settlement ("FOS") processing from 3:15 p.m. to 4:30 p.m., and (v) make certain technical changes, as described in further detail below.

II. Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the clearing agency included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The clearing agency has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

(A) Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The proposed rule change would amend the Rules in order to (i) include Same-Day Settling Trades (as defined below) in the risk management,

of 2010, 12 U.S.C. 5465(e)(1), and Rule 19b-4(n)(1)(i) under the Act, 17 CFR 240.19b-4(n)(1)(i). A copy of the advance notice is available at <http://www.dtcc.com/legal/sec-rule-filings.aspx>.

⁴ Capitalized terms not defined herein are defined in the Rules, available at <http://www.dtcc.com/legal/rules-and-procedures>.

⁵ The initial timeframe would be after 3:01 p.m. If the FRB announces an extension of the Fedwire Securities Service, FICC would match the duration of the extension. All times herein are ET.

Novation, guarantee, and settlement services of GSD's DVP Service, (ii) provide that FICC would attempt to settle, on a reasonable efforts basis, any Same-Day Settling Trades that are compared in the timeframe specified by FICC in notices made available to Members from time to time to the extent described below, (iii) introduce an optional service that would allow GSD to systematically pair-off certain Members' failed Securities Settlement Obligations between approximately 3:32 p.m. and 4:00 p.m., (iv) change the time of intraday FOS processing from 3:15 p.m. to 4:30 p.m., and (v) make certain technical changes, as described in further detail below.

(i) Proposed Change To Include Same-Day Settling Trades in the Risk Management, Novation, Guarantee, and Settlement Services of GSD's DVP Service.

GSD provides comparison, risk management, Novation, netting, guarantee, and settlement of netting-eligible trades executed by its Netting Members and Sponsored Members in the U.S. government securities market. In GSD's DVP Service, GSD provides these services for Repo Transactions.⁶ The DVP Service encompasses all non-GCF Repo activity (both repo and buy-sell activity). All delivery obligations are made against full payment.

Currently, with respect to same-day starting Repo Transactions, GSD only risk manages, novates, nets, and settles the End Leg, except in instances where GSD assumes the fail on the Start Leg of a Brokered Repo Transaction.⁷ If a same-day starting Repo Transaction is a Brokered Repo Transaction and the Start Leg of such transaction fails to settle on its original Scheduled Settlement Date, FICC will assume responsibility for settlement of such Start Leg from the

⁶ In addition to the DVP Service, GSD also provides such services in its GCF Repo[®] Service and CCIT Service. The GCF Repo Service and the CCIT Service are not part of this proposal. The GCF Repo Service is primarily governed by Rule 20 and enables Netting Members to trade general collateral finance repurchase agreement transactions based on rate, term, and underlying product throughout the day with Repo Brokers on a blind basis. The CCIT Service is governed by Rule 3B and enables tri-party repurchase agreement transactions in GCF Repo Securities between Netting Members that participate in the GCF Repo Service and institutional cash lenders (other than investment companies registered under the Investment Company Act of 1940, as amended). Rule 20 and Rule 3B, *supra* note 4.

⁷ See Rule 19, Section 5, *supra* note 4. A same-day starting Repo Transaction consists of a Start Leg and End Leg where the initial Scheduled Settlement Date of the Start Leg is scheduled to settle on the Business Day on which it is submitted to GSD (typically referred to in the industry as a same-day settling start leg).

Repo Broker on the evening of the day the Start Leg was due to settle. This may involve the receipt of securities from the repo dealer for redelivery to the reverse dealer, or the settlement of the Start Leg may be effected by netting of the settlement obligations arising from the Start Leg against the settlement obligations arising from the End Leg of the same or another repo. FICC does so in these instances (and has been doing so since the inception of its blind brokered repo service) in order to decrease settlement risk by centralizing the settlement of these failed Start Legs and including them in the netting process with the End Legs (which already settle at FICC). The Repo Broker acts as an intermediary and expects to net out of every transaction and not have a settlement position from the settlement process. By assuming the fail, FICC replaces the Repo Broker so that FICC becomes the central counterparty for settlement of these transactions and thereby, FICC decreases settlement risk. In all cases where FICC assumes a fail from a Repo Broker, the counterparty remains responsible to FICC for its obligations with respect to the transaction.

The DVP Service did not include settlement of the Start Leg of same-day starting Repo Transactions at its inception, and these transactions have always been settled between the parties (*i.e.*, outside of FICC). Recently, participants have expressed an interest in being able to settle the Start Leg of their same-day starting Repo Transactions through GSD. FICC believes that expanding its DVP Service in this way (hereinafter, "Same-Day Settling Service") could reduce market risk because the Start Legs as well as the End Legs of eligible Repo Transactions would be risk managed, novated, guaranteed, and settled through FICC. FICC also believes that the expansion of its DVP Service in this way could potentially reduce fails in the market by centralizing the settlement of the applicable Start Legs with FICC. FICC believes that this expansion of its DVP Service could increase settlement efficiencies and decrease settlement risk in the market and decrease operational risk with respect to Members. FICC believes that the Same-Day Settling Service could increase settlement efficiencies and decrease settlement risk because it would reduce the number of securities movements between Members by centralizing the settlement of the Start Legs with FICC even though the Start Legs are not netted. It would eliminate the number of bilateral movements because the Start Legs

would settle through FICC. FICC also believes that the Same-Day Settling Service could decrease operational risk because FICC believes it could decrease the number of fails of the Start Legs as there would be fewer counterparties involved in the settlement of the Start Legs.

For example, assuming the following two Brokered Repo Transactions are executed on the same day: (i) Broker 1 executes an overnight same-day starting repo transaction with Dealer A and Dealer B (“Brokered Repo 1”) and (ii) Broker 2 executes an overnight same-day starting repo transaction with Dealer A and Dealer B (“Brokered Repo 2”).

- Brokered Repo 1 involves: (a) A repo transaction in CUSIP XYZ with a par and principal of \$50 million with Dealer A and (b) a reverse repo transaction in the same CUSIP with a par and principal of \$50 million with Dealer B.

- Brokered Repo 2 involves: (a) A repo transaction in CUSIP XYZ with a par of \$50 million and principal of \$51 million with Dealer B and (b) a reverse repo transaction in CUSIP XYZ with a par of \$50 million and principal of \$51 million with Dealer A.

Today, the Start Leg of both Transactions would settle away from FICC. Specifically, with respect to Brokered Repo 1, today, Dealer A would deliver securities with a par of \$50 million to Broker 1, and Dealer A would receive \$50 million in principal (cash) from the Broker 1. Broker 1 would then deliver securities with a par of \$50 million to Dealer B, and Broker 1 would receive from Dealer B \$50 million in principal (cash). With respect to Brokered Repo 2, today, Dealer B would deliver to Broker 2 securities with a par of \$50 million and Dealer B would receive \$51 million in principal (cash). Broker 2 would then deliver securities with a par of \$50 million to Dealer A, and Broker 2 would receive \$51 million in principal (cash) from Dealer A.

Today, Brokered Repo 1 and Brokered Repo 2 are submitted to FICC upon execution. The Start Leg and the End Leg of each of Brokered Repo 1 and Brokered Repo 2 are submitted for Demand Comparison to FICC by the Repo Brokers, who are considered Demand Trade Sources. Upon receipt of the trade data from the Demand Trade Source, FICC deems the trades compared. The dealer counterparties also submit matching trade data to FICC.

Today, on the Start Date, settlement of the Start Leg would occur over Fedwire (or on the books of the Clearing Bank(s) between the four counterparties referenced above). This has the potential

to cause fails in the marketplace if one or more counterparties fail to meet their settlement obligations at any point in the process. As previously stated, on the evening of the day the Start Leg was due to settle, FICC would assume the Start Leg(s) if they failed versus the Repo Broker. These broker fails would go into that night’s netting cycle and be marked-to-market. Because both Brokered Repo Transactions are overnight trades, the Close Leg of each trade would also be included in that night’s netting cycle.

With this proposed expansion of the DVP Service, on Start Date, the Start Leg of each Brokered Repo Transaction would settle versus FICC upon submission of the trade data from the Demand Trade Source. The Repo Brokers would be removed from the settlement process. The settlement of the Start Leg of each Brokered Repo Transaction would settle over Fedwire (or on the books of FICC’s Clearing Agent Bank (The Bank of New York Mellon) between the two dealer counterparties and FICC (acting as the central counterparty)).

Specifically, with the proposed expansion of the DVP Service, with respect to Brokered Repo 1, Dealer A would deliver securities in CUSIP XYZ of \$50 million par to FICC, and Dealer A would receive \$50 million in principal (cash) from FICC. FICC would then deliver to Dealer B securities in CUSIP XYZ of \$50 million par, and FICC would receive \$50 million in principal (cash) from Dealer B. With respect to Brokered Repo 2, Dealer B would deliver securities in CUSIP XYZ with a par of \$50 million to FICC, and Dealer B would receive \$51 million in principal (cash) from FICC. FICC would then deliver to Dealer A securities in CUSIP XYZ with a par of \$50 million, and FICC would receive from Dealer A principal (cash) of \$51 million.

If these same-day settling Securities Settlement Obligations failed to settle on their original Scheduled Settlement Date, and Dealer A and Dealer B have chosen to opt into the proposed Pair-Off Service (as described below), FICC would pair-down the failed Securities Settlement Obligations, resulting in a net money difference of \$1 million debit to Dealer A and \$1 million credit to Dealer B. To complete the settlement process on the same day that the Same-Day Settling Trade is executed, the money differences would settle through intraday funds-only settlement (FOS). If the dealer parties have not opted into the proposed Pair-Off Service, the failed same-day settling Securities Settlement Obligations would go into the night’s net and the collection of any money

differences would occur on the following Business Day through the start of day FOS.

Under Section 7 of Rule 12, if FICC has delivered Eligible Netting Securities to a Netting Member with a Net Long Position (Dealer B in our example), such Member shall be obligated to accept delivery of all such securities at the Settlement Value for the Receive Obligation or Receive Obligations that comprise such Position. If such Member fails to do so, it shall be obligated to pay, or to reimburse FICC for, all costs, expenses, and charges incurred by FICC as the result thereof, and it may be subject to a fine by FICC if FICC, in its sole discretion, determines that such failure to accept securities was done without good cause.⁸

In addition, in the event Dealer B’s failure to pay the principal amount is due to financial difficulties, FICC would also have the right to suspend a Member from any service provided by FICC either with respect to a particular transaction or transactions or with respect to transactions generally, or prohibit or limit such Member with respect to access to services offered by FICC and/or to cease to act for such Member.⁹

FICC proposes to include the following transactions in the risk management, Novation, guarantee, and settlement services of GSD’s DVP Service: (i) A Start Leg of a Netting Member’s Repo Transaction where the Scheduled Settlement Date of the Start Leg is the current Business Day, (ii) an As-Of Trade of a Netting Member where the Scheduled Settlement Date of the Start Leg is the previous Business Day and the End Leg is the current Business Day or thereafter,¹⁰ and (iii) a Sponsored

⁸Rule 12, Section 7, *supra* note 4.

⁹Rule 21 and Rule 22A, *supra* note 4.

¹⁰FICC has added As-Of Trades in this proposal in order to reasonably include as many variations of Same-Day Settling Trades as possible. This addition of As-Of Trades in this proposal covers scenarios in which a Member submits a DVP repo transaction for comparison on the day after the Scheduled Settlement Date for the Start Leg (*i.e.*, where a trade compares on the day after the Scheduled Settlement Date of the Start Leg). Members may occasionally need to submit As-Of Trades due to human or operational errors.

Although this scenario is not frequently observed, FICC believes that inclusion of these transactions in the Novation and settlement process under this proposal would provide Members with consistent processing in terms of settlement of their FICC-cleared DVP Repo Transactions, irrespective of whether those transactions are submitted as As-Of Trades or Same-Day Settling Trades.

Under this proposal, from an operational and risk management perspective, As-Of Trades would be risk managed and settled in the same manner as all other eligible Same-Day Settling Trades. FICC would settle both the Start Leg and the End Leg of an As-Of Trade on a bilateral basis between FICC

Member Trade within the meaning of section (b) of that definition that meets the requirements of either (i) or (ii) above (hereinafter, collectively, “Same-Day Settling Trades”). Same-Day Settling Trades would not go through FICC’s netting process. This is because GSD netting occurs the night before the Scheduled Settlement Date for such transactions, and these Same-Day Settling Trades would not be submitted for settlement until after this time.

Same-Day Settling Trades would settle on a trade-for-trade basis at Contract Value unless such Same-Day Settling Trades fail to settle. Because Same-Day Settling Trades are not netted, they would settle at Contract Value (not at System Value). In the event that such Same-Day Settling Trades fail to settle, they would be netted for settlement on the next Business Day as is the case for current Securities Settlement Obligations that

fail to settle. If such Same-Day Settling Trades fail to settle, the trade would be netted at Contract Value versus System Value, which all other Fail Deliver Obligations and Fail Receive Obligations would be netted at. Same-Day Settling Trades that fail to settle are netted with other transactions that fail in that security (*i.e.*, the process for netting fails of Same-Day Settling Trades would remain the same). Those obligations that fail to settle would be subject to the fails charge (either a debit or a credit), the accrual of which would be included in the Member’s monthly invoice.¹¹

The Start Leg of an As-Of Trade (overnight and term) and a same-day starting repo (overnight and term) would settle at Contract Value. The End Leg of an As-Of Trade that is an overnight repo would settle at Contract Value. Both the Start Leg and End Leg of an As-Of Trade that is an overnight

repo are Same-Day Settling Trades and, therefore, would settle at the Contract Value. Similarly, the Start Leg of a same-day starting repo (overnight or term) is also a Same-Day Settling Trade and would settle at Contract Value.

The End Leg of an As-Of Trade that is a term repo, same-day starting repo that is an overnight repo, and same-day starting repo that is a term repo would settle at System Value. The End Leg of an As-Of Trade that is a term repo, the End Legs of a same-day starting repo (overnight and term), and the Start Legs and End Legs of a forward starting repo (overnight and term) would settle at System Value because these legs would go through FICC’s netting process.

Below is a chart that describes whether the Start Legs and End Legs of As-Of Trades, same-day starting repos, and forward starting repos would settle at Contract Value or System Value:

Trade type	Start leg settles at	End leg settles at
As-of Overnight Trade	Contract Value	Contract Value.
As-Of Term Trade	Contract Value	System Value.
Same-Day Starting Overnight Repo	Contract Value	System Value.
Same-Day Starting Term Repo	Contract Value	System Value.
Forward Starting Overnight Repo	System Value	System Value.
Forward Starting Term Repo	System Value	System Value.

The proposed Same-Day Settling Service would be voluntary for Inter-Dealer Broker Netting Members and Non-IDB Repo Brokers with Segregated Repo Accounts (collectively, “Repo Brokers”). Because Repo Brokers tend to provide a suite of services to their clients where facilitating the settlement of a Same-Day Settling Trade is one of those services, FICC did not want to cause any disruption to Repo Brokers and their clients by bifurcating the existing set of services whereby FICC does the settlement of the Same-Day Settling Trade and the Repo Broker continues to provide the rest of their existing services to their clients. FICC believes that providing optionality will allow Repo Brokers and their clients to determine how and when a Repo Broker

should participate in the proposed Same-Day Settling Service. GSD would discontinue assuming fails for Repo Brokers who choose to participate in this proposed Same-Day Settling Service, because such assumption would be replaced by the FICC Novation that would occur upon comparison of the Same-Day Settling Trades. As described above, today, FICC assumes the fails for Repo Brokers (and has been doing so since the inception of its blind brokered repo service) in order to decrease risk. By assuming the fail, FICC removes the Repo Broker, who acts as an intermediary and who expects to net out of every transaction and not have a settlement position, from the settlement process. In all cases where FICC assumes a fail from a Repo Broker, the

counterparty remains responsible for its obligations with respect to the transaction.

The proposed Same-Day Settling Service would be mandatory for all other Netting Members and for Sponsored Members who execute transactions with Netting Members other than their Sponsoring Member because GSD must have a balanced set (both a Repo and a Reverse Repo) on all transactions. Specifically, if a Member (other than a Repo Broker¹²) that is a party to a Same-Day Settling Trade could choose to opt out of the Same-Day Settling Service, FICC would not be able to create equal and opposite Securities Settlement Obligations for the two counterparties, which would require them to settle away from FICC. This

and the Member that submitted the trade. The End Leg of an As-Of Trade would not be netted unless the Scheduled Settlement Date of the End Leg is later than the current Business Day that the trade was submitted.

For purposes of clarity, Securities Settlement Obligations generated for the purposes of settlement of the Start Leg and End Leg of an As-Of Trade that is eligible for settlement under this proposal would be generated based on the Scheduled Settlement Date (*i.e.* contractual settlement date) for each leg of the As-Of Trade. However, the generation of such obligation(s) on the Scheduled Settlement Date for each leg of an As-Of Trade does not mean that such obligation(s) would actually settle on such date.

Today, the Start Leg of an As-Of Trade settles outside of FICC, and if the Scheduled Settlement Date of the End Leg is the current Business Day, the End Leg would also settle outside of FICC.

Under this proposal, if an As-Of Trade is an overnight repo that is submitted on the current Business Day (so the Start Date would be as of the prior Business Day) and the Scheduled Settlement Date of its End Leg is the current Business Day, then FICC would settle each leg independently at Contract Value with the Member.

If an As-Of Trade is a term repo that is submitted on the current Business Day (so the Start Leg would be as of the prior Business Day) and the Scheduled Settlement Date of the End Leg is the next Business Day or thereafter, then the End Leg would go into

the netting process and would settle at System Value. For As-Of Trades that are term repos, FICC would settle the Start Legs at Contract Value.

¹¹ Rule 11, Section 14, *supra* note 4.

¹² Repo Brokers submit a side for each of their two counterparties. Therefore, if a Repo Broker participates in the proposed Same-Day Settling Service, then FICC would settle the two trades (*i.e.*, a Receive Obligation and a Deliver Obligation with the two counterparties). However, if a Repo Broker does not participate in the proposed Same-Day Settling Service, the two trades would settle away from FICC as they do today (except in the instance of a broker fail where FICC would assume the broker fails).

would create uncertainty among Members as to who to settle their transactions with (*i.e.*, FICC or bilaterally outside of FICC). By requiring these Members to participate, Members would have certainty that their compared transactions would settle with FICC as their settlement counterparty.

To implement these changes, FICC is proposing to revise Rule 1 by: (1) Adding a new definition for “Same-Day Settling Trade” and (2) revising the definitions of “Deliver Obligation,” “Receive Obligation,” “Settlement Value,” and “System Value.”

“Same-Day Settling Trade” would mean (i) a Start Leg of a Netting Member’s Repo Transaction where the Scheduled Settlement Date of the Start Leg is the current Business Day, (ii) an As-Of Trade of a Netting Member where the Scheduled Settlement Date of the Start Leg is the previous Business Day and the End Leg is the current Business Day or thereafter, or (iii) a Sponsored Member Trade within the meaning of subsection (b) of that definition¹³ that meets the requirements of either (i) or (ii) above.

The definitions of Deliver Obligation and Receive Obligation would be amended to include references to Same-Day Settling Trades. Similarly, the definition of Settlement Value would be amended to specify that, with respect to a Deliver Obligation or a Receive Obligation for a Same-Day Settling Trade, Settlement Value means the Contract Value for such obligation. In addition, FICC would amend the definition of System Value to exclude Same-Day Settling Trades because Same-Day Settling Trades would settle at the Contract Value (not the System Value). Members are currently settling their Same-Day Settling Trades at the Contract Value, so FICC would not be changing the way such Members are settling these transactions, consistent with what is occurring today.

FICC would revise Section 8(c) of Rule 3A to reference new Section 11 of Rule 12 (described below).

In addition, FICC would amend Section 5 of Rule 5 to provide that settlement of Same-Day Settling Trades would be processed as per new Section 11 of Rule 12. This proposed addition is needed in that provision of Rule 5 because the prior sentence (that is, the current last sentence of that section) addresses the current process where

trades that are not netted and settled with FICC are settled between the parties to the trades; with this proposal, Same-Day Settling Trades would be settled with FICC even though they are not netted.

FICC would revise Section 8 of Rule 5 to address the Novation and guaranty of Same-Day Settling Trades in a new subsection (b). Specifically, language would be added that each Same-Day Settling Trade that becomes a Compared Trade and was entered into in good faith would be novated to FICC, and that FICC would guarantee the settlement of each such Compared Trade at the time at which the comparison of such trade occurs pursuant to Rules 6A and 6B, as applicable. Such Novation would consist of the termination of the deliver, receive, and related payment obligations between the Netting Members and their replacement with identical obligations to and from FICC in accordance with the Rules.

FICC would amend Section 2 of Rule 11 to state that Same-Day Settling Trades would not be netted. As explained above, in GSD’s DVP Service netting takes place the night before the Scheduled Settlement Date; Same-Day Settling Trades would settle after the net is run (unless a settlement fail occurs). Because they will not be netted, Same-Day Settling Trades would settle on a trade-for-trade basis at Contract Value with FICC on their Scheduled Settlement Date unless such Same-Day Settling Trades fail to settle. If a Same-Day Settling Trade fails to settle, such Same-Day Settling Trade would be netted for settlement on the next Business Day as is the current process for Securities Settlement Obligations that fail to settle. Those that fail to settle would be subject to the fails charge.

FICC would amend Rule 11B to add a new subsection that would describe that FICC would guarantee the settlement of any Same-Day Settling Trade provided that certain requirements are met. Specifically, the data on such Same-Day Settling Trade must be submitted for Bilateral or Demand Comparison at the time that the comparison of such trade occurs pursuant to Rules 6A or 6B, respectively. Rules 6A and 6B discuss Bilateral Comparison and Demand Comparison, respectively. In order for FICC to settle the trades, the trades must be novated. In order to novate the trades, they must first be compared.

FICC would amend Rule 12 to add a section (new Section 11) stating that Same-Day Settling Trades must also meet the requirements of new Section 11(ii) of Rule 12 (which is a proposed section pursuant to this filing) and the

trade must have been entered into in good faith. Proposed Section 11(ii) would state that a Same-Day Settling Trade would be eligible for settlement with FICC if it meets all of the following requirements: (a) The Same-Day Settling Trade is a Compared Trade, (b) the data on the Same-Day Settling Trade are listed on a Report that has been made available to Netting Members, (c) (i) the End Leg of the Same-Day Settling Trade meets the eligibility requirements for netting in Rule 11, or (ii) the Repo Transaction is an As-Of Trade and its End Leg settles on the current Business Day or thereafter, and (d) the underlying securities are Eligible Netting Securities.

In addition, notwithstanding the above, a Same-Day Settling Trade eligible for settlement to which an Executing Firm is a party, the data on which has been submitted to FICC on behalf of such Executing Firm by a Submitting Member that is a Netting Member, would not be settled if the Submitting Member has provided FICC with notice that it does not wish to have trades submitted by it on behalf of that Executing Firm be settled through the Comparison System. Also notwithstanding the above, a trade would not be settled if either Submitting Member had submitted data on a side of the trade on behalf of an Executing Firm whose trades it had provided FICC with notice pursuant to the Rules that it did not wish to be settled. Pursuant to Section 1 of Rule 8, a Submitting Member must submit to FICC for comparison and/or netting data on any transaction calling for the delivery of Eligible Securities between an Executing Firm on whose behalf it is acting pursuant to these Rules and either another Member of the Netting System, Comparison System or another Executing Firm on whose behalf it or another Member is acting pursuant to these Rules. Therefore, a Same-Day Settling Trade submitted by such Submitting Member will be eligible to settle through the proposed Same-Day Settling Service unless the Submitting Member has provided notice to FICC in advance that it does not wish to have such trades settled through the Comparison System. This provision in proposed Section 11 of Rule 12 that discusses the eligibility for settlement through the Same-Day Settling Service would also align with FICC’s current rule on the eligibility for netting in Section 2 of Rule 11.¹⁴

Proposed Section 11 of Rule 12 would also state that, notwithstanding the above, FICC may, in its sole discretion, exclude any Same-Day Settling Trade or

¹³ “Sponsored Member Trade” means a transaction that satisfies the requirements of Section 5 of Rule 3A and that is (a) between a Sponsored Member and its Sponsoring Member or (b) between a Sponsored Member and a Netting Member. Rule 1, *supra* note 4.

¹⁴ Rule 8, Section 1, *supra* note 4.

Same-Day Settling Trades from the Comparison System, by Netting Member or by Eligible Netting Security. For example, if a trade was submitted to the Comparison System because of an operational error or technological error and the client is unable to delete such trade, then FICC may exclude such trade from the Comparison System. In addition, with respect to Repo Transactions, if the Start Leg is excluded, then the corresponding End Leg would also be excluded. This provision of the new Section 11 of Rule 12 that discusses the eligibility for settlement through the Same-Day Settling Service would also align with FICC's current rule on the eligibility for netting in Section 2 of Rule 11.

In addition to the above, in the new Section 11 of Rule 12, FICC would describe the settlement of Same-Day Settling Trades with FICC, including eligibility requirements for settlement and how the Deliver Obligations and Receive Obligations related to such transactions must be satisfied. FICC would also describe that if a novated Same-Day Settling Trade becomes uncompleted or is cancelled pursuant to the Rules, the Novation and FICC's guaranty of settlement of such transaction would no longer apply, cancelling the deliver, receive, and related payment obligations between FICC and the applicable Members, created by such Novation. Furthermore, FICC would state that in the event that such transaction is cancelled after the satisfaction of the deliver, receive, and related payment obligations between FICC and the applicable Netting Members, FICC would establish reverse Securities Settlement Obligations in the form of a Receive Obligation or a Deliver Obligation for the amount of the Contract Value of the Same-Day Settling Trades that have become uncompleted or cancelled between FICC and the applicable Members. If such Receive Obligation or Deliver Obligation fails to settle, then such obligations would be netted at Contract Value for settlement on the next Business Day. Those that fail to settle would be subject to the fails charge (either a debit or credit), the accrual of which would be included in the Member's monthly invoice.

FICC would make clear that Sections 6 (Finance Costs), 7 (Obligation to Receive Securities), 8 (Obligation to Facilitate Financing) and 9 (Relationship with Clearing Banks) of Rule 12 would be applicable in connection with the settlement of Same-Day Settling Trades with FICC.¹⁵ These

sections are part of GSD's securities settlement rule and do not require any changes to accommodate the settlement of Same-Day Settling Trades.

Furthermore, because the proposed Same-Day Settling Service would be voluntary for Repo Brokers, FICC would amend Section 5 of Rule 19 and Sections IV.A.5, IV.A.6, and IV.B.3 of the Fee Structure to state that the applicable section would only apply to Repo Brokers that do not elect to settle Same-Day Settling Trades with FICC. This is because these sections address the assumption of certain Start Legs by GSD that would be replaced by GSD's Novation, guaranty, and settlement of Same-Day Settling Trades of those Repo Brokers that elect to participate in the proposed service.

(ii) Proposed Change To Provide That FICC Would Attempt To Settle Same-Day Settling Trades That Are Compared in the Timeframe Specified by FICC in Notices Made Available to Members From Time to Time on a Reasonable Efforts Basis

Today, Members occasionally execute Same-Day Settling Trades after the close of the Fedwire Securities Service. These Same-Day Settling Trades are settled between the Members (outside of FICC) as long as both parties to the trade settle such trades within the same Clearing Bank.

In order to accommodate this practice, FICC proposes to provide the proposed Same-Day Settling Service to late-day compared Same-Day Settling Trades (*i.e.*, those Same-Day Settling Trades that are compared after 3:01 p.m.¹⁶). FICC would attempt to settle, on a reasonable efforts basis, such trades that are compared in the timeframe specified by FICC in notices made available to Members from time to time, provided (i)

Short Position delivers eligible Netting Securities to FICC and FICC is unable, because the delivery was made near the close of Fedwire or for any other reason, to redeliver such securities on the same Business Day to a Netting Member or Members with Net Long Positions in such securities and, as a result, FICC incurs costs, expenses, or charges related to financing such securities (the "financing costs"), then the Netting Members, as a group, shall be obligated to pay, or to reimburse FICC, for such financing costs. Section 7 (Obligation to Receive Securities) covers the obligation of Members to accept delivery of securities regarding their Receive Obligations. Section 8 (Obligation to Facilitate Financing) sets forth FICC's ability to obtain financing necessary for the provision of securities settlement services contemplated by the Rules. Section 9 (Relationship with Clearing Banks) makes clear that no improper or unauthorized action, or failure to act, by a clearing bank acting on behalf of a Netting Member shall excuse or otherwise affect the obligations of a Netting Member to FICC pursuant to the Rules. Rule 12, *supra* note 4.

¹⁶ As described above, if the FRB announces an extension of the Fedwire Securities Service, FICC would match the duration of the extension.

FICC is able to contact the counterparties to the trade and FICC's Clearing Agent Bank and (ii) FICC's Clearing Agent Bank and the counterparties to the trade agree to settle such trade. The foregoing sentence would only apply to Same-Day Settling Trades of Members that clear at FICC's Clearing Agent Bank. Reasonable efforts basis would mean that FICC would attempt to contact the counterparties to the trade and FICC's Clearing Agent Bank to confirm they agree to settle such trade. Specifically, FICC would continue to process securities movements between FICC's account at FICC's Clearing Agent Bank and Members' accounts at FICC's Clearing Agent Bank, on a reasonable efforts basis, in the timeframe specified by FICC in notices made available to Members from time to time, provided that (i) FICC is able to contact FICC's Clearing Agent Bank and (ii) FICC's Clearing Agent Bank and the counterparties to the trade agree to settle such trade.¹⁷

For those Members that do not have accounts at FICC's Clearing Agent Bank, FICC would attempt to settle, on a reasonable efforts basis, Same-Day Settling Trades that are compared after the time specified by FICC in notices made available to Members from time to time during the reversal period of the Fedwire Securities Service,¹⁸ provided (i) FICC is able to contact FICC's Clearing Agent Bank, (ii) FICC is able to contact the counterparties to the trade to confirm that they agree to settle the trade, and (iii) FICC's Clearing Agent Bank, the Member's Clearing Agent Bank, and the Federal Reserve Bank of New York each permit settlement of the trade (Fedwire must be open for settlement). Reasonable efforts basis would mean that FICC would attempt to contact the counterparties to the trade and FICC's Clearing Agent Bank to confirm that they agree to settle such trade.

To implement this proposed rule change, FICC would include provisions in newly added Section 11 of Rule 12.

¹⁷ Initially, this would apply to Same-Day Settling Trades that are compared after 3:01 p.m. until 5 p.m.

¹⁸ Initially, this time would be after 3:01 p.m. until 3:30 p.m. If the FRB announces an extension for the reversal period of the Fedwire Securities Service, FICC would match the duration of the extension for the reversal period. The Fedwire Securities Services closes at 3:30 p.m. for transfer reversals. See *Fedwire® and National Securities Service*, Federal Reserve Bank of New York (March 2015), available at <https://www.newyorkfed.org/aboutthefed/fedpoint/fed43.html> and *Fedwire Securities Service*, Board of Governors of the Federal Reserve System (July 31, 2014), available at https://www.federalreserve.gov/paymentsystems/fedsecs_about.htm.

¹⁵ Section 6 (Financing Costs) addresses situations where if a Netting Member with a Net

(iii) Proposed Change To Introduce an Optional Service That Would Allow GSD to Systematically Pair-Off Certain Members' Failed Securities Settlement Obligations Between Approximately 3:32 p.m. and 4:00 p.m.

FICC also proposes to introduce an optional service for Netting Members (other than Repo Brokers) and for Sponsored Member Trades (other than those between the Sponsored Member and its Sponsoring Member) whereby GSD would systematically pair-off such Members' failed Securities Settlement Obligations between approximately 3:32 p.m. and 4:00 p.m.

The failed Securities Settlement Obligations could include (i) Receive Obligations and Deliver Obligations resulting from the previous night's net and (ii) obligations that were created intraday in order to settle a Right of Substitution or a Same-Day Settling Trade. Fails that occur go into the net that evening.¹⁹

GSD would look at each Member's failing activity on a per CUSIP basis and pair-off their Receive Obligations and Deliver Obligations irrespective of the settlement amounts on those obligations; this could result in money differences. This proposed process would be structured so that the net par result of the pair-offs would be zero. Specifically, the proposed pair-off process ("Pair-Off Service") would consist of the matching and the offset of a participating Member's Fail Deliver Obligations and Fail Receive Obligations in equal par amounts of the same Eligible Netting Security. The participating Member would receive a debit or credit Pair-Off Adjustment Amount (which FICC may initially collect as a Miscellaneous Adjustment Amount), as applicable, of the difference in the Settlement Values of the applicable Fail Deliver Obligations and Fail Receive Obligations in the intraday funds-only settlement process. The proposed Pair-Off Service would start at approximately 3:32 p.m. The proposed rule change would provide FICC with the discretion to suspend or delay the Pair-Off Service in the event of an operational or market event. For example, FICC may delay the Pair-Off Service if the FRB extends Fedwire because extending the Fedwire would enable trades to potentially settle instead of fail. FICC believes that suspending the Pair-Off Service would not adversely affect Members because failed obligations would go into the net

as they do today, and would continue to be risk-managed.

The proposed Pair-Off Service would allow the participating Member to settle their cash obligations today; the settlement process would be completed on the same day (via intraday FOS) rather than on the next day (via start of day FOS). As noted in the example in Item II(A)1(i) above, if these obligations failed to settle, and Dealer A and Dealer B have chosen to opt into the proposed Pair-Off Service, FICC would pair-down the failed obligations, resulting in a net money difference of \$1 million debit to Dealer A and \$1 million credit to Dealer B. To complete the settlement process on the same day that the trade is executed, the money differences would settle through intraday funds-only settlement. The alternative to the proposed Pair-Off Service is to let the failed obligations go into the net and collect any money differences on the following Business Day through the start of day FOS.

To implement the proposed Pair-Off Service, FICC would revise Rules 1, 3A, and 12. Specifically, FICC would amend Rule 1 by adding two definitions, "Pair-Off Service" and "Pair-Off Adjustment Payment." FICC would initially collect this amount as a Miscellaneous Adjustment Amount. Then, following development by FICC, this amount would be collected as a "Pair-Off Adjustment Payment."

FICC would also revise Rule 12 to describe the proposed Pair-Off Service, which would be a voluntary automated process. The proposed Pair-Off Service would consist of the matching and offset of a participating Netting Member's Fail Deliver Obligations and Fail Receive Obligations in equal par amounts in the same Eligible Netting Security. The participating Netting Member would receive either a debit or credit Pair-Off Adjustment Payment, as applicable, of the difference in the Settlement Values of the applicable Fail Deliver Obligations and Fail Receive Obligations in the FOS process under Rule 13. Any Securities Settlement Obligations remaining after the pair-off of eligible obligations would constitute a Fail Net Settlement Position.

Rule 12 would also state that FICC would have the discretion to suspend the Pair-Off Service on any Business Day due to FRB extensions and/or system or operational issues. FICC would notify Members of any such extension.

FICC would also revise Section 8 of Rule 3A to state that with respect to Section 1 of Rule 12, the optional Pair-Off Service would be available to

Sponsored Member Trades within the meaning of section (b) of that definition.

(iv) Proposed Change To Change the Time of Intraday FOS Processing From 3:15 p.m. to 4:30 p.m.

FICC proposes to change the time of intraday FOS processing from 3:15 p.m. to 4:30 p.m. because FICC proposes to start the proposed Pair-Off Service at approximately 3:32 p.m. and would provide Funds-Only Settling Banks with their intraday net FOS figures by 4:00 p.m. for acknowledgment by 4:30 p.m.. The proposed rule change would also provide that such time may be extended due to FRB extensions and/or system or operational issues. Moving this processing time from 3:15 p.m. to 4:30 p.m. would enable FICC to settle any net money differences that arise from the proposed Pair-Off Service.

To implement this change, FICC would amend the Schedule of Timeframes by deleting the 3:15 p.m. time and the related description, and adding a 4:30 p.m. time and a description that would state that intraday FOS debits and credits would be executed via the FRB's National Settlement Service for Netting Members.

(v) Proposed Technical Changes

FICC also proposes to make certain technical changes. Because a subsection would be added to Section 8 of Rule 5 to describe the comparison, Novation, and guarantee of Same-Day Settling Trades (as described in detail above), FICC would also renumber subsections that follow the proposed section for consistency and accuracy.

Implementation Timeframe

FICC would implement the proposed rule changes within 90 days after the later of the approval of the proposed rule change and no objection to the related advance notice²⁰ by the Commission. FICC would announce the effective date of the proposed changes by Important Notice posted to its website.

2. Statutory Basis

FICC believes this proposal is consistent with the requirements of the Act. Specifically, FICC believes this proposal is consistent with Section 17A(b)(3)(F) of the Act,²¹ which requires, in part, that the rules of a registered clearing agency be designed to promote the prompt and accurate clearance and settlement of securities transactions, and to assure the safeguarding of securities and funds

¹⁹ Fails occur because one party does not have the inventory to settle with the other party on the scheduled date.

²⁰ *Supra* note 3.

²¹ 15 U.S.C. 78q-1(b)(3)(F).

which are in the custody or control of the clearing agency or for which it is responsible, for the reasons described below.

FICC believes that the proposed changes described in Items II(A)1(i) and II(A)1(ii) above would promote the prompt and accurate clearance and settlement of securities transactions because these proposed changes could increase settlement efficiencies in most instances. FICC believes these proposed changes could increase settlement efficiencies in most instances because Members would have one settlement counterparty, FICC, with respect to these transactions. As described above, specifically, FICC believes that the Same-Day Settling Service could increase settlement efficiencies and decrease settlement risk because it would reduce the number of securities movements between Members by centralizing the settlement of the Start Legs with FICC even though the Start Legs are not netted. The Same-Day Settling Service would eliminate the number of bilateral movements because the Start Legs would settle through FICC. FICC also believes that the Same-Day Settling Service could decrease operational risk because FICC believes it could decrease the number of fails of the Start Legs as there would be fewer counterparties involved in the settlement of the Start Legs. As such, FICC believes these proposed changes would promote the prompt and accurate settlement of securities transactions, consistent with Section 17A(b)(3)(F) of the Act.²²

FICC also believes that the proposed changes described in Item II(A)1(iii) above to introduce an optional service whereby GSD would systematically pair-off certain Members' failed Securities Settlement Obligations between approximately 3:32 p.m. and 4:00 p.m. would promote the prompt and accurate clearance and settlement of securities transactions and would assure the safeguarding of securities and funds which are in the custody or control of the clearing agency or for which it is responsible. As described above, each day, GSD would pair-off each applicable Member's failing activity (on a per CUSIP basis). The pair-off of the Receive Obligations and Deliver Obligations could result in money differences because the pair-off would be irrespective of the settlement amounts on these Receive Obligations and Deliver Obligations. The proposed process would be structured so that the net par result of the pair-offs would be zero. FICC believes that the settlement

of these failed obligations and the corresponding money differences would reduce settlement risk to FICC because the settlement process would be completed on the same day (via intraday FOS) rather than on the next day (via start of day FOS). As such, because FICC believes the proposed changes described in Item II(A)1(iii) above would enable the settlement process to be completed on the same day (via intraday FOS) rather than on the next day (via start of day FOS) and would reduce settlement risk, FICC believes these proposed changes would promote the prompt and accurate clearance and settlement of securities transactions and would assure the safeguarding of securities and funds which are in the custody or control of the clearing agency or for which it is responsible., consistent with Section 17A(b)(3)(F) of the Act.²³

FICC believes that the proposed changes described in Item II(A)1(iv) above to change the time of intraday FOS processing from 3:15 p.m. to 4:30 p.m. would assure the safeguarding of securities and funds which are in the custody or control of the clearing agency or for which it is responsible. Specifically, changing the processing time from 3:15 p.m. to 4:30 p.m. would facilitate the proposed optional Pair-Off Service. The proposed change to move the processing time from 3:15 p.m. to 4:30 p.m. would enable FICC to settle any net money differences that arise from the proposed optional Pair-Off Service on the same day, and facilitate the proposed optional Pair-Off Service, which, as stated above, could reduce market risk to FICC. As such, FICC believes the proposed changes described in Item II(A)1(iv) above would assure the safeguarding of securities and funds which are in the custody or control of the clearing agency or for which it is responsible, consistent with Section 17A(b)(3)(F) of the Act.²⁴

FICC believes that the proposed technical changes described in Item II(A)1(v) above would promote the prompt and accurate clearance and settlement of securities transactions by ensuring that the Rules remain clear and accurate to Members. Having clear and accurate Rules would facilitate Members' understanding of those rules and provide Members with increased predictability and certainty regarding their obligations. As such, FICC believes these proposed changes would promote the prompt and accurate settlement of securities transactions, consistent with Section 17A(b)(3)(F) of the Act.²⁵

(B) Clearing Agency's Statement on Burden on Competition

FICC does not believe that the proposed changes described in Items II(A)1(i) and II(A)1(ii) above would have any impact on competition because although FICC does not settle Same-Day Settling Trades today (with the exception of same-day settling Start Legs of Brokered Repo Transactions that fail to settle), as described above, such Same-Day Settling Trades are still required to be settled in the market.²⁶ The proposal would result in a settlement instruction change in where such trades settle. This would be no different than any counterparty changing their settlement instructions, which is commonplace in the market today. In addition, while FICC's risk management, Novation and guarantee would apply to Same-Day Settling Trades, FICC does not believe that this would have any impact on competition because the Members are subject to the same risk management processes and obtain the benefits of Novation and the FICC guarantee with their existing activity that is submitted to FICC today. Furthermore, Repo Brokers would have the option to participate in this proposed expansion of the DVP Service and, as such, would no longer need to settle such transactions. Such Repo Brokers would not be required to participate, and if they choose not to participate, they would continue to settle such trades outside of GSD. Because Repo Brokers tend to provide a suite of services to their clients where facilitating the settlement of a Same-Day Settling Trade is one of those services, FICC does not want to cause any disruption to Repo Brokers and their clients by bifurcating the existing set of services whereby FICC does the settlement of the Same-Day Settling Trade and Repo Brokers continue to provide the rest of their existing services to their clients. FICC believes that providing optionality will allow Repo Brokers and their clients to determine how and when a Repo Broker should participate in the proposed Same-Day Settling Service. Therefore, FICC does not believe that the proposed changes described in Items II(A)1(i) and II(A)1(ii) would have any impact on competition.

FICC does not believe that the proposed optional Pair-Off Service described in Item II(A)1(iii) above would have any impact on competition because, as described above, it would be voluntary.²⁷ Members who do not wish to participate in the proposed Pair-Off

²³ *Id.*

²⁴ *Id.*

²⁵ *Id.*

²⁶ 15 U.S.C. 78q-1(b)(3)(I).

²⁷ *Id.*

²² *Id.*

Service can choose not to do so; Members would be able to determine for themselves whether or not to use the proposed Pair-Off Service. As such, FICC does not believe that the proposed optional Pair-Off Service would have any impact on competition.

FICC believes that the proposed change described in Item II(A)1(iv) above to change the time of intraday FOS processing from 3:15 p.m. to 4:30 p.m. may impose a burden on competition²⁸ because those Members who are due to receive credits would receive those credits later in the day than they do today. However, FICC does not believe that the proposed rule change would result in a significant burden on competition given that a Member's debits and credits vary from day to day. Therefore, a Member may be owed a credit one day and then may have to pay a debit another day. Furthermore, with the proposed change, while those Members who are due to receive credits would receive them later in the day than they do today, those Members who are due to pay debits would be paying such debits later in the day.

Regardless of whether the potential burden on competition discussed in the previous paragraph is significant, FICC believes that any resulting burden on competition that may be created by the proposed rule change described in Item II(A)1(iv) would be necessary and appropriate in furtherance of the purposes of the Act, as permitted by Section 17A(b)(3)(I) of the Act.²⁹

FICC believes that any burden on competition that may be created by the proposed rule change would be necessary in furtherance of the purposes of the Act because, as described above, the Rules must be designed to assure the safeguarding of securities and funds that are in FICC's custody or control or for which it is responsible.³⁰ The proposed rule change described in Item II(A)1(iv) above would facilitate the proposed optional Pair-Off Service because it would enable FICC to settle any net money differences that arise from the proposed optional Pair-Off Service on the same Business Day. Therefore, the proposed rule change is designed to assure the safeguarding of securities and funds which are in the custody or control of the clearing agency or for which it is responsible, consistent with Section 17A(b)(3)(F) of the Act.³¹

FICC also believes that any burden on competition that may be created by the

proposed rule change described in Item II(A)1(iv) above would be appropriate in furtherance of the purposes of the Act.³² FICC believes changing the time of intraday FOS processing from 3:15 p.m. to 4:30 p.m. is appropriate because, as described above, this proposed change would facilitate the Pair-Off Service, which would run at 3:32 p.m. After the Pair-Off Service runs, FICC would need time to implement its daily FOS procedures, and FICC believes this proposed change reflects the shortest amount of time in which FICC would be able to do so. Specifically, FICC proposes to provide the Funds-Only Settling Banks with their intraday net FOS figures by 4:00 p.m. for acknowledgment by 4:30 p.m. As such, the proposed change to move the time of intraday FOS processing from 3:15 p.m. to 4:30 p.m. would enable FICC to settle any net money differences that arise from the proposed optional Pair-Off Service on the same day and facilitate the proposed optional Pair-Off Service.

FICC does not believe that the proposed technical changes described in Item II(A)1(v) above would have an impact on competition. These proposed technical changes would provide additional clarity, consistency, and accuracy within the Rules and would not affect Members' rights and obligations. As such, FICC believes that these proposed rule changes would not have an impact on competition.

(C) Clearing Agency's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

FICC has not received or solicited any written comments relating to this proposal. FICC will notify the Commission of any written comments received by FICC.

III. Date of Effectiveness of the Proposed Rule Change, and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

- (A) By order approve or disapprove such proposed rule change, or
- (B) institute proceedings to determine whether the proposed rule change should be disapproved.

The proposal shall not take effect until all regulatory actions required with respect to the proposal are completed.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include File Number SR-FICC-2020-015 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549.

All submissions should refer to File Number SR-FICC-2020-015. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of FICC and on DTCC's website (<http://dtcc.com/legal/sec-rule-filings.aspx>). All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-FICC-2020-015 and should be submitted on or before December 29, 2020.

²⁸ *Id.*

²⁹ *Id.*

³⁰ 15 U.S.C. 78q-1(b)(3)(F).

³¹ *Id.*

³² 15 U.S.C. 78q-1(b)(3)(I).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.³³

J. Matthew DeLesDernier,

Assistant Secretary.

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-90547; File No. SR-NYSEArca-2020-99]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Regarding the Availability of Information for the iShares Gold Trust and the iShares Silver Trust Under NYSE Arca Rule 8.201-E (Commodity-Based Trust Shares) and iShares S&P GSCI Commodity-Indexed Trust Under Rule 8.203-E (Commodity Index Trust Shares)

December 2, 2020.

Pursuant to Section 19(b)(1)¹ of the Securities Exchange Act of 1934 (“Act”)² and Rule 19b-4 thereunder,³ notice is hereby given that, on November 23, 2020, NYSE Arca, Inc. (“NYSE Arca” 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 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 certain changes regarding the availability of information for the iShares Gold Trust (formerly the iShares® COMEX Gold Trust) and the iShares Silver Trust, shares of which are currently listed on the Exchange under NYSE Arca Rule 8.201-E (Commodity-Based Trust Shares), and the iShares S&P GSCI Commodity-Indexed Trust, shares of which currently are listed and traded on the Exchange under Rule 8.203-E (Commodity Index Trust Shares). The proposed rule change is available on the Exchange’s website at www.nyse.com, at the principal office of the Exchange, and at the Commission’s Public Reference Room.

II. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization’s Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes certain changes regarding the dissemination of information on the respective websites for the iShares Gold Trust (formerly the iShares COMEX Gold Trust)⁴ and the

⁴ See Securities Exchange Act Release No. 56041 (July 11, 2007), 72 FR 39114 (July 17, 2007) (SR-NYSEArca-2007-43) (Notice of Filing and Order Granting Accelerated Approval of Proposed Rule Change to List and Trade Shares of the iShares COMEX Gold Trust) (“NYSE Arca Gold Order”). The Commission previously approved listing of iShares COMEX Gold Trust on the American Stock Exchange LLC. See Securities Exchange Act Release No. 51058 (January 19, 2005), 70 FR 3749 (January 26, 2005) (SR-Amex-2004-38) (granting approval to list and trade the Shares on Amex) (“Amex Gold Order”). See also Securities Exchange Act Release Nos. 50792 (December 3, 2004), 69 FR 71446 (December 9, 2004) (SR-Amex-2004-38) (providing notice of Amex’s proposal to list and trade shares of the Trust) (“Amex Gold Notice”); 63398 (November 30, 2010), 75 FR 76056 (December 7, 2010) (SR-NYSEArca-2010-105) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to the Calculation of Net Asset Value for the iShares Gold Trust). The following information about Shares of the iShares Gold Trust currently is required to be available on the iShares Gold Trust’s website pursuant to the Amex Gold Notice, Amex Gold Order and NYSE Arca Gold Order: (a) The prior business day’s NAV per Share; (b) Basket Gold Amount; (c) the reported Share closing price; (d) the present day’s Indicative Basket Gold Amount; (e) the midpoint of the bid-ask price in relation to the NAV as of the time the NAV is calculated (“Bid-Ask Price”); (f) calculation of the premium or discount of such price against such NAV; (g) data in chart form displaying the frequency distribution of discounts and premiums of the Bid-Ask Price against the NAV, within appropriate ranges for each of the four previous calendar quarters; (h) the prospectus; and (i) other applicable quantitative information, such as expense ratios, trading volumes, and the total return of the Shares. As stated in the Amex Gold Notice and the NYSE Arca Gold Order, the “Basket Gold Amount” is the corresponding amount of gold, measured in fine ounces, to be exchanged for an issuance of a basket of 50,000 Shares for the purpose of creating and redeeming the Shares. Also, as stated in the Amex Gold Notice and the NYSE Arca Gold Order, the “Indicative Basket Gold Amount” is the indicative amount of gold to be deposited for issuance of the Shares that

iShares Silver Trust,⁵ shares of which are currently listed on the Exchange under NYSE Arca Rule 8.201-E (Commodity-Based Trust Shares) and the terms of the applicable listing rules approved by the Commission, and the S&P GSCI Commodity-Indexed Trust, shares of which currently are listed and traded on the Exchange under Rule 8.203-E (Commodity Index Trust Shares) and the terms of the applicable listing rules approved by the Commission.⁶

Authorized Participants can use. The NAV per Share, Basket Gold Amount, Indicative Basket Gold Amount and Indicative Trust Value are available on the Trust’s website or through one or more major market data vendors, as described above, and are not available on the Exchange’s website. In addition, investors can access the gold spot price and gold futures prices through major market data vendors. The Indicative Trust Value also is available through one or more major market data vendors.

⁵ See Securities Exchange Act Release No. 58956 (November 14, 2008), 73 FR 71074 (November 24, 2008) (SR-NYSEArca-2008-124) (Notice of Filing and Order Granting Accelerated Approval of Proposed Rule Change to List Shares of iShares Silver Trust) (“NYSE Arca Silver Order”). The Commission previously approved listing of iShares Silver Trust on the American Stock Exchange LLC. See Securities Exchange Act Release No. 53521 (March 20, 2006), 71 FR 14967 (March 24, 2006) (SR-Amex-2005-72) (“Amex Silver Order”). The following information about Shares of the iShares Silver Trust currently is required to be available on the Trust’s website pursuant to the Amex Silver Order and the NYSE Arca Silver Order: (a) The prior business day’s NAV and the reported closing price; (b) the midpoint of the bid-ask price in relation to the NAV as of the time the NAV is calculated (the “Bid-Asked Price”); (c) calculation of the premium or discount of such price against such NAV; (d) data in chart form displaying the frequency distribution of discounts and premiums of the Bid-Ask Price against the NAV, within appropriate ranges for each of the four (4) previous calendar quarters; (e) the Basket Silver Amount; (f) the Indicative Basket Silver Amount; (g) the prospectus; and (h) other applicable quantitative information. The NAV per Share, Basket Silver Amount, Indicative Basket Silver Amount and Indicative Trust Value are available on the Trust’s website or through one or more major market data vendors, as described above, and are not available on the Exchange’s website. In addition, investors can access the silver spot price and silver futures prices through major market data vendors. The Indicative Trust Value also is available through one or more major market data vendors.

⁶ See Securities Exchange Act Release No. 56932 (December 7, 2007), 72 FR 71178 (December 14, 2007) (SR-NYSEArca-2007-112) (Notice of Filing and Order Granting Accelerated Approval of a Proposed Rule Change to List and Trade Shares of the iShares S&P GSCI Commodity-Indexed Trust) (“GSCI Order”, “together with the Amex Gold Order and Amex Silver Order, the “Orders”). See also, Securities Exchange Act Release No. 54025 (June 21, 2006), 71 FR 36856 (June 28, 2006) (SR-NYSEArca-2006-12) (approving, among other things, the trading of the Shares on NYSE Arca pursuant to unlisted trading privileges). The Commission previously approved listing of the iShares S&P GSCI Commodity-Indexed Trust on the New York Stock Exchange, Inc. See Securities Exchange Act Release No. 54013 (June 16, 2006), 71 FR 36372 (June 26, 2006) (SR-NYSE-2006-17) (approving listing and trading of the Shares on NYSE). The following information about Shares of

³³ 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.

In the proposed rule changes filed with the Commission by the Exchange regarding listing and trading of shares (“Shares”) of the iShares Gold Trust, iShares Silver Trust, and iShares S&P GSCI Commodity-Indexed Trust (each a “Trust” and, collectively, the “Trusts”), the Exchange described the information available on the respective Trust’s website regarding Trust holdings.⁷ The Exchange proposes to change certain representations regarding closing price and midpoint price information to be disseminated on the websites for the Trusts, as described below. The purpose of this proposed rule change is to (1) specify that each Trust will disseminate the applicable Official Closing Price for that Trust’s Shares;⁸ and (2) specify that each Trust will disseminate the midpoint of the national best bid and the national best offer as of the time the applicable net asset value (“NAV”) is calculated, as described below.

The Orders stated that each respective Trust would disseminate the closing price for the applicable Shares of a Trust. The Exchange proposes to clarify that the closing price that each Trust disseminates for a Trust’s Shares is the Official Closing Price, which is defined in NYSE Arca Rule 1.1(11).⁹ Such clarification would assist the Exchange in reviewing compliance with Exchange listing rules applicable to each Trust. The Trusts currently disseminate the

the iShares S&P GSCI Commodity-Indexed Trust currently is required to be available on the Trust’s website pursuant to the GSCI Order: (a) The prior business day’s NAV on a per Share basis and the reported closing price; (b) the mid-point of the bid-ask price in relation to the NAV as of the time the NAV is calculated (the “Bid-Ask Price”); (c) calculation of the premium or discount of such price against such NAV; (d) data in chart form displaying the frequency distribution of discounts and premiums of the Bid-Ask Price against the NAV, within appropriate ranges for each of the four previous calendar quarters; (e) the prospectus; (f) the holdings of the Trust, including CERFs, cash and Treasury securities; (g) the Basket Amount, and (h) other applicable quantitative information. The Basket Amount is the amount of CERFs and Short-Term Securities or cash that an Authorized Participant must deliver in exchange for one Basket.

⁷ iShares Delaware Trust Sponsor LLC is the sponsor (“Sponsor”) of the iShares Gold Trust, the iShares Silver Trust and iShares S&P GSCI Commodity-Indexed Trust.

⁸ The term “Official Closing Price” is defined in NYSE Arca Rule 1.1(11) as the reference price to determine the closing price in a security for purposes of Rule 7–E Equities Trading. The procedures for determining the Official Closing Price are set forth in Rule 1.1(11). See Securities Exchange Act Release No. 82907 (March 20, 2018), 83 FR 12980 (March 26, 2018) (SR–NYSEArca–2018–08) (Order Approving a Proposed Rule Change to Amend NYSE Arca Rule 1.1(11)) (“Official Closing Price Approval Order”). See also, Securities Exchange Act Release No. 84471 (October 23, 2018), 84 FR 54384 (October 29, 2018) (SR–NYSEArca–2018–63) (Order Approving a Proposed Rule Change To Amend NYSE Arca Rule 1.1(11)).

⁹ See note 8, *supra*.

Official Closing Price. The Exchange believes that such price provides a specific and precise measure of the price of a Trust’s Shares for investors.¹⁰

The Orders stated that each respective Trust would disseminate the midpoint of the bid-ask price in relation to the NAV as of the time the NAV is calculated.¹¹ The Trusts currently disseminate the midpoint of the Exchange bid-ask in relation to NAV. The Exchange proposes to clarify and make more specific the representation regarding midpoint of the bid-ask price by stating that a Trust would make available the price that is the midpoint of the national best bid and national best offer (“NBBO”) as of the time the NAV is calculated. Such clarification would assist the Exchange in reviewing compliance with Exchange listing rules applicable to each Trust. The Exchange believes that making available the midpoint of the NBBO would continue to help provide investors and other market participants with complete and accurate information regarding pricing of a Trust’s Shares.

While NYSE Arca Rules 8.201–E and 8.203–E do not expressly require that a Trust provide website disclosure of its portfolio, the Trusts currently provide such disclosure and would continue to do so. Other than changes to information to be disclosed on a Trust’s website as described herein, each of the Trusts would continue to comply with all other listing requirements set forth in the Orders and in NYSE Arca Rules 8.201–E and 8.203–E, respectively.

The Exchange believes that the proposed website disclosure for the Trusts, together with the portfolio disclosures by the Trusts, would continue to facilitate effective arbitrage between the market price of a Trust’s Shares and its NAV.¹²

¹⁰ The Exchange notes that the term “official closing price” satisfies the definition of “market price” in Rule 6c–11 under the Investment Company Act of 1940 (“1940 Act”) (15 U.S.C. 80a–1) applicable to exchange-traded funds (“ETFs”) eligible to rely on Rule 6c–11. Such ETFs are required to disseminate a market price on their website. See Release Nos. 33–10695; IC–33646; File No. S7–15–18 (Exchange-Traded Funds) (September 25, 2019), 84 FR 57162 (October 24, 2019) (the “Rule 6c–11 Release”).

¹¹ As stated in the Orders and the Amex Gold Notice, the bid-ask price of Shares of the applicable Trust is determined using the highest bid and lowest offer as of the time of calculation of the NAV.

¹² Investors can access each Trust’s website at no cost. Investors also can access, for the iShares Gold Trust, the gold spot price and gold futures prices, and for the iShares Silver Trust, the silver spot price and silver futures prices through major market data vendors. The applicable Indicative Trust Value for each Trust is available through one or more major market data vendors. The NAV per Share for each Trust for the iShares Gold Trust, the Basket

2. Statutory Basis

The basis under the Act for this proposed rule change is the requirement under Section 6(b)(5) of the Act that an exchange have rules that are designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to, and perfect the mechanism of a free and open market and, in general, to protect investors and the public interest.

The Exchange proposes to clarify that each Trust will disseminate for a Trust’s Shares the Official Closing Price, which is defined in NYSE Arca Rule 1.1(11).¹³ The Exchange believes that such price provides a specific and precise measure of the price of a Trust’s Shares for investors.¹⁴

The Exchange also proposes to clarify and make more specific the representation regarding midpoint of the bid-ask price by stating that a Trust would make available the price that is the midpoint of the national best bid and NBBO as of the time the NAV is calculated. Consistent with Section 6(b)(1) of the Act,¹⁵ such clarification would assist the Exchange in reviewing compliance with Exchange listing rules applicable to each Trust. The Exchange believes that making available the midpoint of the NBBO would continue to help provide investors and other market participants with complete and accurate information regarding pricing of a Trust’s Shares.

B. Self-Regulatory Organization’s Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purpose of the Act. The Exchange believes that the proposed rule change would provide enhanced website disclosure for the Trusts, as described above, to the benefit of investors and the marketplace.

C. Self-Regulatory Organization’s Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

Gold Amount and Indicative Basket Gold Amount; and, for the iShares Silver Trust, the Basket Silver Amount and Indicative Basket Silver Amount are available on the applicable Trust’s website.

¹³ See note 8, *supra*.

¹⁴ See note 10, *supra*.

¹⁵ Section 6(b)(1) of the Act (15 U.S.C. 78b(1)) requires (among other things) that a national securities exchange be organized and have the capacity to comply with its own rules.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act¹⁶ and Rule 19b-4(f)(6) thereunder.¹⁷ Because the proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act and Rule 19b-4(f)(6)(iii) thereunder.

A proposed rule change filed under Rule 19b-4(f)(6)¹⁸ normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b-4(f)(6)(iii),¹⁹ the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The Commission believes waiver of the 30-day operative delay is consistent with the protection of investors and the public interest because it would permit the Trusts to immediately disseminate enhanced price and other information, as described herein. The Commission notes that other than changes to information to be disclosed on a Trust's website as described herein, each of the Trusts would continue to comply with all other listing requirements set forth in the Orders and the Amex Gold Notice and in NYSE Arca Rules 8.201-E and 8.203-E, respectively. The Commission therefore waives the 30-day operative delay and designates the proposed rule change to be operative upon filing.²⁰

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.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include File Number SR-NYSEArca-2020-99 on the subject line.

Paper Comments

- Send paper comments in triplicate to: Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090.

All submissions should refer to File Number SR-NYSEArca-2020-99. 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-NYSEArca-2020-99 and should be submitted on or before December 29, 2020.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.²¹

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2020-26902 Filed 12-7-20; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-90553; File No. SR-NASDAQ-2020-026]

Self-Regulatory Organizations; The Nasdaq Stock Market LLC; Notice of Designation of a Longer Period for Commission Action on Proceedings To Determine Whether To Approve or Disapprove a Proposed Rule Change, as Modified by Amendment Nos. 1 and 2, To Adopt a New Requirement Related to the Qualification of Management for Companies From Restrictive Markets

December 2, 2020.

On May 29, 2020, The Nasdaq Stock Market LLC ("Nasdaq" or "Exchange") filed with the Securities and Exchange Commission ("Commission"), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")¹ and Rule 19b-4 thereunder,² a proposed rule change to adopt a new requirement related to the qualification of management for companies whose business is principally administered in a jurisdiction that has secrecy laws, blocking statutes, national security laws, or other laws or regulations restricting access to information by regulators of U.S.-listed companies. The proposed rule change was published for comment in the **Federal Register** on June 12, 2020.³ On July 20, 2020, pursuant to Section 19(b)(2) of the Act,⁴ the Commission designated a longer period within which to approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to disapprove the proposed rule change.⁵ On August 21, 2020, the Exchange filed Amendment No. 1 to the proposed rule change,

²¹ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ See Securities Exchange Act Release No. 89028 (June 8, 2020), 85 FR 35967. Comments on the proposed rule change can be found at: <https://www.sec.gov/comments/sr-nasdaq-2020-026/srnasdaq2020026.htm>.

⁴ 15 U.S.C. 78s(b)(2).

⁵ See Securities Exchange Act Release No. 89342, 85 FR 44951 (July 24, 2020). The Commission designated September 10, 2020 as the date by which the Commission shall approve or disapprove, or institute proceedings to determine whether to approve or disapprove, the proposed rule change.

¹⁶ 15 U.S.C. 78s(b)(3)(A)(iii).

¹⁷ 17 CFR 240.19b-4(f)(6).

¹⁸ *Id.*

¹⁹ 17 CFR 240.19b-4(f)(6)(iii).

²⁰ For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

which replaced and superseded the proposed rule change as originally filed.⁶ On September 9, 2020, the Commission published notice of Amendment No. 1 and instituted proceedings under Section 19(b)(2)(B) of the Act⁷ to determine whether to approve or disapprove the proposed rule change, as modified by Amendment No. 1.⁸ On November 17, 2020, the Exchange submitted Amendment No. 2 to the proposed rule change.⁹

Section 19(b)(2) of the Act¹⁰ provides that, after initiating disapproval proceedings, the Commission shall issue an order approving or disapproving the proposed rule change not later than 180 days after the date of publication of notice of filing of the proposed rule change. The Commission may extend the period for issuing an order approving or disapproving the proposed rule change, however, by not more than 60 days if the Commission determines that a longer period is appropriate and publishes the reasons for such determination. The date of publication of notice of filing of the proposed rule change was June 12, 2020. December 9, 2020 is 180 days from that date, and February 7, 2021 is 240 days from that date.

The Commission finds it appropriate to designate a longer period within which to issue an order approving or disapproving the proposed rule change so that it has sufficient time to consider this proposed rule change. Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,¹¹ designates February 7, 2021, as the date by which the Commission shall either approve or disapprove the proposed rule change, as modified by Amendment Nos. 1 and 2 (File No. SR-NASDAQ-2020-026).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹²

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2020-26897 Filed 12-7-20; 8:45 am]

BILLING CODE 8011-01-P

⁶ Amendment No. 1 is available at <https://www.sec.gov/comments/sr-nasdaq-2020-026/srnasdaq2020026.htm>.

⁷ 15 U.S.C. 78s(b)(2)(B).

⁸ See Securities Exchange Act Release No. 89794, 85 FR 57260 (September 15, 2020).

⁹ Amendment No. 2 is available at <https://www.sec.gov/comments/sr-nasdaq-2020-026/srnasdaq2020026.htm>.

¹⁰ 15 U.S.C. 78s(b)(2).

¹¹ *Id.*

¹² 17 CFR 200.30-3(a)(57).

SOCIAL SECURITY ADMINISTRATION

[Docket No. SSA-2020-0023]

Rescission of Acquiescence Ruling 15-1(4)

AGENCY: Social Security Administration.

ACTION: Notice of Rescission of Social Security Acquiescence Ruling (AR) 15-1(4)—*Radford v. Colvin*, 734 F.3d 288 (4th Cir. 2013)—Standard for Meeting the Listing for Disorders of the Spine with Evidence of Nerve Root Compression.

SUMMARY: In accordance with 20 CFR 402.35(b)(2), 404.985(e) and 416.1485(e), the Commissioner of Social Security gives notice of the rescission of Social Security Acquiescence Ruling 15-1(4).

DATES: We will apply this rescission notice on April 2, 2021.

FOR FURTHER INFORMATION CONTACT: Cheryl A. Williams, Office of Disability Policy, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235-6401, (410) 965-1020 or TTY 410-966-5609. For information on eligibility or filing for benefits, call our national toll-free number, 1-800-772-1213 or TTY 1-800-325-0778, or visit our internet site, Social Security Online, at <http://www.socialsecurity.gov>.

SUPPLEMENTARY INFORMATION: An AR explains how we will apply the holding in a decision of a United States Court of Appeals that we determine conflicts with our interpretation of a provision of the Social Security Act (Act) or regulations when the Government has decided not to seek further review of that decision or is unsuccessful on further review.

As provided by 20 CFR 404.985(e)(4) and 416.1485(e)(4), we may rescind an AR as obsolete and apply our interpretation of the Act or regulations if we subsequently clarify, modify or revoke the regulation or ruling that was the subject of a circuit court holding that we determined conflicts with our interpretation of the Act or regulations.

On September 23, 2015, we published AR 15-1(4) (80 FR 57418) to reflect the holding in *Radford v. Colvin*, 734 F.3d 288 (4th Cir. 2013). In *Radford*, the United States Court of Appeals for the Fourth Circuit held that listing 1.04A required a claimant to show only “that each of the symptoms are present, and that the claimant has suffered or can be expected to suffer from nerve root compression continuously for at least 12 months,” 734 F.3d at 294. Contrary to our policy that the requisite level of severity requires the simultaneous presence of all the medical criteria in

paragraph A, the Court of Appeals held that a claimant need not show that each criterion was present simultaneously or in particularly close proximity.

This rescission notice is the result of publication of the final rule, “Revised Medical Criteria for Evaluating Musculoskeletal Disorders,” published on December 3, 2020 at 85 FR 78164. The final rule clarified our longstanding policy that the requisite level of severity requires the simultaneous presence of all the medical criteria in the listing. Specifically, the final rule state in section 1.00C7 that, when the listing criteria are linked by the word “and,” the requirements must be present within a “close proximity of time.” We define “close proximity of time” as meaning that all of the relevant criteria must appear in the medical record within a consecutive 4 month period.

We incorporated the provisions of former Listing 1.04A, the subject of the court’s holding in *Radford*, into the final rule in Listing 1.15. Since Listing 1.15 links the symptoms, signs, findings, and impairment-related physical limitations found in A, B, C, and D of the listing with the word “AND,” these criteria, must appear in the medical record within a consecutive 4-month period. Further, the final rule also clarified that the requirement that all the medical criteria in the listing be present simultaneously or within a close proximity of time applies to other listings that use the word “and” to link the elements of the required criteria.

Accordingly, because the regulation that was the subject of the *Radford* AR has been revised, we are rescinding AR 15-1(4) concurrently with the effective date of the final rule. The final rule and this notice of rescission restore uniformity to our nationwide system of rules in accordance with our commitment to the goal of administering our programs through uniform national standards.

(Catalog of Federal Domestic Assistance, Program Nos. 96.001 Social Security—Disability Insurance; 6.002 Social Security—Retirement Insurance; 96.004 Social Security—Survivors Insurance; 96.006—Supplemental Security Income.)

The Commissioner of the Social Security Administration, Andrew Saul, having reviewed and approved this document, is delegating the authority to electronically sign this document to Faye I. Lipsky, who is the primary Federal Register Liaison for SSA, for

purposes of publication in the **Federal Register**.

Faye I. Lipsky,

Federal Register Liaison, Office of Legislation and Congressional Affairs, Social Security Administration.

[FR Doc. 2020-26911 Filed 12-7-20; 8:45 am]

BILLING CODE 4191-02-P

SOCIAL SECURITY ADMINISTRATION

[Docket No: SSA-2020-0051]

Agency Information Collection Activities: Comment Request

The Social Security Administration (SSA) publishes a list of information collection packages requiring clearance by the Office of Management and Budget (OMB) in compliance with Public Law 104-13, the Paperwork Reduction Act of 1995, effective October 1, 1995. This notice includes revisions of OMB-approved information collections.

SSA is soliciting comments on the accuracy of the agency's burden estimate; the need for the information; its practical utility; ways to enhance its quality, utility, and clarity; and ways to minimize burden on respondents, including the use of automated collection techniques or other forms of information technology. Mail, email, or fax your comments and

recommendations on the information collection(s) to the OMB Desk Officer and SSA Reports Clearance Officer at the following addresses or fax numbers. (OMB) Office of Management and Budget, Attn: Desk Officer for SSA, Fax: 202-395-6974, Email address: *OIRA_Submission@omb.eop.gov* (SSA) Social Security Administration, OLCA, Attn: Reports Clearance Director, 3100 West High Rise, 6401 Security Blvd., Baltimore, MD 21235, Fax: 410-966-2830, Email address: *OR.Reports.Clearance@ssa.gov*

Or you may submit your comments online through *www.regulations.gov*, referencing Docket ID Number [SSA-2020-0051].

SSA submitted the information collections below to OMB for clearance. Your comments regarding these information collections would be most useful if OMB and SSA receive them 30 days from the date of this publication. To be sure we consider your comments, we must receive them no later than January 7, 2021. Individuals can obtain copies of these OMB clearance packages by writing to *OR.Reports.Clearance@ssa.gov*.

1. *Disability Report-Appeal—20 CFR 404.1512, 416.912, 404.916(c), 416.1416(c), 422.140, 404.1713, 416.1513, 404.1740(b)(4), and 416.1540(b)(4)—0960-0144.* SSA requires disability applicants who wish to appeal an unfavorable determination

to complete Form SSA-3441-BK; the associated Electronic Disability Collect System (EDCS) interview; or the internet application, i3441. This allows claimants to disclose any changes to their disability, or resources, which might influence SSA's unfavorable determination. SSA may use the information to: (1) Reconsider and review an initial disability determination; (2) review a continuing disability; and (3) evaluate a request for a hearing. This information assists the State Disability Determination Services (DDS) and administrative law judges (ALJ) in preparing for the appeals and hearings, and in issuing a determination or decision on an individual's entitlement (initial or continuing) to disability benefits. In addition, the information we collect on the SSA-3441-BK, or related modalities, facilitates SSA's collection of medical information to support the applicant's request for reconsideration; request for benefits cessation appeal; and request for a hearing before an ALJ. Respondents are individuals who appeal denial, reduction, or cessation of Social Security disability benefits and Supplemental Security Income (SSI) payments; individuals who wish to request a hearing before an ALJ; or their representatives.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)	Average theoretical hourly cost amount (dollars)*	Average wait time in field office (minutes)**	Total annual opportunity cost (dollars)***
SSA-3441-BK (Paper Form)	22,556	1	45	16,917	* \$18.22	** 24	*** \$472,609
Electronic Disability Collect System (EDCS)—Individuals	208,831	1	45	156,623	* 10.73	** 24	*** 2,576,863
Electronic Disability Collect System (EDCS)—Representatives	71,652	1	45	53,739	* 25.72	.....	*** 1,382,167
i3441 (Internet Application)—Individuals	109,598	1	28	51,146	* 10.73	.....	*** 548,797
i3441 (Internet Application)—Representatives	656,424	1	28	306,331	* 25.72	.....	*** 7,878,833
Totals	1,069,061	.....	.....	584,756	.....	.....	*** 12,859,269

*We based these figures on average DI hourly wages for single students based on SSA's current FY 2020 data (<https://www.ssa.gov/legislation/2020Fact%20Sheet.pdf>), and on average U.S. citizen's hourly salary, as reported by Bureau of Labor Statistics data (<https://www.bls.gov/oes/current/oes231011.htm>), as well as a combination of those two figures (for the paper form, as we do not collect data on whether the paper forms are filled out by individuals or representatives or both).

** We based this figure on the average FY 2020 wait times for field offices, based on SSA's current management information data.

*** This figure does not represent actual costs that SSA is imposing on recipients of Social Security payments to complete this application; rather, these are theoretical opportunity costs for the additional time respondents will spend to complete the application. *There is no actual charge to respondents to complete the application.*

2. *Annual Earnings Test Direct Mail Follow-Up Program Notices—20 CFR 404.452-404.455—0960-0369.* SSA developed the Annual Earnings Test Direct Mail Follow-up Program to improve beneficiary reporting on work and earnings during the year and earnings information at the end of the year. SSA may reduce benefits payable under the Social Security Act (Act)

when an individual has wages or self-employment income exceeding the annual exempt amount. SSA identifies beneficiaries likely to receive more than the annual exempt amount, and requests more frequent estimates of earnings from them. When applicable, SSA also requests a future year estimate to reduce overpayments due to earnings. SSA sends letters (SSA-L9778, SSA-L9779,

SSA-L9781, SSA-L9784, SSA-L9785, and SSA-L9790) to beneficiaries requesting earnings information the month prior to their attainment of full retirement age. We send each beneficiary a tailored letter that includes relevant earnings data from SSA records. The Annual Earnings Test Direct Mail Follow-up Program helps to ensure Social Security payments are

correct, and enables us to prevent earnings-related overpayments, and avoid erroneous withholding. The

respondents are working Social Security beneficiaries with earnings over the exempt amount.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)	Average theoretical hourly cost amount (dollars)*	Total annual opportunity cost (dollars)**
SSA-L9778	42,630	1	10	7,105	\$25.72	**\$182,741
SSA-L9779	158,865	1	10	26,478	25.72	**681,014
SSA-L9781	472,437	1	10	78,740	25.72	**2,025,193
SSA-L9784	1,270	1	10	212	25.72	**5,453
SSA-L9785	15,870	1	10	2,645	25.72	**68,029
SSA-L9790	45,000	1	10	7,500	25.72	**192,900
Totals	736,072	.....	.....	122,680	.....	**3,155,330

*We based these figures on the average U.S. citizen's hourly salary, as reported by Bureau of Labor Statistics data (<https://www.bls.gov/oes/current/oes231011.htm>).

**This figure does not represent actual costs that we are imposing on recipients of Social Security payments to complete this application; rather, these are theoretical opportunity costs for the additional time respondents will spend to complete the application. *There is no actual charge to respondents to complete the application.*

3. Request for Social Security Earnings Information—20 CFR 401.100 and 404.810—0960-0525. The Social Security Act permits wage earners, or their authorized representatives, to request Social Security earnings information from SSA using Form SSA-7050-F4. SSA uses the information the respondent provides on Form SSA-

7050-F4 to verify the wage earner has: (1) Earnings; (2) the right to access the correct Social Security Record; and (3) the right to request the earnings statement. If we verify all three items, SSA produces an Itemized Statement of Earnings (Form SSA-1826) and sends it to the requestor. The agency charges respondents for sending them an

Itemized Statement of Earnings. Respondents are wage earners and their authorized representatives who are requesting Itemized Statement of Earnings records.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)	Average theoretical hourly cost amount (dollars)*	Total annual opportunity cost (dollars)**
SSA-7050-F4	66,800	1	11	12,247	*\$25.72	**\$314,993

*We based this figure on the average U.S. worker's hourly wages, as reported by Bureau of Labor Statistics data (https://www.bls.gov/oes/current/oes_nat.htm).

**This figure does not represent actual costs that SSA is imposing on recipients of Social Security payments to complete this application; rather, these are theoretical opportunity costs for the additional time respondents will spend to complete the application. *There is no actual charge to respondents to complete the application.*

Cost Burden to Respondents: The agency charges respondents to send them an Itemized Statement of Earnings

for purposes unrelated to the administration of our programs. The

chart below shows the costs to the respondents for this request:

Type of respondent	Number of requests	Cost per request	Annual cost
Non-Certified Respondent	33,400	\$92.00	\$3,072,800
Certified Respondent	33,400	122.00	4,074,800
Total .....	.....	.....	7,147,600

4. Disability Case Development Information Collections By State Disability Determination Services On Behalf of SSA—20 CFR 404.1503a, 404.1512, 404.1513, 404.1514, 404.1517, 404.1519; 20 CFR 404.1613, 404.1614, 404.1624; 20 CFR 416.903a, 416.912, 416.913, 416.914, 416.917, 416.919 and 20 CFR 416.1013, 416.1014, 416.1024—0960-0555. State DDSs collect the information necessary to administer the Social Security Disability Insurance and SSI programs. They collect medical

evidence from consultative examination (CE) sources; credential information from CE source applicants; and medical evidence of record (MER) from claimants' medical sources. The DDSs collect information from claimants regarding medical appointments, pain, symptoms, and impairments. The respondents are medical providers, other sources of MER, and disability claimants.

Type of Request: Revision of an OMB-approved information collection.

CE Collections

There are four CE information collections: (a) Medical evidence about claimants' medical condition(s) that DDS's use to make disability determinations when the claimant's own medical sources cannot or will not provide the required information, and proof of credentials from CE providers; (b) CE appointment letters; (c) CE claimant reports sent to claimants' doctors; and (d) One-time CE claimant telehealth call script/letter.

(a) MEDICAL EVIDENCE AND CREDENTIALS FROM CE PROVIDERS

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)	Average theoretical hourly cost amount (dollars) *	Total annual opportunity cost (dollars) **
CE Paper Submissions	1,400,000	1	30	700,000	*\$40.21	**\$28,147,000
CE Electronic Submissions	296,000	1	10	49,333	* 40.21	** 1,983,680
CE Credentials	4,000	1	15	1,000	* 40.21	** 40,210
Totals	1,700,000			750,333		** 30,170,890

*We based this figure on average Healthcare Practitioners and Technical Occupations hourly salary, as reported by Bureau of Labor Statistics data (<https://www.bls.gov/oes/current/oes290000.htm>).

(b) CE APPOINTMENT LETTERS AND (c) CE CLAIMANTS' REPORT TO MEDICAL PROVIDERS

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)	Average theoretical hourly cost amount (dollars) *	Total annual opportunity cost (dollars) **
(b) CE Appointment Letters	880,000	1	5	73,333	*\$10.73	** \$786,863
(c) CE Claimants' Report to Medical Providers	450,000	1	5	37,500	* 10.73	** 402,375
Totals	1,330,000			110,833		** 1,189,238

*We based this figure on average DI payments based on SSA's current FY 2020 data (<https://www.ssa.gov/legislation/2020Fact%20Sheet.pdf>).

(d) CE CLAIMANT TELEHEALTH CE CALL SCRIPT/LETTER

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)	Average theoretical hourly cost amount (dollars) *	Total annual opportunity cost (dollars) **
CE Claimant Telehealth Call Script/Letter	10,000	1	5	833	*\$10.73	** \$8,938

*We based this figure on average DI payments based on SSA's current FY 2020 data (<https://www.ssa.gov/legislation/2020Fact%20Sheet.pdf>).

MER Collections

The DDS's collect MER information from the claimant's medical sources to

determine a claimant's physical or mental status prior to making a disability determination.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)	Average theoretical hourly cost amount (dollars) *	Total annual opportunity cost (dollars) **
Paper Submissions	3,150,000	1	20	1,050,000	*\$40.21	**\$42,220,500
Electronic Submissions	9,450,000	1	12	1,890,000	* 40.21	** 75,996,900
Totals	12,600,000			2,940,000		** 118,217,400

*We based this figure on average Healthcare Practitioners and Technical Occupations hourly salary, as reported by Bureau of Labor Statistics data (<https://www.bls.gov/oes/current/oes290000.htm>).

Pain/Other Symptoms/Impairment Information From Claimants

The DDS's use information about pain/symptoms to determine how pain/

symptoms affect the claimant's ability to do work-related activities prior to making a disability determination.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)	Average theoretical hourly cost amount (dollars) *	Total annual opportunity cost (dollars) **
Pain/Other Symptoms/Impairment Information	2,100,000	1	20	700,000	*\$18.23	** \$12,761,000

*We based this figure on averaging both the average DI payments based on SSA's current FY 2020 data (<https://www.ssa.gov/legislation/2020Fact%20Sheet.pdf>), and the average U.S. worker's hourly wages, as reported by Bureau of Labor Statistics data (https://www.bls.gov/oes/current/oes_nat.htm).

Grand Total

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)	Average theoretical hourly cost amount (dollars)*	Total annual opportunity cost (dollars)**
Totals	17,740,000	.....	.....	4,501,999	.....	**\$162,347,466

** This figure does not represent actual costs that SSA is imposing on recipients of Social Security payments to complete this application; rather, these are theoretical opportunity costs for the additional time respondents will spend to complete the application. *There is no actual charge to respondents to complete the application.*

5. Work History Report—20 CFR 404.1512, 416.912, 404.1560, 404.1565, 416.960 and 416.965—0960–0578.
Under certain circumstances, SSA asks individuals applying for disability about work they have performed in the past.

Applicants use Form SSA–3369, Work History Report, to provide detailed information about jobs held prior to becoming unable to work. State DDS evaluate the information, together with medical evidence, to determine

eligibility for disability payments. Respondents are disability applicants and third parties assisting applicants.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)	Average theoretical hourly cost amount (dollars)*	Average wait time in field office (minutes)**	Total annual opportunity cost (dollars)***
SSA–3369 (Paper form)	1,553,900	1	60	1,553,900	*\$18.23	**24	***\$39,658,636
SSA–3369 (EDCS)	38,049	1	60	38,049	*18.23	**24	***971,094
Totals	1,591,949	.....	.....	1,591,949	.....	.....	***40,629,730

* We based this figure by averaging both the average DI payments based on SSA’s current FY 2020 data (<https://www.ssa.gov/legislation/2020Fact%20Sheet.pdf>), and the average U.S. worker’s hourly wages, as reported by Bureau of Labor Statistics data (https://www.bls.gov/oes/current/oes_nat.htm).

** We based this figure on the average FY 2020 wait times for field offices, based on SSA’s current management information data.

*** This figure does not represent actual costs that SSA is imposing on recipients of Social Security payments to complete this application; rather, these are theoretical opportunity costs for the additional time respondents will spend to complete the application. *There is no actual charge to respondents to complete the application.*

6. Teacher Questionnaire and Request for Administrative Information—20 CFR 404.1513, 416.913, and 416.924a(a)—0960–0646. When determining the effects of a child’s impairment(s), SSA obtains information about the child’s

functioning from teachers; parents; and others who observe the child on a daily basis. SSA obtains results of formal testing, teacher reports, therapy progress notes, individualized education programs, and other records of a child’s

educational aptitude and achievements using Forms SSA–5665–BK and SSA–5666. The respondents are parents, teachers, and other education personnel.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)	Average theoretical hourly cost amount (dollars)*	Total annual opportunity cost (dollars)**
SSA–5665–BK (electronic)	246,539	1	40	164,359	*\$26.14	**\$4,296,344
SSA–5666 (electronic)	91,186	1	30	45,593	*26.14	**1,191,801
Totals	337,725	.....	.....	209,952	.....	**5,488,145

* We based this figure on average Elementary and Secondary School worker’s hourly wages, as reported by Bureau of Labor Statistics data (<https://www.bls.gov/oes/current/oes250000.htm>).

** This figure does not represent actual costs that SSA is imposing on recipients of Social Security payments to complete this application; rather, these are theoretical opportunity costs for the additional time respondents will spend to complete the application. *There is no actual charge to respondents to complete the application.*

7. Medicare Part D Subsidies Regulations—20 CFR 418.3625(c), 418.3645, 418.3665(a), and 418.3670—0960–0702. The Medicare Prescription Drug Improvement and Modernization Act (MMA) of 2003 established the Medicare Part D program for voluntary prescription drug coverage of premium, deductible, and co-payment costs for certain low-income individuals. The

MMA also mandated the provision of subsidies for those individuals who qualify for the program and who meet eligibility criteria for help with premium, deductible, or co-payment costs. This law requires SSA to make eligibility determinations, and to provide a process for appealing SSA’s determinations. Regulation sections 418.3625(c), 418.3645, 418.3665(a), and

418.3670 contain public reporting requirements pertaining to administrative review hearings. Respondents are applicants for the Medicare Part D subsidies who request an administrative review hearing.

Type of Request: Revision of an existing OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)	Average theoretical hourly cost amount (dollars)*	Total annual opportunity cost (dollars)***
418.3625(c)	110	1	5	9	**\$10.73	***\$97
418.3645	10	1	5	1	**10.73	***11

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)	Average theoretical hourly cost amount (dollars)*	Total annual opportunity cost (dollars)***
418.3665(a)	215	1	5	18	** 10.73	*** 193
418.3670 *	0	1	10	0	.....	.....
Total	335	.....	.....	28**	.....	*** 301

* Regulation section 418.3670 could be used at any time; however, we currently have no data showing usage over the past three years.

** We based this figure on average DI payments (<https://www.ssa.gov/legislation/2020Fact%20Sheet.pdf>)

*** This figure does not represent actual costs that SSA is imposing on recipients of Social Security payments to complete this application; rather, these are theoretical opportunity costs for the additional time respondents will spend to complete the application. *There is no actual charge to respondents to complete the application.*

8. Electronic Records Express—20 CFR 404.1512 and 416.912—0960–0753. Electronic Records Express (ERE) is a Web-based SSA program which allows medical and educational providers to electronically submit disability claimant data to SSA. Both medical providers and other third parties with connections to disability applicants or recipients (e.g., teachers and school administrators for child disability applicants) use this system once they complete the

registration process. SSA employees and State agency employees request the medical and educational records collected through the ERE website. The agency uses the information collected through ERE to make a determination on an Application for Benefits. We also use the ERE website to order and receive consultative examinations when we are unable to collect enough medical records to determine disability findings. The respondents are medical providers

who evaluate or treat disability claimants or recipients, and other third parties with connections to disability applicants or recipients (e.g., teachers and school administrators for child disability applicants), who voluntarily choose to use ERE for submitting information.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)	Average theoretical hourly cost amount (dollars)*	Total annual opportunity cost (dollars) **
ERE	6,183,548	1	10	1,030,591	* \$33.18	** \$34,195,009

* We based this figure by averaging both the average Healthcare Practitioners and Technical Occupations (<https://www.bls.gov/oes/current/oes290000.htm>), and Elementary and Secondary School worker's hourly wages, as reported by Bureau of Labor Statistics data (<https://www.bls.gov/oes/current/oes250000.htm>).

** This figure does not represent actual costs that SSA is imposing on recipients of Social Security payments to complete this application; rather, these are theoretical opportunity costs for the additional time respondents will spend to complete the application. *There is no actual charge to respondents to complete the application.*

Dated: December 2, 2020.

Naomi Sipple,

Reports Clearance Officer, Social Security Administration.

[FR Doc. 2020-26871 Filed 12-7-20; 8:45 am]

BILLING CODE 4191-02-P

DEPARTMENT OF STATE

[Public Notice 11270]

60-Day Notice of Proposed Information Collection: Refugee Biographic Data

ACTION: Notice of request for public comment.

SUMMARY: The Department of State is seeking Office of Management and Budget (OMB) approval for the information collection described below. In accordance with the Paperwork Reduction Act of 1995, we are requesting comments on this collection from all interested individuals and organizations. The purpose of this notice is to allow 60 days for public comment preceding submission of the collection to OMB.

DATES: The Department will accept comments from the public up to February 8, 2021.

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

- *Web:* Persons with access to the internet may comment on this notice by going to www.Regulations.gov. You can search for the document by entering “Docket Number: DOS-2020-0052” in the Search field. Then click the “Comment Now” button and complete the comment form.
- *Email:* PRM-Comments@state.gov.
- *Regular Mail:* Send written comments to: Delicia Spruell, PRM/ Admissions, 2025 E Street NW, SA-9, 8th Floor, Washington, DC 20522-0908.
- *Fax:* (202) 453-9393.

You must include the DS form number (if applicable), information collection title, and the OMB control number in any correspondence.

FOR FURTHER INFORMATION CONTACT: Direct requests for additional information regarding the collection listed in this notice, including requests for supporting documents, to Delicia Spruell, (202) 453-9257, PRM/ Admissions, 2025 E Street NW, SA-9, 8th Floor, Washington, DC 20522-0908.

SUPPLEMENTARY INFORMATION:

- *Title of Information Collection:* Refugee Biographic Data.
- *OMB Control Number:* 1405-0102.
- *Type of Request:* Revision of a Currently Approved Collection.
- *Originating Office:* Bureau of Population, Refugees, and Migration, Office of Admissions, PRM/A.
- *Form Number:* No form.
- *Respondents:* Refugee applicants for the U.S. Refugee Admissions Program.
- *Estimated Number of Respondents:* 15,000.
- *Estimated Number of Responses:* 10,124.
- *Average Time per Response:* 3 hours.
- *Total Estimated Burden Time:* 30,372 hours.
- *Frequency:* Once per respondent.
- *Obligation to Respond:* Required to obtain a benefit.

We are soliciting public comments to permit the Department to:

- Evaluate whether the proposed information collection is necessary for the proper functions of the Department.
- Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the

validity of the methodology and assumptions used.

- Enhance the quality, utility, and clarity of the information to be collected.

- Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Please note that comments submitted in response to this Notice are public record. Before including any detailed personal information, you should be aware that your comments as submitted, including your personal information, will be available for public review.

Abstract of Proposed Collection

The Refugee Biographic Data Sheet describes a refugee applicant's personal characteristics and is needed to initiate refugee resettlement processing, adjudicate the refugee applicant's application for admission to the United States, to run security checks on refugees by intelligence and federal law enforcement agencies, to conduct medical screenings, and to plan international travel before a refugee applicant can be permitted to travel to the United States. In addition, the information is used to match the refugee with a sponsoring voluntary agency for initial reception and placement in the U.S. under the United States Refugee Admissions Program administered by the Bureau of Population, Refugees, and Migration.

The information collected includes date and place of birth, gender, contact information, including social media handles, marital status, family ties, religion, ethnic group, background, education, occupation, skills, medical information, English language ability, associated family members' refugee resettlement cases, and identity documents. The data is used to initiate refugee resettlement processing, to adjudicate the refugee claim by USCIS, to run security checks on refugees by the federal law enforcement and intelligence community before refugees can be permitted to travel to the United States. Data is also provided to conduct a medical screening before the refugee's arrival in the United States, to plan the refugee's international travel, and to resettlement agencies to determine an appropriate resettlement location in the United States. If the data were not collected, refugees could not be properly vetted by the federal law enforcement and intelligence community, and therefore refugee applicants could no longer be processed through the U.S. Refugee Admissions Program. In addition, the resettlement

agencies would not be able to provide appropriate initial reception and placement services as provided for in the Refugee Act.

Methodology

Biographic information is collected in a face-to-face intake process with the applicant overseas. An employee of a Resettlement Support Center, under cooperative agreement with PRM, collects the information and enters it into the Worldwide Refugee Admissions Processing System.

Zachary Parker,

Director.

[FR Doc. 2020-26967 Filed 12-7-20; 8:45 am]

BILLING CODE 4710-33-P

DEPARTMENT OF STATE

[Public Notice 11264]

30-Day Notice of Proposed Information Collection: Department of State TechWomen Evaluation Survey

ACTION: Notice of request for public comment and submission to OMB of proposed collection of information.

SUMMARY: The Department of State has submitted the information collection described below to the Office of Management and Budget (OMB) for approval. In accordance with the Paperwork Reduction Act of 1995 we are requesting comments on this collection from all interested individuals and organizations. The purpose of this Notice is to allow 30 days for public comment.

DATES: Submit comments up to January 7, 2021.

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.

FOR FURTHER INFORMATION CONTACT: Direct requests for additional information regarding the collection listed in this notice, including requests for copies of the proposed collection instrument and supporting documents, to Natalie Donahue, Chief of Evaluation, Bureau of Educational and Cultural Affairs, who may be reached on at ecaevaluation@state.gov or at (202) 632-6193.

SUPPLEMENTARY INFORMATION:

- *Title of Information Collection:* TechWomen Evaluation Survey.

- *OMB Control Number:* None.
- *Type of Request:* New collection.
- *Originating Office:* Educational and Cultural Affairs (ECA).
- *Form Number:* No form.
- *Respondents:* TechWomen program mentors, program staff from ECA and the implementing partner (IP), and small sample of additional stakeholders.
- *Estimated Number of Mentor Survey Respondents:* 946.
- *Estimated Number of Mentor Survey Responses:* 709.
- *Average Time per Mentor Survey:* 30 minutes.
- *Total Estimated Mentor Survey Burden Time:* 21,270 minutes.
- *Estimated Number of Mentor Key Informant Interview (KII) Participants:* 40.
- *Average Time per Mentor KIIs:* 60 minutes.
- *Total Estimated Mentor KIIs Burden Time:* 2,400 minutes.
- *Total Estimated Burden Time:* 23,670 minutes.
- *Frequency:* Once.
- *Obligation to Respond:* Voluntary.

We are soliciting public comments to permit the Department to:

- Evaluate whether the proposed information collection is necessary for the proper functions of the Department.
- Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used.
- Enhance the quality, utility, and clarity of the information to be collected.

- Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Please note that comments submitted in response to this Notice are public record. Before including any detailed personal information, you should be aware that your comments as submitted, including your personal information, will be available for public review.

Abstract of Proposed Collection

The TechWomen program seeks to empower, connect, and support the next generation of women leaders in science, technology, engineering, and mathematics (STEM) by providing opportunities for them to reach their full potential and become role models for women and girls in their communities. Through mentorship and exchange, the TechWomen program is designed to strengthen participants' professional capacity, increase mutual understanding between key networks of professionals, and expand women and girls' interest in

STEM careers by exposing them to female role models. During the five-week program, foreign participants engage with female leaders in project-based mentorships at leading companies in the Silicon Valley and Bay Area, participate in professional development workshops and networking events, and travel to Washington, DC for targeted meetings and special events to conclude the program. After their completion of the program, emerging leaders and mentors have the opportunity to reconnect during delegation trips to program countries in Africa, South and Central Asia, and the Middle East, which focus on expanding networks of women in STEM fields, creating and strengthening partnerships, encouraging girls to pursue STEM careers and ensuring the sustainability of mentor-fellow relationships. The authority for this program is the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2451 *et seq.*).

To evaluate the impact of the program, the Bureau of Educational and Cultural Affairs (ECA) intends to conduct an evaluation of the program covering the period of 2011 through 2019. The evaluation will determine the strength and sustainability of professional networks created by the program and the extent to which these networks have been leveraged for collaborations between Alumnae to enact change. In order to do so, ECA contracted Social Impact (SI) in early 2020 to conduct an evaluation of the TechWomen program.

Methodology

The evaluation will use a mixed-methods design including a quantitative survey and key informant interviews (KIIs). Data from these methods will be used to assess the strength of mentor-alumnae networks as a result of the TechWomen project. The evaluation's approach prioritizes ECA utilization of recommendations to maximize the reach and impact of the TechWomen program. The evaluation will include 40 Key Informant Interviews in the Silicon Valley/Bay Area. The sampling will include Professional Mentors, Cultural Mentors, and Impact Coaches. The Evaluation Team (ET) will gather survey data using the network survey platform *ONASurveys.com* and will use data from the online survey to provide visual

representations and analytic data of the TechWomen network structure.

Aleisha Woodward,

*Deputy Assistant Secretary for Policy, Bureau of Educational and Cultural Affairs
Department of State.*

[FR Doc. 2020-26926 Filed 12-7-20; 8:45 am]

BILLING CODE 4710-05-P

SURFACE TRANSPORTATION BOARD

[Docket No. EP 730 (Sub-No.1)]

Roster of Arbitrators—Annual Update

Pursuant to 49 U.S.C. 11708, the Board's regulations establish a voluntary and binding arbitration process to resolve rail rate and practice complaints that are subject to the Board's jurisdiction. Section 11708(f) provides that, unless parties otherwise agree, an arbitrator or panel of arbitrators shall be selected from a roster maintained by the Board. Accordingly, the Board's rules establish a process for creating and maintaining a roster of arbitrators. 49 CFR 1108.6(b).

The Board most recently updated its roster of arbitrators by decision served February 13, 2020. The roster is published on the Board's website at <https://www.stb.gov/> (click the "Resources" tab, select "Litigation Alternatives" from the dropdown menu, and then click on the "arbitration" link).

As provided under 49 CFR 1108.6(b), the Board updates the roster of arbitrators annually. Accordingly, the Board is now requesting the names and qualifications of new arbitrators who wish to be placed on the roster. Current arbitrators who wish to remain on the roster must notify the Board of their continued availability and confirm that the biographical information on file with the Board remains accurate and, if not, provide any necessary updates. Arbitrators who do not confirm their continued availability will be removed from the roster. This decision will be served on all current arbitrators.

Any person who wishes to be added to the roster should file an application describing his or her experience with rail transportation and economic regulation, as well as professional or business experience, including agriculture, in the private sector. Each applicant should also describe his or her training in dispute resolution and/or experience in arbitration or other forms of dispute resolution, including the number of years of experience. Lastly, the applicant should provide his or her contact information and fees.

This year, all comments—including filings from new applicants, updates to

existing arbitrator information, and confirmations of continued availability—should be submitted via e-filing on the Board's website by January 15, 2021.¹ The Board will assess each new applicant's qualifications to determine which individuals can ably serve as arbitrators based on the criteria established under 49 CFR 1108.6(b). The Board will then establish an updated roster of arbitrators by no-objection vote. The roster will include a brief biographical sketch of each arbitrator, including information such as background, area(s) of expertise, arbitration experience, and geographical location, as well as contact information and fees. The roster will be published on the Board's website.

It is ordered:

1. Applications from persons interested in being added to the Board's roster of arbitrators, and confirmations of continued availability (with updates, if any, to existing arbitrator information) from persons currently on the arbitration roster, are due by January 15, 2021.

2. This decision will be served on all current arbitrators and published in the **Federal Register**.

3. This decision is effective on the date of service.

Decided: December 2, 2020.

By the Board, Allison C. Davis, Director,
Office of Proceedings.

Tammy Lowery,
Clearance Clerk.

[FR Doc. 2020-26935 Filed 12-7-20; 8:45 am]

BILLING CODE 4915-01-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE-2021-2037]

Petition for Exemption; Summary of Petition Received; The Boeing Company

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petition for exemption received.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of Federal Aviation Regulations. The purpose of this notice is to improve the public's awareness of, and participation in, the FAA's exemption process. Neither publication of this notice nor the

¹ Persons who have informally indicated an interest in being included on the arbitrator roster (*e.g.*, correspondence to Board members) should submit a comment pursuant to this decision.

inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATES: Comments on this petition must identify the petition docket number and must be received on or before December 28, 2020.

ADDRESSES: Send comments identified by docket number FAA–2020–1141 using any of the following methods:

- **Federal eRulemaking Portal:** Go to <http://www.regulations.gov> and follow the online instructions for sending your comments electronically.

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

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

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

Privacy: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to <http://www.regulations.gov>, as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at <http://www.dot.gov/privacy>.

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

FOR FURTHER INFORMATION CONTACT: Deana Stedman, AIR–612, Federal Aviation Administration, 2200 South 216th Street, Des Moines, WA 98198, phone and fax 206–231–3187, email Deana.Stedman@faa.gov; or Alphonso Pendergrass, ARM–200, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591, phone 202–267–4713, email Alphonso.Pendergrass@faa.gov.

This notice is published pursuant to 14 CFR 11.85.

Issued in Des Moines, Washington, on December 2, 2020.

James E. Wilborn,

Acting Manager, Transport Standards Branch.

Petition for Exemption

Docket No.: FAA–2020–1141.

Petitioner: The Boeing Company.

Section(s) of 14 CFR Affected:

§ 25.1103(b)(2).

Description of Relief Sought: The Boeing Company is seeking relief from the listed airplane design requirement in order to support a supplemental type certificate (STC) application for the Model 747–8 airplane. The proposed STC includes modifications to the airplane’s auxiliary power unit (APU) and the exemption would apply to the APU air inlet system.

[FR Doc. 2020–26900 Filed 12–7–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket No. FRA–2020–0027–N–32]

Proposed Agency Information Collection Activities; Comment Request

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice of information collection; request for comment.

SUMMARY: Under the Paperwork Reduction Act of 1995 (PRA) and its implementing regulations, this notice announces that FRA is forwarding the Information Collection Requests (ICRs) abstracted below to the Office of Management and Budget (OMB) for review and comment. These ICRs describe the information collections and their expected burdens. On September 16, 2020, FRA published a notice providing a 60-day period for public comment on the ICRs.

DATES: Interested persons are invited to submit comments on or before January 7, 2021.

ADDRESSES: Written comments and recommendations for the proposed ICRs should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find the particular ICR by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function.

FOR FURTHER INFORMATION CONTACT: Ms. Hodan Wells, Information Collection Clearance Officer, Office of Railroad

Safety, Regulatory Analysis Division, Federal Railroad Administration, telephone (202) 493–0440, email: Hodan.wells@dot.gov.

SUPPLEMENTARY INFORMATION: The PRA, 44 U.S.C. 3501–3520, and its implementing regulations, 5 CFR part 1320, require Federal agencies to issue two notices seeking public comment on information collection activities before OMB may approve paperwork packages. See 44 U.S.C. 3506, 3507; 5 CFR 1320.8 through 1320.12. On September 16, 2020, FRA published a 60-day notice in the **Federal Register** soliciting comment on the ICRs for which it is now seeking OMB approval. See 85 FR 57932. FRA received no comments in response to this notice.

Before OMB decides whether to approve the proposed collections of information, it must provide 30 days for public comment. Federal law requires OMB to approve or disapprove paperwork packages between 30 and 60 days after the 30-day notice is published. 44 U.S.C. 3507(b)–(c); 5 CFR 1320.12(d); see also 60 FR 44978, 44983, Aug. 29, 1995. OMB believes the 30-day notice informs the regulated community to file relevant comments and affords the agency adequate time to digest public comments before it renders a decision. 60 FR 44983, Aug. 29, 1995. Therefore, respondents should submit their respective comments to OMB within 30 days of publication to best ensure having their full effect.

Comments are invited on the following ICRs regarding: (1) Whether the information collection activities are necessary for FRA to properly execute its functions, including whether the information will have practical utility; (2) the accuracy of FRA’s estimates of the burden of the information collection activities, including the validity of the methodology and assumptions used to determine the estimates; (3) ways for FRA to enhance the quality, utility, and clarity of the information being collected; and (4) ways to minimize the burden of information collection activities on the public, including the use of automated collection techniques or other forms of information technology.

The summaries below describe the ICRs that FRA will submit for OMB clearance as the PRA requires:

Title: Identification of Railroad Cars.¹

OMB Control Number: 2130–0506.

Abstract: The collection of information is associated with 49 CFR

¹ FRA makes a revision to the title of OMB Control Number 2130–0506 (formerly titled Identification of Cars Moved in Accordance with Order 13528).

232.3(d), formerly contained in Interstate Commerce Commission (ICC) Order 13528. Paragraph (d)(3) of 49 CFR 232.3 conditionally exempts certain export, industrial, and other cars not owned by a railroad from part 232 compliance. It requires cars to be identified by a card attached to each side of the equipment, signed by the shipper, specifically noting that the car is being moved under the proper authority. Railroads typically use carrier bad order forms or tags for these purposes. These forms are readily available from all carrier repair facilities. FRA estimates approximately 400 cars per year, each bearing two forms or tags, are moved under this regulation.

Type of Request: Extension without change of a currently approved collection.

Affected Public: Businesses.

Form(s): N/A.

Respondent Universe: 765 railroads.

Frequency of Submission: On occasion.

Total Estimated Annual Responses: 800.

Total Estimated Annual Burden: 67 hours.

Total Estimated Annual Burden Hour Dollar Cost Equivalent: \$3,886.

Title: U.S. Locational Requirement for Dispatching U.S. Rail Operations.

OMB Control Number: 2130-0556.

Abstract: Title 49 CFR part 241 requires, in the absence of a waiver, that all dispatching of railroad operations occurring in the United States be performed in the United States. A railroad may, however, conduct dispatching from a country other than the United States in an emergency situation, but only for the duration of the emergency situation. *See* 49 CFR 241.9(c). A railroad relying on this exception must provide written notification of its action to FRA as soon as practicable; such notification is not required before addressing the emergency situation. The information collected under this rule is used as part of FRA's oversight function to ensure that extraterritorial dispatchers comply with applicable safety regulations.

Type of Request: Extension without change of a currently approved collection.

Affected Public: Businesses.

Form(s): N/A.

Respondent Universe: 4 railroads.

Frequency of Submission: On occasion.

Total Estimated Annual Responses: 1.

Total Estimated Annual Burden: 8 hours.

Total Estimated Annual Burden Hour Dollar Cost Equivalent: \$616.

Under 44 U.S.C. 3507(a) and 5 CFR 1320.5(b) and 1320.8(b)(3)(vi), FRA informs all interested parties that a respondent is not required to respond to, conduct, or sponsor a collection of information that does not display a currently valid OMB control number.

Authority: 44 U.S.C. 3501-3520.

Brett A. Jortland,

Deputy Chief Counsel.

[FR Doc. 2020-26924 Filed 12-7-20; 8:45 am]

BILLING CODE 4910-06-P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Federal Transit Administration

Adoption of the Federal Highway Administration's Nationwide Section 4(f) Net Benefit and Historic Bridges Programmatic Evaluations

AGENCY: Federal Railroad Administration (FRA), Federal Transit Administration (FTA), U.S. Department of Transportation.

ACTION: Notice.

SUMMARY: FRA and FTA (together "the Agencies") are jointly issuing this notice to adopt the Federal Highway Administration's (FHWA) nationwide programmatic Section 4(f) evaluations for certain transportation projects having a net benefit to Section 4(f) properties (Nationwide Net Benefit Programmatic Evaluation) and for certain transportation projects that use historic bridges (Nationwide Historic Bridges Programmatic Evaluation). These nationwide Section 4(f) programmatic evaluations would provide the Agencies with an alternative to the individual Section 4(f) evaluation process for demonstrating compliance with Section 4(f) requirements, as applicable. For proposed projects that do not meet the criteria for Section 4(f) exceptions or the criteria contained in the *Applicability* sections of the programmatic evaluations, the Agencies will prepare an individual evaluation or make a *de minimis* impact determination.

DATES: The adoption of these evaluations is effective on January 7, 2021.

FOR FURTHER INFORMATION CONTACT:

For FRA: Marlys Osterhues, Chief, Environment and Project Engineering Division, Office of Railroad Policy and Development, telephone: (202) 493-0413, email: Marlys.Osterhues@dot.gov; or Faris Mohammed, Attorney-Advisor, Office of Chief Counsel, telephone: (202)

493-7064, email: Faris.Mohammed@dot.gov.

For FTA: Megan Blum, Director, Office of Environmental Programs, telephone: (202) 366-0463, email: Megan.Blum@dot.gov; or Mark Montgomery, Attorney-Advisor, Office of Chief Counsel, telephone: (202) 366-1017, email: Mark.Montgomery@dot.gov.

FRA and FTA are located at 1200 New Jersey Ave. SE, Washington, DC 20590. Office hours are from 8 a.m. to 5 p.m. e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Background: The Agencies may not approve a proposed transportation project that would use property from significant publicly-owned parks, recreation areas, or wildlife and waterfowl refuges or from significant historic sites (collectively, "Section 4(f) properties") that are subject to Section 4(f) requirements (49 U.S.C. 303 and 23 U.S.C. 138), unless certain conditions are met. An agency may approve a proposed transportation project requiring the use of a Section 4(f) property only if the agency determines that: (1) There is no feasible and prudent alternative to using that land, and the project includes all possible planning to minimize harm to the property resulting from such use; or (2) the use of the property, after consideration of avoidance, minimization, mitigation, or enhancement measures to be implemented as a condition of approval, will have a *de minimis* impact. These efforts generally are documented in an individual evaluation, unless the agency makes a *de minimis* impact determination, or the use meets the criteria for one of the Section 4(f) exceptions found at 23 CFR 774.13. As part of the individual evaluation, the agency must include a feasible and prudent avoidance alternative analysis and identify measures to minimize harm. The agency also must provide a public comment period and coordinate with official(s) with jurisdiction in the individual evaluation process.

However, FHWA has approved five nationwide programmatic evaluations applicable to specific uses of Section 4(f) properties. Programmatic evaluations streamline the Section 4(f) process by eliminating the need for an individual Section 4(f) evaluation for certain projects. Programmatic evaluations can be applied to any class of action under the National Environmental Policy Act. FHWA developed the framework and basic approach to the programmatic evaluations at a program level to cover

a suite of potential Section 4(f) uses and coordinated with the U.S. Department of the Interior when developing the framework. The full texts of FHWA's programmatic evaluations are available at: <https://www.environment.fhwa.dot.gov/legislation/section4f.aspx>.

On July 5, 1983, FHWA approved the use of a programmatic Section 4(f) evaluation and approval for FHWA projects that necessitate the use of historic bridges. The historic bridges programmatic evaluation sets forth the basis for a programmatic Section 4(f) approval that there are no feasible and prudent alternatives to the use of certain historic bridge structures to be replaced or rehabilitated with Federal funds, and the projects include all possible planning to minimize harm resulting from such use. The historic bridges programmatic evaluation can be applied to a proposed project that meets the following criteria:

1. The bridge is to be replaced or rehabilitated with Federal funds.
2. The project will require the use of an historic bridge structure that is on or is eligible for listing on the National Register of Historic Places (NRHP).
3. The bridge is not a National Historic Landmark.
4. FRA or FTA, as appropriate, determines the facts of the project match those set forth in the Historic Bridges Programmatic Evaluation (Alternatives, Findings, and Mitigation sections).
5. Agreement among FRA or FTA, as appropriate, the State Historic Preservation Officer (SHPO), and the Advisory Council on Historic Preservation has been reached through procedures pursuant to Section 106 of the National Historic Preservation Act.

More information on the Nationwide Historic Bridges Programmatic Evaluation can be found in the original **Federal Register** notice. 48 FR 38135–03, July 5, 1983.

On April 20, 2005, FHWA approved the use of a nationwide programmatic Section 4(f) evaluation for uses that have a net benefit to a Section 4(f) property from certain federally funded transportation projects. A net benefit is achieved when: (1) The transportation use, the measures to minimize harm, and mitigation incorporated into the project result in an overall enhancement to the Section 4(f) property when compared to both the future do-nothing or avoidance alternatives and the present condition of the Section 4(f) property; and (2) the use will not result in a substantial diminishment of the function or value that made the property eligible for Section 4(f) protection. The net benefit programmatic evaluation

cannot be applied to a project if FRA or FTA, as appropriate, and the official(s) with jurisdiction over the Section 4(f) property cannot reach an agreement that the project will result in a net benefit to the property. The net benefit programmatic evaluation applicability criteria are as follows:

1. The proposed transportation project uses a Section 4(f) park, recreation area, wildlife or waterfowl refuge, or historic site.

2. The proposed project includes all appropriate measures to minimize harm and subsequent mitigation necessary to preserve and enhance those features and values of the property that originally qualified the property for Section 4(f) protection.

3. For historic properties, the project does not require the major alteration of the characteristics that qualify the property for the NRHP such that the property would no longer retain sufficient integrity to be considered eligible for listing. For archeological properties, the project does not require the disturbance or removal of the archaeological resources that have been determined important for preservation in-place rather than for the information that can be obtained through data recovery. The determination of a major alteration or the importance to preserve in-place will be based on consultation consistent with 36 CFR part 800.

4. For historic properties, consistent with 36 CFR part 800, there must be agreement amongst the SHPO and/or THPO, as appropriate, FRA or FTA, as appropriate, and the Applicant on measures to minimize harm when there is a use of Section 4(f) property. Such measures must be incorporated into the project.

5. The official(s) with jurisdiction over the Section 4(f) property agrees in writing with the assessment of the impacts; the proposed measures to minimize harm; and the mitigation necessary to preserve, rehabilitate and enhance those features and values of the Section 4(f) property; and that such measures will result in a net benefit to the Section 4(f) property.

6. The Administration determines that the project facts match those set forth in the Applicability, Alternatives, Findings, Mitigation and Measures to Minimize Harm, Coordination, and Public Involvement sections of this programmatic evaluation.

More information on the Nationwide Net Benefit Programmatic Evaluation can be found in the original **Federal Register** notice. 70 FR 20618, April 20, 2005.

The Agencies currently do not utilize any Section 4(f) programmatic

evaluations and rely on individual evaluations to satisfy Section 4(f) requirements for proposed rail and transit projects that use Section 4(f) properties. However, the Agencies were afforded more flexibility to create programmatic approaches to expedite the overall environmental review process under section 1305 of Moving Ahead for Progress in the 21st Century Act (MAP–21). The “programmatic approaches” language from MAP–21 is codified at 23 U.S.C. 139(b)(3) and implemented by the Agencies in regulation at 23 CFR 771.105. Additionally, as described in the final rule in which FRA adopted 23 CFR part 771, FRA evaluated whether to adopt, in whole or in part, any of the FHWA programmatic evaluations. Based on that evaluation, FRA determined adopting FHWA's net benefit and historic bridge programmatic evaluations is appropriate for its programs. See 83 FR 54480, 54484 (October 29, 2018). Similarly, FTA revisited being part of the net benefit and historic bridge programmatic evaluations after considering projects that have gone through the Section 4(f) process that could have benefitted from using the programmatic evaluations. Accordingly, the Agencies are adopting these two nationwide programmatic evaluations with minor technical modifications, described below. The technical modifications are limited to replacing references to FHWA with the Agencies and definitions necessary to accommodate both railroad and transit projects. FRA and FTA will provide the full text of the Section 4(f) Programmatic Evaluations, as modified below, on their websites.

Technical Modifications to FHWA's Historic Bridges Programmatic Evaluation

The Agencies are replacing the terms “Federal Highway Administration” and “FHWA” with “Federal Railroad Administration,” “Federal Transit Administration,” “FRA,” or “FTA,” as appropriate. The Agencies are replacing “FHWA Division Administrator” with “Associate Administrator for Railroad Policy and Development, or designee,” or “FTA Regional Administrator, or designee,” as appropriate. Additionally, the Agencies are modifying the reference to a “Federal-aid highway system or a state or local highway system” to include a “rail or transit system.”

Technical Modifications to FHWA's Net Benefit Programmatic Evaluation

The Agencies are replacing the term “FHWA” with “FRA” or “FTA,” as

appropriate. The Agencies are also modifying the following definitions:

1. "Administration" to refer to the Federal Railroad Administration or the Federal Transit Administration, as appropriate.

2. "Applicant" to be more broadly defined, as follows: "Applicant" refers to the Federal, State, local, or federally recognized Indian Tribal governmental unit, or other entity, including any private or public-private entity that seeks Federal funding or an Administration action for a project.

Through this Notice, the Agencies are adopting FHWA's Nationwide Net Benefit Programmatic Evaluation and the Nationwide Historic Bridges Programmatic Evaluation in full, with the minor technical modifications described above.

Issued in Washington, DC.

Quintin C. Kendall,

Deputy Administrator, Federal Railroad Administration.

K. Jane Williams,

Deputy Administrator, Federal Transit Administration.

[FR Doc. 2020-26968 Filed 12-7-20; 8:45 am]

BILLING CODE 4910-06-P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

[Docket No. PHMSA-2020-0005]

Pipeline Safety: Request for Special Permit; Colorado Interstate Gas Company, L.L.C.

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA); DOT.

ACTION: Notice.

SUMMARY: PHMSA is publishing this notice to solicit public comments on a request for special permit received from the Colorado Interstate Gas Company, L.L.C. (CIG). The special permit request is seeking relief from compliance with certain requirements in the Federal pipeline safety regulations. At the conclusion of the 30-day comment period, PHMSA will review the comments received from this notice as part of its evaluation to grant or deny the special permit request.

DATES: Submit any comments regarding this special permit request by January 7, 2021.

ADDRESSES: Comments should reference the docket number for this specific special permit request and may be submitted in the following ways:

- *E-Gov website:* <http://www.Regulations.gov>. This site allows

the public to enter comments on any **Federal Register** notice issued by any agency.

- *Fax:* 1-202-493-2251.

- *Mail:* Docket Management System: U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC 20590.

- *Hand Delivery:* Docket Management System: U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays.

Instructions: You should identify the docket number for the special permit request you are commenting on at the beginning of your comments. If you submit your comments by mail, please submit two (2) copies. To receive confirmation that PHMSA has received your comments, please include a self-addressed stamped postcard. Internet users may submit comments at <http://www.Regulations.gov>.

Note: There is a privacy statement published on <http://www.Regulations.gov>. Comments, including any personal information provided, are posted without changes or edits to <http://www.Regulations.gov>.

Confidential Business Information: Confidential Business Information (CBI) is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this notice contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this notice, it is important that you clearly designate the submitted comments as CBI. Pursuant to 49 Code of Federal Regulations (CFR) § 190.343, you may ask PHMSA to give confidential treatment to information you give to the agency by taking the following steps: (1) Mark each page of the original document submission containing CBI as "Confidential"; (2) send PHMSA, along with the original document, a second copy of the original document with the CBI deleted; and (3) explain why the information you are submitting is CBI. Unless you are notified otherwise, PHMSA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this notice. Submissions containing CBI should be sent to Kay McIver, DOT, PHMSA-

PHP-80, 1200 New Jersey Avenue SE, Washington, DC 20590-0001. Any commentary PHMSA receives that is not specifically designated as CBI will be placed in the public docket for this matter.

FOR FURTHER INFORMATION CONTACT:

General: Ms. Kay McIver by telephone at 202-366-0113, or by email at kay.mciver@dot.gov.

Technical: Mr. Steve Nanney by telephone at 713-272-2855, or by email at steve.nanney@dot.gov.

SUPPLEMENTARY INFORMATION: PHMSA received a special permit request from CIG seeking a waiver from the requirements of 49 CFR 192.611(a) and (d): Change in class location: Confirmation or revision of maximum allowable operating pressure, and § 192.619(a): Maximum allowable operating pressure: Steel or plastic pipelines. This special permit is being requested in lieu of pipe replacement or pressure reduction for two (2) special permit segments of 344 feet (0.065 miles) on the CIG pipeline system. The proposed special permit segments are located in Sweetwater County, Wyoming. The CIG pipeline class location in the special permit segments has changed from a Class 1 to a Class 3 location. The CIG pipeline special permit segments are 20-inch and 24-inch diameter pipelines with existing maximum allowable operating pressures of 1,100 pounds per square inch gauge (psig) and 1,480 psig, respectively. The installation of the special permit segments occurred in 2006.

The special permit request, proposed special permit with conditions, and Draft Environmental Assessment (DEA) for the CIG pipelines are available for review and public comment in Docket No. PHMSA-2020-0005. We invite interested persons to review and submit comments on the special permit request and DEA in the docket. Please include any comments on potential safety and environmental impacts that may result if the special permit is granted. Comments may include relevant data.

Before issuing a decision on the special permit request, PHMSA will evaluate all comments received on or before the comment closing date. Comments received after the closing date will be evaluated, if it is possible to do so without incurring additional expense or delay. PHMSA will consider each relevant comment it receives in making its decision to grant or deny this special permit request.

Issued in Washington, DC, under authority delegated in 49 CFR 1.97.

Alan K. Mayberry,

Associate Administrator for Pipeline Safety.

[FR Doc. 2020-26925 Filed 12-7-20; 8:45 am]

BILLING CODE 4910-60-P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

Agency Information Collection Activities: Information Collection Renewal; Submission for OMB Review Risk-Based Capital Standards

AGENCY: Office of the Comptroller of the Currency (OCC), Treasury. **ACTION:** Notice and request for comment.

SUMMARY: The OCC, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to comment on the renewal of an information collection, as required by the Paperwork Reduction Act of 1995 (PRA). 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 Office of Management and Budget (OMB) control number. The OCC is soliciting comment concerning renewal of its information collection titled, "Risk-Based Capital Standards." The OCC also is giving notice that it has sent the collection to OMB for review.

DATES: Comments must be submitted by January 7, 2021.

ADDRESSES: Commenters are encouraged to submit comments by email, if possible. You may submit comments by any of the following methods:

- *Email:* prainfo@occ.treas.gov.
- *Mail:* Chief Counsel's Office,

Attention: Comment Processing, 1557-0318, Office of the Comptroller of the Currency, 400 7th Street SW, Suite 3E-218, Washington, DC 20219.

- *Hand Delivery/Courier:* 400 7th Street SW, Suite 3E-218, Washington, DC 20219.

Instructions: You must include "OCC" as the agency name and "1557-0318" in your comment. In general, the OCC will publish comments on www.reginfo.gov without change, including any business or personal information provided, 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 include any information in your comment or supporting materials that you consider

confidential or inappropriate for public disclosure.

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.

You may review comments and other related materials that pertain to this information collection¹ following the close of the 30-day comment period for this notice by the following method:

- **Viewing Comments Electronically:** Go to www.reginfo.gov. Click on the "Information Collection Review" tab. Underneath the "Currently under Review" section heading, from the drop-down menu select "Department of Treasury" and then click "submit." This information collection can be located by searching by OMB control number "1557-0318" or "Risk-Based Capital Standards." Upon finding the appropriate information collection, click on the related "ICR Reference Number." On the next screen, select "View Supporting Statement and Other Documents" and then click on the link to any comment listed at the bottom of the screen.

- For assistance in navigating www.reginfo.gov, please contact the Regulatory Information Service Center at (202) 482-7340.

FOR FURTHER INFORMATION CONTACT: Shaquita Merritt, Clearance Officer, (202) 649-5490, Chief Counsel's Office, Office of the Comptroller of the Currency, 400 7th Street SW, Washington, DC 20219.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501-3520), Federal agencies must obtain approval from the OMB for each collection of information that they conduct or sponsor. "Collection of information" is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) to include agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. The OCC asks that OMB renew its approval of the information collection contained in this document.

Title: Risk-Based Capital Standards.
OMB Control No.: 1557-0318.

Affected Public: Businesses or other for-profit.

Type of Review: Regular.

¹ On September 24, 2020 the OCC published a 60-day notice for this information collection, 85 FR 60281.

Abstract: The OCC is seeking to renew the emergency approval granted for an addition to the OCC's Risk-Based Capital information collection. The addition was made necessary by an interim final rule that introduced a new notice opt-in requirement and a requirement for prior approval for distributions.² A national bank or Federal savings association, when calculating on-balance sheet assets as of each day of a reporting quarter for purposes of determining the national bank's or Federal savings association's total leverage exposure, may (on a temporary basis) exclude the balance sheet carrying value of U.S. Treasury securities and funds on deposit at a Federal Reserve Bank. Before applying this relief, a national bank or Federal savings association must first notify the OCC. During the calendar quarter beginning on July 1, 2020 and continuing until March 31, 2021, no national bank or Federal savings association that has opted into this relief may make a distribution, or create an obligation to make such a distribution, without prior OCC approval.

Burden Estimates

Estimated Number of Respondents: 2.

Estimated Annual Burden: 24 hours.

On September 24, 2020, the OCC issued a notice for 60 days of comment concerning the collection, 85 FR 60281. No comments were received. Comments continued to be invited on:

(a) Whether the collection of information is necessary for the proper performance of the functions of the OCC, including whether the information has practical utility;

(b) The accuracy of the OCC's estimate of the information collection burden;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected;

(d) Ways to minimize the burden of the collection 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.

Bao Nguyen,

Principal Deputy Chief Counsel, Office of the Comptroller of the Currency.

[FR Doc. 2020-26889 Filed 12-7-20; 8:45 am]

BILLING CODE 4810-33-P

² Regulatory Capital Rule: Temporary Exclusion of U.S. Treasury Securities and Deposits at Federal Reserve Banks from the Supplementary Leverage Ratio for Depository Institutions, 85 FR 32980 (June 1, 2020).

DEPARTMENT OF THE TREASURY**Office of Foreign Assets Control****Notice of OFAC Sanctions Action**

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the names of one or more persons that have been placed on OFAC's Specially Designated Nationals and Blocked Persons List based on OFAC's determination that one or more applicable legal criteria were

satisfied. All property and interests in property subject to U.S. jurisdiction of this person are blocked, and U.S. persons are generally prohibited from engaging in transactions with them.

DATES: See **SUPPLEMENTARY INFORMATION** section for effective date(s).

FOR FURTHER INFORMATION CONTACT:

OFAC: Associate Director for Global Targeting, tel.: 202-622-2420; Assistant Director for Sanctions Compliance & Evaluation, tel.: 202-622-2490; Assistant Director for Licensing, tel.: 202-622-2480; or Assistant Director for Regulatory Affairs, tel.: 202-622-4855.

SUPPLEMENTARY INFORMATION:**Electronic Availability**

The Specially Designated Nationals and Blocked Persons List and additional information concerning OFAC sanctions programs are available on OFAC's website (<https://www.treasury.gov/ofac>).

Notice of OFAC Action

On November 30, 2020, OFAC determined that the property and interests in property subject to U.S. jurisdiction of the following person are blocked under the relevant sanctions authority listed below.

Entity

1. CEIEC (Chinese Simplified: 中国电子进出口总公司) (a.k.a. CHINA NATIONAL ELECTRONIC IMPORT-EXPORT COMPANY; a.k.a. CHINA NATIONAL ELECTRONICS IMPORT AND EXPORT CORPORATION), Block A 6-23F, No. 17 Fuxing Road, Haidian District, Beijing 100036, China; Calle Orinoco, Torre Nordic, Piso 6, Las Mercedes, Caracas 1060, Venezuela; Website <https://www.ceiec.com>; Registration Number 16382287 (China); Unified Social Credit Code (USCC) 9111000010000106X1 (China) [VENEZUELA].

Designated pursuant to section 1(a)(ii)(D)(2) of Executive Order 13692 of March 11, 2015, "Blocking Property and Suspending Entry of Certain Persons Contributing to the Situation in Venezuela" for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, an activity described in subsection (a)(ii)(A), being responsible for or complicit in, or responsible for ordering, controlling, or otherwise directing, or having participated in, directly or indirectly, actions or policies that undermine democratic processes or institutions.

Dated: November 30, 2020.

Andrea Gacki,

*Director, Office of Foreign Assets Control,
U.S. Department of the Treasury.*

[FR Doc. 2020-26908 Filed 12-7-20; 8:45 am]

BILLING CODE 4810-AL-P

DEPARTMENT OF THE TREASURY**Internal Revenue Service**

Proposed Extension of Information Collection Request Submitted for Public Comment; Comment Request on Burden Related to Form 13818, Limited Payability Claim Against the United States for Proceeds of An Internal Revenue Refund Check

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Internal Revenue Service, as part of its continuing effort to reduce paperwork and respondent burden, invites the public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. Currently, the IRS is soliciting comments concerning the burden related to completing Form 13818, *Limited Payability Claim Against the United States for Proceeds of An Internal Revenue Refund Check*.

DATES: Written comments should be received on or before February 8, 2021 to be assured of consideration.

ADDRESSES: Direct all written comments to Kinna Brewington, Internal Revenue Service, Room 6529, 1111 Constitution Avenue NW, Washington, DC 20224. Requests for additional information or

copies of the regulations should be directed to R. Joseph Durbala, at Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW, Washington, DC 20224, or through the internet, at RJoseph.Durbala@irs.gov.

SUPPLEMENTARY INFORMATION:

Title: Limited Payability Claim Against the United States for Proceeds of An Internal Revenue Refund Check.

OMB Number: 1545-2024.

Regulation Project Number: Form 13818.

Abstract: Form 13818, *Limited Payability Claim Against the United States for the Proceeds of an Internal Revenue Refund Check*, is sent to the payee (taxpayer). This form is designed to provide taxpayers a method to file a claim for a replacement check when the original check is over 12 months old.

Current Actions: There is no change to the burden previously approved.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households, Businesses and other for-profit organizations.

Estimated Number of Responses: 6,000.

Estimated Time Per Respondent: 1 hr.

Estimated Total Annual Burden Hours: 6,000.

The following paragraph applies to all the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to

respond to, a collection of information unless the collection of information displays a valid OMB control number.

Books or records relating to a collection of information must be retained if their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Desired Focus of Comments: The Internal Revenue Service (IRS) is particularly interested in comments that:

- 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 using appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, by permitting electronic submissions of responses.

Comments submitted in response to this notice will be summarized and/or included in the ICR for OMB approval of the extension of the information collection; they will also become a matter of public record.

Approved: December 2, 2020.

Ronald J. Durbala,

IRS Tax Analyst.

[FR Doc. 2020-26888 Filed 12-7-20; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Information Collection; Comment Request Relating to CPEO Forms

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Internal Revenue Service, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this

opportunity to comment on information collections, as required by the Paperwork Reduction Act of 1995. The IRS is soliciting comments concerning Form 14737, Request for Voluntary IRS Certification of a Professional Employer Organization (Application), Form 14737-A, CPEO Responsible Individual Personal Attestation, Form 14751 Certified Professional Employer Organization Surety Bond, Form 8973, Certified Professional Employer Organization/Customer Reporting Agreement and TD 9860, Certified Professional Employer Organizations.

DATES: Written comments should be received on or before February 8, 2021 to be assured of consideration.

ADDRESSES: Direct all written comments to Paul Adams, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224. Please send separate comments for each specific information collection listed below. You must reference the information collection's title, form number, reporting or record-keeping requirement number, and OMB number (if any) in your comment. To obtain additional information, or copies of the information collection and instructions, or copies of any comments received, contact Sara Covington, (737) 800-6149, or Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or through the internet, at Sara.L.Covington@irs.gov.

SUPPLEMENTARY INFORMATION: The IRS is seeking comments concerning the following forms, and reporting and record-keeping requirements:

Title: Certified Professional Employer Organization (CPEO).

OMB Number: 1545-2266.

Form Numbers: 14737 and 14737-A, 14751, 8973 and TD 9860.

Abstract: Section 206 of the Achieving a Better Life Experience (ABLE) Act passed Dec. 19, 2014) created the Certified Professional Employer Organization (CPEO) designation. The application, attestation and supporting information will be used by IRS to qualify professional employer organizations to become and remain a Certified Professional Employer Organization, which entitles them to certain tax benefits. This certification is renewed annually and the CPEO will submit annual and quarterly financial statements in addition to supporting documentation. Responsible individuals will submit annual attestation forms and fingerprint cards. Form 14737, Request for Voluntary IRS Certification of a Professional Employer Organization (Application), Form 14737-A, CPEO

Responsible Individual Personal Attestation, Form 14751, Certified Professional Employer Organization Surety Bond, Form 8973, Certified Professional Employer Organization/Customer Reporting Agreement, and TD 9860, Certified Professional Employer Organizations, will only be used by program applicants and related responsible individuals.

Current Actions: There are no changes being made to the forms previously approved by OMB. However, there were an increase in the total estimated number of filers from (1,725 to 42,205) and a total burden increase from (90,830, to 91,065). This collection is being submitted for renewal purposes.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations & individuals.

Form 14737:

Estimated Number of Respondents: 120.

Estimated Time per Respondent: 145 hours.

Estimated Total Annual Burden Hours: 17,400.

Form 14737-A:

Estimated Number of Respondents: 565.

Estimated Time per Respondent: 20 hours.

Estimated Total Annual Burden Hours: 11,300.

Form 14751:

Estimated Number of Respondents: 170.

Estimated Time per Respondent: 2 hours.

Estimated Total Annual Burden Hours: 340.

Form 8973:

Estimated Number of Respondents: 41,350.

Estimated Time per Respondent: 1.5 hours.

Estimated Total Annual Burden Hours: 62,025.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in our request for Office of Management and

Budget (OMB) approval of the relevant information collection. All comments will become a matter of public record. Please do not include any confidential or inappropriate material in your comments.

We invite comments on: (a) Whether the collection of information is necessary for the proper performance of the agency's functions, including whether the information has practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including 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 the requested information.

Approved: December 2, 2020.

Sara L. Covington,
IRS Tax Analyst.

[FR Doc. 2020-26916 Filed 12-7-20; 8:45 am]

BILLING CODE 4830-01-P

UNIFIED CARRIER REGISTRATION PLAN

Sunshine Act Meeting; Unified Carrier Registration Plan Board of Directors Meeting

TIME AND DATE: December 10, 2020, from Noon to 3:00 p.m., Eastern time.

PLACE: This meeting will be accessible via conference call and screen sharing. Any interested person may call 877-853-5247 (US toll free), 888-788-0099 (US toll free), +1 929-205-6099 (US toll), or +1 669-900-6833 (US toll), Conference ID 977 6073 0690, to participate in the meeting.

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED: The Unified Carrier Registration Plan Board of Directors (the "Board") will continue its work in developing and implementing the Unified Carrier Registration Plan and Agreement. The subject matter of the meeting will include:

Agenda

I. Welcome and Call to Order—UCR Board Chair

The UCR Board Chair will welcome attendees, call the meeting to order, call roll for the Board, confirm the presence of a quorum, and facilitate self-introductions.

II. Verification of Meeting Notice—UCR Executive Director

The UCR Executive Director will verify publication of the meeting notice on the UCR website and distribution to the UCR contact list via email followed by subsequent publication of the notice in the **Federal Register**.

III. Review and Approval of Board Agenda—UCR Board Chair

For Discussion and Possible Action

Agenda will be reviewed and the Board will consider adoption.

Ground Rules

- Board actions taken only in designated areas on agenda

IV. Approval of Minutes of the November 5, 2020 UCR Board Meeting—UCR Board Chair

For Discussion and Possible Action

Draft Minutes of the November 5, 2020 UCR Board meeting will be reviewed. The Board will consider action to approve.

V. Report of FMCSA—FMCSA Representative

The Federal Motor Carrier Safety Administration (FMCSA) will provide a report on any relevant activity.

VI. Updates Concerning UCR Legislation—UCR Board Chair

The UCR Board Chair will call for any updates regarding UCR legislation since the last Board meeting.

VII. Discussion Regarding Development of Board Policy for the Mailing of Postcards—UCR Executive Director

For Discussion and Possible Action

The UCR Executive Director will lead a discussion regarding the need for states and the Board to mail postcards to unregistered carriers. Items to consider may include defining the window of time for states/Board to mail postcards and require states to participate in solicitation campaigns. After discussing options, the Board may decide to adopt a policy regarding the requirements for mailing postcards to unregistered carriers.

VIII. Potential Contract Extensions for AAG3 LLC and DSL Transportation Services, Inc.—UCR Board Chair

For Discussion and Possible Action

The UCR Chair will lead a discussion of the annual renewal of existing contracts with AAG3 LLC (Avelino Gutierrez) and DSL Transportation Services, Inc. (Dave Lazarides). The Board may decide to renew the

contracts for an additional one-year term.

IX. Chief Legal Officer Report—UCR Chief Legal Officer

The UCR Chief Legal Officer will provide an update on the status of the March 2019 data event, the Twelve Percent Logistics litigation, several cease and desist letters sent to third party permitting service providers, and other matters.

X. Update on the RSM Security Assessment Pertaining to the NRS Audit—UCR Technology Director

The UCR Technology Director will provide an update on the security assessment deliverables from RSM's security team pertaining to the NRS Audit.

- AWS Security Assessment
- Cloud Vulnerability and Configuration Review Sample
- RSM Sample Penetration Testing Report

XI. Subcommittee Reports

Audit Subcommittee—UCR Audit Subcommittee Chair

A. Next Steps Regarding the 2019 Audit Deficiencies by Idaho and Utah—UCR Audit Subcommittee Chair

For Discussion and Possible Action

The UCR Audit Subcommittee Chair will discuss the next steps regarding the 2019 Audit Deficiencies by Idaho and Utah. The Board may authorize additional action to be taken against Idaho and Utah.

B. Consideration of the Addition of a UCR Auditor/Enforcement Manager—UCR Audit Subcommittee Chair

For Discussion and Possible Action

The UCR Audit Subcommittee Chair will lead a discussion considering the potential addition of a UCR Auditor/Enforcement Manager to provide mentoring and other audit assistance to participating states. The Board may take action to add a UCR Auditor/Enforcement Manager and include that position in the budget for fiscal year 2021.

C. Discuss the Possible Requirement for the States to Declare in Writing Their Audit Policy with Respect to UCR—UCR Audit Subcommittee Chair

The UCR Audit Subcommittee Chair will lead a discussion of the possibility of requiring the states to formally declare, in writing, certain goals, objectives, and procedures with regard to their UCR audit policy. In addition, the Board may discuss a desire to

maintain a system to better monitor state(s) when turnover in staff leads to UCR audit and enforcement deficiencies.

D. Independent Auditor's Final Report (2017–2018)—UCR Depository Manager

The UCR Depository Manager will discuss the outcome of the financial statement audits of the Depository for each of the 12-month periods ended December 31, 2018 and 2017.

E. Consideration of an Audit Contract of the NRS by RSM—UCR Executive Director

For Discussion and Possible Action

The UCR Executive Director will lead a discussion around the consideration and possible approval of an audit contract of the NRS by RSM. The Board may approve an audit contract between the Board and RSM.

F. FARs Audit Procedure for Motor Carriers in Foreign Jurisdictions and Non-Participating States—UCR Audit Subcommittee Chair

For Discussion and Possible Action

The UCR Audit Subcommittee Chair will lead a discussion on the unique issues regarding Focused Anomaly Reviews (FARs) of non-United States based motor carriers and motor carriers based in non-participating states. The Board may take action to adopt new FARs audit procedures to be utilized by participating states for these motor carriers.

G. Discussion of Vehicles Conducting Emergency Operations—UCR Audit Subcommittee Chair

The UCR Audit Subcommittee Chair will discuss exempting electric utility and other businesses operating vehicles interstate only when responding to an emergency or natural disaster from UCR requirements in accordance with 49 CFR part 390.23, unless the states involved in its interstate travel have waived those requirements. The Board may take action to exclude these carriers from Unified Carrier Registration.

H. Update on the Audit Functionality in the National Registration System—Seikosoftware

Seikosoftware will provide updates on the NRS Audit Module, solicitation campaigns (new entrant, unregistered, non-universe motor carriers, etc.), and other relevant topics for the Board.

Finance Subcommittee—UCR Finance Subcommittee Chair

A. Discussion Regarding the Board To Self-Insure Against the Risk of Directors and Officers Liability Claims—UCR Chief Legal Officer and UCR Depository Manager

For Discussion and Possible Action

The UCR Chief Legal Officer and the UCR Depository Manager will lead a discussion regarding the purpose for Officer and Directors insurance and discuss the cost effectiveness of the option to self-insure rather than procure insurance from the marketplace. The Board may decide to self-insure or obtain insurance from the insurance marketplace.

B. Review UCR Bank Balance Summary Report—UCR Depository Manager

The UCR Depository Manager will review the UCR Bank Balance Summary Report as of November 30, 2020 and answer questions from the Board.

C. Review 2020 Administrative Expenses Through November 30, 2020—UCR Depository Manager

The UCR Depository Manager will present the administrative costs incurred for the period of January 1, 2020 through November 30, 2020, compared to the budget for the same time-period, and discuss all significant variances.

D. Presentation of the Proposed 2021 Administrative Expenses Budget—UCR Depository Manager

For Discussion and Possible Action

The UCR Depository Manager will present the proposed administrative expenses budget for calendar year 2021 to the Board. The Board may consider adopting the budget.

E. Status of 2020 and 2021 Registration Years Fee Collections and Compliance Percentages—UCR Depository Manager

The UCR Depository Manager will provide updates on the results of collections and registration compliance rates for the 2020 and 2021 registration years.

Education and Training Subcommittee—UCR Education and Training Subcommittee Chair

Update on Basic Audit Training Module and Flow Chart/Decision Tree—UCR Education and Training Subcommittee Chair

The UCR Education and Training Subcommittee Chair will provide an update on the development of the Basic

Audit Training Module and Flow Chart/Decision Tree.

XII. Contractor Reports—UCR Executive Director

- **UCR Executive Director**
The UCR Executive Director will provide a report covering recent activity for the UCR Plan.
- **DSL Transportation Services, Inc.**
DSL Transportation Services, Inc. will report on the latest data from the FARs program, discuss motor carrier inspection results, and other matters.
- **Seikosoftware**
Seikosoftware will provide an update on recent/new activity related to the NRS.
- **UCR Administrator Report (Kellen)—UCR Operations and Depository Managers**

The UCR Administrator will provide its management report covering recent activity for the Depository, Operations, and Communications.

XIII. Public Comment—James Lamb

Mr. Lamb will be allotted five (5) minutes to address the UCR Board.

XIV. Other Business—UCR Board Chair

The UCR Board Chair will call for any business, old or new, from the floor.

XV. Adjournment—UCR Board Chair

The UCR Board Chair will adjourn the meeting.

This agenda will be available no later than 5:00 p.m. Eastern time, December 3, 2020 at: <https://plan.ucr.gov>.

CONTACT PERSON FOR MORE INFORMATION: Elizabeth Leaman, Chair, Unified Carrier Registration Plan Board of Directors, (617) 305-3783, eleaman@board.ucr.gov.

Alex B. Leath,
Chief Legal Officer, Unified Carrier Registration Plan.

[FR Doc. 2020-27025 Filed 12-4-20; 11:15 am]

BILLING CODE 4910-YL-P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900-0741]

Agency Information Collection Activity Under OMB Review: Department of Veterans Affairs, Office of Small and Disadvantaged Business Utilization (OSDBU) VA Form 0896A, Report of Subcontracts to Small and Veteran-Owned Business

AGENCY: Office of Small and Disadvantaged Business Utilization, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995, this notice announces that the Office of Small and Disadvantaged Business Utilization, Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden and it includes the actual data collection instrument.

DATES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function. Refer to “OMB Control No. 2900–0741.”

FOR FURTHER INFORMATION CONTACT: Danny S. Green, Enterprise Records Service (005R1B), Department of Veterans Affairs, 811 Vermont Avenue NW, Washington, DC 20420, (202) 421–1354 or email danny.green2@va.gov. Please refer to “OMB Control No. 2900–0741” in any correspondence.

SUPPLEMENTARY INFORMATION:

Authority: Under the PRA of 1995 (Pub. L. 104–13; 44 U.S.C. 3501–3521).

Title: Department of Veterans Affairs, Office of Small and Disadvantaged Business Utilization, VA Form 0896A.

OMB Control Number: 2900–0741.

Type of Review: Reinstatement with changes of a currently expired approved collection.

Abstract: This Paperwork Reduction Act (PRA) submission seeks reinstatement with changes of Office of Management and Budget (OMB) approval No. 2900–0741 as follows: Due to the increased number of respondents, the total annual burden hours increased by 400, from 610 to 1,010. However, the average burden time per response has not changed. The VA Form 0896A, Report of Subcontracts to Small and Veteran-owned Business is utilized to ensure that subcontract information reported by prime contractors and utilized for credit against subcontracting goals is accurate and includes Service-Disabled Veteran-Owned Small Business (SDVOSB) and Veteran-Owned Small Business (VOSB) that are verified for eligibility in the Vendor Information Pages database maintained by VA OSDBU. This process involves the use of electronic submissions of information via email. Contractors will submit information on VA Form 0896A. In the event that a contractor does not have the capability to submit the form as an email attachment, it can also be provided as a hardcopy. VA OSDBU personnel will confirm the information reported on the form by the prime

contractors through the VA’s Vendor Information Pages and FFATA Subaward Reporting System (FSRS) databases and, when necessary, request that the SDVOSB and VOSB firms subcontracted by the prime contractors review it and verify its accuracy. The OSDBU will utilize the information reported by the prime contractors, the FSRS, and any subcontractors in order to compile annual reports to reflect the level of accuracy in the reporting being accomplished by the prime contractors. This will allow the VA to comply with the “review mechanism” requirement of Public Law 109–461. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published at 85 FR 147 on July 30, 2020 page 45960.

Affected Public: Business or other for-profit and not-for-profit institutions.

Estimated Annual Burden: 1,010 Burden Hours.

Estimated Average Burden Per Respondent: 120 Minutes.

Frequency of Response: Annually.

Estimated Number of Respondents: 505.

By direction of the Secretary.

Danny S. Green,

Department Clearance Officer, Office of Quality, Performance and Risk, Department of Veterans Affairs.

[FR Doc. 2020–26943 Filed 12–7–20; 8:45 am]

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Part II

Department of the Interior

Fish and Wildlife Service

Marine Mammals; Incidental Take During Specified Activities; Proposed Incidental Harassment Authorization for Polar Bears in the Arctic National Wildlife Refuge, Alaska; Notice

DEPARTMENT OF THE INTERIOR**Fish and Wildlife Service**

[Docket No. FWS-R7-ES-2020-0129;
FXES11607MRG01-212-FF07CMM00]

Marine Mammals; Incidental Take During Specified Activities; Proposed Incidental Harassment Authorization for Polar Bears in the Arctic National Wildlife Refuge, Alaska

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of application and proposed incidental harassment authorization; availability of draft environmental assessment; request for comments.

SUMMARY: We, the U.S. Fish and Wildlife Service, have received a request under the Marine Mammal Protection Act of 1972 from the Kaktovik Iñupiat Corporation (KIC), for authorization to take by harassment small numbers of polar bears incidental to seismic survey and associated activities scheduled to occur between January 21, 2021, and September 30, 2021. KIC has requested this authorization for incidental take of polar bears that may result from three-dimensional (3D) seismic surveys in the Marsh Creek East Program Area of the Arctic National Wildlife Refuge. The project will consist of activities such as over-flights for aerial infrared surveys in January 2021 and February 2021 to look for maternal polar bear dens; staging and mobilization of vehicles and equipment; small crew surveys for hazards, ice integrity, and snow depth assessment; seismic surveys via a sled camp with rubber-tracked vibrator trucks; camp setup and mobilization; aerial activities for crew and supply transport; digital elevation modeling for river-crossing slope analysis; and cleanup activities during the summer of 2021. We estimate that this project may result in the nonlethal incidental take of up to three polar bears. This proposed authorization, if finalized, will be for take of three polar bears by Level B harassment only. No take by injury or death to polar bears is likely and therefore such take is not included in this proposed authorization.

DATES: Comments on this proposed Incidental Harassment Authorization and the accompanying draft environmental assessment must be received by January 7, 2021.

ADDRESSES: *Document availability:* You may view this proposed authorization, the application package, supporting information, draft environmental assessment, and the list of references

cited herein at <http://www.regulations.gov> under Docket No. FWS-R7-ES-2020-0129, or these documents may be requested as described under **FOR FURTHER INFORMATION CONTACT.** You may submit comments on the proposed authorization by one of the following methods:

- *U.S. Mail:* Public Comments Processing, Attn: Docket No. FWS-R7-ES-2020-0129, U.S. Fish and Wildlife Service, MS: PRB/3W, 5275 Leesburg Pike, Falls Church, VA 22041-3803.
- *Electronic Submission:* Federal eRulemaking Portal at: <http://www.regulations.gov>. Follow the instructions for submitting comments to Docket No. FWS-R7-ES-2020-0129.

We will post all comments at <http://www.regulations.gov>. You may request that we withhold personal identifying information from public review; however, we cannot guarantee that we will be able to do so. See Request for Public Comments for more information.

FOR FURTHER INFORMATION CONTACT: Charles Hamilton, Marine Mammal Management, U.S. Fish and Wildlife Service, MS 341, 1011 East Tudor Road, Anchorage, Alaska 99503, by email at R7mmmRegulatory@fws.gov or by telephone at 1-800-362-5148. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service (FRS) at 1-800-877-8339, 24 hours a day, 7 days a week.

SUPPLEMENTARY INFORMATION:**Background**

Section 101(a)(5)(D) of the Marine Mammal Protection Act of 1972 (MMPA; 16 U.S.C. 1361, *et seq.*) authorizes the Secretary of the Interior (Secretary) to allow, upon request, the incidental but not intentional harassment of small numbers of marine mammals of a species or population stock by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified region during a period of not more than 1 year. Incidental harassment may be authorized only if statutory and regulatory procedures are followed and the U.S. Fish and Wildlife Service (hereafter, “the Service” or “we”) make the following findings: (i) Take is of a small number of animals, (ii) take will have a negligible impact on the species or stock, and (iii) take will not have an unmitigable adverse impact on the availability of the species or stock for subsistence uses by coastal-dwelling Alaska Natives.

The term “take,” as defined by the MMPA, means to harass, hunt, capture, or kill, or to attempt to harass, hunt,

capture, or kill any marine mammal (16 U.S.C. 1362(13)). Harassment, as defined by the MMPA, means any act of pursuit, torment, or annoyance that (i) has the potential to injure a marine mammal or marine mammal stock in the wild (the MMPA calls this “Level A harassment”), or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering (the MMPA calls this “Level B harassment”).

The terms “negligible impact,” “small numbers,” and “unmitigable adverse impact” are defined in the Code of Federal Regulations at 50 CFR 18.27, the Service’s regulations governing take of small numbers of marine mammals incidental to specified activities. “Negligible impact” is defined as an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival. “Small numbers” is defined as a portion of a marine mammal species or stock whose taking would have a negligible impact on that species or stock. However, we do not rely on that definition here, as it conflates the terms “small numbers” and “negligible impact,” which we recognize as two separate and distinct requirements (see *Natural Res. Def. Council, Inc. v. Evans*, 232 F. Supp. 2d 1003, 1025 (N.D. Cal. 2003)). Instead, in our small numbers determination, we evaluate whether the number of marine mammals likely to be taken is small relative to the size of the overall population. “Unmitigable adverse impact” is defined as an impact resulting from the specified activity (1) that is likely to reduce the availability of the species to a level insufficient for a harvest to meet subsistence needs by (i) causing the marine mammals to abandon or avoid hunting areas, (ii) directly displacing subsistence users, or (iii) placing physical barriers between the marine mammals and the subsistence hunters; and (2) that cannot be sufficiently mitigated by other measures to increase the availability of marine mammals to allow subsistence needs to be met.

If the requisite findings are made, we shall issue an Incidental Harassment Authorization (IHA), which may set forth the following: (i) Permissible methods of taking; (ii) other means of effecting the least practicable impact on marine mammals and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar

significance, and on the availability of marine mammals for taking for subsistence uses by coastal-dwelling Alaska Natives; and (iii) requirements for monitoring and reporting take.

Summary of Request

In August 2020, the Kaktovik Iñupiat Corporation (hereafter referred to as “KIC” or “the applicant”) submitted a request to the U.S. Fish and Wildlife Service’s (hereafter referred to as “USFWS” or “the Service”) Marine Mammal Management (MMM) office for authorization to take polar bears (*Ursus maritimus*, hereafter “polar bears”). After discussions with the Service about the scope and potential impacts to polar bears, as well as the feasibility of various mitigation measures and modifications of the project design, KIC submitted an updated request on October 24, 2020, and October 28, 2020. This proposed incidental harassment authorization is in response to KIC’s October 28, 2020, request.

KIC expects that take by incidental harassment may occur during their planned three-dimensional (3D) seismic survey, and associated activities, of portions of the coastal plain area of the 1002 region (hereafter referred to as the “Coastal Plain”) in the Arctic National Wildlife Refuge (ANWR; hereafter referred to as “the Refuge”). Specific work will occur within the Marsh Creek East Program Area (hereafter “Program Area”), to be accessed via a tundra access route within the Refuge measuring 78.23 km (48.61 mi). The area of this tundra access route (inclusive of a 100-m [328-ft] buffer on each side) is 15.64 km² (6.04 mi²). All work is expected to occur during a period of 8 months and 10 days, commencing January 21, 2021, and concluding by September 30, 2021.

Equipment will be initially staged at Deadhorse, Alaska (located at 70.2002° N, 148.4597° W), and then transported to Kaktovik (located 113 mi [214 km] to

the east at 70.1319° N, 143.6239° W) via the access route. The timing of mobilization is contingent on the accumulation of sufficient snow cover along the access route, and travel cannot commence prior to January 26, 2021; crew will be staged on gravel pads allowing for tundra access and resupply.

All mobile equipment and vehicles will be equipped with navigation systems primarily for hazard identification and logistics. Tracked and wheeled tundra-specific vehicles will be used as the main transport and for sled-camps during the activities. It is expected that the camps will move every 5 to 7 days depending on the survey progress and snow cover. At the end of the planned seismic surveys, all equipment will travel back to the Deadhorse or Kaktovik pads. As trail locations may depend on the snow coverage and terrain conditions during mobilization, the KIC operators (hereafter “the Operator”) will consider and coordinate with companies for use of existing or planned trails.

The original KIC request was received on August 17, 2020. Additional details regarding the project specifics, activities, and locations were requested from KIC by the Service on August 30, 2020, and received on September 1, 2020. Additional information on the proposed seismic acquisition blocks was requested by the Service and received at a meeting with KIC on September 4, 2020. Geographic Information System (GIS) Shapefiles for use in ArcGIS Pro were received by the Service on September 9, 2020. Additional information pertaining to the planned aircraft activities for the proposed project was received on September 14, 2020. The Service and representatives from KIC held numerous meetings (including August 26 and 27, 2020; September 4, 10, and 29, 2020; and October 19, 2020) to discuss project details, potential impacts to polar bears, and the feasibility of various mitigation

measures and modifications to the project design. Two updated requests were received by the Service on October 24 and 28, 2020. This proposed IHA is in response to KIC’s October 28, 2020, request.

Description of Specified Activities and Geographic Area

The specified activities (hereafter the “project”) consists of transportation (via air and ground-based methods), various surveys (aerial infrared [AIR] surveys, handheld/vehicle forward-looking infrared [FLIR or IR] surveys, environmental, 3D seismic), camping, temporary developments (*i.e.*, airstrips), and potential environmental activities (*i.e.*, water withdrawal, river/ice crossing, summer cleanup activities). The area in which these specified activities will occur is referred to as the Marsh Creek East Program Area (Program Area). The Program Area is within the area established under section 1002 of the Alaska National Interest Lands Conservation Act of 1980 (ANILCA) of the Refuge. The Refuge is the largest National Wildlife Refuge in the United States with an area of 78,051.88 km² (30,136 mi²). Of this total area, KIC owns 372.31 km² (143.75 mi²) of surface land within the Refuge, pursuant of the Alaska Native Claims Settlement Act (ANCSA) of 1971. The Program Area includes surface land owned by KIC, sub-surface land owned by the Arctic Slope Regional Corporation (ASRC), and land and waters owned by the Department of the Interior (DOI). The geographic region of the seismic survey activities will extend from the Kajutakrok Creek in the west to Pokok Bay in the east, and from the coastline to 40 km (25 mi) inland. The specified geographic region of the activities is expected to cover a total of 1,441.82 km² (556.69 mi²), incorporating the seismic area of 1,426.18 km² (550.65 mi²) and a 1.6-km (1-mi) buffer (figure 1).

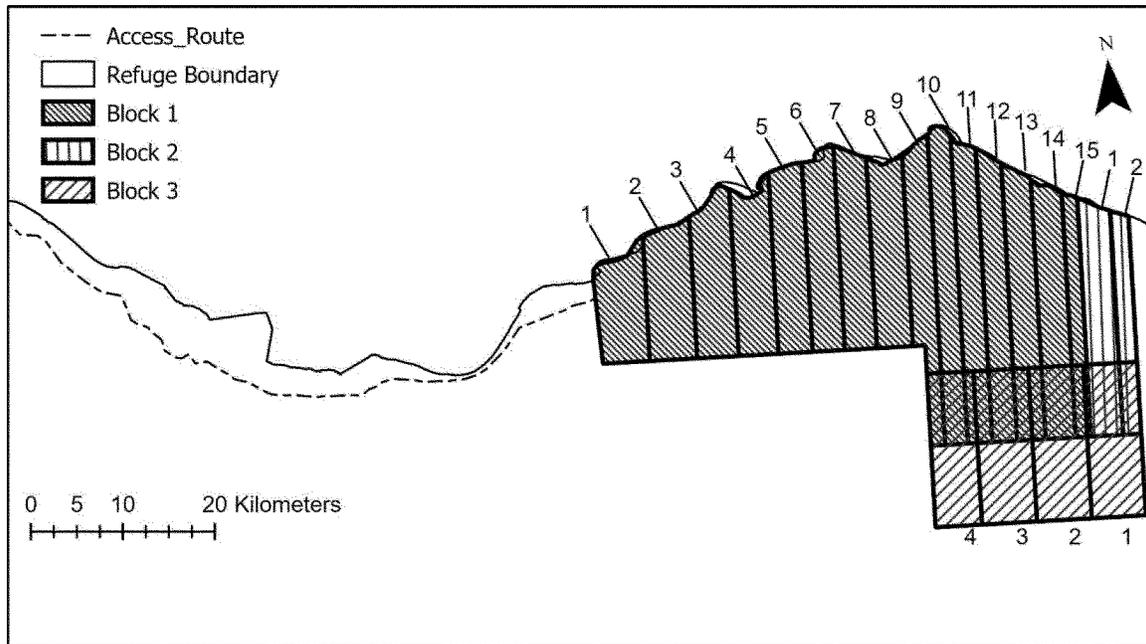


Figure 1: Access route, survey blocks, and survey sub-blocks of the proposed project.

Seismic activities will include operations in all of the following townships: U006N036E, U007N036E, U008N033E, U008N034E, U008N035E, U008N036E. Seismic operations will further include operations in parts of the following townships: U005N035E, U005N036E, U005N037E, U006N035E, U006N037E, U007N031E, U007N032E, U007N033E, U007N034E, U007N035E, U007N037E, U008N031E, U008N032E, U008N037E, U009N032E, U009N033E, U009N034E, U009N035E, U009N036E.

KIC will conduct activities starting January 21, 2021, and ending September 30, 2021, during which data collection will be performed using a variety of equipment and methods. The operations will primarily occur during 2021 winter, starting with three aerial infrared surveys for polar bear maternal dens between January 2021 and early February 2021 (surveys will not begin before January 21, 2021, nor extend past February 13, 2021). Mobilization of the seismic survey equipment and crew will begin once the tundra opens to winter travel (but not before January 26, 2021). Three AIR surveys are to be performed before moving into the access route or seismic survey area. Seismic operations will commence as soon as February 1, 2021, if all AIR surveys are performed before this time, and will conclude by May 25, 2021, or the close of the winter travel season, whichever is first. To maintain the safety of field personnel,

work days are subject to change based on weather, equipment delays, polar bear presence, or discovery of a maternal den at survey sites.

At the end of the snow season or the close of tundra travel (July or August), whichever is first, KIC will contract one helicopter and crew to travel over the Program Area to collect any refuse or debris that may have been inadvertently left during the winter activities. These cleanup activities are expected to continue for approximately 15 days, including possible weather days. The cleanup area will not exceed the completed portion of the winter operating zone in the Program Area. Standard aircraft operational limitations will apply, and weather delays, flight ceilings, etc., will be at the discretion of the flight contractor.

All project-related travel outside of the 1002 region of the Refuge will occur in areas for which regulations authorizing the incidental take of polar bears already exist, and are not considered in this draft IHA (50 CFR part 18, subpart J; 81 FR 52275, August 5, 2016). Incidental take of polar bears caused by this work is expected to be authorized by a Letter of Authorization (LOA).

All field personnel will be fully trained in bear safety awareness and will utilize appropriate deterrence methods (see 50 CFR 18.34 for further information) should deterrence of polar

bears become necessary. Additional information is provided in the Mitigation and Monitoring, Proposed Authorization section below and in the *Polar Bear Avoidance and Interaction Plan* incorporated by reference in KIC's application (appendix A in KIC 2020).

The following project descriptions (*Mobilization and Site access through Summer Cleanup Activities*) have been inserted directly from KIC's *Application for Incidental Harassment Authorization for the Marsh Creek East 3D Seismic Program North Slope, Alaska* (KIC 2020). Additional details can be found in the application and are incorporated by reference.

Mobilization and Site Access

Equipment will be staged at existing facilities in Deadhorse. Camp and equipment will be transported via an overland access route from Deadhorse to the Program Area. The portion of the route within the Refuge measures 78.23 km (48.61 mi). Using a 100-m (328-ft) buffer on each side, the area of the tundra access route in the Refuge is 15.64 km² (6.04 mi²). Upon entry, data acquisition will begin immediately in the western portion of the Program Area. Specific areas and dates of progressing through the Program are described in Section 3.0 (KIC 2020). Mobilization will begin in January 2021 at which time KIC estimates there will be sufficient snow cover for

mobilization and all permits for tundra travel from the State of Alaska have been received. All mobile equipment will have a navigation system installed for logistics and hazard identification. All transit outside of the 1002 Area will be covered under the existing 2016–2021 Beaufort Sea Incidental Take Regulations (ITR) and permitted under separate cover.

Tracked and wheeled tundra vehicles will be used to transport the sled camp along the tundra. The camp will remain close to the survey activities and will move every 5 to 7 days depending on the survey progress and snow cover. When the survey is completed, the camp and equipment will travel along the tundra back to a Deadhorse or Kaktovik pad location. Snow-packed trails will be made throughout the Program Area. The location of these trails will depend on snow coverage and terrain conditions. The Operator will attempt to coordinate with companies to use any existing or planned trails.

Survey and Ice Check

Prior to the start of seismic data collection, a smaller crew performs a survey for hazards, including ice integrity of rivers, lakes, and sea ice. One of the highest risk potentials for arctic operations is properly verifying the integrity of the ice. This will be done by “ice checking units” consisting of a Tucker vehicle capable of supporting 24-hour operations, manned by two personnel. Snow machines may also be used for survey and ice check operations. The survey units will be equipped with ground-penetrating radar systems (GPR), which are extremely accurate on freshwater. In addition, each ice check unit is equipped with battery-operated ice auger, which is used to verify the calibration of the GPR, measure ice depths on sea ice, or verify depths where the GPR units cannot reach. Freeboard testing (ice stabilization) is also conducted when working on floating ice to ensure the ice has the strength to safely hold the equipment. Tucker vehicles that are conducting the advance ice check operations will also have a handheld or vehicle-mounted FLIR device to scan at tributary crossings for potential dens in defined polar bear denning habitat. Preliminary trails or snail trails will be established for wherever the vibrators must travel on the sea ice, lakes, or rivers, which will minimize the potential for breaking through the ice. Surveyors will also map each hazard that is discovered and placed into our navigation system that allows each vehicle to display the Program Area, hazards, and avoidance areas.

Snow surveys will be conducted to substantiate depths and will be recorded for equipment movement efforts. Snow survey crews will move out ahead of the main crew by approximately 7–20 days, accessing the Program Area. The crew includes camp trailers, fuelers, Steigers, Tuckers, and support trailers and consists of three to four crews of two personnel per crew. These crews work independently of each other to check ice conditions, identify and mark hazards, and scout safe routes for seismic operations. Depending on the number of locations needed to be verified, crews can complete and travel up to 16 km (10 mi) per day. At the end of each day, crews return to camp. Once operations are too far from camp, the camp is moved to stay close to operations. When the main camp arrives with the recording crew, the advance camp will merge with main camp.

Seismic Acquisition

The method of seismic acquisition is Source Driven Shooting (SDS). Seismic operations will be conducted utilizing rubber tracked/buggy vibrators with a rectangular base plate and wireless, autonomous recording channels (nodes). Wireless nodes will be laid out by crews on foot and through the use of rubber-tracked tundra-travel-approved vehicles.

Using the SDS methodology, multiple vibrators can collect data at the same time. This methodology means that only a single vibrator is required to travel down any source line, thereby reducing risk of compaction or damage to the tundra and the footprint of operations. Vibrators will only operate on snow-covered tundra or grounded sea ice. There are two sizes of vibrators used for this survey: Large vibrators with a weight of 44,000 kilograms (kg; 97,000 pounds [lb]) and small vibrators (Univibes) with a weight of 12,475 kg (27,500 lb). The lighter Univibes are utilized to further reduce potential disturbance in narrow riverbeds and on ungrounded lakes, risk from working in areas that do not have grounded landfast ice, and noise levels.

Seismic operations continue for 24 hours per work day and are based on two 12-hour shifts. Communications with the crews while out in the field will be via very high frequency radio systems and wireless data transfer radios.

Survey Design

The goal of the program is to collect seismic data across the entire Program Area to inform stakeholders on the potential for oil and gas over the period of the IHA. The duration is expected to take one winter season as data is only

collected when the snow cover and ice thickness are sufficient to support operations. The method of collecting data over this area is by collecting data over a patch of recording channels and moving the patch progressively throughout the area. It takes approximately 5–7 days to pick and re-layout the spread over the entire patch area, the crews move continuously on to the next patch progressively, including the camps and materials.

The method for collecting data is to establish a spread of source lines and receiver lines over a set area (or patch). The camp is typically set in the center of the patch. The crews establish source lines and receiver lines within an acquisition spread. This spread is approximately 248 km² (95 mi²), or 8 km wide by 31 km long (5 mi wide by 19 mi long), with a camp for the crew at the center of the spread. As the vibrators move, the nodes behind the vibrations are retrieved, the data are downloaded, and the nodes are replaced ahead of the source lines. This method allows for efficient data collection over the winter season.

Vibrators typically operate within a distinct area proximal to each other. Geophone receiver lines are spaced approximately at 201 m (660 ft) and run perpendicular to source lines that are spaced approximately 402 m (1,320 ft) apart. Up to five receiver lines could be placed on the ground at one time. Wireless nodes will be laid out by crews on foot and through the use of rubber-tracked tundra-travel-approved vehicles. Each station will be placed individually and will be surveyed by global positioning system (GPS) upon deployment. All GPS data are entered into a database.

During the acquisition phase of the project, occupancy of camp will be at its highest consisting of approximately 160 to 180 people. Approximately 7 Tuckers will be working on layout and pickup, and approximately 12 large vibrators and 4 small vibrators (Univibes) with 1 person each could be working on source lines. The lighter Univibes will be utilized to further reduce potential disturbance in narrow riverbeds and on ungrounded lakes, risk from working in areas that do not have grounded landfast ice, and noise levels.

Camp Facilities

The camp can accommodate up to 180 personnel. Equipment included at camp stations include long haul fuel tractors, remote fuelers, water maker, incinerator, resupply and survival sleigh, tractors, loaders, and Tuckers. Camp locations are selected based on environmental conditions. Typically, once the camp

reaches the Program Area, a site will be picked based on topography and snow conditions. When good conditions allow, the camp may stay at current location up to 7 days. Typically, the camp will move 1.6–3.2 km (1–2 mi) every 5–7 days, which could be four to six camp moves per month. The camp will generally remain in the center of the spread, moving as the spread moves. A maximum footprint for a large camp is approximately 91x122 m (300x400 ft).

The mobilization of the camp or camps will be from the existing gravel roads, starting off a gravel pad located outside of the Program Area. A predetermined route will be used to move equipment to the project location. The camp will travel in a single-file configuration pulled by a rubber-tracked Steiger or CAT. Each string of camp has 5 trailers, and typically a camp consists of 8 strings, but can consist of up to 10 strings. Camp trails during the project will be scouted out in advance by a project manager or survey personnel to avoid hazards and to measure and ascertain proper snow depth. To mitigate any tundra damage, the sleigh camp could be moved up to 3.2 km (2 mi) every 5–7 days, depending on the weather, snow covering, and the advancement of the project. Sanitary conditions in the kitchen and diner and washrooms will be maintained in full compliance with governmental regulations. Gray water will be filtered to meet the discharge requirements of the Alaska Department of Environmental Conservation (ADEC) Alaska Pollutant Discharge Elimination System (APDES) permit prior to discharge. The Operators holds a current APDES discharge permit for this purpose.

Temporary Snow Airstrips

The program will need airstrips to transport crews on crew change days and to allow personnel, food, and potentially fuel (in emergency situations) to be delivered to the remote camp. The Program Area has few lakes; therefore, tundra airstrip is most likely to be used. Airstrips will be located close to camp locations. Airstrips will be within a couple of miles of camp to ensure efficiency. The footprint of prepacked airstrips could be up to approximately 22.8 m (75 ft) wide and 701 to 1,066 m (2,300 to 3,500 ft) long for the aircraft to land. The length of the airstrip will depend on which plane is to be used. Aircraft will use either wheels or skis to land. Estimated air traffic will be approximately two trips per week, or as operations require.

Having temporary airstrips will save several hours of tundra travel. The

Operator will create a flat area on predetermined grounded ice or tundra with sufficient snow cover to serve as a landing strip to receive the aircraft for crew changes. Planes may be wheeled or on skis, whichever will be the safest fit for the current environment. An advance scouting trip will identify grounded lakes, if any, and/or tundra locations that can be used for this purpose. The landing strip will only be on areas that have adequate space for safely landing aircraft. On lakes, a rubber-tracked Steiger with a blade will clear the snow down for the aircraft to land. Black bags filled with snow will be placed along the side of the berm to delineate the edge of the landing strip along with lighting. Airstrips on snow-covered tundra will be constructed similarly. On tundra areas, a flat area with sufficient snow cover will be identified by advanced scouting. If determined adequate, the Operator will utilize groomers to pack a landing strip and will delineate the landing strip similar to those on grounded lakes.

After the crews and camps have moved to a different location, the airstrips will not be maintained unless they are needed again. After use of the strip is no longer necessary, the crews will inspect the location and record the area that was used by GPS location to be included in the final reporting.

River Crossings

There may be areas where floating ice is encountered that may not safely support the weight of some equipment. In these cases, the Operator will permit this activity with the State of Alaska Department of Fish and Game (ADF&G) to apply water to increase the thickness of the ice to establish temporary river crossings. There also may be areas on rivers, streams, and lakes that need to be protected with snow for traversing from tundra to ice for crossing. As identified in section 10 of their application, KIC has committed to several mitigation measures specifically for drainages through reduction of the number of source lines crossing major drainages by using a slope analysis tool (KIC 2020). The slopes along these lines can be measured during the preplanning and advance crew phases of the operations. Equipment will only cross these areas at the lowest possible relief points, as vibrators are not able to shake on slopes greater than 10°. KIC is requiring its Operator to place a 25-m (82.5-ft) buffer on each side of slopes greater than 10°. For areas that are defined denning critical habitat (16° slope and height of 1.6 m [5.2 ft]), a 100-m (328-ft) buffer will be used. The area will be mapped using digital elevation modeling (DEM)

data for slopes. Ramp areas or transits across these areas will be cleared by the advance ice check crews with handheld or truck-mounted FLIR prior to movement.

The Operator will make snow ramps in these areas and establish that the ice is grounded or the ice is of sufficient ice depth to cross. Scouting by the Operator will determine locations of river crossings based on the best available information from advanced scouting, environmental and terrain conditions, local knowledge, surveys, and operational safety.

Water Withdrawal

Potable water will be produced at camp with a skid-mounted snow melter. The primary source of water is melting snow; if, however, conditions are inadequate, snow-melting activities can be supplemented by withdrawing water from lakes through the ADEC-approved water system. KIC has worked with the Operator to identify lakes and withdrawal that will require permits if used. If lakes are used, ADF&G-approved water withdrawal pumps will be used. If there is not an adequate source of snow and water withdrawal from lakes is not possible, water may need to be transported to each camp from an approved source.

Fuel Supply and Storage

Long-haul sleigh tanks will be used for fueling. All fuel will be ultralow sulfur for vehicles and equipment. Fuel will be delivered using overland Rolligon or rubber-tracked carriers. In the event the supply is disrupted by weather or other unforeseen events, fuel may also be delivered by aircraft to a public airstrip; temporary airstrips may be required for these occasions if needed in emergency situations. Offloading fuel from aircraft will be done in accordance with the Operator's approved fueling procedure. Fueling storages and fueling activity will be located at least 30.5 m (100 ft) from any water body. All equipment fuel locations will be tracked and recorded. KIC fueling procedures include spill management practices such as drip pan placement under any vehicle parked and placement of vinyl liners with foam dikes under all valves or connections to diesel fuel tanks. All fuel tanks are double-wall tank construction. Fuel dye is added to all fuel as part of spill detection.

All spills, no matter what the size, are recorded and cleaned up. The Operator holds a Spill Prevention Countermeasure Control (SPCC) plan for fueling and fuel storage operations associated with seismic operations. This

SPCC plan is site-specific and will be amended for each new project. All reportable spills will be communicated through the proper agencies and reporting requirements.

Waste Management

Food waste generated by the field operations will be stored in vehicles until the end of the shift. The garbage will then be consolidated at camp in wildlife-resistant containers for further disposal. All food waste generated in camp will also be collected and stored in the same consolidation area. A skid-mounted incinerator will be used for daily garbage waste. This equipment falls within the regulatory requirements of 40 CFR part 60. The cyclonator will use an average of 3.8 to 7.6 liters (1 to 2 gallons) of fuel per hour while in use. The use of electricity is for the motor to the unit that maintains the air-to-fuel mixture. Data will be collected to provide the required records on a calendar basis of description and weight of camp waste burned.

Any waste generated by seismic operations will be properly stored and disposed of in accordance with applicable permit stipulations and Operator controls. Food waste is continually incinerated to avoid attracting wildlife. Gray water generated from the mobile camp will be discharged according to general permit AKG332000 and 18 AAC 83.210 and APDES discharge limits. Toilets are "PACTO" type to eliminate "black water." Ash from the incinerator will be back-hauled to the North Slope Borough (NSB) disposal facility in Deadhorse. The sleigh camp will move approximately every 5–7 days depending on weather conditions. An inspection by the Health, Safety, and Environment Advisor will be done after camp has left to ensure that the area is clean of all debris.

Summer Cleanup Activities

After all snow is gone, KIC will contract one helicopter to perform flyovers of the Program Area looking for any debris that may have been left behind in July or August of 2021. The cleanup crew will also inspect all camp locations and any area that had an unplanned release or tundra disturbance. Each source and receiver line will be inspected. This phase of the project will require one helicopter, based in Kaktovik, for approximately 15 days, including possible weather days. The area of the cleanup will be determined by the completed portion from that winter's acquisition and will not go beyond the Program Area. An aircraft use plan will be developed to

minimize impacts on subsistence hunting and activities through consultation with local stakeholders and ensuring regulatory compliance. The coastal portion of summer activities (within 2 km of the coast) is targeted to be completed by July 19, and all cleanup activities will be completed by mid-August.

On-the-Ground Safety and Preparations

Safety of the personnel will remain a top priority of all work within the Refuge. The optimal strategy to reduce dangerous interactions with a polar bear is through a detailed bear plan, as well as sufficient training and a high level of awareness for all field personnel when at work sites. Specific guidelines and suggestions on interacting with polar bears can be viewed at <https://www.fws.gov/alaska/pages/marine-mammals/polar-bear/interaction-guidelines>.

All activities will be performed under the guidance of a detailed bear interaction and avoidance plan developed by KIC and approved by the Service prior to beginning field activities (see appendix A of KIC 2020). The Service will provide KIC with the most up-to-date Polar Bear Observation Form in which to record sightings of bears within 24 hours to fw7_mmm_reports@fws.gov. Details on monitoring guidelines and reporting requirements can be read in Proposed Authorization, Monitoring, and Reporting Requirements. Attractants and waste will be minimized to reduce likelihood of bear presence. All field personnel will be up-to-date in their bear awareness and safety training. The Service can require the presence of a bear guard or subsistence advisor if deemed necessary and appropriate, which will then add one to two staff to the survey crew sizes. Further details on safety and mitigation techniques can be read in Mitigation and Monitoring and Avoidance and Minimization.

Description of Marine Mammals in the Specified Area

The polar bear is the only marine mammal under the Service's jurisdiction that occupies the Refuge region. Polar bears are distributed throughout the circumpolar Arctic in 19 subpopulations, also known as stocks. Two polar bear stocks occur in Alaska, the Southern Beaufort Sea (SBS) and Chukchi/Bering Sea (CBS) stocks. Together, the two stocks range throughout the Beaufort, Chukchi, and Bering Seas, including nearshore habitats. The stocks overlap seasonally in the eastern Chukchi and western Beaufort Seas. Management of the SBS

stock is shared between the United States and Canada, and management of the CBS stock is shared between the United States and the Russian Federation. Detailed descriptions of the SBS and CBS polar bear stocks can be found in the *Polar Bear* (*Ursus maritimus*) *Draft Revised Stock Assessment Reports* (SARs) (announced at 82 FR 28526, June 22, 2017), and available at <https://www.fws.gov/alaska/pages/marine-mammals/polar-bear>. Once finalized, these revised SARs will replace the current SARs last revised in 2010 and available at <https://www.fws.gov/alaska/pages/marine-mammals/polar-bear>.

On May 15, 2008, the Service listed polar bears as threatened under the Endangered Species Act of 1973 (ESA; 16 U.S.C. 1531, *et seq.*) due to loss of sea-ice habitat caused by climate change (73 FR 28212). The Service later published a final special rule under section 4(d) of the ESA for the polar bear (78 FR 11766, February 20, 2013) that provides measures necessary and advisable for the conservation of polar bears. Specifically, the 4(d) rule: (a) Adopts conservation regulatory requirements of the MMPA and the Convention on International Trade in Endangered Species (CITES) of Wild Fauna and Flora for the polar bear as appropriate regulatory provisions, in most instances; (b) provides that incidental, nonlethal take of polar bears resulting from activities outside the polar bear's current range is not prohibited under the ESA; (c) clarifies that the special rule does not alter the section 7 consultation requirements of the ESA; and (d) applies the standard ESA protections for threatened species when an activity is not covered by an MMPA or CITES authorization or exemption.

The Service designated critical habitat for polar bear populations in the United States effective January 6, 2011 (75 FR 76086, December 7, 2010). Critical habitat identifies geographic areas that contain features that are essential for the conservation of a threatened or endangered species and that may require special management or protection. Polar bear critical habitat units include barrier island habitat, sea-ice habitat (both described in geographic terms), and terrestrial denning habitat (a functional determination). Barrier island habitat includes coastal barrier islands and spits along Alaska's coast; it is used for denning, refuge from human disturbance, resting, feeding, and travel along the coast. Sea-ice habitat is located over the continental shelf, and it includes water 300 m (984 ft) or less in depth. Terrestrial denning habitat

includes lands within 32 km (20 mi) of the northern coast of Alaska between the Canadian border and the Kavik River and within 8 km (5 mi) of the coast between the Kavik River and Barrow. The total area designated as critical habitat covers 484,734 km² (187,157 mi²), and is entirely within the lands and waters of the United States. The specified geographic area of this proposed IHA is estimated to contain approximately 1,608.11 km² (620.89 mi²) of critical habitat inclusive of barrier islands, sea ice habitat, and denning habitat. Polar bear critical habitat is described in detail in the final rule (75 FR 76086, December 7, 2010). It should be noted that designation of polar bear denning critical habitat is not intended to identify actual denning sites but rather to identify the essential features that support denning habitat. KIC is planning to perform work during winter months, the primary period when polar bears are denning or on the sea ice hunting seals.

Polar bears may occur anywhere within the specified geographic area of this proposed IHA. SBS polar bears historically spent the entire year on the sea ice hunting for seals, with the exception of a relatively small proportion of denning adult females that would come ashore during autumn and overwinter to den. However, over the last two decades, the SBS has experienced a marked decline in summer sea-ice extent, along with a pronounced lengthening of the open-water season (period of time between sea ice break-up and freeze-up) (Stroeve *et al.* 2014; Stern and Laidre 2016). The dramatic changes in the extent and phenology of sea-ice habitat have coincided with evidence suggesting that use of terrestrial habitat has increased during summer and prior to denning, including in the Refuge.

The most recent population estimate for SBS polar bears was approximately 900 individuals in 2010 (Bromaghin *et al.* 2015, Atwood *et al.* 2020). This number represents an approximately 30 percent decline in SBS polar bear abundance between 1986 and 2010 (Amstrup *et al.* 1986, Regehr *et al.* 2006, Bromaghin *et al.* 2015); however, the population appears to have remained stable from 2010 to 2015 (Atwood *et al.* 2020). In addition, analyses of more than 20 years of data on the size and body condition of SBS polar bears demonstrated declines for most sex and age classes and a significant negative relationship between annual sea ice availability and body condition (Rode *et al.* 2010). These lines of evidence suggest that the SBS subpopulation is declining due to sea ice loss. Schliebe

et al. (2008) determined that an average of 4.0 percent of the SBS subpopulation of polar bears were on land in autumn during 2000 to 2005, and that the percentage increased when sea ice was farther from the coast. More recently, Atwood *et al.* (2016) determined that the percentage of radio-collared adult females coming ashore in summer and fall increased from 5.8 to 20 percent between 2000 and 2014. Over the same period, the mean duration of the open-water season increased by 36 days and the mean length of stay on land by polar bears increased by 31 days (Atwood *et al.* 2016). While on shore, the distribution of polar bears is largely influenced by the opportunity to feed on the remains of subsistence-harvested bowhead whales. Most polar bears are aggregated at three sites along the coast, Utqiagvik (formerly Barrow), Cross Island, and Kaktovik, a community located on Barter Island just off the Coastal Plain (Rogers *et al.* 2015; McKinney *et al.* 2017; Wilson *et al.* 2017).

In addition to increased use of land during the open-water season, SBS polar bears have also increasingly used land for maternal denning. Olson *et al.* (2017) examined the choice of denning substrate (land compared to sea ice) by adult females between 1985 and 2013 and determined that the frequency of land-based denning increased over time, constituting 34.4 percent of all dens from 1985 to 1995, 54.6 percent from 1996 to 2006, and 55.2 percent from 2007 to 2013. Additionally, the frequency of land denning was directly related to the distance that sea ice retreated from the coast. From 1985 to 1995 and 2007 to 2013, the average distance from the coast to 50 percent sea ice concentration in September (when sea ice extent reaches its annual minimum) increased 351 ± 55 km (218.10 ± 34.17 mi), while the distance to 15 percent sea ice concentration increased by 275 ± 54 km (170.88 ± 33.55 mi). Rode *et al.* (2018) determined that reproductive success was greater for females occupying land-based dens compared to ice-based dens, which may be an additional factor contributing to the increase in land-based denning. Land-based dens are mostly distributed along the central and eastern coast of Alaska's Beaufort Sea, including the Coastal Plain (Durner *et al.* 2010). Durner and Atwood (2018) estimate there is approximately 79.6 km² (30.7 mi²) of maternal denning habitat available to polar bears in the Coastal Plain.

The proportion of SBS polar bears found in the Coastal Plain at any given time is not known. Though polar bears

can be found throughout the Coastal Plain year-round, their density and distribution across the area differs across seasons. Polar bear density is greatest in summer and fall (*i.e.*, the open-water period, typically mid-July through mid-November), along the shore and barrier islands. During late fall and winter (generally late mid-November to March), non-denning polar bears (*i.e.*, adult and subadult males, adult females with and without dependent young, and subadult females) may travel throughout the Coastal Plain, though likely in lower numbers than would be expected along the coast during the open-water period. In late fall (generally late October through November), pregnant females will begin to excavate and enter dens distributed throughout the Coastal Plain in areas where snow accumulates, such as along coastal bluffs or riverbanks. Denning female polar bears give birth to cubs, on average, December 15th, and remain in their dens until they emerge in spring (generally March and April). Polar bears in all life stages may travel throughout the Coastal Plain in spring and early summer (generally March to June).

Mitigation and Monitoring

KIC has proposed to reduce the effects of its action by implementing mitigation and monitoring measures described in chapter 10 of its application, in its Polar Bear Avoidance and Interaction Plan (appendix A of the application), and in its Plan of Cooperation (POC; appendix B of the application). These measures have been incorporated into Proposed Authorization, (B) Avoidance and Minimization, and (E) Reporting Requirements, which KIC will be required to implement as part of its project if an IHA is issued.

The MMPA requires incidental take authorizations to prescribe, where applicable, permissible methods of taking and other means of effecting the least practicable impact on the affected stock. In our analysis, we considered the availability and feasibility (economic and technological) of equipment, methods, and manners of conducting the proposed seismic acquisition and other specified activities in order to effect the least practicable adverse impact upon the SBS stock of polar bears, their habitat, and their availability for subsistence uses. In doing so, we paid particular attention to polar bear denning habitat in the action area given the significance of this habitat and life stage to polar bears.

The Service's efforts to identify means to achieve the least practicable adverse impact began immediately upon receipt of KIC's initial request for an IHA.

Specifically, the Service began working with KIC to revise its request by subdividing acquisition blocks and establishing dates no earlier than which work would begin in each block. The purpose of this was to, where feasible, delay acquisition in blocks with greater overlap with polar bear denning habitat. As demonstrated in Wilson and Durner, spatial and temporal project planning has the greatest impact on reducing potential impacts to denning polar bears.

In addition to avoiding work in polar bear denning areas until later in the season when more mothers and cubs will have naturally emerged from their dens, the Service also worked with KIC to revise its request by placing a 1-mile buffer around known dens and prohibiting activities with the potential to disturb denning bears within that buffer. The Service also worked with KIC to incorporate into its request the use of additional AIR surveys to detect polar bear dens. Dens of a depth greater than 100 cm are not able to be detected. Durner *et al.* (2003) reported the mean den roof thicknesses for 22 polar bear dens in northern Alaska was 72 ± 87 cm, and ranged from as little as 10 cm to more than 400 cm. Snow depth over many dens, therefore, is likely near, or above, the limits of FLIR detection capabilities, regardless of weather (Smith *et al.* 2020). A single AIR survey (as was proposed in KIC's original request) is able to detect 45 percent of the dens that are less than 100 cm deep. In order to increase the likelihood of detecting dens, and then being able to protect them with a 1-mile buffer, KIC's latest request proposes to conduct three AIR surveys of the action area before work proceeds. Three AIR surveys increases the likelihood of detecting dens at less than 100 cm deep to 98 percent. Detecting and then placing a 1-mile buffer around known polar bear dens is an accepted means of effecting the least practicable impact on denning polar bears and therefore the SBS polar bear stock.

Additionally, after coordination with the Service, KIC modified its project design to incorporate reduced line density and reduced crossings in areas of high elevation change near streams and rivers. These high relief areas contain conditions suitable for polar bear denning, so reducing activity in these areas is an appropriate method to help achieve the least practicable adverse impact. In addition, prior to conducting work in high relief stream or river crossings, KIC will use handheld FLIR to investigate if a polar bear den is present and if so will protect it with a 1-mile buffer.

The Service also worked with KIC to develop and incorporate into its request a plan for management of food, waste, and other potential attractants. Development and implementation of such a plan is a means of reducing impacts on SBS polar bears as it reduces the likelihood that bears will be attracted to camps and other project-related infrastructure. This has immediate benefits in reducing the potential for interactions between project personnel and polar bears that could result in injury to humans or bears. In addition, it helps reduce the potential for polar bears to associate humans and human activities with positive food rewards that could result in them seeking out human establishments later in life.

The above measures reduce the potential for overlap between KIC's seismic acquisition and polar bears and therefore reduces the potential for exposing polar bears to potential disturbance. The required attractant management and human polar bear interaction plans reduce the probability and severity of negative consequences to polar bears exposed to KIC's operations. These methods, implemented in the past, have proven to be both practical and effective. The Service has determined that these mitigation measures constitute the means of effecting the least practicable impact to SBS polar bears.

We also evaluated potential alternative mitigation measures but determined they do not warrant inclusion in this proposed IHA. The Service considered the use of dogs as an alternative mitigation measure to identify polar bear dens; however, it was determined that, given the large area to be surveyed and the limited availability of trained dogs, this mitigation measure was not practicable for the proposed project. The Service also considered a requirement that the work be conducted outside of polar bear denning season, but this approach would be in direct conflict with ground temperature and snow cover requirements for tundra access. Additionally, we considered applying minimum flight altitudes without exception; however, this requirement is not practicable given cloud and fog conditions encountered in the project area.

Mitigation techniques to achieve the least practicable impact are detailed below in Proposed Authorization, (B) Avoidance and Minimization, paragraphs (a) General avoidance measures, (b) Mitigation measures for onshore activities, and (c) Mitigation measures for aircraft. Additionally, all

measures outlined in the application (KIC 2020), including the appendices with the Monitoring and Mitigation Plan and Plan of Cooperation, are incorporated by reference herein.

Types of Incidental Take

Lethal Take

Human activity may result in biologically significant impacts to polar bears. In the most serious interactions, human actions can result in mortality of polar bears, especially in situations where human life is at risk. On the North Slope, unintentional mortality has occurred during efforts to deter polar bears from a work area for safety and from direct chemical exposure (81 FR 52276, August 5, 2016). Incidental lethal take could also result from a vehicle collision or collapse of a den if it were run over by a vehicle. Harassment of a female during the denning season may cause the female to either abandon her den prematurely with cubs or abandon her cubs in the den before the cubs can survive on their own. Either scenario may result in lethal take of the cubs.

Level A Harassment

Human activity may also result in the injury of polar bears. Level A harassment, for nonmilitary readiness activities, is defined as any act of pursuit, torment, or annoyance that has the potential to injure a marine mammal or marine mammal stock in the wild. Take by Level A harassment can be caused by numerous actions, including the incorrect use of a deterrent projectile, a vehicle collision, or a den collapse that impairs the animal or reduces its likelihood of survival or reproduction. Other examples include, but are not limited to, separation of mothers from dependent cub(s) (Amstrup 2003), activities that result in mothers leaving the den early (Amstrup and Gardner 1994, Rode *et al.* 2018), or prolonged or repeated interruptions in nursing or resting (cubs), both of which can negatively affect cub survival.

Level B Harassment

Level B Harassment for nonmilitary readiness activities means any act of pursuit, torment, or annoyance that has the potential to disturb a marine mammal in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering. Reactions that disrupt biologically significant behaviors for the affected animal meet the criteria for take by Level B harassment under the MMPA. Reactions that indicate take by

Level B harassment of polar bears in response to human activity include, but are not limited to, the following examples:

- Fleeing (running or swimming away from a human or a human activity);
- Displaying a stress-related behavior such as jaw or lip-popping, front leg stomping, vocalizations, circling, intense staring, or salivating;
- Abandoning or avoiding preferred movement corridors such as ice floes, leads, polynyas, a segment of coast line, or barrier islands;
- Using a longer or more difficult route of travel instead of the intended path;
- Interrupting breeding, sheltering, feeding, or hunting;
- Moving away at a fast pace (adult) and cubs struggle to keep up;
- Ceasing to nurse or rest (cubs);
- Ceasing to rest repeatedly or for a prolonged period (adults);
- Loss of hunting opportunity due to disturbance of prey; or
- Any interruption in normal denning behavior that does not cause injury, den abandonment, or early departure of the family group from the den site.

This list is not meant to encompass all possible behaviors; other behavioral responses may equate to take by Level B harassment. Relatively minor reactions such as increased vigilance or a short-term change in direction of travel are not likely to disrupt biologically important behavioral patterns, and the Service does not view such minor reactions as resulting in a take by Level B harassment. It is also important to note that depending on the duration and severity of the above-described behaviors, such responses could constitute take by Level A harassment (e.g., repeatedly disrupting a polar bear versus a single interruption).

Estimating Incidental Take

The general approach for quantifying take in this proposed IHA was as follows: (1) Determine the number of animals in the project area; (2) assess the likelihood, nature, and degree of exposure of these animals to project-relative activities; (3) evaluate these animals' probable responses; and (4) calculate how many of these responses constitute take. Our evaluation of take included quantifying the number of responses that met the criteria for lethal take, Level A harassment (potential injury), or Level B harassment (potential disruption of a biologically significant behavioral pattern), factoring in the degree to which effective mitigation measures will reduce the amount or consequences of take. To better account for differences in how various aspects of

the project could impact polar bears, we performed separate take estimates for Surface-Level Impacts, Aircraft Activities, and Impacts to Denning Bears. These analyses are described in more detail in the subsections below. Once these various types of take were quantified, the next steps were to: (5) Determine whether the total take will be of a small number relative to the size of the stock; and (6) determine whether the total take will have a negligible impact on the stock, both of which are determinations required under the MMPA.

Analysis of Surface-Level Impact

Individual polar bears can be affected by activities of the oil and gas industry ("Industry") in numerous ways during the open-water and ice-covered seasons. During the early portion of the open-water season (June and mid-July), most polar bears occur in offshore areas associated with multiyear pack ice. However, in the latter portion of the open-water season (mid-July to mid-November), polar bears are attracted to whale carcasses deposited at bone piles following subsistence whaling activities in Alaska Native communities. During this time, polar bears can be found in large numbers and high densities on barrier islands, along the coastline, and in the nearshore waters of the Beaufort Sea, particularly on and around Barter Island. Alternatively, as sea ice recedes over the deeper waters of the Arctic Ocean, some bears may abandon the sea ice for shore. During late fall, winter, spring, and early summer (generally mid-November to mid-July), non-denning polar bears may travel throughout the Coastal Plain, though in lower numbers than would be expected along the coast during the open-water period. Non-denning polar bear responses will vary by the type, duration, intensity, and location of the source of disturbance.

Disturbance from surface-level activities associated with the proposed project would originate primarily from camp activities and mobile sources such as vehicle and aircraft traffic, 3D winter seismic surveys, and summer cleanup work. The noises, sights, and smells produced by the project could elicit variable responses from polar bears. Noise disturbance can originate from either stationary or mobile sources. Stationary sources include construction, maintenance, repair and remediation activities, operations at production facilities, gas flaring, and drilling operations from either onshore or offshore facilities. Mobile sources include aircraft traffic, open-water winter vibroseis programs, geotechnical

surveys, ice road construction, vehicle traffic, and tracked vehicles and snowmobiles.

Noise may act as a deterrent to polar bears entering work areas, conversely camp odors could attract them (see 50 CFR 18.34 for further guidance). Attracting polar bears to these locations could result in human-bear encounters, unintentional harassment, intentional hazing, or possible lethal take in defense of human life. When disturbed by noise, animals may respond behaviorally (e.g., escape response) or physiologically (e.g., increased heart rate, hormonal response) (Harms *et al.* 1997; Tempel and Gutierrez 2003). Noise produced by Industry activities during the open-water and ice-covered seasons could disturb polar bears. The available studies of polar bear behavior indicate that polar bears can be sensitive to noise disturbance based on previous interactions, sex, age, and maternal status (Anderson and Aars 2008; Dyck and Baydack 2004). Additionally, habituation may impact individual bear behavior. A more detailed description of the impact of noise on polar bear hearing can be found below in *Analysis of Aircraft Impact*.

Encounter Rate

The most comprehensive dataset of human-polar bear encounters along the coast of Alaska consists of records of Industry encounters during activities on the North Slope. This database is referred to as the "LOA database" because it aggregates data reported by the oil and gas industry to the Service pursuant to the terms and conditions of LOAs, issued under current and previous incidental take regulations (50 CFR part 18, subpart J). While KIC's project area does not spatially overlap with the activities that inform the LOA database, the LOA database does include data from the same types of activities as specified in KIC's request and serves as a reasonable proxy for how polar bears may interact with KIC's project. We have used the LOA database in conjunction with bear density projections for the entire coastline to generate quantitative encounter rates in the project area. We used records from 2014–2018 to conduct the analyses described below. These records were entered into a larger LOA database, which included the date and time of the encounter, a general description, number of bears encountered, latitude and longitude, weather variables, and a take determination made by the Service. If latitude and longitude were not supplied in the initial report, we georeferenced the encounter using the location description and a map of North

Slope infrastructure. We also calculated distance to shore for each encounter record using a shapefile of the coastline and the *dist2Line* function found in the R geosphere package.

Spatially Partitioning the North Slope Into “Coastal” and “Inland” Zones

Polar bear encounters along the Alaskan coast exhibit a high degree of spatial autocorrelation, with the vast majority of encounters occurring along the shore or immediately offshore (Atwood *et al.* 2015, Wilson *et al.* 2017). Thus, encounter rates for inland

operations should be significantly lower than those for offshore or coastal operations. To partition the North Slope into “coastal” and “inland” zones, we calculated the distance to shore for all encounter records in the period 2014–2018 in the Service’s LOA database. Linked sightings of the same bear(s) were removed from the analysis, and individual records were created for each bear encountered. However, because we were only able to identify and remove repeated sightings that were designated as linked within the database, it is likely

that some repeated encounters of the same bear remained in our analysis. Of the 1,713 bears encountered from 2014 through 2018, 1,140 (66.5 percent) of the bears were offshore. While these bears were encountered offshore, the encounters were reported by onshore or island operations (*i.e.*, docks, drilling and production islands, or causeways). We examined the distribution of bears that were onshore and up to 10 km (6.2 mi) inland to determine the distance at which encounters sharply decreased (figure 2).

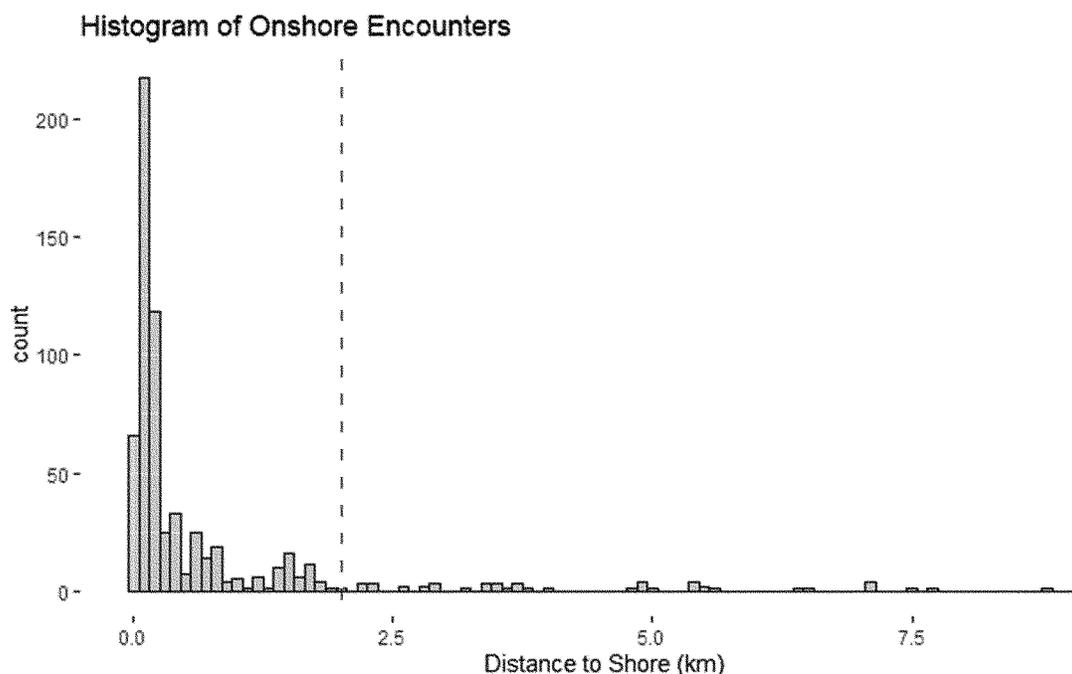


Figure 2. Distribution of onshore polar bear encounters by distance to shore (km). The decrease in encounters was used to designate a “coastal” zone up to 2.0 km (1.2 mi) from shore, and an “inland” zone greater than 2.0 km (1.2 mi) from shore.

The histogram illustrates a steep decline in human-polar bear encounters at 2 km (1.2 mi) from shore. Using this data, we divided the North Slope into the “coastal zone,” which includes offshore operations and up to 2 km (1.2 mi) inland, and the “inland zone,” which includes operations more than 2 km (1.2 mi) inland.

Dividing the Year Into Seasons

The Service’s LOA database was also used to divide the year into seasons of high bear activity and low bear activity. Below is a histogram of all bear encounters from 2014 through 2018 by day of the year (Julian date). Two clear seasons of polar bear encounters can be

seen: An “open water season” that begins in mid-July and ends in mid-November, and an “ice season” that begins in mid-November and ends in mid-July. The 200th and 315th days of the year were used to delineate these seasons when calculating encounter rates (figure 3).

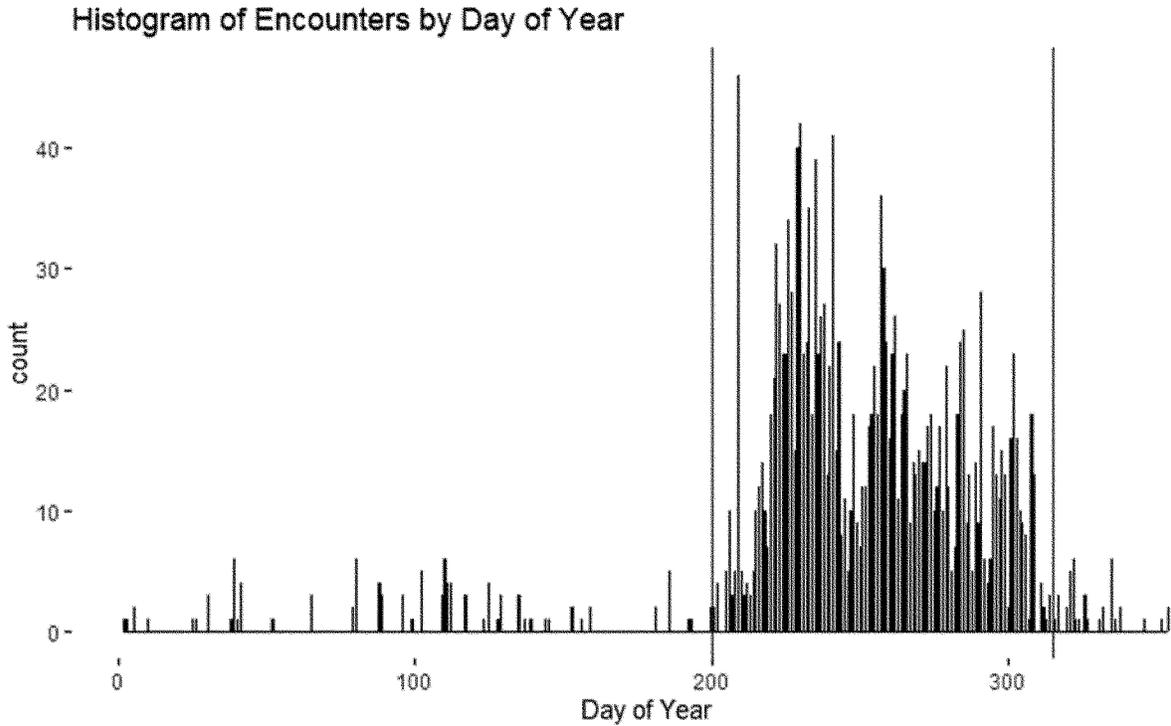


Figure 3. Distribution of polar bear encounters by Julian day of year. Dotted lines delineate the “open” vs. “ice” seasons. Open season begins on the 200th day of the year (July 19th) and ends on the 315th day of the year (November 11th).

North Slope Encounter Rates

Encounter rates in bears/season/km² were calculated using a subset of the

Industry encounter records maintained in the Service’s LOA database. The

following formula was used to calculate encounter rate (Equation 1):

$$\frac{\text{Bears Encountered by Season}}{\text{Area Occupied (km}^2\text{)}}$$

Equation 1

The subset consisted of encounters in areas that were constantly occupied year-round to prevent artificially inflating the denominator of the equation and negatively biasing the encounter rate. To identify constantly occupied North Slope locations, we gathered data from a number of sources. We used past LOA applications to find descriptions of projects that occurred anywhere within 2015–2018 and the

final LOA reports to determine the projects that proceeded as planned and those that were never completed. Finally, we relied upon the institutional knowledge of our staff, who have worked with operators and inspected facilities on the North Slope. To determine the area around industrial facilities in which a polar bear can be seen and reported, we queried the LOA database for records that included the

distance to an encountered polar bear. It is important to note that these values may represent the closest distance a bear came to the observer, or the distance at initial contact. The histogram of these values shows a drop in the distance at which a polar bear is encountered at roughly 1,600 m (1 mi) (figure 4).

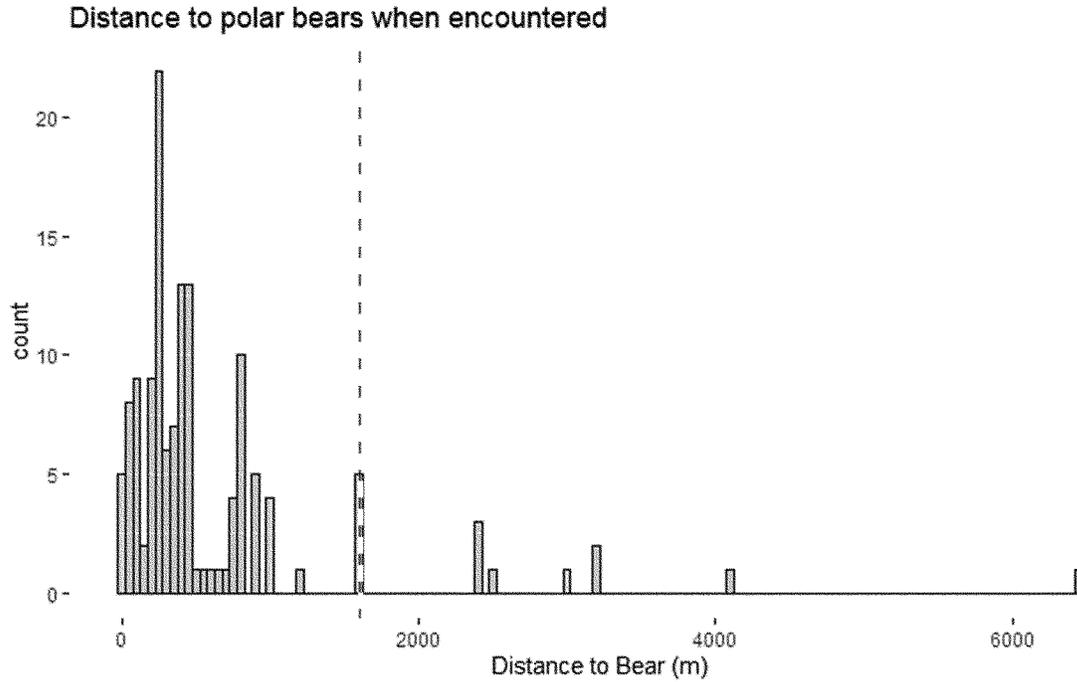


Figure 4. Distribution of polar bear encounters by distance to bear (m). Given this distribution, search area was set at 1,600 m (1.0 mi) from industrial infrastructure.

Using this information, we buffered the 24-hour occupancy locations listed above by 1,600 m (1 mi) and calculated an overall search area for both the coastal and inland zones. The coastal

and inland occupancy buffer shapefiles were then used to select encounter records that were associated with 24-hour occupancy locations, resulting in the number of bears encountered per

zone. These numbers were then separated into open-water and ice seasons (table 1).

TABLE 1—SUMMARY OF ENCOUNTERS WITHIN 1,600 m (1 mi) OF THE 24-HOUR OCCUPANCY LOCATIONS AND SUBSEQUENT ENCOUNTER RATES FOR COASTAL (a) AND INLAND (b) ZONES

Year	Ice season encounters	Open-Water season encounters
(A) Coastal Zone (Area = 133 km²)		
2014	2	193.
2015	8	49.
2016	4	227.
2017	7	313.
2018	13	205.
Average	6.8	197.4.
Seasonal Encounter Rate	0.05 bears/km ²	1.48 bears/km ² .
(B) Inland Zone (Area = 267 km²)		
2014	3	3.
2015	0	0.
2016	0	2.
2017	3	0.
2018	0	2.
Average	1.2	1.4.
Seasonal Encounter Rate	0.004 bears/km ²	0.005 bears/km ² .

Correction for Increased Bear Density in the Project Area

Distribution patterns of polar bears along the coast of the SBS were estimated by Wilson *et al.* (2017) using a Bayesian hierarchical model based on 14 years of aerial surveys in late summer and early fall. The model estimated 140 polar bears per week along the coastline (a measurement that included barrier islands), with the highest density occurring on Barter Island, which is within the project area. In order to correct the encounter rates for the higher density of polar bears in this area, we calculated the proportional relationship between bear density in the North Slope area and the project area. Wilson *et al.* (2017) divided the coastline into 10 equally sized grids. The North Slope area for which the above encounter rates are calculated falls within grids 4–7, and the Marsh Creek-East 3D seismic survey project area falls within grids 8 and 9. Wilson *et al.* (2017) found 40 percent of the bears along the coastline were estimated to occur in grids 4–7, and 40 percent were estimated to occur in grids 8 and 9. When accounting for the length of coastline in these segments, we found the number of bears in grids 8 and 9 to be 2.33 times higher than the number of bears in grids 4–7. We therefore multiplied the North Slope coastal and inland encounter rates described above by 2.33 during the open-water and ice seasons.

Take Rate

Level B take rate, or the probability that an encountered bear will experience either incidental or intentional Level B take, was calculated

using the 2014–2018 dataset from the LOA database. A binary logistic regression of take regressed upon distance to shore was not significant ($p = 0.65$), supporting the use of a single take rate for both the coastal and inland zones. However, a binary logistic regression of take regressed upon day of the year was significant. This significance held when encounters were binned into either ice or open-water seasons ($p < 0.0015$). We calculated the take rate for each season separately and found the combined rate of incidental and intentional Level B take to be 0.28 (*i.e.*, 28 percent of encounters end in take) during the ice season, and 0.16 during the open-water season.

Take Area

As noted above, we have calculated a bear density depending on the distance from shore and season, and a take rate depending on season. In order to estimate take from the project activities, we must calculate the area affected by project activities to such a degree that take is likely. This is sometimes referred to as a zone or area of influence. Behavioral response rates of polar bears to disturbances are highly variable, but disturbances within 805 m (0.5 mi) are generally more likely to cause take by Level B harassment than those at greater distances. Observational data to support the relationship between distance to bears and disturbance is limited. During the Service’s coastal aerial surveys, most polar bears that responded in a way that indicated possible take by Level B harassment (polar bears that were running when detected or began to run or swim in response to the aircraft) did so at 760 m (0.47 mi) or less (as

measured from the ninetieth percentile horizontal detection distance from the flight line). Similarly, Andersen and Aars (2008) found that polar bears began to walk or run away from approaching snowmobiles at a mean distance of 843 m (0.52 mi). The authors also found females with cubs responded by walking or running away at a distance of 1.5 km (0.95 mi). Conversely, Dyck and Baydack (2004) found females showed decreased vigilance in the presence of vehicles on the tundra. Furthermore, in their summary of polar bear behavioral response to icebreaking vessels in the Chukchi Sea, Smultea *et al.* (2016) found no difference between reactions of males, females with cubs, or females without cubs. Thus, while further research into the reaction of polar bears to anthropogenic disturbance may indicate a greater zone of potential impact is appropriate, the current literature suggests 805 m (0.5 mi) will likely encompass the majority of polar bear takes.

Estimated Take

We used the spatio-temporally specific encounter rates and temporally specific take rates derived above, in conjunction with the spatially and temporally specific project proposal from KIC, to calculate estimated take. The activities proposed by KIC can be grouped into three categories: An access route, seismic activity, and summer cleanup activities. The distribution of personnel and equipment across the project area is different for each of these categories, thus they differ slightly. Table 2 provides the definition for each variable used in the take formulas.

TABLE 2—DEFINITIONS OF VARIABLES USED IN TAKE ESTIMATES

Variable	Definition
d_i	days of impact.
d_s	days in each season (open-water season = 116, ice season = 249).
S_p	proportion of the season an area of interest is impacted.
B_{es}	bears encountered in an area of interest for the entire season.
a_c	coastal exposure area.
a_i	inland exposure area.
r_o	occupancy rate.
e_{co}	coastal open-water season bear-encounter rate in bears/season.
e_{ci}	coastal ice season bear-encounter rate in bears/season.
e_{io}	inland open-water season bear-encounter rate in bears/season.
e_{ii}	inland ice season bear-encounter rate in bears/season.
t_i	ice season take rate.
t_o	open-water season take rate.
B_t	number of estimated Level B takes.
B_T	total bears taken for activity type.

The variables defined above were used in a series of formulas to ultimately estimate the total take from surface-level interactions. Encounter

rates were originally calculated as bears encountered per square kilometer per season (see *North Slope Encounter Rates* above). Therefore, we calculated

the proportion of the season (S_p) that an area of interest (*i.e.*, a buffered access route, seismic sub-block, or summer

cleanup area) would be impacted with the following formula (Equation 2).

$$S_p = \frac{d_i}{d_s}$$

Equation 2

The area of impact to non-denning bears from linear (access route) activities was calculated by buffering the access route by 805 m (0.5 mi) on each side, creating a 1,610-m (1.0-mi) corridor of impact. We calculated the area of access road impact in both the coastal and inland zones for each camp movement, as the access road grows in length with each advance of the camp. To determine the area of impact for the on-the-ground portion of summer

cleanup activities, the maximum size of a camp (91x122 m; 300x400 ft) was buffered by 1,610 m (1 mi) to account for personnel venturing outside the immediate camp area to pick up debris, resulting in a 2.9-km² impact area. KIC will use only one cleanup crew, thus only 2.9 km² will be impacted at any given time. The areas of impact were then clipped (a function that retains only overlapping areas) by coastal and inland zone shapefiles in ArcGIS Pro to

determine the coastal areas of impact (a_c) and inland areas of impact (a_i) for each activity category. Impact areas were multiplied by the appropriate encounter rate to obtain the number of bears expected to be encountered in the area of interest per season (B_{es}). The equation below (Equation 3) provides an example of the calculation of bears encountered in the ice season for an area of interest in the coastal zone.

$$B_{es} = a_c * e_{ci}$$

Equation 3

The rate of occupancy (r_o) of each operation category was determined using the description of activities provided by the applicant. KIC has stated they may use the access road up to once a day. We have estimated this use will lead to up to 50 percent occupancy of the access road impact

area at any given time. Advance crews activity was assigned an occupancy rate of r_o=0.33, as they will be present in only one third of the survey block at any given time. Both the main seismic and summer cleanup activities were assigned r_o=1, as these areas will be impacted constantly. To generate the

number of estimated Level B takes for each area of interest, we multiplied the number of bears in the area of interest per season by the proportion of the season the area is occupied, the rate of occupancy, and the take rate (Equation 4).

$$B_t = B_{es} * S_p * r_o * t_i$$

Equation 4

The total number of Level B takes for surface-level interactions was calculated by adding the takes for each activity type (table 3). A total of one Level B take of polar bears are anticipated from surface-level activities.

TABLE 3—VALUES FOR THE VARIABLES DEFINED ABOVE FOR EACH ACTIVITY CATEGORY

Variable	Access road	Seismic activity	Summer cleanup
<i>d_i</i>	See table 9 for days per sub-block.	See table 9 for days per sub-block.	3 days in coastal zone, 12 days in inland zone.
<i>d_s</i>	Open water = 116, Ice = 249	Open water = 116, Ice = 249	Open water = 116, Ice = 249.
<i>S_p</i>	0.008–0.012 unique to date and sub-block.	0.008–0.012 unique to sub-block	0.012 in coastal zone, 0.10 in inland zone.

TABLE 3—VALUES FOR THE VARIABLES DEFINED ABOVE FOR EACH ACTIVITY CATEGORY—Continued

Variable	Access road	Seismic activity	Summer cleanup
B_{es}	0.364–23.053 bears unique to date and sub-block.	0.32–4.39 bears unique to sub-block.	0.344 bears in coastal zone, 0.033 bears in inland zone.
a_c	101–194 km ² unique to sub-block	7–37 km ² unique to sub-block	2.9 km ² .
a_i	35–103 km ² unique to sub-block	16–95 km ² unique to sub-block	2.9 km ² .
r_o	0.5	0.33 for advance crew 1 for main crew	1.
e_{co}	3.45 bears/km ² /season	3.45 bears/km ² /season	3.45 bears/km ² /season.
e_{ci}	0.118 bears/km ² /season	0.118 bears/km ² /season	0.118 bears/km ² /season.
e_{io}	0.0116 bears/km ² /season	0.0116 bears/km ² /season	0.0116 bears/km ² /season.
e_{ii}	0.0104 bears/km ² /season	0.0104 bears/km ² /season	0.0104 bears/km ² /season.
t_i	0.28	0.28	0.28.
t_o	0.16	0.16	0.16.
B_r	0.0004–0.038 bears unique to sub-block.	0.0002–0.008 bears unique to sub-block.	0.0005–0.001 bears unique to sub-block.
B_T	0.70 Level B takes	0.25 Level B takes	0.0017 Level B takes.
Total Level B takes due to surface interactions is 1 bear.			

Analysis of Aircraft Impact to Surface Bears

Potential Impacts From KIC Aircraft Activities

Behavioral responses can be seen from acute exposure to high sound levels or from long periods of exposure to lower sound levels. Prolonged exposure over time can lead to a chronic stress response (see *Level B Harassment*) that may inhibit necessary life activities for polar bears (see *Level A Harassment*). Both the sound levels and durations of exposure from KIC’s aircraft will depend primarily on a polar bear’s vertical distance from the aircraft. Airborne sound attenuation rates are affected by characteristics of the atmosphere and topography, but can be conservatively generalized for line sources (such as flight lines) over acoustically “hard” surfaces like water (rather than “soft” surfaces like snow) by a loss of 3 dB per doubling of distance from the source. At this attenuation rate, a sound registering 90 dB directly below a flyover at 91 to 152 m (300 to 500 ft) above sea level (ASL) will attenuate to 80 dB in 1 to 1.5 km (0.6 to 0.9 mi). The same noise level will attenuate to 68 dB within 15 to 24 km (9 to 15 mi).

Sound frequencies produced by KIC’s aircraft will likely fall within the hearing range of polar bears (see *Nachtigall et al. 2007*) and will be audible to animals during flyovers. During FAA testing, the test aircraft produced sound at all frequencies measured (50 Hz to 10 kHz) (*Healy 1974; Newman 1979*). At frequencies centered at 5 kHz, jets flying at 300 m (984 ft) produced 1/3 octave band noise levels of 84 to 124 dB, propeller-driven aircraft produced 75 to 90 dB, and

helicopters produced 60 to 70 dB (*Richardson et al. 1995*).

Observations of polar bears during fall coastal surveys, which flew at much lower altitudes than is required of Industry aircraft (see *Estimating Take Rates of Aircraft Activities*), indicate that the reactions of non-denning polar bears is typically varied but limited to short-term changes in behavior ranging from no reaction to running away. *Larson et al. 2020* has recently determined “a 20.0 percent probability (95 percent CI = 05.1 – 34.9) of eliciting increased vigilance, a 57.4 percent probability (95 percent CI = 38.9 – 75.9) of initiating rapid movement, and a 22.6 percent probability (95 percent CI = 06.8 – 38.4) of causing den abandonment” in polar bears when exposed to aircraft activity. This finding indicates the potential that aircraft activities can cause the take of both surface and denning bears via a biologically significant response. Aircraft activities can impact bears over all seasons; however, during the summer and fall seasons, aircraft have the potential to disturb both individuals and congregations of polar bears. Polar bears are onshore during this time of year and spend the majority of their time resting and limiting their movements on land. Exposure to aircraft traffic at this time of year is expected to result in changes in behavior, such as going from resting to walking or running, and therefore has the potential to be more energetically costly compared to other times of year. Mitigation measures, such as minimum flight elevations over polar bears, habitat areas of concern, and flight restrictions around known polar bear habitat will be required to achieve least practicable adverse impact of the

likelihood that polar bears are disturbed by aircraft.

KIC has requested authorization for Level B incidental harassment of polar bears. Polar bears in the project area will likely be exposed to the visual and auditory stimulation associated with KIC’s flight plans. If polar bears are disturbed, it may be more likely due to the airborne noise associated with KIC’s take-offs and landings, or possibly the noise in tandem with the sight of the aircraft during flight. These impacts are likely to be minimal and not long-lasting to surface bears. KIC’s flights will generate noise that is louder and recurs more frequently than noise from regular air traffic due to the survey’s particular aircraft and flight pattern, taking off and landing multiple times per day. Flyovers may cause disruptions in the polar bear’s normal behavioral patterns, thereby resulting in incidental take by Level B harassment. Sudden changes in direction, elevation, and movement may also increase the level of noise produced from the helicopter, especially at lower altitudes. This increased level of noise could result in a Level B take and adverse behavioral modifications from polar bears in the area. Mitigation measures, such as minimum flight elevations over polar bears and restrictions on sudden changes to helicopter movements and direction, will be required to reduce the likelihood that polar bears are disturbed by aircraft. Once mitigated, such disturbances are expected to have no more than short-term, temporary, and minor impacts on individuals.

Estimating Take Rates of Aircraft Activities

To predict how polar bears will respond to aircraft overflights during

North Slope oil and gas work, we first developed a behavioral response curve to determine various exposure areas at which polar bears may react to aircraft noise. We then developed an aircraft noise profile using noise mapping software and Federal Aviation Administration (FAA) test values for aircraft noise in A-weighted decibels (dBA). With the noise profile and exposure distances, we then developed a Level B take rate response curve to determine the estimated take rate within each exposure area based on the noise levels of the aircraft.

The behavioral response curve plots the decibel level and distance at which polar bears exposed to aircraft noise show behavioral responses that indicate take by Level B harassment. To develop the behavioral response curve, we examined existing data on the behavioral responses of polar bears

during aircraft surveys conducted by the Service along with the U.S. Geological Survey (USGS) between August and October during most years from 2000 to 2014 (Wilson *et al.* 2017, Atwood *et al.* 2015, and Schliebe *et al.* 2008).

Behavioral responses due to sight and sound of the aircraft have both been incorporated into this analysis as there was no ability to differentiate between the two response sources during aircraft survey observations. Aircraft types used for surveys during the study included a fixed-wing Aero-Commander from 2000 to 2004, an R-44 helicopter from 2012 to 2014, and an A-Star helicopter for a portion of the 2013 surveys. During surveys, all aircraft flew at an altitude of approximately 90 m (295 ft), and at a speed of 150 to 205 km per hour (km/h) or 93 to 127 mi per hour (mi/h). Reactions indicating possible take by Level B harassment were recorded when

a polar bear was observed running from the aircraft or began to run or swim in response to the aircraft. Of 951 polar bears observed during coastal aerial surveys, 162 showed these reactions, indicating that the percentage of Level B take during these low-altitude coastal survey flights was 17 percent.

Detailed data on the behavioral responses of polar bears to the aircraft were available for only the flights conducted between 2000 and 2004 ($n = 581$). The Aero Commander 690, also known as the Turbo Commander, was used during this period. The horizontal detection distance from the flight line was recorded for 108 polar bears that reacted by running or swimming away from aircraft, indicating a Level B harassment. Using these data, we parameterized a logistic function to predict distances at which bears responded ($R^2 = 0.99$; Equation 5).

$$y = 0.0069987922 + \frac{0.40588153 - 0.0069987922}{1 + \left(\frac{x}{155.10903}\right)^{3.1068933}}$$

Equation 5

Accordingly, the approximate sum of the declining response rates from the center of the flight line to 400 m (0.25 mi) was 0.87 and to 800 m (0.5 mi) was 0.92. This calculation indicates that the majority (92 percent) of polar bears with

responses to aircraft indicating take by Level B harassment responded within 800 m, whereas 8 percent of Level B take occurred beyond that ($1 - 0.92 = 0.08$) (figure 5). The response distances (400 m [0.25 mi], 800 m [0.5 mi], and

2,000 m [1.2 mi]) were then combined with the sound produced by the aircraft, based on altitude, to determine the level of noise at which polar bears are likely to exhibit a behavioral response.

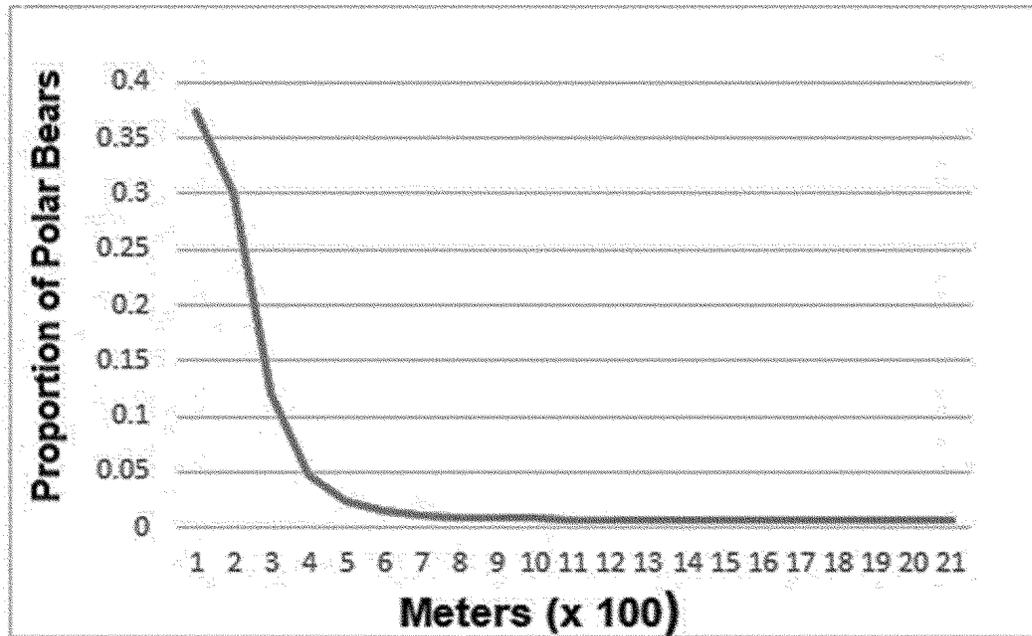


Figure 5. Cumulative frequency (Y axis) of distance from the center of flight line in meters (X axis) times 100 for polar bears showing Level B responses to aircraft overflights.

The intensity of response within each exposure area will be affected by the altitude and aircraft type. To predict how polar bears might respond to different levels of noise within each exposure area, we evaluated the sound levels at the source that were generated during the coastal surveys using the Aero Commander. Sound waves propagate as a sphere and follow the “inverse square law” of attenuation. A general rule is that the level reduces by 6 dB per doubling of distance. The source sound levels of the Aero Commander were back-calculated from the FAA test values based on this generalized modelling approach. Specifically, we used noise mapping software by MAS Environmental, Ltd. (2020), to generate a geometric spreading loss model with attenuation by atmospheric absorption according to International Organization for

Standardization (ISO) 9613–2 methodology (ISO 1996).

Parameters for estimating the source sound pressure levels include the received sound levels, frequency distribution of aircraft sound, and atmospheric conditions. The received sound pressure level for the Aero Commander 690 flying at an altitude of 305 m (1,000 ft) and maximum continuous power (approximately 525 km/hr or 326 m/hr [Twin Commander Aircraft]) was 76.4 dBA measured at ground level (FAA 2012). The Aero Commander’s noise levels have also been measured during a gliding flight path at 152.4 m (500 ft) altitude and airspeeds up to 324 km/hr (201 mi/hr), during which the aircraft produced a maximum of 75.4 dB (Healy 1974).

Frequency distribution of broadband aircraft sound was generalized from figure 2 in Bajdek *et al.* (2016).

Environmental parameters were based on average Prudhoe Bay weather conditions (Thorsen 2020) of -11°C , 82 percent humidity, and a “ground factor” of 0 for hard ground, ice, and water. Based on these parameters, the source levels of the Aero Commander were estimated to be 132.5 dB during the test flights conducted by the FAA.

The noise levels that would have been received by polar bears on the ground surface during the USFWS/USGS coastal surveys were then estimated using the same geometric spreading loss model for attenuation at a flight altitude of 90 m (295 ft). The model outputs indicated that polar bears under the center of the flight line were likely to have been exposed to approximately 80.4 dBA, while those at 400 m (0.25 mi) from the centerline were likely exposed to approximately 65.3 dBA (figure 6).

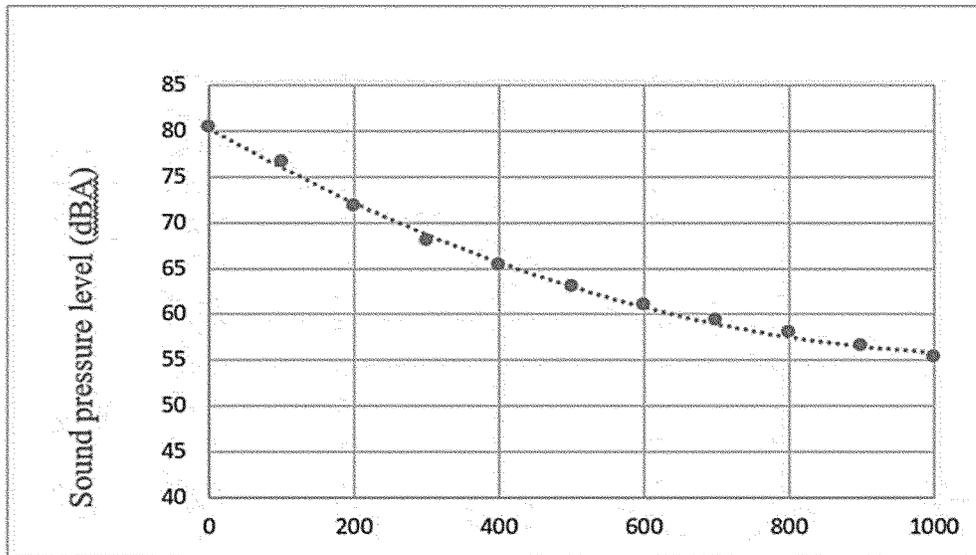


Figure 6. Sound attenuation by distance from center of USFWS/USGS coastal survey flight line. Surveys were flown at 90 m (152.4 ft) above ground level.

Model outputs incorporated A-weighting. A-weighting reduces the decibel levels perceived outside of the

best hearing range of human beings and was applied herein as a conservative reduction of decibel levels for polar

bears due to the high degree of overlap in the frequency ranges of hearing (figure 7).

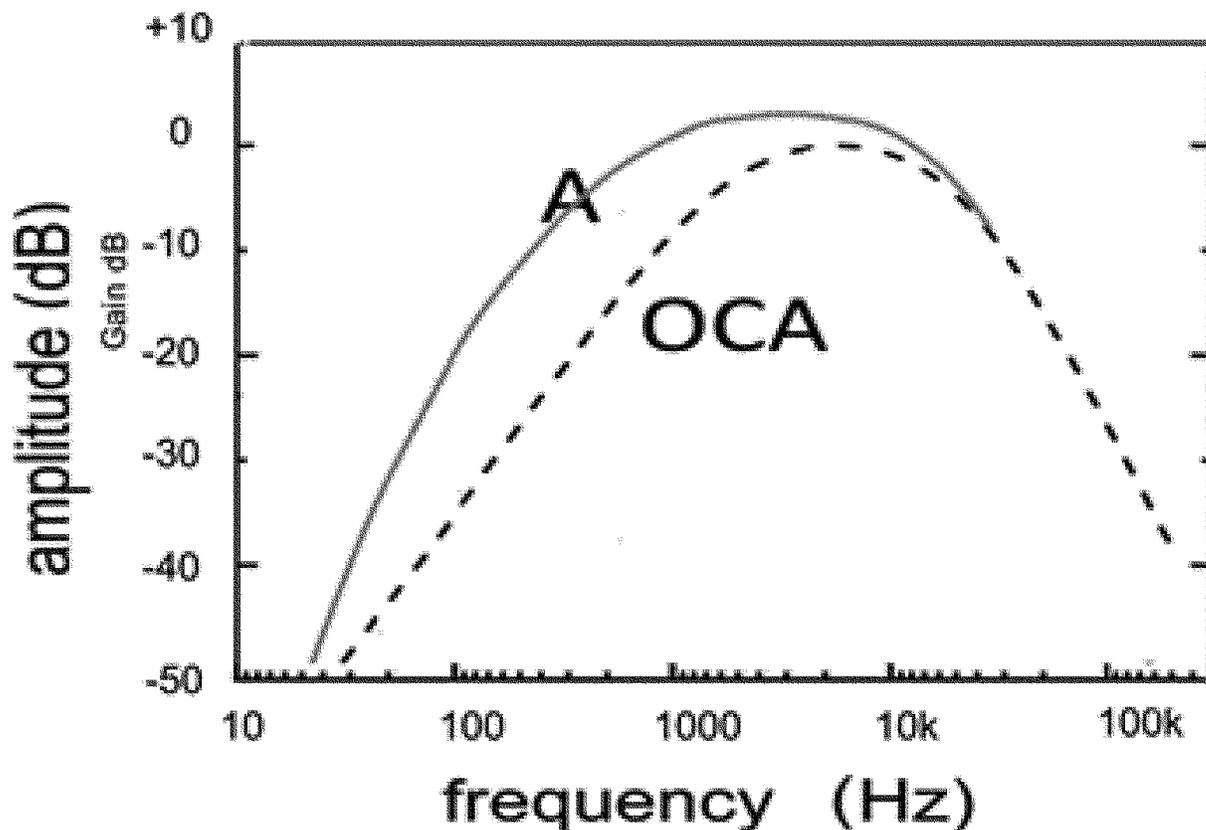


Figure 7. Comparison of the A-weighting function for human hearing (“A”; solid line) with the recommended weighting function from Southall *et al.* (2019) for other carnivores, including polar bears, in air (“OCA”; black).

Aircraft flight for the oil and gas Industry on the North Slope seldom occur at cruising altitudes less than 152.4 m (500 ft). But, the estimated rate of Level B take at less than 152.4 m (500 ft) was assumed to be appropriate for takeoffs and landings. The sound source levels of the Aero commander and corresponding behavioral response rates at various distances from the center line of flight path were used to inform the spatiotemporally explicit Level B take

rate response curve (figure 8). We were then able to apply this take rate response curve to noise profiles calculated for other types of aircraft. For winter and summer activities, we used the De Havilland DH6–300 Twin Otter and noise tests conducted for this aircraft by the FAA (2012). Although the Bell 206 is planned to be used during summer operations, there was a lack of information to inform the sound propagation model. We do know,

however, that the estimated dBA at 400 ft above ground level for the Bell 206 is less than what is estimated for the Twin Otter (82.4 dBA [NPS 2007] and 89.7 dBA respectively). Therefore, there is likely a slight overestimation of take in regards to summer activities. Decibel levels from flights at various altitudes were estimated using the geometric spreading model, and the resulting take rate was predicted from the response curve (table 4).

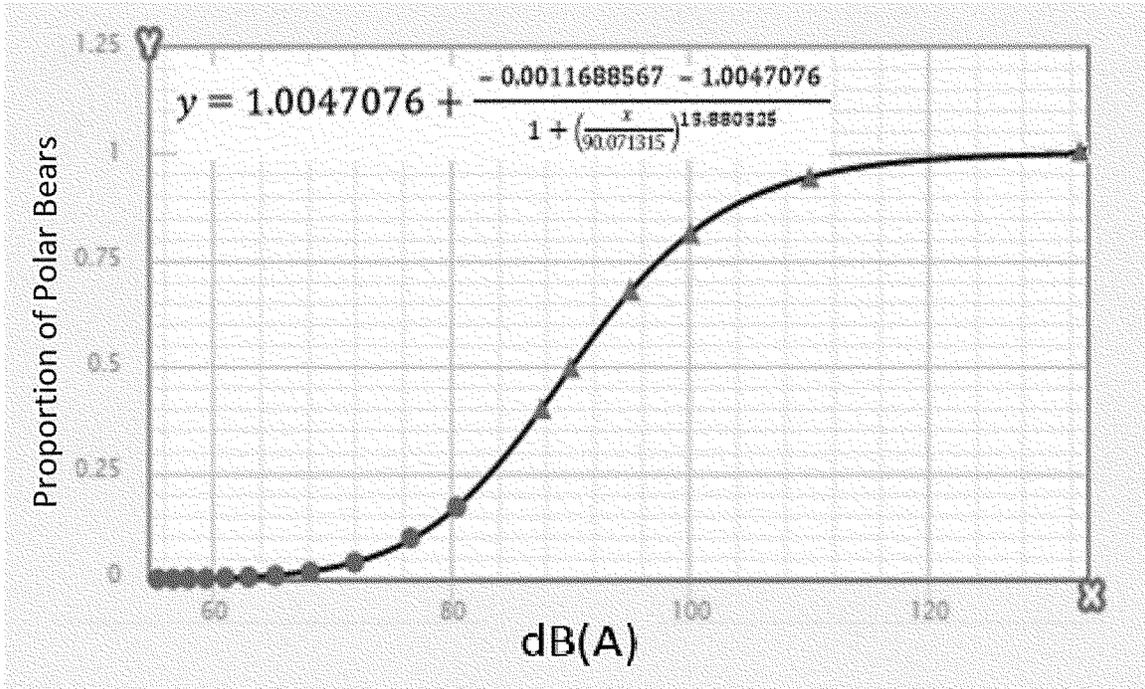


Figure 8. Observed (circles) and predicted (triangles) rates of Level B take of polar bears by sound pressure level (dBA) from exposure to aircraft.

The sound level at which all polar bears would respond was set to 132.5 dBA based on thresholds identified for

possible hearing damage due to sound exposure for proxy marine mammal species identified by Kastak *et al.*

(2007), Southall (2019), and Finneran (2015).

TABLE 4—RATE OF LEVEL B TAKE BY EXPOSURE TYPE (ALTITUDE AND DISTANCE FROM CENTER OF FLIGHT LINE) AND ACTIVITIES FOR WHICH THESE RATES APPLY.

Aircraft	Up to (m) altitude	Max estimated SPL in the zone (dBA)	Up to (m) distance from center	Level B response rate for the distance category (percent)	Applicable to
Twin Otter	90	95.2	0–399	68.6	Takeoffs/landings (<300 ft)
Twin Otter	90	79.1	400–799	14.1	Takeoffs/landings (<300 ft)
Twin Otter	90	71.5	800–2,000	3.8	Takeoffs/landings (<300 ft)
Twin Otter	152.4	89.7	0–399	48.7	Flights 500–1,000 ft
Twin Otter	152.4	78.6	400–799	13.1	Flights 500–1,000 ft
Twin Otter	152.4	71.3	800–2,000	3.7	Flights 500–1,000 ft
Twin Otter	457	82.3	0–399	22.2	Flights 1,000–1,500 ft
Twin Otter	457	76.8	400–799	9.8	Flights 1,000–1,500 ft
Twin Otter	457	70.7	800–2,000	3.3	Flights 1,000–1,500 ft

General Approach to Estimating Take for Aircraft Activities

Aircraft information was determined using details provided in the application, including flight paths, flight take-offs and landings, altitudes, and aircraft type. We marked the approximate flight path start and stop points using ArcGIS Pro (version 2.4.3), and the paths were drawn.

For winter activities, we started the flight paths at the Deadhorse airport and ended them at the centroid of each sub-

block using a frequency of 3 flights per week totaling approximately 62 flights during the winter season. A portion of this flight path lies within the authorization area for the 2016–2021 Beaufort Sea ITR and was excluded from this analysis. For summer cleanup activities, we started flight paths at Barter Island Airport and extended one flight path approximately 160 km (~99 mi) into the coastal zone, extended one flight path approximately 160 km (~99 mi) into the inland zone, and added an additional flight path in the inland zone

to serve as the basis for inland tundra landing analysis. Because Barter Island Airport is within the coastal zone, we did not have to draw a separate tundra landing path to analyze coastal landings. These flight paths were analyzed based on the coastal portion of summer cleanup activities occurring prior to July 19th and lasting for 3 days before moving inland for the remaining 12 days occurring after July 19th. A total of 32 tundra landings per day were also included in the analysis.

Flight segments flown at lower altitudes were estimated to have greater impact on encountered polar bears due to higher received sound levels. For example, received sound levels are higher from aircraft flying at 91 m (300 ft) than at 305 m (1,000 ft). To account for this, once the flight paths were generated, flights were broken up into segments for landing, take-off, and traveling. For winter activities, the take-off area and a portion of the travel segment of the flight path resides within the area covered by the 2016–2021 Beaufort Sea ITR and is excluded from KIC's IHA request and this analysis. "Landing" and "take-off" areas were marked along the flight paths at each end point to designate low-altitude areas. The "traveling area" is considered the point in which an aircraft is likely to be at its maximum altitude (altitudes of 152.4 m (500 ft) up to 457 m (1,500 ft) depending on the aircraft activity). The distance considered the "landing" area is based on approximately 4.83 km (3 mi) per 305 m (1,000 ft) of altitude descent speed. For all flight paths at or

exceeding an altitude of 152.4 m (500 ft), the "take-off" area was marked as 2.41 km (1.5 mi) based on flight logs found through FlightAware, which noted that ascent to maximum flight altitude took approximately half the time of the average descent. We then applied exposure areas along the flight paths (see section *Estimating Take Rates of Aircraft Activities*). These areas consisted of 0–399 m (0.25 mi), 400–799 m (0.50 mi), and 800–2,000 m (1.2 mi) distances from the center of the flight path.

After these exposure areas were determined, we differentiated the coastal and inland zones. The coastal zone was the area offshore and within 2 km (1.2 mi) of the coastline (see section *Spatially Partitioning the North Slope into "coastal" and "inland" zones*), and the inland zone is anything greater than 2 km (1.2 mi) from the coastline. We calculated the areas in square kilometers for each exposure area within the coastal zone and the inland zone for all take-offs, landings, and traveling areas (with the exception of

winter aircraft activities authorized through an LOA and excluded from KIC's request). For flights that involve an inland and a coastal airstrip, we considered landings to occur at airstrips within the coastal zone, such as Barter Island. Seasonal encounter rates developed for both the coastal and inland zones (see section *Search Effort Buffer*) were applied to the appropriate segments of each flight path.

Surface encounter rates are calculated based on the number of bears per season (see section *Search Effort Buffer*). To apply these rates to aircraft activities, we needed to calculate a proportion of the season in which aircraft were flown. However, the assumption involved in using a seasonal proportion is that the area is impacted for an entire day (*i.e.*, for 24 hours). Therefore, in order to prevent estimating impacts along the flight path over periods of time where aircraft are not present, we calculated a proportion of the day the area will be impacted by aircraft activities for each season (table 5).

Table 5. Variable definitions and constant values used in polar bear take estimates for winter and summer aircraft activities.

Variable	Definition	Value
d_s	days in each season	open water season = 116, ice season = 249
S_p	proportion of the season an area of interest is impacted	varies by flight
f	flight frequency	varies by flight
$D_{p(LT)}$	proportion of the day landing/take-off areas are impacted by aircraft activities	varies by flight
t_{LT}	amount of time an aircraft is impacting landing/take-off areas within a day	10 minutes per flight
$D_{p(TR)}$	proportion of the day traveling areas are impacted by aircraft activities	varies by flight
t_{TR}	amount of time an aircraft is impacting traveling areas	2 minutes per 4km [2.49mi] segment per flight
x	number of 4km (2.49mi) segments within each traveling area	varies by flight
B_{es}	bears encountered in an area of interest for the entire season	varies by flight
B_i	bears impacted by aircraft activities	varies by flight
a_c	coastal exposure area	varies by distance to center line
a_i	inland exposure area	varies by distance to center line
e_{co}	coastal open water season bear encounter rate in bears/season	3.45 bears/km ² /season
e_{ci}	coastal ice season bear encounter rate in bears/season	0.118 bears/km ² /season
e_{io}	inland open water season bear encounter rate in bears/season	0.0116 bears/km ² /season
e_{ii}	inland ice season bear encounter rate in bears/season	0.0104 bears/km ² /season
t_a	aircraft take rate	varies by distance to center line and altitude
B_t	number of estimated level B takes	varies by flight

The number of times each flight path was flown (*i.e.*, flight frequency) was determined from the application. We used the description combined with the

approximate number of weeks and months within the open-water season and the ice season to determine the total number of flights per season for each

year (*f*). We then used flight frequency and number of days per season (*d_s*) to calculate the seasonal proportion of flights (*S_p*; Equation 6).

$$S_p = \frac{f}{d_s}$$

Equation 6

After we determined the seasonal proportion of flights, we estimated the amount of time an aircraft would be impacting the landing/take-off areas within a day (*t_{LT}*). Assuming an aircraft is not landing at the same time another is taking off from the same airstrip, we

estimated the amount of time an aircraft would be present within the landing or take-off zone would be *t_{LT}* = 10 minutes. We then calculated how many minutes within a day an aircraft would be impacting an area and divided by the number of minutes within a 24-hour

period (1,440 minutes). This determined the proportion of the day in which a landing/take-off area is impacted by an aircraft for each season (*D_{p(LT)}*; Equation 7).

$$D_{p(LT)} = \frac{S_p * t_{LT}}{1440}$$

Equation 7

To estimate the amount of time an aircraft would be impacting the travel areas (, we calculated the minimum amount of time it would take for an aircraft to travel the maximum exposure area at any given time, 4 km (2.49 mi). We made this estimate using average aircraft speeds at altitudes less than 305

m (1,000 ft) to account for slower flights at lower altitudes, such as summer cleanup activities, and determined it would take approximately 2 minutes. We then determined how many 4-km (2.49-mi) segments are present along each traveling path (*x*). We determined the total number of minutes an aircraft

would be impacting any 4-km (2.49-mi) segment along the travel area in a day and divided by the number of minutes in a 24-hour period. This calculation determined the proportion of the day in which an aircraft would impact an area while traveling during each season (*D_{p(TR)}*; Equation 8).

$$D_{p(TR)} = \frac{S_p * (t_{TR} * x)}{1440}$$

Equation 8

We then used an aircraft noise profile and the parametric behavioral response curve (see section *Estimating Take Rates of Aircraft Activities*) to determine the appropriate take rate in each exposure area (up to 400 m [0.25 mi], 800 m [0.5 mi], and 2,000 m [1.2 mi] from the center of the flight line; see *Estimating Take Rates of Aircraft Activities*). The

take rate areas were then calculated separately for the landing and take-off areas along each flight path as well as the traveling area for flights with altitudes at or exceeding 152.4 m (500 ft).

To estimate number of polar bears taken due to aircraft activities, we first calculated the number of bears

encountered (*B_{es}*) for the landing/take off and traveling sections using both coastal (*e_{ci}* or *e_{co}*) and inland (*e_{ii}* or *e_{io}*) encounter rates within the coastal (*a_c*) and inland (*a_i*) exposure areas (Equation 9).

$$B_{es} = (e_{ci \text{ or } co} * a_c) + (e_{ii \text{ or } io} * a_i)$$

Equation 9

Using the calculated number of coastal and inland bears encountered for each season, we applied the daily

seasonal proportion for both landings/take-offs and traveling areas to determine the daily number of bears

impacted due to aircraft activities (*B_i*). We then applied the appropriate aircraft take rates (*t_a*) associated with each

exposure area at the altitude intervals of <91.4 m (<300 ft; take-offs and landings), 152.4 m (500 ft) to 305 m (1,000 ft), and 305 m (1,000 ft) to 457

m (1,500 ft) (see section *Estimating Take Rates of Aircraft Activities*) resulting in a number of bears taken during each season (B_i ; Equation 10). Take associated

with AIR surveys were analyzed separately.

$$B_t = B_i * t_a$$

Equation 10

Analysis Approach for Estimating Take During Aerial Infrared Surveys

Typically during every ice season Industry conducts polar bear surveys using AIR. These surveys are not conducted along specific flight paths and generally overlap previously flown areas within the same trip. The altitudes for these surveys can also vary. Given the above, the take estimates for surface bears during AIR surveys were analyzed using a different methodology.

Rather than estimate potential flight paths, we used the provided survey blocks to serve as a basis for our flight areas. We then estimated the area of each block that was within the coastal and inland zones. We accounted for three survey trips consisting of

approximately 7 days each, and calculated the daily proportion of the ice season in which AIR surveys were impacting the direct area (see *General Approach to Estimating Take for Aircraft Activities*). Using the seasonal bear encounter rates for the appropriate zones multiplied by the proportion of the day the areas were impacted for the season AIR surveys were flown, we determined the number of bears encountered. Because the altitude is variable (ranging from 152.4 m [500 ft]—305 m [1,000 ft] or greater), we calculated a constant take rate based on the Twin Otter’s noise profile. We averaged take rates associated with three categorical exposure areas measured as the perpendicular distance to the center of the flight line at ground level. The

exposure areas were 0–399 m (0–0.25 mi), 400–799 m (0.25–0.5 mi), and 800–2,000 m (0.5–1.2 mi) for altitudes of 152.4 m (500 ft)—305 m (1,000 ft). We then applied this take rate to the number of bears encountered per zone to determine number of bears taken for the project’s duration.

Estimated Take From Aircraft Activities

Using the approach described in *General Approach to Estimating Take for Aircraft Activities* and *Analysis Approach for Estimating Take during Aerial Infrared Surveys*, we were able to estimate the total number of bears taken by the aircraft activities during the KIC project Marsh Creek East 3D seismic project (table 6).

Table 6. Estimated Level B polar bear takes by season as a result of aircraft operations during the Marsh Creek East 3D seismic project.

Estimated Bear Takes			
	Open Season	Ice Season	Total
Winter Flights	0.000	0.038	0.038
Summer Flights	0.139	0.000	0.139
AIR Surveys	0.000	0.142	0.142
Total	0.139	0.180	0.319

Analysis of Impact to Denning Bears

To assess the likelihood and degree of exposure and predict probable responses of denning polar bears to activities proposed in the application, we characterized, evaluated, and prioritized a series of definitions and rules in a predictive model. We used information from published sources as well as information submitted to the Service by the Industry on denning chronology, behavior, and cub survival (i.e., case studies). We considered all available scientific and observational data on polar bear denning behavior and effects of disturbance to that behavior.

In the models discussed below, we define the following terms: (1) Exposure means any human activity within 1,610 m (1 mi) of a polar bear or active den. In the case of aircraft, an overflight within 1,500 feet (0.3 mi) above ground level; (2) Discrete exposure means an exposure that occurs only once; (3) Repeated exposure means an exposure that occurs more than once; and (4) Response probability means the probability that an exposure resulted in a response by denning polar bears. Additionally, we applied the following rules to our review of the case studies:

- (1) Any exposure that did not result in a Level A or lethal take could result in a Level B harassment take. Consequently, multiple exposures could result in multiple Level B harassment takes.
- (2) If dates of exposure were not explicit in a case study and the type of exposure could be daily (e.g., the den was located within 1,610 m (1 mi) of an ice road versus exposed to an aerial den survey), we assumed exposures occurred daily.
- (3) In the event of an exposure that resulted in a disturbance to denning bears, take was assigned for each bear

(i.e., female and each cub) associated with that den.

(4) In the absence of additional information, we assumed dens did not contain cubs prior to December 1, but did contain cubs on or after December 1.

(5) If an exposure occurred and the female subsequently abandoned her den after cubs were born (i.e., after December 1), we assigned a lethal take for each cub.

(6) If an exposure occurred during the early denning period and bears emerged from the den before cubs reached 60 days of age, we assigned a lethal take for each cub. In the absence of information about cub age, den emergences that occurred between December 1 and February 15 were considered to be early emergences and resulted in a lethal take of each cub.

(7) If an exposure occurred during the late denning period and bears emerged

from the den after cubs reached 60 days of age but before their intended (i.e., undisturbed) emergence date, we assigned a serious injury (i.e., an injury likely to result in mortality) Level A harassment take for each cub. In the absence of information about cub age and intended emergence date (which was known only for simulated dens), den emergences that occurred between (and including) February 16 and March 14 were considered to be early emergences and resulted in a serious injury Level A harassment take of each cub. If a den emergence occurred after March 14 but was clearly linked to an exposure, we considered the emergence to be early and resulted in a serious injury Level A harassment take of each cub.

(8) For dens where emergence was not classified as early, if an exposure occurred during the post-emergence period and bears departed the den site

prior to their intended (i.e., undisturbed) departure date, we assigned a non-serious Level A harassment take for each cub. In the absence of information about the intended departure date (which was known only for simulated dens), den site departures that occurred <9 days after the emergence date were considered to be early departures and resulted in a non-serious Level A harassment take of each cub. Lethal take of cubs could occur if a female abandoned them at the den site even after they spent ≥9 days at the den post-emergence.

We used details from 85 disturbance events from 56 polar bear dens to generate probabilities for model outcomes (table 7). Below, we provide definitions for terms used in this analysis category, a general overview of each denning stage, and the rules established for the model.

TABLE 7—PROBABILITY THAT A DISCRETE OR REPEATED EXPOSURE ELICITED A RESPONSE BY DENNING POLAR BEARS THAT WOULD RESULT IN LEVEL B, LEVEL A, OR LETHAL TAKE. LEVEL B TAKE WAS APPLICABLE TO BOTH ADULTS AND CUBS, IF PRESENT; LEVEL A AND LETHAL TAKE WERE APPLICABLE TO CUBS ONLY AND WERE NOT POSSIBLE DURING THE DEN ESTABLISHMENT PERIOD, WHICH ENDED WITH THE BIRTH OF CUBS. PROBABILITIES WERE CALCULATED FROM THE ANALYSIS OF 56 CASE STUDIES OF POLAR BEAR RESPONSES TO HUMAN ACTIVITY.

Exposure type	Period	Level B	Level A	Lethal
Discrete	Den Establishment	0.667	NA	NA
	Early Denning	NA	NA	0.000
	Late Denning	0.091	0.909	0.000
	Post-emergence	0.000	0.600	0.400
Repeated	Den Establishment	0.000	NA	NA
	Early Denning	0.000	NA	0.222
	Late Denning	0.650	0.200	0.050
	Post-emergence	0.250	0.625	0.125

We further define the following exposure categories for clarification based on polar bear response: (1) No response indicates a physiological and/or behavioral reaction by a polar bear to an exposure that is so minor that it may be discounted as having no effect; (2) A likely physiological response would be indicated by an alteration in the normal physiological function of a polar bear (e.g., elevated heart rate or stress hormone levels) that is typically unobservable, but is likely to occur in response to an exposure; and (3) An observed behavioral response is when changes in behavior are observed in response to an exposure. Changes can be minor or significant. For example, a resting bear raising its head and sniffing the air in response to a vehicle driving along a road is a minor behavioral response to exposure to vehicle activity. If a female nursing cubs-of-the-year stops nursing and runs away from a flying aircraft, that activity would

constitute a significant behavioral response to the exposure.

Defining the terms used to describe the timing for the den emergence period as well as the den entry period was a relevant consideration within the models: (1) The entrance date was considered the date that a female bear first enters a maternal den after excavation is complete; (2) The emergence is the time where a maternal den is first opened and a bear is exposed directly to external conditions; and (3) The departure date is typically the date when the bears leave the den site to return to the sea ice. If a bear leaves the den site after a disturbance but later returns, we considered the initial movement to be the departure date. Although a bear may exit the den completely at emergence, we considered even partial-body exits (e.g., only a bear's head protruding above the surface of the snow) to represent emergence in order to maintain consistency with dates derived from temperature sensors

on collared bears (e.g., Rode *et al.* 2018). For dens located near regularly occurring human activity, we considered the first day a bear was observed near a den to be the emergence date.

Several denning stages were also considered in the models, which might impact the outcome: (1) The den establishment period was considered the period of time between the start of maternal den excavation and the birth of the cubs. Unless evidence indicates otherwise, all dens that are excavated by adult females in the fall or winter are presumed to be maternal dens. In the absence of other information, this period is defined as denning activity prior to December 1. (2) The early denning period was considered the period of time from the birth of the cubs until the point where they reach 60 days of age and are capable of surviving outside the den. In the absence of other information, this period is defined as any denning activity occurring between

December 1 and February 13. (3) The late denning stage was determined to be the period of time between when cubs reach 60 days of age and den emergence. In the absence of other information, this period of time was defined as any denning activity occurring between February 14 and den emergence. (4) The post-emergence period was determined to be the period of time between den emergence and den site departure.

The negative outcomes of disturbance were categorized as follows: (1) Cub abandonment: Occurs when a female leaves all or part of her litter, either in the den or on the surface, at any stage of the denning process. We classified events where a female left her cubs but later returned (or was returned by humans) as cub abandonment. (2) Early departure: Departure of the denning female with her cubs from the den site post-emergence that occurs as the result of an exposure. (3) Early emergence: Den emergence that occurs as the result of an exposure.

Den Establishment

“Den Establishment” occurs in autumn between den excavation and birth of cub(s). Mating takes place in the spring (March–May) (Ramsay and Stirling 1986; Lønø 1970). Implantation is delayed until September to November (Lønø 1972; Deroche *et al.*, 1992), and timing of implantation likely depends on female body condition, as is the case for other Ursids (Robbins *et al.* 2012). Gestation is probably around 60 days, as suggested by Tsubota *et al.* (1987) for brown bears, and cubs are born in early to mid-winter (Ramsay and Stirling 1988). Pregnant female polar bears begin scouting for, excavating, and occupying a den near the time of implantation. For polar bears of the SBS, the den establishment phase extends between October and December. Durner *et al.* (2001) and Amstrup (2003) documented den excavation activities throughout this time. Data from USGS (2018) and Rode *et al.* (2018) found no significant difference in den entrance dates between SBS and CBS populations, and estimated a mean den entrance date of November 15 ± 1.9 days (n = 215).

In the case studies, the beginning of the den establishment period was variable and based on the behavior of the bear being observed (*i.e.*, constructing a den). November 30th was selected as the end of the den establishment period, and December 1 as the beginning of the “Early Denning” phase unless the observed behavior of the bear indicated it was still in the den establishment phase. These dates correlate well with available information on timing of denning and

parturition. Curry *et al.* (2015) found the mean and median birth dates for captive polar bears in the Northern Hemisphere were both November 29. Messier *et al.* (1994) estimated, based on activity level of females in maternity dens, that by December 15 most births already had occurred among polar bears of the Canadian Arctic archipelago.

Much of what is known of the effects of disturbance during early denning comes from studies of polar bears captured in the autumn. Capture is a severe form of disturbance and is not typical of disturbance that is likely to occur during oil and gas activities, but bear responses to capture events provide some information that can help inform our understanding of how polar bears respond to disturbance. Ramsay and Stirling (1986) reported that 10 of 13 pregnant female polar bears that were captured and collared at dens in October or November abandoned their existing dens. The polar bears instead moved a median distance of 24.5 km, excavated, and occupied new dens within a day or two after their release. The remaining 3 polar bears reentered their initial dens or different dens <2 km from their initial den soon after being released. Amstrup (1993, 2003) documented in Alaska a similar response and reported 5 polar bears that abandoned den sites following human disturbances during autumn and subsequently denned elsewhere.

The observed high rate of den abandonment during autumn capture efforts suggests that polar bears have a low tolerance threshold for intense disturbance during den initiation and are willing to expend energy to avoid further disturbance. During the den establishment period, the female is scouting for, excavating, and occupying a den while pregnant. A disturbance during den establishment may cost the female polar bear energy and fat reserves. While denning, female Ursids do not eat or drink, instead relying solely on body fat (Nelson *et al.* 1983; Spady *et al.* 2007). Female body condition during denning affects the size of cubs at emergence from the den, and larger cubs have better survival rates (Derocher and Stirling 1996; Robbins *et al.* 2012). Therefore, disturbances that cause additional energy expenditures in fall could have latent effects on cubs in spring.

During any disturbance event, a polar bear must expend energy that would otherwise be invested in denning. Abandoning a den site requires energy to travel and excavate a new den, and polar bears, subject to capture and release, were willing to expend this energy in addition to the energy

required for recovery from capture. Among Ursids, recovery from capture and immobilization requires from 3 days to 6 weeks (Cattet *et al.* 2008; Thiemann *et al.* 2013; Rode *et al.* 2014).

The available research does not conclusively demonstrate whether capture or den abandonment during den initiation is consequential for survival and reproduction. Ramsay and Stirling (1986) reported that captures of females did not significantly affect numbers and mean weights of cubs, but the overall mean litter size and weights of cubs of previously handled mothers consistently tended to be slightly lower than those of mothers not previously handled. Amstrup (1993) could see no significant effect of handling on cub weight, litter size, or survival. Seal *et al.* (1970) reported no loss of pregnancy among captive Ursids following repeated chemical immobilization and handling. However, Lunn *et al.* (2004) concluded that handling and observations of pregnant female polar bears in the autumn resulted in significantly lighter female, but not male, cubs in spring. Swenson *et al.* (1997) found that female grizzly bears (*U. arctos horribilis*) that abandoned a den site lost cubs significantly more often than those that did not.

Polar bears may be willing to abandon a den site during den initiation because the pregnant female has less investment in a den site at this time than at later stages, and she may be able to re-den with fewer consequences than at later times during denning (Amstrup 1993). Amstrup (1993) and Lunn *et al.* (2004) supported the hypotheses that, after giving birth, females are likely to be more invested in the denning process and less likely to abandon a den site.

Den establishment is influenced by environmental variables, which suggests that polar bears may be able to tolerate low-level disruptions to the den establishment process. Environmental variables affecting Ursid den establishment include the number and timing of snowfall events (Zedrosser *et al.* 2006; Evans *et al.* 2016; Pigeon *et al.* 2016), accumulation of snowpack (Amstrup and Gardner 1994; Durner *et al.* 2003, 2006), temperature (Rode *et al.* 2018), and timing of sea ice freeze-up (Webster *et al.* 2014). Environmental variability across the polar bear's range results in a high degree of variability in den initiation dates among subpopulations (see summary data in Escajeda *et al.* 2018). For example, Ferguson *et al.* (2000) observed females entering their dens on eastern Baffin Island in the 1990s considerably earlier than reported by Harington (1968) for polar bears in the 1960s. This suggests

that polar bears are able to accommodate a wide variety of influences during den initiation if a minimum total denning duration can be achieved.

Although additional energy expenditures from disturbance would be compounded by natural food restriction during denning, we have determined that, before giving birth, females will be able to accommodate the effects of a low-level disturbance without experiencing injury or a reduction in likelihood of her or her cub's survival. This conclusion is based on evidence that den initiation is influenced by a variety of factors, and polar bears appear to tolerate many of these influences without experiencing lethal or Level A effects on denning success. Energy reserves are biologically significant for denning polar bears. Therefore, a polar bear will experience Level B take if it responds to anthropogenic exposures by devoting energetic resources or sufficient time to behaviors that disrupt the progression of normal denning.

Early Denning

We defined early denning as the period of time from the birth of cubs until they are capable of surviving outside of the den. In the absence of other information, this period is defined as any denning activity that occurs between December 1 and February 13 when cubs are on average presumed to be 60 days old (Messier *et al.* 1994).

Although cubs grow quickly and may weigh 10–12 kg upon emergence from the den in the spring, sufficient time (≥ 2 months) is needed prior to den emergence for adequate development (Harington 1968, Lønø 1970, Amstrup 1993, Amstrup and Gardner 1994, Smith *et al.* 2007, Rode *et al.* 2018). Polar bear cubs are among the most undeveloped mammals at birth (Ramsay and Dunbrack 1986). Altricial, newborn polar bears have little fur, are blind, and weigh ~0.6 kg (Blix and Lentfer 1979). At birth, cubs have limited fat reserves and thin natal fur, which provides little thermoregulatory value (Blix and Lentfer 1979, Kenny and Bickel 2005). However, roughly 2 weeks after birth their ability to thermoregulate begins to improve as they grow longer guard hairs and an undercoat (Kenny and Bickel 2005). As development continues, cubs first open their eyes at an average age of 35 days (Kenny and Bickel 2005). At 60–70 days of age, cubs achieve sufficient musculoskeletal development to walk (Kenny and Bickel 2005); however, movements may still be clumsy at this time (Harington 1968). Based on the abovementioned developmental milestones, we define

the minimum amount of time required in the den prior to emergence to be 60 days; longer denning periods have been found to increase cub survival probabilities (Rode *et al.* 2018).

Currently no studies have directly examined birth dates of polar bear cubs in the wild; however, several studies have estimated parturition based on indirect metrics. Messier *et al.* (1994) found that the activity levels of radio-collared females dropped significantly in mid-December, leading the authors to conclude that a majority of births occurred before or around December 15.

Additionally, Van de Velde *et al.* (2003) evaluated information from historic records of bears legally harvested in dens. Their findings suggest that cubs were born between early December and early January. Based on the cumulative evidence presented in these studies, we assume that the average birth date of polar bear cubs is December 15; however, births could occur as early as December 1 or as late as January 15. Therefore, we defined the early denning period as the time when it was first possible to have cubs in the den (December 1) until 60 days after the average birth date (February 13). Due to the variability of birth dates, we selected December 15 as the most appropriate metric for this analysis given most cubs are born around mid-December (Messier *et al.* 1994).

Given that cubs are largely undeveloped during early denning (*i.e.*, unable to thermoregulate, see, or walk), den abandonment and early den departure due to disturbance are both assumed to result in lethal take of cubs.

Late Denning

We defined late denning as the time period from when cubs reach 60 days of age until the date of natural emergence from the den (*i.e.*, emergence without disturbance). In a study of marked polar bears in the CBS and SBS subpopulations, Rode *et al.* (2018) report all females that denned through the end of March had ≥ 1 cub when resighted ≤ 100 days after den emergence. Conversely, roughly half of the females that emerged from dens before the end of February did not produce cubs or had cubs that did not survive to emergence, suggesting that later den emergence may result in a greater likelihood of cub survival (Rode *et al.* 2018). Date of emergence was also identified as the most important variable determining cub survival (Rode *et al.* 2018). For land denning bears in the SBS, the median emergence date was March 15 (Rode *et al.* 2018, USGS 2018).

Any disturbance to denning bears is costly as the amount of time females spend in dens has been found to influence reproductive success (*i.e.*, cub production and survival) (Elowe and Dodge 1989, Amstrup and Gardner 1994, Rode *et al.* 2018). If a female leaves a den (with or without the cubs) prematurely, decreased cub survival is likely (Linnell *et al.* 2000) for reasons including, for example, susceptibility to cold temperatures (Blix and Lentfer 1979, Hansson and Thomassen 1983, Van de Velde *et al.* 2003) or predation (Derocher and Wiig 1999) and mobility limitations (Frame *et al.* 2007, Habib and Kumar 2007, Tablado and Jenni 2017). While den abandonment is the most extreme response to disturbance, lower level responses including increased heart rate (Craighead *et al.* 1976, Laske *et al.* 2011) or increased body temperature (Reynolds *et al.* 1986) can result in significant energy expenditure (Karpovich *et al.* 2009, Geiser 2013, Evans *et al.* 2016).

We divided the period of time polar bears spend in dens into two phases: Early denning and late denning. The late denning phase differs from the early denning phase in that the cubs are more developed, *e.g.*, they are larger in size, able to see and walk, and have grown some fur for insulation. While any disturbance to cubs while within a den is considered detrimental, we distinguished between these two phases because the cubs of females disturbed in the late denning phase may survive, whereas cub survival is highly unlikely if a den is disturbed in the early phase and the female abandons the den. In the absence of other information, late denning is defined as any denning activity occurring between February 14 and median den emergence (March 15). While exact birth date of wild polar bear cubs is unknown, most births are estimated to occur between early December and late January (Blix and Lentfer 1979, Messier *et al.* 1994, Van de Velde *et al.* 2003). For our purposes, we assumed the average cub birth date is December 15 (Messier *et al.* 1994).

During the late denning period there were five possible outcomes to disturbance: Cub abandonment, early emergence, behavioral response, likely physiological response, or insufficient information.

Post-Emergence Period

This denning stage is defined as the period of time after the female polar bear first emerges from her den up to her final departure from the den site. Polar bears are known to remain at or near den sites for up to 30 days after emergence before heading out to the sea

ice (Harington 1968, Jonkel *et al.* 1972, Kolenosky and Prevett 1980, Hansson and Thomassen 1983, Ovsyanikov 1998, Robinson 2014). Behaviors observed when outside the den include: Walking short distances away from the den, foraging on vegetation, digging, rolling, grooming, nursing, playing, sitting, standing, and repeatedly reentering the den (Harington 1968, Jonkel *et al.* 1972, Hansson and Thomassen 1983, Ovsyanikov 1998, Smith *et al.* 2007, 2013). While mothers outside the den spend most of their time inactive, cubs tend to be more active (Robinson 2014). These behaviors likely reflect the need for an adjustment period that allows for improving cub mass and strength and their acclimation to the harsh environmental conditions that will be encountered once they depart for the sea ice (Harington 1968, Lentfer and Hensel 1980, Hansson and Thomassen 1983, Messier *et al.* 1994). Departure from the den site before this adjustment period may hinder a cub's ability to travel (Ovsyanikov 1998), thereby increasing the chances for cub abandonment (Haroldson *et al.* 2002) or susceptibility to predation (Derocher and Wiig 1999, Amstrup *et al.* 2006).

While considerable variation exists in the duration of time that bears spend at dens post-emergence, it remains unclear whether a minimum or maximum number of days is required to prevent negative consequences to cub survival. For 25 dens observed in the Beaufort Sea region from 2002 through 2010, a mean post-emergence duration of 8.3 days was noted (see table 1 in Smith *et al.* 2007, table 1 in Smith *et al.* 2010, table 1.1 in Robinson 2014). Therefore, in the absence of information on the intended departure date (which was known only for simulated dens), we considered a "normal" duration at the den site between first emergence and departure to be ≥ 8 days and classified departures that occurred post emergence

"early" if they occurred < 9 days after emergence. If the adult female left the den site (with or without cubs) after a disturbance but later returned, we considered the initial movement to be the departure date.

During review of the case studies, early departures during post emergence were classified as a non-serious Level A harassment for each cub, and a Level B take (potential to disturb) for the adult female. We classified these instances as non-serious Level A harassment because cubs were at an age where they could effectively thermoregulate and keep up with their mother as they headed towards the sea ice. We acknowledge, however, that there must be some survival consequence for cubs to stay at the den site for a period of time given that the adult female's long fasting period should lead her to want to reach sea ice to begin hunting as soon as possible. Thus, an early departure from the den site could have potential survival consequences for cubs. However, if following exposure the female left without her cubs, we classified this as "cub abandonment," which is assigned a lethal take for each cub and Level B take for the adult female.

Post-emergent departure information was not used to assess disturbances when an incident(s) resulted in an early emergence during the late (or early) denning period; rather, the final outcomes from these incidents were classified as "early emergence," in keeping with the decision criteria to use the most severe outcome when an incident has more than one outcome classification (*e.g.*, early emergence and early departure).

Methods for Modeling the Effects of Den Disturbance

Den Simulation

We simulated dens across the Coastal Plain of the Refuge on areas identified

as denning habitat (Durner *et al.* 2006). To simulate dens on the landscape, we relied on the estimated number of dens in the Coastal Plain provided by Atwood *et al.* (2020). The mean estimated number of dens in the Coastal Plain was 14 dens (95 percent CI: 5–30; Atwood *et al.* 2020). For each iteration of the model (described below), we drew a random sample from a gamma distribution for the number of dens in the Refuge based on the above parameter estimates, which allowed uncertainty in the number of dens in each area to be perpetuated through the modeling process. Specifically, we used the method of moments (Hobbs and Hooten 2015) to develop the shape and rate parameters and modeled the number of dens in the Coastal Plain as Gamma ($14^2/6.3^2, 14/6.3^2$).

Because not all areas in the Coastal Plain are equally used for denning, and some areas do not contain the requisite topographic attributes required for sufficient snow accumulation for den excavation, we did not simply randomly place dens on the landscape. Instead, we followed a similar approach to that used by Wilson and Durner (2020). For each iteration of the model, we randomly distributed dens across areas within the focal area identified as denning habitat (Durner *et al.* 2006), with the probability of a den occurring at a given location being proportional to the density of dens predicted by a kernel density map (figure 9). The kernel density map was developed by using known den locations in northern Alaska identified either by GPS-collared bears or through systematic surveys for denning bears (Durner *et al.* 2020). To approximate the distribution of dens we used a scaled adaptive kernel density estimator applied to n observed den locations, which took the form

$$f(\mathbf{s}) \propto \frac{\theta z(\mathbf{s})}{n} \sum_i^n k\left(\frac{\mathbf{s}}{h(\mathbf{s})}\right),$$

where the adaptive bandwidth $h(\mathbf{s}) = (\beta_0 + \beta_1 I(S_i \in M) I(s \in M)) \beta_2 z(\mathbf{s})$ for the location of the i th den and each location in the study area. An east-west gradient scaled the density and bandwidth to account for lower sampling effort in western

areas, and the indicator functions allowed the bandwidth to vary abruptly between the mainland M and barrier islands. The kernel k was the Gaussian kernel, and the parameters $\theta, \beta_0, \beta_1, \beta_2$, were chosen so that the density estimate

approximated the observed density of dens and our understanding of likely den locations in areas with low sampling effort.

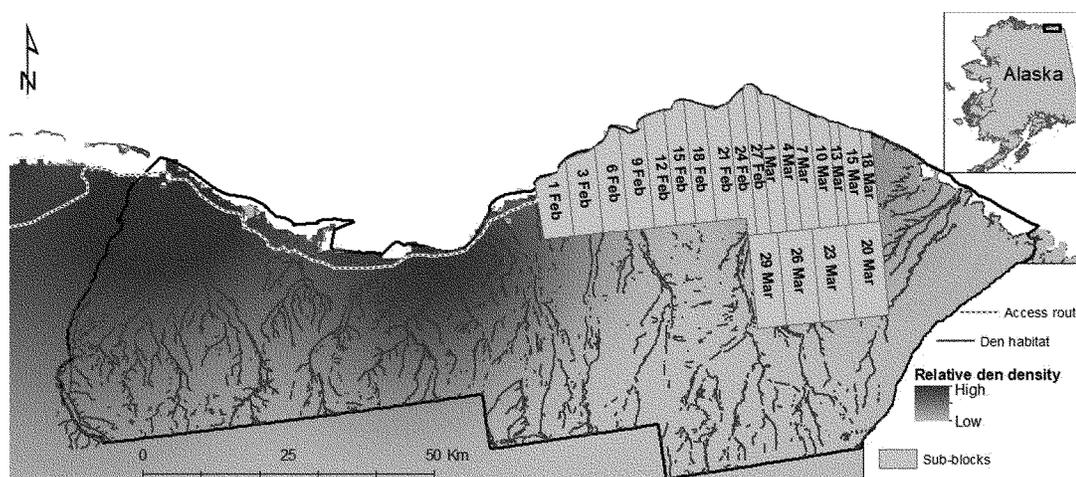


Figure 9. Depiction of the proposed project area within the 1002 Area (black outline) of the Arctic National Wildlife Refuge (the Refuge) with the underlying relative density of polar bear dens and potential polar bear den habitat. The survey area is depicted by the solid light-gray blocks with the specific dates indicating the first date that activity would occur to estimate the level of take to denning bears.

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For each simulated den, we assigned dates of key denning events: Den entrance, birth of cubs, when cubs reached 60 days of age, den emergence, and departure from the den site after emergence. These events represent the chronology of each den under undisturbed conditions. We selected the entrance date for each den from a normal distribution parameterized by entrance dates of radio-collared bears in the SBS subpopulation that denned on land included in Rode *et al.* (2018) and published in USGS (2018; $n = 52$, mean = November 11, SD = 18 days); we truncated this distribution to ensure that all simulated dates occurred within the range of observed values (*i.e.*, September 12 to December 22) ± 1 week. We selected a date of birth for each litter from a normal distribution of mean of 348 (*i.e.*, corresponding to the ordinal date for December 15) and standard deviation of 10. The mean corresponds to the date around when most cubs are thought to be born (Messier *et al.* 1994), and a standard deviation of 10 was used because it allowed the tails of the normal distribution to occur at approximately the earliest (December 1) and latest (January 15) dates expected for cubs to be born (Messier *et al.* 1994, Van de Velde *et al.* 2003).

To ensure that birth dates remained within the range of December 1 to January 15, we restricted draws from the normal distribution to occur within this range. We selected the emergence date

as a random draw from an asymmetric Laplace distribution with parameters $\mu = 81.0$, $\sigma = 4.79$, and $p = 0.79$ estimated from the empirical emergence dates in Rode *et al.* (2018) and published in USGS (2018, $n = 52$) of radio-collared bears in the SBS subpopulation that denned on land using the mleALD function from package 'ald' (Galarza and Lachos 2018) in program R (R Core Development Team 2019, 2020). We constrained simulated emergence dates to occur within the range of observed emergence dates (Jan 9 to Apr 9) ± 1 week and not to occur prior to cubs reaching an age of 60 days. Finally, we assigned the number of days each family group spent at the den site post-emergence based on values reported in three behavioral studies, Smith *et al.* (2007, 2013) and Robinson (2014), which monitored dens near the target area immediately after emergence ($n = 25$ dens).

Specifically, we used the mean (8.3) and SD (5.6) of the dens monitored in these studies to parameterize a gamma distribution using the method of moments (Hobbs and Hooten 2015) with a shape parameter equal to $8.3^2/5.6^2$ and a rate parameter equal to $8.3/5.6^2$; we selected a post-emergence, pre-departure time for each den from this distribution. Additionally, we assigned each den a litter size by drawing the number of cubs from a multinomial distribution with probabilities derived from litter sizes ($n = 25$ litters) reported in Smith *et al.* (2007, 2010, 2013) and Robinson (2014). Because there is some

probability that a female naturally emerges with 0 cubs, we also wanted to ensure this scenario was captured. It is difficult to parameterize the probability of litter size equal to 0 because it is rarely observed. We therefore assumed that dens in the USGS (2018) dataset had denning durations less than the shortest den duration where a female was later observed with cubs (*i.e.*, 79 days). There were only 3 bears in the USGS (2018) data that met this criteria, leading to an assumed probability of a litter size of 0 at emergence being 0.07. We therefore assigned the probability of 0, 1, 2, or 3 cubs as 0.07, 0.15, 0.71, and 0.07, respectively.

Seismic Activities

The model developed by Wilson and Durner (2020) provides a template for estimating the level of potential impact to denning polar bears from proposed activities while also considering the natural denning ecology of polar bears in the region. The approach developed by Wilson and Durner (2020) also allows for the incorporation of uncertainty in both the metric associated with denning bears and in the timing and spatial patterns of proposed activities when precise information on those activities is unavailable. Below we describe how the model was applied based on information provided in the request.

The application from KIC indicates that winter seismic surveys will occur over an area of approximately 1,430 km² in the central portion of the Coastal

Plain (figure 9). The seismic acquisition area is broken into 21 sub-blocks that are assigned specific dates before which the model assumes no activity will occur (figure 9) and which will require 2–3 days from which to acquire seismic data. KIC requested obtaining incidental take authorization for starting at the northwestern sub-block and then moving through the rest of the sub-blocks in a clockwise manner.

Access to the seismic acquisition blocks will occur along a land-based route beginning near the northwestern corner of the Refuge and reaching the northwestern corner of the northwestern-most sub-block (figure 9). The route can deviate up to 250 m south and 500 m north of the proposed route. This does not imply that the entire area can be used to access the survey area, but rather the linear access route can occur anywhere within that region.

The application states that crews will first enter the Refuge along the access route on January 26, 2021, and have continuous activity along the access route until the end of the acquisition period (May 15, 2021). Crews are proposed to arrive at the seismic blocks on February 1, 2021, and begin activities associated with seismic acquisition. Crews would then move sequentially through the sub-blocks according to the number of days required to fully survey the sub-block as indicated in the application. The results of this analysis rely on the access route not being used prior to January 26 and having crews enter the acquisition area no earlier than February 1.

Aerial Infrared Surveys

The application indicates that three complete aerial infrared (AIR) surveys of denning habitat along the access route and seismic blocks will occur prior to activity commencing in those areas. For the analysis, we assumed that independent aerial infrared surveys occurred on January 21, 23, and 25, 2021. However, surveys could occur as late as February 13, 2021, without affecting take estimates, as long as they occurred prior to activity commencing in an area.

We applied the same approach as Wilson and Durner (2020) to simulate if a den was detected during an AIR survey, including the assumption that dens with snow depths >100 cm would

be unavailable for detection by AIR (Amstrup *et al.* 2004, Robinson 2014). For those dens that were detected during a simulated AIR survey, we assumed effective mitigation measures would be put in place to avoid further disturbance to the den until after bears emerged from and departed the den (*i.e.*, a 1,610-m buffer around dens where activity is prohibited). We also assumed that dens would not be run over given the condition in the application restricting driving over embankments, when possible, and using vehicle-based infrared sensors to survey areas where vehicles will intersect denning habitat.

Model Implementation

For each iteration of the model, we first determined which (undetected) dens were exposed to activity associated with the access route and seismic operations inside the Refuge. We assumed that any den within 1.61 km (1 mi) of infrastructure or human activities was exposed (MacGillivray *et al.* 2003, Larson *et al.* 2020), excluding those detected during AIR surveys. We then identified the stage in the denning cycle when the exposure occurred based on the date range of the activities to which the den was exposed: Early denning (*i.e.*, birth of cubs until they are 60 days old), late denning (*i.e.*, date cubs are 60 days old until den emergence), and post-emergence (*i.e.*, the date of den emergence until permanent departure from the den site). We then determined whether the exposure elicited a response by the denning bear based on probabilities derived from the reviewed case studies (table 7). Level B take was applicable to both adults and cubs, if present, whereas Level A and lethal take were only applicable to cubs.

For dens exposed to activities associated with seismic surveys, we applied a multinomial distribution with the probabilities of different levels of take for that period associated with continuous activity (table 7). If the probabilities summed to <1, the remainder was assigned to a no-response class. After a Level A or lethal take was simulated to occur, a den was not allowed to be disturbed again during the subsequent denning periods because the outcome of that denning event was already determined.

The level of take associated with a disturbance varied according to the

severity and timing of the exposure (table 7). Exposures that resulted in abandonment of cubs (during late denning or post-emergence) or emergence from dens prior to cubs reaching 60 days of age were considered lethal takes of cubs. If a disturbance resulted in den emergence prior to the date assigned to the den in the absence of disturbance, the level of take was considered serious Level A. If a post-emergence exposure resulted in bears leaving the den site prior to the non-exposure departure date, the outcome was classified as a non-serious Level A take for each cub. Adult females also received Level B takes for any disturbance that resulted in Level B takes for cubs. Cubs could similarly be applied a Level B take during the late denning and post-emergence time periods if only a behavioral response was simulated to have occurred.

We developed the code to run this model in program R (R Core Development Team 2020) and ran 10,000 iterations of the model (*i.e.*, Monte Carlo simulation) to derive the estimated number of dens disturbed and associated levels of take for starting at the northwestern block and moving clockwise (figure 9).

Model Results

We estimated an average of 2.74 (95 percent CI: 0–7, median=2) land-based dens in the area of proposed activity. For seismic surveys, starting in the northwestern block (figure 9), we estimated a mean of 1.26 (95 percent CI: 0–8, median=0) Level B takes would occur. We estimated a mean of 0.45 (95 percent CI: 0–3, median=0) serious Level A or Lethal takes during the proposed project, with a probability of ≥ 1 Serious Level A or Lethal take occurring during the project being 0.21.

Sum of Take From All Sources

The applicant will conduct seismic work over the entire project area within one winter season. A summary of total numbers of estimated take via Level B harassment during the duration of the project by season and take category is provided in table 8. The potential for lethal or Level A take was explored and estimated to be 0.45 lethal or Level A takes of polar bears.

Table 8. Total estimated Level B takes of polar bears per season and source.

Estimated Level B Takes of Polar Bears			
Take Category	Open Season	Ice Season	Total
Surface Interactions	0.001	0.954	0.955
Aircraft Activities	0.139	0.180	0.319
Denning Bears*	0.000	1.260	1.260
Total	0.140	2.394	2.534
<i>*includes denning bears impacted by AIR surveys</i>			

Critical Assumptions

In order to conduct this analysis and estimate the potential amount of Level B take, several critical assumptions were made.

Level B take by harassment is equated herein with behavioral responses that indicate harassment or disturbance. There are likely to be a proportion of animals that respond in ways that indicate some level of disturbance but do not experience significant biological consequences. A correction factor was not applied, although we considered using the rate of Level B take reported by Service biologists during polar bear surveys conducted between 2008 and 2015 (below 0.01 percent; USFWS and USGS, unpublished data). In 2016, the Service applied such a correction factor when analyzing behavioral responses in polar bears; however, we have not included this correction factor in our current analysis. Consequently, the reported rate of take prior to 2016 may not represent the current definition; therefore, it was not deemed appropriate for use in determining the ratio of behavioral response to Level B take. The analysis' lack of a correction factor may result in overestimation of take.

Our estimates do not account for variable responses by age and sex; however, sensitivity of denning bears was incorporated into the analysis. The available information suggests that polar bears are generally resilient to low levels of disturbance. Females with dependent young and juvenile polar bears are physiologically the most sensitive (Andersen and Aars 2008) and most likely to experience take from disturbance. There is not enough information on composition of the SBS polar bear population in the KIC survey area to incorporate individual variability based on age and sex or to predict its influence on take estimates. Our estimates are derived from a variety of sample populations with various age and sex structures, and we assume the

exposed population will have a similar composition and therefore the response rates are applicable.

The estimates of behavioral response presented here do not account for the individual movements of animals away from the KIC survey area or habituation of animals to the survey noise. Our assessment assumes animals remain stationary; *i.e.*, density does not change. There is not enough information about the movement of polar bears in response to specific disturbances to refine this assumption. This situation could result in overestimation of take; however, we cannot account for take resulting from a polar bear moving into less preferred habitat due to disturbance.

Potential Impacts on the Polar Bear Stock

The KIC project is predicted to result in up to 3 Level B takes of polar bears in 8 months and 10 days (table 8). The most recent population size estimate for the SBS stock was approximately 907 polar bears in 2010 (Bromaghin *et al.* 2015, Atwood *et al.* 2020). The greatest proportion of the stock that may experience Level B harassment in a given year during KIC's activities is 0.33 percent ($(3 \times 907) \times 100 = 0.0033$).

Denning polar bears encountered during KIC's winter activities may be in a sensitive physiological state or may be less tolerant of disturbance, resulting in a heightened stress response. Nutrient-deprived females or dependent young that are disturbed during or shortly after denning may take longer to recover and could remain sensitive to additional environmental stressors for some time after the encounter. Up to eight denning females may be present in the project area during the course of KIC's proposed work (see *Analysis of Impact to Denning Bears, Model Results*). The number of adult females in the SBS stock is estimated at 316 based on Bromaghin *et al.* (2015) and Atwood *et al.* (2020). The proportion denning in the project area

might therefore constitute up to 2.5 percent of the breeding stock.

Noise levels are not expected to reach levels capable of causing harm. Animals in the area are neither expected to incur hearing impairment (*i.e.*, Temporary Threshold Shift or Permanent Threshold Shift), nor level A harassment. Aircraft noise may cause behavioral disturbances (*i.e.*, Level B harassment). Polar bears exposed to sound produced by the project are likely to respond with temporary behavioral modification or displacement. With the adoption of the measures proposed in KIC's mitigation and monitoring plan and required by this proposed IHA, we conclude that the only anticipated effects from noise generated by the proposed project would be the short-term temporary behavioral alteration of polar bears.

Animals that encounter the proposed activities may exert more energy than they would otherwise due to temporary cessation of feeding, increased vigilance, and retreat from the project area, but we expect that most would tolerate this exertion without measurable effects on health or reproduction. In sum, we do not anticipate injuries or mortalities to result from KIC's operation, and none will be authorized. The takes that are anticipated would be from short-term Level B harassment in the form of startling reactions or temporary displacement.

Potential Impacts on Subsistence Uses

The proposed activities will occur near marine subsistence harvest areas used by Alaska Natives from the village of Kaktovik. From 2008 to 2017, 16 polar bears were reported harvested for subsistence use in and around Kaktovik, the majority of which were taken within 16 km (10 mi) of Kaktovik. Harvest occurs year-round, but peaks in September, with about 60 percent of the total taken during this month. October and November are also high harvest months.

The proposed project has the potential to disrupt subsistence activities if activities occur after the beginning of August near Kaktovik; however, KIC has proposed to conduct helicopter-based cleanup activities prior to the main subsistence hunting season. If activities were to be delayed, the applicant's activities may disrupt hunter access, displace polar bears, and polar bears may be more vigilant during periods of disturbance, which could affect hunting success rates. Additionally, KIC's aircraft may temporarily displace polar bears, resulting in changes to availability of polar bears for subsistence use during the project period. Through implementation of the Plan of Cooperation (POC), and spatial temporal planning, impacts to subsistence hunting are not anticipated.

While KIC's activities may have a temporary effect on polar bear distribution, it will not alter the ability of Alaska Native residents of Kaktovik to harvest polar bears in the long term. KIC will coordinate with Alaska Native villages and Tribal organizations to identify and avoid the potential short-term conflicts. KIC has developed a POC specifying the particular steps that will be taken to minimize any effects the project might have on subsistence harvest. The POC is available online at <https://www.regulations.gov> and may be requested as described under **FOR FURTHER INFORMATION CONTACT**. The POC also describes KIC's intentions for stakeholder engagement and for communicating information to oversight agencies. These measures are likely to reduce potential conflicts and to facilitate continued communication between KIC and subsistence users of polar bears, ensuring availability of the species at a level sufficient for harvest to meet subsistence needs.

The proposed project will be completed by August 2021 and therefore avoids significant overlap with peak polar bear subsistence harvest months. KIC's activities will not preclude access to hunting areas or interfere in any way with individuals wishing to hunt.

Findings

Small Numbers

For small numbers analyses, the statute and legislative history do not expressly require a specific type of numerical analysis, leaving the determination of "small" to the agency's discretion. In this case, we propose a finding that the KIC project may result in approximately 3 takes by harassment of polar bears from the SBS stock. This figure represents about 0.33 percent of

the stock (USFWS 2010, Bromaghin *et al.* 2015, Atwood *et al.* 2020) ($(3 \div 907) \times 100 \approx 0.33$). Based on these numbers, we propose a finding that the KIC project will take only a small number of animals.

Negligible Impact

We propose a finding that any incidental take by harassment resulting from the proposed project cannot be reasonably expected to, and is not reasonably likely to adversely affect the SBS stock of polar bears through effects on annual rates of recruitment or survival. The proposed project would therefore have no more than a negligible impact on the stock. In making this finding, we considered the best available scientific information, including: the biological and behavioral characteristics of the species, the most recent information on species distribution and abundance within the area of the specified activities, the potential sources of disturbance caused by the project, and the potential responses of animals to this disturbance. In addition, we reviewed material supplied by the applicant, other operators in Alaska, our files and datasets, published reference materials, and consulted species experts.

Polar bears are likely to respond to proposed activities with temporary behavioral modification or displacement. These reactions are unlikely to have consequences for the health, reproduction, or survival of affected animals. Sound production is not expected to reach levels capable of causing harm, and Level A harassment is not expected to occur. Most animals will respond to disturbance by moving away from the source, which may cause temporary interruptions of foraging, resting, or other natural behaviors. Affected animals are expected to resume normal behaviors soon after exposure, with no lasting consequences. Some animals may exhibit more severe responses typical of Level B harassment, such as fleeing or ceasing feeding. These responses could have significant biological impacts for a few affected individuals, but most animals will also tolerate this type of disturbance without lasting effects. Thus, although the KIC project may result in approximately 3 takes by Level B harassment of polar bears from the SBS stock, we do not expect this type of harassment to affect annual rates of recruitment or survival or result in adverse effects on the species or stocks.

Our proposed finding of negligible impact applies to incidental take associated with the proposed activities as mitigated by the avoidance and

minimization measures identified in KIC's mitigation and monitoring plan and in this authorization. These mitigation measures are designed to minimize interactions with and impacts to polar bears. These measures, and the monitoring and reporting procedures, are required for the validity of our finding and are a necessary component of the IHA. For these reasons, we propose a finding that the 2021 KIC project will have no more than a negligible impact on polar bears.

Impact on Subsistence

We propose a finding that the anticipated harassment caused by KIC's activities would not have an unmitigable adverse impact on the availability of polar bears for taking for subsistence uses. In making this finding, we considered the timing and location of the proposed activities and the timing and location of polar bear subsistence harvest activities in the area of the proposed project. We also considered the applicant's consultation with subsistence communities, proposed measures for avoiding impacts to subsistence harvest, and development of a POC, should any adverse impacts be identified. Further information on impacts to subsistence can be found in *Potential Impacts on Subsistence Uses*.

Required Determinations

National Environmental Policy Act (NEPA)

We have prepared a draft environmental assessment in accordance with the NEPA (42 U.S.C. 4321 *et seq.*). We have preliminarily concluded that authorizing the nonlethal, incidental, unintentional take of up to three polar bears from the SBS stock by Level B harassment in Alaska during activities conducted by KIC and its subcontractors in 2021 would not significantly affect the quality of the human environment, and that the preparation of an environmental impact statement for this incidental take authorization is not required by section 102(2) of NEPA or its implementing regulations. We are accepting comments on the draft environmental assessment as specified above in **DATES** and **ADDRESSES**.

Endangered Species Act

Under the ESA (16 U.S.C. 1536(a)(2)), all Federal agencies are required to ensure the actions they authorize are not likely to jeopardize the continued existence of any threatened or endangered species or result in destruction or adverse modification of critical habitat. Prior to issuance of this

IHA, the Service will complete intra-Service consultation under section 7 of the ESA on our proposed issuance of an IHA. These evaluations and findings will be made available on the Service’s website at <https://ecos.fws.gov/ecp/report/biological-opinion> and added to Docket No. FWS–R7–ES–2020–0129 at [regulations.gov](https://www.regulations.gov) when completed.

It is our responsibility to communicate and work directly on a Government-to-Government basis with federally recognized Alaska Native Tribes and organizations in developing programs for healthy ecosystems. We seek their full and meaningful participation in evaluating and addressing conservation concerns for protected species. It is our goal to remain sensitive to Alaska Native culture, and to make information available to Alaska Natives. Our efforts are guided by the following policies and directives: (1) The Native American Policy of the Service (January 20, 2016); (2) the Alaska Native Relations Policy (currently in draft form); (3) Executive Order 13175 (January 9, 2000); (4) Department of the Interior Secretarial Orders 3206 (June 5, 1997), 3225 (January 19, 2001), 3317 (December 1, 2011), and 3342 (October 21, 2016); (5) the Alaska Government-to-Government Policy (a departmental memorandum issued January 18, 2001); and (6) the Department of the Interior’s policies on consultation with Alaska Native Tribes and organizations.

We have evaluated possible effects of the proposed activities on federally recognized Alaska Native Tribes and organizations. Through the IHA process identified in the MMPA, the applicant has presented a communication process, including a POC, with the Native organizations and communities most likely to be affected by their work. KIC has engaged these groups in informational meetings.

We invite continued discussion, either about the project and its impacts, or about our coordination and information exchange throughout the IHA/POC process. The Service will contact Tribal organizations in Kaktovik, Nuiqsut, and Arctic Village, as well as relevant ANSCA corporations, to inform them of the availability of this

proposed authorization and offer them the opportunity to consult.

Proposed Authorization

We propose to authorize the nonlethal take by Level B harassment of three animals from the Beaufort Sea stock of polar bears. Authorized take will be limited to disruption of behavioral patterns that may be caused by aircraft overflights, seismic surveys, and support activities conducted by KIC in the 1002 area of the Refuge, from January to September 30, 2021. We anticipate no take by injury or death to polar bears resulting from these activities.

A. General Conditions for Issuance of the Proposed IHA

(1) Activities must be conducted in the manner described in the request for an IHA and in accordance with all applicable conditions and mitigations measures. The taking of polar bears whenever the required conditions, mitigation, monitoring, and reporting measures are not fully implemented as required by the IHA will be prohibited. Failure to follow measures specified may result in the modification, suspension, or revocation of the IHA.

(2) If project activities cause unauthorized take (*i.e.*, take of more than three polar bears or take of one or more polar bear through methods not described in the IHA), KIC must take the following actions: (i) Cease its activities immediately (or reduce activities to the minimum level necessary to maintain safety); (ii) report the details of the incident to the Service within 48 hours; and (iii) suspend further activities until the Service has reviewed the circumstances and determined whether additional mitigation measures are necessary to avoid further unauthorized taking.

(3) All operations managers, vehicle operators, and aircraft pilots must receive a copy of the IHA and maintain access to it for reference at all times during project work. These personnel must understand, be fully aware of, and be capable of implementing the conditions of the IHA at all times during project work.

(4) The IHA will apply to activities associated with the proposed project as described in this document and in KIC’s

amended application. Changes to the proposed project without prior authorization may invalidate the IHA.

(5) KIC’s IHA application will be approved and fully incorporated into the IHA, unless exceptions are specifically noted herein or in the final IHA. The application includes:

- KIC’s original request for an IHA, dated August 17, 2020 (KIC 2020);
- The letters requesting additional information, dated August 30, 2020, September 4, 2020, and October 26, 2020;
- KIC’s responses to requests for additional information from the Service, dated September 1, 9, and 14, 2020, and October 27, 2020;
- The letters requesting an amendment to the original application, dated August 30, 2020, and October 23, 2020;
- Updated applications from KIC, dated October 24 and 28, 2020;
- The *Polar Bear Avoidance and Interaction Plan* (Appendix A in KIC 2020);
- The *Plan of Cooperation* (Appendix B in KIC 2020).

(6) Operators will allow Service personnel or the Service’s designated representative to visit project work sites to monitor impacts to polar bears and subsistence uses of polar bears at any time throughout project activities so long as it is safe to do so. “Operators” are all personnel operating under KIC’s authority, including all contractors and subcontractors.

B. Avoidance and Minimization

KIC must implement the following policies and procedures to avoid interactions with and minimize to the greatest extent practicable any adverse impacts on polar bears, their habitat, and the availability of these marine mammals for subsistence uses.

(a) General avoidance measures.

(1) Avoidance and minimization policies and procedures shall include temporal or spatial activity restrictions in response to the presence of polar bears engaged in a biologically significant activity (*e.g.*, resting, feeding, denning, or nursing, among others). Dates of access to survey sub-blocks are detailed in table 9, below.

TABLE 9—DATES OF EARLIEST ENTRY AND LOCATIONS OF SUB-BLOCKS ¹. GEOGRAPHIC COORDINATES (X, Y, Datum WGS 1984 Alaska Polar Stereographic) AND EARLIEST POSSIBLE ACCESS DATES ARE SHOWN FOR SUB-BLOCKS WITHIN EACH BLOCK OF KIC’S SEISMIC SURVEY IN THE COASTAL PLAIN

Sub-block No.	Date of earliest access	Number of days in block	Northwest corner (X, Y) m	Northeast corner (X, Y) m	Southwest corner (X, Y) m	Southeast corner (X, Y) m
Mobilization	26 January 2020	6	See Figure 1 for designated access route to survey area			

TABLE 9—DATES OF EARLIEST ENTRY AND LOCATIONS OF SUB-BLOCKS ¹. GEOGRAPHIC COORDINATES (X, Y, Datum WGS 1984 Alaska Polar Stereographic) AND EARLIEST POSSIBLE ACCESS DATES ARE SHOWN FOR SUB-BLOCKS WITHIN EACH BLOCK OF KIC'S SEISMIC SURVEY IN THE COASTAL PLAIN—Continued

Sub-block No.	Date of earliest access	Number of days in block	Northwest corner (X, Y) m	Northeast corner (X, Y) m	Southwest corner (X, Y) m	Southeast corner (X, Y) m
1.1	1 February 2021	2	2223374–225114	2228717–221397	2224397–235331	2229482–235046
1.2	3 February 2021	3	2228717–221397	2233761–219327	2229482–235046	2234629–234756
1.3	6 February 2021	3	2233761–219327	2238136–216352	2234629–234756	2239158–234501
1.4	9 February 2021	3	2239158–234501	2242370–214588	2239158–234501	2243481–234257
1.5	12 February 2021	3	2242370–214588	2246042–213443	2243481–234257	2247187–234047
1.6	15 February 2021	3	2246042–213443	2249447–211741	2247187–234047	2250687–233849
1.7	18 February 2021	3	2249447–211741	2253010–212947	2250687–233849	2254187–233650
1.8	21 February 2021	3	2253010–212947	2256907–212795	2254187–233650	2258099–233427
1.9	24 February 2021	3	2256907–212795	2259678–210417	2258099–233427	2261603–244174
1.10	27 February 2021	3	2259678–210417	2262159–210463	2260056–244262	2264074–244033
1.11	1 March 2021	3	2262159–210463	2264925–211912	2261603–244174	2266751–243881
1.12	4 March 2021	3	2264925–211912	2267701–213530	2264074–244033	2266751–243881
1.13	7 March 2021	3	2267701–213530	2270898–215289	2266751–243881	2269428–243728
1.14	10 March 2021	3	2270898–215289	2274285–216733	2269428–243728	2272517–243551
1.15	13 March 2021	2	2274285–216733	2275966–217272	2272517–243551	2275811–243362
2.1	15 March 2021	3	2275966–217272	2279558–218691	2275811–243362	2277459–243267
2.2	18 March 2021	2	2279558–218691	2281556–219294	2277459–243267	2280960–243066
3.1	20 March 2021	3	2276598–235467	2282467–235129	2280960–243066	2282918–242953
3.2	23 March 2021	3	2270627–235809	2276598–235467	2277556–252164	2283429–251826
3.3	26 March 2021	3	2264657–236150	2270627–235809	2271583–252506	2277556–252164
3.4	29 March 2021	3	2259611–236438	2264657–236150	2265610–252848	2271583–252506
					2260561–253136	2265610–252848

¹ The sub-blocks are formed by straight-line connections following this order: southwest, southeast, northeast, and northwest, except where borders of sub-blocks follow the coastline. In these instances, the sub-block boundaries roughly follow the coastline, including barrier islands where present.

(2) KIC must cooperate with the Service and other designated Federal, State, and local agencies to monitor and mitigate the impacts of their activities on polar bears.

(3) Trained and qualified personnel must be designated to monitor for the presence of polar bears, initiate mitigation measures, and monitor, record, and report the effects of the proposed activities on polar bears. KIC must provide polar bear awareness training to all personnel with the Service playing a major role in delivering this training.

(4) An approved polar bear safety, awareness, and interaction plan must be on file with the Service MMM and available onsite. The interaction plan must include:

- (i) A description of the activity (*i.e.*, a summary of the plan of operation);
- (ii) A food, waste, and other attractants management plan;
- (iii) Personnel training policies, procedures, and materials;
- (iv) Site-specific polar bear interaction risk evaluation and mitigation measures;
- (v) Polar bear avoidance and encounter procedures; and
- (vi) Polar bear observation and reporting procedures.

(5) KIC must contact affected subsistence communities and hunter organizations to discuss potential conflicts caused by the activities and provide the Service documentation of

communications as described in *(D) Measures to Reduce Impacts to Subsistence Users*.

(b) *Mitigation measures for onshore activities.* KIC must undertake the following activities to limit disturbance around known polar bear dens:

(1) Attempt to locate polar bear dens. Prior to carrying out activities in known or suspected polar bear denning habitat during the denning season (November to April), KIC must make efforts to locate occupied polar bear dens within and near areas of operation, utilizing appropriate tools, such as AIR cameras and vehicle-mounted FLIR, among others. All observed or suspected polar bear dens must be reported to the Service prior to the initiation of activities. "Suitable denning habitat" is defined as terrain with features of slope greater than or equal to 16 degrees, and of height greater than or equal to 1.3 m (4.3 ft).

(i) Prior to the start of project activities, and no earlier than January 1 (or date of issuance of the IHA, whichever is later), and no later than February 13, three AIR polar bear den detection surveys will be conducted. Each survey must cover the entire project area. Exact dates will be determined by weather such that the surveys are conducted during the best practicable atmospheric and surface snow conditions.

(A) Surveys will be conducted during darkness or civil twilight and not during daylight hours. Flight crews will record and report environmental parameters including air temperature, dew point, wind speed and direction, cloud ceiling, and percent humidity, and a flight log will be provided to the Service within 48 hours of the flight.

(B) An experienced scientist will be on board the survey aircraft to analyze the AIR data in real-time. The data (infrared video) will be available for viewing by the Service immediately upon return of the survey aircraft to the base of operations in Deadhorse, Alaska. Data will be transmitted electronically to the Service in Anchorage for review.

(C) If a suspected den site is located, KIC will immediately consult with the Service to analyze the data and determine if additional surveys or mitigation measures are required. All located dens will be subject to the 1.6-km (1.0-mi) exclusion zone as described in paragraph (b)(4) of this section.

(ii) Vehicle-mounted and hand-held infrared radar units will be used to locate polar bear dens when personnel or vehicles are advancing along the transit corridor or entering new terrain within the seismic survey area. If a suspected den site is located, KIC will immediately consult with the Service to analyze the data and determine if additional surveys or mitigation measures are required. All located dens

will be subject to the 1.6 km (1.0 mi) setback buffer as described in paragraph (b)(4) of this section.

(2) Construction or use of transit routes cannot deviate more than 250 m south or 500 m north of the centerline of the routes shown in figure 1 in *Methods for Modeling the Effects of Den Disturbance*. Deviations beyond these limits invalidate the assumptions of the analyses, and resulting take estimates, and would invalidate this authorization. All identified mitigation measures will be applied. If the infrared surveys cannot be completed as described, work in that area will not proceed.

(3) Where suitable denning habitat, as defined in paragraph (5) of this section, is identified, KIC will plot survey lines such that a 100-m (330-ft) exclusion buffer exists on either side of the survey midline. Ramp areas or transits across rivers occurring in suitable denning habitat will be cleared with hand-held or truck-mounted FLIR prior to movement. Crossings will also take place at the lowest possible relief points. Coordinates for crossings will be installed in all navigation systems to ensure that drivers use plotted crossings.

(4) Avoid the exclusion zone around known polar bear dens. Operators must avoid a 1.6-km (1.0-mi) operational exclusion zone around all known polar bear dens during the denning season (November to April, or until the female and cubs leave the area). Should previously unknown occupied dens be discovered within 1.6 km (1.0 mi) of activities, work must immediately cease and the Service contacted for guidance. All personnel and vehicles are to be moved beyond 1.6 km (1.0 mi) from the den. The Service will evaluate these instances on a case-by-case basis to determine the appropriate action. Potential actions may range from cessation or modification of work to conducting additional monitoring; KIC must comply with any additional measures specified.

(5) Use the den habitat map developed by the USGS. A map of potential coastal polar bear denning habitat can be found at: <https://alaska.usgs.gov/products/data.php?dataid=201>. This measure ensures that the location of potential polar bear dens is considered when conducting activities in the Coastal Plain. A 100-m (330-ft) buffer will be placed on each side of defined denning critical habitat (16° slope and height of 1.6 m [5.2 ft]). The critical habitat will be entered into the navigation system that allows each vehicle to display the Program Area, hazards, and avoidance areas.

(c) *Mitigation measures for aircraft.*

(1) Operators of support aircraft should, at all times, conduct their activities at the maximum distance possible from polar bears.

(2) Aircraft must not operate at an altitude lower than 457 m (1,500 ft) within 805 m (0.5 mi) of polar bears observed on ice, land, or in water. Helicopters may not hover, circle, or land within this distance. When weather conditions do not allow a 457-m (1,500-ft) flying altitude, such as during severe storms or when cloud cover is low, aircraft may be operated below this altitude for the minimum duration necessary to maintain safety.

(3) Aircraft operators must not fly directly over or within 805 m (0.5 mile) of areas of known polar bear concentrations on Barter Island, Bernard Spit, and Jago Spit between September 1 and October 31 except along standard approach and departure routes to or from the Kaktovik airport during arrivals and departures.

(4) Aircraft routes must be planned to minimize any potential conflict with active or anticipated polar bear hunting activity as determined through community consultations.

(5) KIC must not land in the Barter Island, Bernard Spit, Jago Spit, and Arey Island complex (other than at the Kaktovik airport) from September 7 to 30.

(6) Aircraft will not land within 805 m (0.5 mi) of a polar bear(s).

(7) If a polar bear is observed while the aircraft is grounded, personnel will board the aircraft and leave the area. The pilot will also avoid flying over the polar bear.

(8) Aircrafts should avoid performing any evasive and sudden maneuvers, especially when traveling at lower altitudes. The Service recommends that if a bear is spotted within the landing zone or work area, aircraft operators travel away from the site, and slowly increase altitude to 1,500 ft or a level that is safest and viable given current traveling conditions.

(9) Aircraft may not be operated in such a way as to separate members of a group of polar bears from other members of the group.

C. Monitoring

(1) Implement the Service-approved polar bear avoidance and interaction plan to monitor the project's effects on polar bears and subsistence uses and to evaluate the effectiveness of mitigation measures.

(2) Provide trained, qualified, and Service-approved onsite observers to carry out monitoring and mitigation activities identified in the polar bear

avoidance and interaction plan, with the Service playing a major role in delivering this training to all personnel.

(3) Cooperate with the Service and other designated Federal, State, and local agencies to monitor the impacts of project activities on polar bears. Where information is insufficient to evaluate the potential effects of activities on polar bears and the subsistence use of this species, KIC may be required to participate in joint monitoring efforts to address these information needs and ensure the least practicable impact to this resource.

(4) Allow Service personnel or the Service's designated representative to visit project work sites to monitor impacts to polar bears and subsistence use at any time throughout project activities so long as it is safe to do so.

D. Measures for Subsistence Use of Polar Bears

KIC must conduct its activities in a manner that, to the greatest extent practicable, minimizes adverse impacts on the availability of polar bears for subsistence uses.

(1) KIC will conduct community consultation as specified in (D) *Measures to Reduce Impacts to Subsistence Users*.

(2) KIC has provided a Service-approved POC as described in (D) *Measures to Reduce Impacts to Subsistence Users*.

Prior to conducting the work, KIC will take the following steps to reduce potential effects on subsistence harvest of polar bears: (i) Avoid work in areas of known polar bear subsistence harvest; (ii) discuss the planned activities with subsistence stakeholders including the North Slope Borough (NSB), the Native Village of Kaktovik, the City of Kaktovik, subsistence users in Kaktovik, community members of Kaktovik, the State of Alaska, the Service, the Bureau of Land Management (BLM), and other interested parties on a Federal, State, and local regulatory level; (iii) identify and work to resolve concerns of stakeholders regarding the project's effects on subsistence hunting of polar bears; (iv) if any unresolved or ongoing concerns remain, modify the POC in consultation with the Service and subsistence stakeholders to address these concerns; and (v) develop mitigation measures that will reduce impacts to subsistence users and their resources.

E. Reporting Requirements

KIC must report the results of monitoring and mitigation to the Service MMM via email at: fw7_mmm_reports@fws.gov.

(1) *In-season monitoring reports.*
 (i) *Activity progress reports.* KIC must:
 (A) Notify the Service at least 48 hours prior to the onset of activities;
 (B) Provide the Service weekly progress reports summarizing activities. Reports must include GPS/GIS tracks of all vehicles including scout vehicles in .kml or .shp format with time/date stamps and metadata.
 (C) Notify the Service within 48 hours of project completion or end of the work season.
 (ii) *Polar bear observation reports.* KIC must report, within 48 hours, all observations of polar bears and potential polar bear dens during any project activities including AIR surveys. Upon request, monitoring report data must be provided in a common electronic format (to be specified by the Service). Information in the observation report must include, but is not limited to:
 (A) Date and time of each observation;
 (B) Locations of the observer and bears (GPS coordinates if possible);
 (C) Number of polar bears;
 (D) Sex and age class—adult, subadult, cub (if known);
 (E) Observer name and contact information;
 (F) Weather, visibility, and if at sea, sea state, and sea-ice conditions at the time of observation;
 (G) Estimated closest distance of polar bears from personnel and facilities;
 (H) Type of work being conducted at time of sighting;
 (I) Possible attractants present;
 (J) Polar bear behavior—initial behavior when first observed (e.g., walking, swimming, resting, etc.);
 (K) Potential reaction—behavior of bear potentially in response to presence or activity of personnel and equipment;
 (L) Description of the encounter;
 (M) Duration of the encounter; and
 (N) Mitigation actions taken.
 (2) *Notification of human–bear interaction incident report.* KIC must report all human–bear interaction

incidents immediately, and not later than 48 hours after the incident. A human–bear interaction incident is any situation in which there is a possibility for unauthorized take. For instance, when project activities exceed those included in an IHA, when a mitigation measure was required but not enacted, or when injury or death of a polar bear occurs. Reports must include:

(i) All information specified for an observation report in paragraphs (1)(ii)(A–N) of this section;

(ii) A complete detailed description of the incident; and

(iii) Any other actions taken.
 Injured, dead, or distressed polar bears that are clearly not associated with project activities (e.g., animals found outside the project area, previously wounded animals, or carcasses with moderate to advanced decomposition or scavenger damage) must also be reported to the Service immediately, and not later than 48 hours after discovery. Photographs, video, location information, or any other available documentation must be included.

(3) *Final report.* The results of monitoring and mitigation efforts identified in the polar bear avoidance and interaction plan must be submitted to the Service for review within 90 days of the expiration of this IHA. Upon request, final report data must be provided in a common electronic format (to be specified by the Service). Information in the final report must include, but is not limited to:

(i) Copies of all observation reports submitted under the IHA;

(ii) A summary of the observation reports;

(iii) A summary of monitoring and mitigation efforts including areas, total hours, total distances, and distribution;
 (iv) Analysis of factors affecting the visibility and detectability of polar bears during monitoring;

(v) Analysis of the effectiveness of mitigation measures;

(vi) A summary and analysis of the distribution, abundance, and behavior of all polar bears observed; and

(vii) Estimates of take in relation to the specified activities.

Request for Public Comments

If you wish to comment on this proposed authorization, the associated draft environmental assessment, or both documents, you may submit your comments by any of the methods described in **ADDRESSES**. Please identify if you are commenting on the proposed authorization, draft environmental assessment or both, make your comments as specific as possible, confine them to issues pertinent to the proposed authorization, and explain the reason for any changes you recommend. Where possible, your comments should reference the specific section or paragraph that you are addressing. The Service will consider all comments that are received before the close of the comment period (see **DATES**). The Service does not anticipate extending the public comment period beyond the 30 days required under section 101(a)(5)(D)(iii) of the MMPA.

Comments, including names and street addresses of respondents, will become part of the administrative record for this proposal. Before including your address, telephone number, email address, or other personal identifying information in your comment, be advised that your entire comment, including your personal identifying information, may be made publicly available at any time. While you can ask us in your comments to withhold from public review your personal identifying information, we cannot guarantee that we will be able to do so.

Gregory Siekaniec,

Regional Director, Alaska Region.

[FR Doc. 2020–26747 Filed 12–7–20; 8:45 am]

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Information Technology Modernization Centers of Excellence Program Act (Dec. 3, 2020; 134 Stat. 981)

H.R. 1773/P.L. 116-195
Rosie the Riveter Congressional Gold Medal Act of 2019 (Dec. 3, 2020; 134 Stat. 984)

H.R. 1833/P.L. 116-196

To designate the facility of the United States Postal Service located at 35 Tulip Avenue in Floral Park, New York, as the “Lieutenant Michael R. Davidson Post Office Building”. (Dec. 3, 2020; 134 Stat. 987)

H.R. 3207/P.L. 116-197

To designate the facility of the United States Postal Service located at 114 Mill Street in Hookstown, Pennsylvania, as the “Staff Sergeant Dylan Elchin Post Office Building”. (Dec. 3, 2020; 134 Stat. 988)

H.R. 3317/P.L. 116-198

To permit the Scipio A. Jones Post Office in Little Rock, Arkansas, to accept and display a portrait of Scipio A. Jones, and for other purposes. (Dec. 3, 2020; 134 Stat. 989)

H.R. 3329/P.L. 116-199

To designate the facility of the United States Postal Service located at 5186 Benito Street in Montclair, California, as the “Paul Eaton Post Office Building”. (Dec. 3, 2020; 134 Stat. 990)

H.R. 4734/P.L. 116-200

To designate the facility of the United States Postal Service

located at 171 South Maple Street in Dana, Indiana, as the “Ernest ‘Ernie’ T. Pyle Post Office”. (Dec. 3, 2020; 134 Stat. 991)

H.R. 4794/P.L. 116-201

To designate the facility of the United States Postal Service located at 8320 13th Avenue in Brooklyn, New York, as the “Mother Frances Xavier Cabrini Post Office Building”. (Dec. 3, 2020; 134 Stat. 992)

H.R. 4981/P.L. 116-202

To designate the facility of the United States Postal Service located at 2505 Derita Avenue in Charlotte, North Carolina, as the “Julius L. Chambers Civil Rights Memorial Post Office”. (Dec. 3, 2020; 134 Stat. 993)

H.R. 5037/P.L. 116-203

To designate the facility of the United States Postal Service located at 3703 North Main Street in Farmville, North Carolina, as the “Walter B. Jones, Jr. Post Office”. (Dec. 3, 2020; 134 Stat. 994)

H.R. 5384/P.L. 116-204

To designate the facility of the United States Postal Service located at 100 Crosby Street

in Mansfield, Louisiana, as the “Dr. C.O. Simpkins, Sr., Post Office”. (Dec. 3, 2020; 134 Stat. 995)

S. 327/P.L. 116-205

Wounded Veterans Recreation Act (Dec. 3, 2020; 134 Stat. 996)

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