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DEPARTMENT OF JUSTICE

Executive Office for Immigration Review

8 CFR Part 1003

[Docket No. EOIR 20–0010; AG Order No. 4663–2020]

RIN 1125–AB00

Expanding the Size of the Board of Immigration Appeals

AGENCY: Executive Office for Immigration Review, Department of Justice.

ACTION: Interim rule with request for comments.

SUMMARY: This rule amends the Department of Justice regulations relating to the organization of the Board of Immigration Appeals (''Board'') by adding two Board member positions, thereby expanding the Board to 23 members.

DATES:

Effective date: April 1, 2020.

Comment date: Written comments must be submitted on or before May 1, 2020. Comments postmarked on or before that date will be considered timely. The electronic Federal Docket Management System will accept comments until midnight Eastern Time on that date.

FOR FURTHER INFORMATION CONTACT: Lauren Alder Reid, Assistant Director, Executive Office for Immigration Review, 5107 Leesburg Pike, Suite 2616, Falls Church, Virginia 22041, telephone (703) 305–0289.

I. Public Participation

Interested persons are invited to participate in this rulemaking by submitting written data, views, or arguments on all aspects of this rule. The Department also invites comments that relate to the economic, environmental, or federalism effects that might result from this rule. Comments that will provide the most assistance to the Department in developing these procedures will reference a specific portion of the rule, explain the reason for any recommended change, and include data, information, or authority that supports such recommended change.

Each submitted comment should include the agency name and reference RIN 1125–AB00 or EOIR Docket No. 20–0010 for this rulemaking. Please note that all properly received comments are considered part of the public record and made available for public inspection at *www.regulations.gov.* Such information includes personally identifying information (such as name, address, etc.) voluntarily submitted by the commenter. The Department may withhold from public viewing information provided in comments that they determine 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.*

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To inspect the agency's public docket file in person, you must make an appointment with agency counsel. Please see the **FOR FURTHER INFORMATION CONTACT** section above for the agency counsel's contact information by topic in Section III, *infra.*

II. Background

The Executive Office for Immigration Review (''EOIR'') administers the Nation's immigration court system. Generally, cases commence before an immigration judge when the Department of Homeland Security (''DHS'') files a charging document against an alien with the immigration court. *See* 8 CFR 1003.14(a). EOIR primarily decides whether foreign-born individuals who are charged by DHS with violating immigration law pursuant to the Immigration and Nationality Act (''INA'') should be ordered removed from the United States, or should be granted relief or protection from removal and be permitted to remain in the United States. EOIR's Office of the Chief Immigration Judge administers these adjudications in immigration courts nationwide.

Decisions of the immigration judges are subject to review by EOIR's appellate body, the Board of Immigration Appeals, which currently comprises 21 permanent Board members. The Board is the highest administrative tribunal for interpreting and applying U.S. immigration law. The Board's decisions can be reviewed by the Attorney General, as provided in 8 CFR 1003.1(g) and (h). Decisions of the Board and the Attorney General are subject to judicial review.

III. Expansion of Number of Board Members

EOIR's mission is to adjudicate immigration cases by fairly, expeditiously, and uniformly interpreting and administering the Nation's immigration laws. This includes the initial adjudication of aliens' cases in immigration courts nationwide, as well as appellate review by the Board when appeals are timely filed. In order to more efficiently accomplish EOIR's commitment to promptly decide a large volume of cases, as well as review a large quantity of appeals of those cases, this rule amends the Department's regulations relating to the organization of the Board by adding two Board member positions, thereby expanding the Board from 21 to

23 members.[1] This rule revises the third sentence of 8 CFR 1003.1(a)(1), leaving the remainder of paragraph (a)(1) unchanged.

Expanding the number of Board members is necessary at this time for two primary reasons. First, EOIR is currently managing the largest caseload both the immigration court system and the Board have ever seen. At the end of FY 2019, there were 1,047,803 cases pending at the immigration courts, marking an increase of 251,725 cases pending above those at the end of FY 2018. *See* Pending Cases, available at *https://www.justice.gov/eoir/file/1242166/download.* Similarly, the pending caseload at the Board essentially doubled between FY 2018 and FY 2019, from 35,503 to 70,183. *See* All Appeals Filed, Completed, and Pending, available at *https://www.justice.gov/eoir/page/file/1199201/download.* Furthermore, DHS filed 504,848 new cases with EOIR in FY 2019, an increase of nearly 200,000 new cases filed over FY 2018. *See* New Cases and Total Completions-Historical, available at *https://www.justice.gov/eoir/page/file/1238746/download.* Each of the three previous fiscal years has set a new record for new case filings by DHS, *see id.,* leading to an increase in the backlog of pending cases and an increased need for EOIR adjudicators to handle the new influx of cases, including at the Board. The efficient and timely adjudication of cases is the highest priority for EOIR, and EOIR requires additional resources to handle the increased caseload. Moreover, as the caseload in the immigration courts increases, the Department anticipates that the corresponding caseload at the Board will also expand, as it did significantly in FY 2019.

Second, the Department has made concerted efforts in recent years to hire more immigration judges, resulting in a net increase of its immigration judge corps of 153 between the end of FY 2016 and the end of FY 2019. *See* Immigration Judge Hiring, available at *https://www.justice.gov/eoir/file/1242156/download.* Moreover, the Department continues to advertise for and select a new class of immigration judges almost every quarter of the fiscal year. The Department expects that, as these new immigration judges enter on duty, the number of decisions rendered nationwide by immigration judges will increase and, in turn, the number of appeals filed with the Board will also increase.

The current caseload at the Board is burdensome and may become overwhelming in the future for a Board of 21 members. At the same time, if the Board becomes too large, it may have difficulty fulfilling its responsibility of providing coherent direction with respect to the immigration laws. In particular, because the Board currently issues precedent decisions only with the approval of a majority of permanent Board members, a substantial increase in the number of Board members may make the process of issuing such decisions more difficult.

Keeping in mind the goal of maintaining cohesion and the ability to reach consensus, but recognizing the challenges the Board faces in light of its current and anticipated increased caseload, the Department has determined that two positions should be added to the Board at this time. These changes are necessary to maintain an efficient system of appellate adjudication in light of the increasing caseload.

IV. Public Comments

This rule is exempt from the usual requirements of prior notice and comment and a 30-day delay in effective date because, as an internal delegation of authority, it relates to a matter of agency organization, procedure, or practice. *See* 5 U.S.C. 553(b). The Department nonetheless has chosen to promulgate this rule as an interim rule, providing the public with opportunity for post-promulgation comment before the Department issues a final rule on these matters.

V. Regulatory Requirements

A. Administrative Procedure Act

Prior notice and comment is unnecessary because this is a rule of management or personnel as well as a rule of agency organization, procedure, or practice. *See* 5 U.S.C. 553(a)(2), (b)(A). For the same reasons, this rule is not subject to a 30-day delay in effective date. *See* 5 U.S.C. 553(a)(2), (d).

B. Regulatory Flexibility Act

Under the Regulatory Flexibility Act (RFA), ''[w]henever an agency is required by section 553 of [the Administrative Procedure Act], or any other law, to publish general notice of proposed rulemaking for any proposed rule . . . the agency shall prepare and make available for public comment an initial regulatory flexibility analysis.'' 5 U.S.C. 603(a); *see* 5 U.S.C. 604(a). Such analysis is not required when a rule is exempt from notice-and-comment rulemaking under 5 U.S.C. 553(b) or other law. Because this is a rule of internal agency organization and therefore is exempt from notice-and-comment rulemaking, no RFA analysis under 5 U.S.C. 603 or 604 is required.

C. Unfunded Mandates Reform Act of 1995

This rule will not result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more in any one year, and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

D. Executive Orders 12866 (Regulatory Planning and Review), 13563 (Improving Regulation and Regulatory Review), and 13771 (Reducing Regulation and Controlling Regulatory Costs)

This rule is limited to agency organization, management, or personnel matters and is therefore not subject to review by the Office of Management and Budget pursuant to section 3(d)(3) of Executive Order 12866, Regulatory Planning and Review. Nevertheless, the Department certifies that this regulation has been drafted in accordance with the principles of Executive Order 12866, section 1(b), and Executive Order 13563. Executive Orders 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits, including consideration of potential economic, environmental, public health, and safety effects; distributive impacts; and equity. The benefits of this rule include providing the Department with an appropriate means of responding to the increased number of appeals to the Board. The public will benefit from the expansion of the number of Board members because such expansion will help EOIR better accomplish its mission of adjudicating cases in an efficient and timely manner. Overall, the benefits provided by the Board's expansion outweigh the costs of employing additional federal employees. Finally, because this rule is one of internal organization, management, or personnel, it is not subject to the requirements of Executive Order 13771.

[1] The Department expanded the number of Board members from 15 to 17 on June 3, 2015, when it published in the **Federal Register** an interim rule amending 8 CFR 1003.1. *See* 80 FR 31461 (June 3, 2015). On February 27, 2018, the Department published a final rule further expanding the Board from 17 to 21 members. *See* 83 FR 8321 (Feb. 27, 2018).

E. Executive Order 13132—Federalism

This rule will not have substantial direct effects 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. Therefore, in accordance with section 6 of Executive Order 13132, this rule does not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement.

F. Executive Order 12988—Civil Justice Reform

This rule meets the applicable standards set forth in sections 3(a) and 3(b)(2) of Executive Order 12988.

G. Paperwork Reduction Act

The provisions of the Paperwork Reduction Act of 1995, Public Law 104–13, 44 U.S.C. chapter 35, and its implementing regulations, 5 CFR part 1320, do not apply to this final rule because there are no new or revised recordkeeping or reporting requirements.

H. Congressional Review Act

This is not a major rule as defined by 5 U.S.C. 804(2). This action pertains to agency organization, management, and personnel and, accordingly, is not a ''rule'' as that term is used in 5 U.S.C. 804(3). Therefore, the reports to Congress and the Government Accountability Office specified by 5 U.S.C. 801 are not required.

List of Subjects in 8 CFR Part 1003

Administrative practice and procedure, Aliens, Immigration, Legal services, Organization and functions (Government agencies).

Accordingly, for the reasons stated in the preamble, part 1003 of title 8 of the Code of Federal Regulations is amended as follows:

PART 1003—EXECUTIVE OFFICE FOR IMMIGRATION REVIEW

■ 1. The authority citation for part 1003 continues to read as follows:

Authority: 5 U.S.C. 301; 6 U.S.C. 521; 8 U.S.C. 1101, 1103, 1154, 1155, 1158, 1182, 1226, 1229, 1229a, 1229b, 1229c, 1231, 1254a, 1255, 1324d, 1330, 1361, 1362; 28 U.S.C. 509, 510, 1746; sec. 2 Reorg. Plan No. 2 of 1950; 3 CFR, 1949–1953 Comp., p. 1002; section 203 of Pub. L. 105–100, 111 Stat. 2196–200; sections 1506 and 1510 of Pub. L. 106–386, 114 Stat. 1527–29, 1531–32; section 1505 of Pub. L. 106–554, 114 Stat. 2763A–326 to –328.

■ 2. In § 1003.1, revise the third sentence of paragraph (a)(1) to read as follows:

§ 1003.1 Organization, jurisdiction, and powers of the Board of Immigration Appeals.

(a)(1) * * * The Board shall consist of 23 members. * * *

* * * * *

Dated: March 25, 2020.

William P. Barr,

Attorney General.

[FR Doc. 2020–06846 Filed 3–31–20; 8:45 am]

BILLING CODE 4410–30–P

SMALL BUSINESS ADMINISTRATION

13 CFR Part 120

Express Bridge Loan Pilot Program; Modification of Eligibility and Loan Approval Deadline and Extension of Pilot Program

AGENCY: U.S. Small Business Administration.

ACTION: Notification of change to Express Bridge Loan Pilot Program and extension of pilot program.

SUMMARY: On October 16, 2017, the U.S. Small Business Administration (SBA) published a document announcing the Express Bridge Loan Pilot Program (Express Bridge Pilot). In that document, SBA provided an overview of the Express Bridge Pilot and modified an Agency regulation relating to loan underwriting for loans made under the Express Bridge Pilot. On May 7, 2018, SBA published a document to revise certain program requirements. SBA continues to refine and improve the design of the Express Bridge Pilot and is issuing this document to expand program eligibility to include small businesses nationwide adversely impacted under the Coronavirus Disease (COVID–19) Emergency Declaration (COVID–19 Emergency Declaration) issued by President Trump on March 13, 2020. Further, SBA is revising program requirements to allow Express Bridge Pilot loans made under the COVID–19 Emergency Declaration to be approved through March 13, 2021. The modification of eligibility criteria and program requirements will allow small businesses adversely impacted by the COVID–19 emergency to qualify for loans through the Express Bridge Pilot. Finally, SBA is extending the term of the Express Bridge Pilot from September 30, 2020 to March 13, 2021, to assist small businesses that may experience delayed effects resulting from the COVID–19 emergency to benefit from the Express Bridge Pilot and to allow SBA to continue its evaluation of the program.

DATES: The revised program requirements described in this document apply to all Express Bridge Pilot loans approved on or after April 1, 2020, and the Express Bridge Pilot will remain available through March 13, 2021.

FOR FURTHER INFORMATION CONTACT: Dianna Seaborn, Director, Office of Financial Assistance, U.S. Small Business Administration, 409 Third Street SW, Washington, DC 20416; Telephone (202) 205–3645; email address: *dianna.seaborn@sba.gov.*

SUPPLEMENTARY INFORMATION: On October 16, 2017, SBA published a document announcing the Express Bridge Pilot. (82 FR 47958) The Express Bridge Pilot is designed to supplement the Agency's disaster response capabilities and authorizes the Agency's 7(a) Lenders with SBA Express lending authority to deliver expedited SBA-guaranteed financing on an emergency basis for disaster-related purposes to small businesses located in communities impacted by a Presidentially-declared disaster, while the businesses apply for and await long-term financing (including through SBA's direct disaster loan program, if eligible). On May 7, 2018, SBA published a document to revise certain Express Bridge Pilot requirements. (83 FR 19921) The Express Bridge Pilot applies the policies and procedures in place for the Agency's SBA Express program, except as outlined in the **Federal Register** documents published on October 16, 2017, and May 7, 2018.

SBA continues to refine and improve the design of the Express Bridge Pilot and, therefore, is issuing this document to expand program eligibility to include small businesses nationwide adversely impacted under the Coronavirus Disease (COVID–19) Emergency Declaration issued by President Trump on March 13, 2020. Because the COVID–19 Emergency Declaration covers all states, territories, and the District of Columbia, eligible small businesses under the Express Bridge Pilot will now include small businesses located in any state, territory and the District of Columbia that have been adversely impacted by the COVID–19 emergency. (Previously, those small businesses would not be eligible for Express Bridge Pilot loans because the program has been limited to eligible small businesses located in Primary Counties that have been Presidentially-declared as major disaster areas, plus any Contiguous Counties.)

Further, SBA is revising program requirements to allow Express Bridge Pilot loans made under the COVID–19 Emergency Declaration to be approved

through March 13, 2021. This is a revision to the current policy that states Express Bridge Pilot loans can only be made up to six months after the date of the applicable Presidential disaster declaration. This revision will allow small businesses that experience delayed impacts resulting from the COVID–19 emergency to benefit from the pilot program.

Finally, SBA is extending the term of the Express Bridge Pilot. The Express Bridge Pilot is set to expire September 30, 2020. With this Notice, SBA is extending the pilot program through March 13, 2021. This extension will provide time for small businesses that may experience delayed effects resulting from the COVID–19 emergency to benefit from the Express Bridge Pilot and to allow SBA to continue its evaluation of the program in accordance with the criteria set forth in the October 16, 2017 **Federal Register** notice.

All other SBA terms and conditions and regulatory waivers related to the Express Bridge Pilot remain unchanged, including that loans made under the Express Bridge Pilot may be eligible to be repaid with the proceeds of an SBA direct disaster loan, including loans made under the Economic Injury Disaster Loan (EIDL) Program. All references to disasters in the Express Bridge Pilot program requirements will include the COVID–19 emergency.

SBA has provided more detailed guidance in the form of a program guide, which has been updated to conform to this Notice and is available on SBA's website, *https://www.sba.gov/document/support--express-bridge-loan-pilot-program-guide.* SBA will also provide additional guidance, if needed, through SBA notices, which also will be published on SBA's website, *http://www.sba.gov.*

Authority: 15 U.S.C. 636(a)(25); 13 CFR 120.3.

Dated: March 19, 2020.

Jovita Carranza,

Administrator.

[FR Doc. 2020–06356 Filed 3–30–20; 8:45 am]

BILLING CODE P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. FAA–2020–0273; Special Conditions No. 25–767–SC]

Special Conditions: Delta Flight Products, Boeing Model No. 757–200 Series Airplane; Seats With Non-Traditional, Large, Non-Metallic Panels

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions; request for comments.

SUMMARY: These special conditions are issued for the Boeing Model No. 757–200 series airplane. This airplane, as modified by Delta Flight Products, will have novel or unusual design features when compared to the state of technology envisioned in the airworthiness standards for transport category airplanes. This design feature includes seats with large, non-traditional, non-metallic panels on Boeing 757–200 series airplanes. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature. These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

DATES: This action is effective on Delta Flight Products on April 1, 2020. Send comments on or before May 18, 2020.

ADDRESSES: Send comments identified by Docket No. FAA–2020–0273 using any of the following methods:

- *Federal eRegulations Portal:* Go to *http://www.regulations.gov/* and follow the online instructions for sending your comments electronically.
- *Mail:* Send comments to Docket Operations, M–30, U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE, Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.
- *Hand Delivery 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: The FAA will post all comments it receives, without change, to *http://www.regulations.gov/,* including any personal information the commenter provides. Using the search function of the docket website, anyone can find and read the electronic form of all comments received into any FAA docket, including the name of the individual sending the comment (or signing the comment for an association, business, labor union, etc.). DOT's complete Privacy Act Statement can be found in the **Federal Register** published on April 11, 2000 (65 FR 19477–19478).

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 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: John Shelden, Airframe & Cabin Safety Section, AIR–675, Transport Standards Branch, Policy and Innovation Division, Aircraft Certification Service, Federal Aviation Administration, 2200 South 216th Street, Des Moines, Washington 98198; telephone and fax 206–231–3214; email *john.shelden@faa.gov.*

SUPPLEMENTARY INFORMATION: The substance of these special conditions previously has been published in the **Federal Register** for public comment. These special conditions have been derived without substantive change from those previously issued. It is unlikely that prior public comment would result in a significant change from the substance contained herein. Therefore, the FAA has determined that prior public notice and comment are unnecessary, and finds that, for the same reason, good cause exists for adopting these special conditions upon publication in the **Federal Register.**

Comments Invited

The FAA invites interested people to take part in this rulemaking by sending written comments, data, or views. The most helpful comments reference a specific portion of the special conditions, explain the reason for any recommended change, and include supporting data.

The FAA will consider all comments received by the closing date for comments. The FAA may change these special conditions based on the comments received.

Background

On September 3, 2019, Delta applied for a supplemental type certificate for an interior reconfiguration that includes seats containing large, non-traditional, non-metallic panels on Boeing 757–200 series airplanes. The Boeing 757–200

series airplane is a twin-engine, transport category airplane with seating provisions for up to 239 passengers.

The applicable regulations to airplanes currently approved under Type Certificate No. A2NM do not require seats to meet the more-stringent flammability standards required of large, non-traditional, non-metallic panels in the cabin interior. At the time the applicable rules were written, seats were designed with a metal frame covered by fabric, not with large, non-traditional, non-metallic panels. Seats also met the then-recently adopted standards for flammability of seat cushions. With the seat design being mostly fabric and metal, their contribution to a fire in the cabin had been minimized and was not considered a threat. For these reasons, seats did not need to be tested to heat-release and smoke-emission requirements.

Seat designs have now evolved to occasionally include large, non-traditional, non-metallic panels. Taken in total, the surface area of these panels is on the same order as the sidewall and overhead-stowage-bin interior panels. To provide the level of passenger protection established by the airworthiness standards, these large, non-traditional, non-metallic panels in the cabin must meet the standards of Title 14, Code of Federal Regulations (CFR) part 25, Appendix F, parts IV and V, heat-release and smoke-emission requirements.

Type Certification Basis

Under the provisions of title 14, Code of Federal Regulations (14 CFR) 21.101, Delta Flight Products must show that the Model 757–200 series airplane, as changed, continues to meet the applicable provisions of the regulations listed in Type Certificate No. A2NM or the applicable regulations in effect on the date of application for the change, except for earlier amendments as agreed upon by the FAA.

If the Administrator finds that the applicable airworthiness regulations (*e.g.,* 14 CFR part 25) do not contain adequate or appropriate safety standards for the Boeing Model 757–200 series airplane because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.16.

Special conditions are initially applicable to the model for which they are issued. Should the applicant apply for a supplemental type certificate to modify any other model included on the same type certificate to incorporate the same novel or unusual design feature, these special conditions would also apply to the other model under § 21.101.

In addition to the applicable airworthiness regulations and special conditions, the Boeing Model 757–200 series airplane must comply with the fuel vent and exhaust emission requirements of 14 CFR part 34 and the noise certification requirements of 14 CFR part 36.

The FAA issues special conditions, as defined in 14 CFR 11.19, in accordance with § 11.38, and they become part of the type certification basis under § 21.101.

Novel or Unusual Design Features

The Boeing 757–200 series airplane will incorporate the following novel or unusual design feature:

This model offers interior arrangements that include passenger seats that incorporate large, non-traditional, non-metallic panels in lieu of the traditional metal frame covered by fabric. The flammability properties of these panels have been shown to significantly affect the survivability of cabin occupants in the event of fire. These seats are considered a novel design for transport-category airplanes that include Amendment 25–61 and Amendment 25–66 in the certification basis, and were not considered when those airworthiness standards were established.

The existing regulations do not provide adequate or appropriate safety standards for seat designs that incorporate large, non-traditional, non-metallic panels in their designs. To provide a level of safety that is equivalent to that afforded to the balance of the cabin, additional airworthiness standards, in the form of special conditions, are necessary. These special conditions supplement 14 CFR 25.853. The requirements contained in these special conditions consist of applying the identical test conditions, required of all other large panels in the cabin, to seats with large, non-traditional, non-metallic panels.

Discussion

In the early 1980s, the Federal Aviation Administration (FAA) conducted extensive research on the effects of post-crash flammability in the passenger cabin. As a result of this research and service experience, the FAA adopted new standards for interior surfaces associated with larger surface-area parts. Specifically, the rules require measurement of heat release and smoke emission (part 25, Appendix F, parts IV and V) for the affected parts. Heat release has been shown to have a direct correlation to post-crash fire-survival time. The materials that comply with the standards (*e.g.,* § 25.853, ''Compartment Interiors,'' as amended by Amendments 25–61 and 25–66) were found to extend survival time by approximately two minutes over materials that do not comply.

At the time Amendment 25–61 was written, the potential application of the requirement to seats was explored. The seat frame itself was not a concern because it was primarily made of aluminum and incorporated only small amounts of non-metallic materials (for example, a food-tray table and armrest closeout). The FAA determined that the overall effect on survivability was negligible, whether or not these panels met the heat-release and smoke-emission requirements. The requirements therefore did not address seats, and the preambles to both Notice of Proposed Rule Making (NPRM) 85–10 and the final rule (Amendment 25–61) specifically note that they were excluded ''. . . because the recently adopted standards for flammability of seat cushions will greatly inhibit involvement of the seats'' in their post-crash fire.

In the late 1990s, when it became clear that seat designs were evolving to include large non-metallic panels with surface area that would impact survivability during a cabin-fire event compared to partitions or galleys, the FAA issued Policy Memorandum 97–112–39. This memo noted that large surface-area panels must comply with heat-release and smoke-emission requirements, even if they were attached to a seat. If the FAA had not issued such policy, seat designs would have been an exception to the airworthiness standards, which could result in an unacceptable decrease in survivability during a cabin fire event.

These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

Definition of ''Large, Non-Traditional, Non-Metallic Panel''

A large, non-traditional, non-metallic panel, in this case, is defined as a panel with exposed-surface areas greater than 1.5 square feet installed per seat place. The panel may consist of either a single component or multiple components in a concentrated area. Examples of non-traditional areas include, but are not limited to, seat backs, bottoms and leg/foot rests, kick panels, back shells, and associated furniture. Examples of traditional, exempted areas include, but are not limited to, arm caps, armrest close-outs, and items such as end-bays

and center consoles, food trays, video monitors, and shrouds.

Clarification of ''Exposed''

''Exposed'' is considered to include those panels directly exposed to the passenger cabin in the traditional sense, plus those panels enveloped, such as by a dress cover. Traditional fabrics or leathers currently used on seats are excluded from the special conditions. These materials must still comply with § 25.853(a) and (c) if used as a covering for a seat cushion, or § 25.853(a) if installed elsewhere on the seat. Large, non-metallic panels covered with traditional fabrics or leathers will be tested without their coverings or covering attachments.

Applicability

As discussed above, these special conditions are applicable to the Boeing Model 757–200 series airplane. Should Delta Flight Products apply at a later date for a supplemental type certificate to modify any other model included on Type Certificate No. A2NM to incorporate the same novel or unusual design feature, these special conditions would apply to that model as well.

Conclusion

This action affects only certain novel or unusual design features on one model series of airplanes. It is not a rule of general applicability and affects only the applicant who applied to the FAA for approval of these features on the airplane.

List of Subjects in 14 CFR Part 25

Aircraft, Aviation safety, Reporting and recordkeeping requirements.

Authority Citation

The authority citation for these special conditions is as follows:

Authority: 49 U.S.C. 106(f), 106(g), 40113, 44701, 44702, 44704.

The Special Conditions

Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued as part of the type certification basis for Boeing Model 757–200 series airplanes, as modified by Delta Flight Products.

1. Compliance with 14 CFR part 25, Appendix F, parts IV and V, heat release and smoke emission, is required for seats that incorporate large, non-traditional, non-metallic panels that may either be a single component or multiple components in a concentrated area in their design.

2. The applicant may designate up to and including 1.5 square feet of non-traditional, non-metallic panel material per seat place that does not have to comply with No. 1. A triple seat assembly may have a total of 4.5 square feet excluded on any portion of the assembly (*e.g.,* outboard seat place 1 sq. ft., middle 1 sq. ft., and inboard 2.5 sq. ft.).

3. Seats need not meet the test requirements of part 25 Appendix F, parts IV and V when installed in compartments that are not otherwise required to meet these requirements. Examples include:

a. Airplanes with passenger capacities of 19 or fewer.

b. Airplanes that do not have smoke emission and heat release in their certification basis and do not need to comply with the requirements of 14 CFR 121.312.

c. Airplanes exempted from heat-release and smoke-emission requirements.

Issued in Des Moines, Washington, on March 12, 2020.

James E. Wilborn,

Acting Manager, Transport Standards Branch, Policy and Innovation Division, Aircraft Certification Service.

[FR Doc. 2020–06339 Filed 3–31–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 61

[Docket No.: FAA–2020–0312]

Enforcement Policy for Expired Airman Medical Certificates

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

ACTION: Notification of enforcement policy.

SUMMARY: Due to extraordinary circumstances related to the Novel Coronavirus Disease (COVID–19) pandemic, until June 30, 2020, the Federal Aviation Administration (FAA) will not take legal enforcement action against any person serving as a required pilot flight crewmember or flight engineer based on noncompliance with medical certificate duration standards when expiration of the required medical certificate occurs from March 31, 2020, through June 30, 2020.

DATES: The policy described herein is effective from March 31, 2020, through June 30, 2020.

FOR FURTHER INFORMATION CONTACT: James Barry, Manager, Policy/Audit/Evaluation, Enforcement Division, Office of the Chief Counsel, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8198; email: *james.barry@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

FAA regulations set forth the requirements for, and duration of, medical certificates issued under 14 CFR part 67. A person may serve as a required pilot flight crewmember of a civil aircraft only if that person holds the appropriate unexpired medical certificate issued under 14 CFR part 67 (or other documentation acceptable to the FAA).[1] The duration of a medical certificate issued to a required pilot flight crewmember depends on the age of the applicant at the date of the examination, the type of operation, and class of certificate.[2] In addition, a person may serve as a flight engineer of a civil aircraft only if that person holds an unexpired second-class (or higher) medical certificate issued under 14 CFR part 67 (or other documentation acceptable to the FAA).[3] To receive a new medical certificate, a person must submit to a medical examination given by an aviation medical examiner.[4] Regardless of whatever day a medical certificate is issued, all medical certificates expire at the end of the last day of the month of expiration.[5]

On March 11, 2020, the World Health Organization (WHO) characterized COVID–19 as a pandemic, as the rates of infection continued to rise in many locations around the world and across the United States. On March 13, 2020, the President declared that the COVID–19 outbreak in the United States constitutes a national emergency. COVID–19 cases have been reported in all 50 States as well as the District of Columbia, Puerto Rico, Guam, and the U.S. Virgin Islands.

The President's March 13, 2020, declaration observed that the spread of COVID–19 within our Nation's communities threatens to strain our Nation's healthcare systems. Widespread transmission of COVID–19 could translate into large numbers of people needing medical care at the same time. The Centers for Disease Control and Prevention (CDC) advises that healthcare facilities and clinicians should prioritize urgent and emergency visits and procedures now and for the

[1] *See* 14 CFR 61.2(a)(5), 61.3(c)(1).

[2] *See* 14 CFR 61.23.

[3] *See* 14 CFR 63.3(b).

[4] *See* 14 CFR 67.3, 67.4, 67.405.

[5] *See* 14 CFR 61.23(d).

coming several weeks. The CDC's advice includes rescheduling elective and non-urgent admissions, and postponing routine dental and eye care visits. Additionally, the President and the White House Coronavirus Task Force have announced a program called ''15 Days to Slow the Spread,'' a nationwide effort to slow the spread of COVID–19 in the United States through the implementation of social distancing at all levels of society.

Statement of Policy

It is not in the public interest at this time to maintain the requirement of an FAA medical examination, which is a nonemergency medical service, in order for pilots and flight engineers with expiring medical certificates to obtain new medical certificates. This is because of the burden that COVID–19 places on the U.S. healthcare system, and because these aviation medical examinations increase the risk of transmission of the virus through personal contact between the physician and the applicant for an airman medical certificate.

Accordingly, as an exercise of the FAA's enforcement discretion, through June 30, 2020, the FAA will not take legal enforcement action against any person serving as a required pilot flight crewmember or flight engineer based on noncompliance with medical certificate duration standards when expiration of the medical certificate occurs from March 31, 2020, through June 30, 2020. This discretionary accommodation does not apply to pilots or flight engineers who lacked an unexpired medical certificate as of March 31, 2020. Also, regardless of the date of expiration of a medical certificate, this accommodation does not commit to non-enforcement for noncompliance with medical certificate duration standards that occurs after June 30, 2020. This policy applies only to holders of an FAA-issued medical certificate serving as a required pilot flight crewmember or flight engineer within the United States. It does not apply to holders of an FAA-issued medical certificate serving as a required pilot flight crewmember or flight engineer outside the United States.

The FAA has determined that those persons subject to this temporary measure may operate beyond the validity period of their medical certificate during the effective period of this accommodation without creating a risk to aviation safety that is unacceptable under the extraordinary circumstances surrounding the COVID–19 pandemic. The FAA will reevaluate this decision as circumstances unfold, to determine whether an extension or other action is needed to address this pandemic-related challenge.

The relief provided in this notification does not extend to the requirements of 14 CFR 61.53 and 63.19 regarding prohibition on operations during medical deficiency. These prohibitions remain critical for all pilots and flight engineers to observe, especially given the policy of emergency accommodation announced here and the health threat of COVID–19. Accordingly, the FAA emphasizes that under 14 CFR 61.53, no person who holds a medical certificate issued under 14 CFR part 67 may act as a required pilot flight crewmember while that person: (1) Knows or has reason to know of any medical condition that would make the person unable to meet the requirements for the medical certificate necessary for the pilot operation; or (2) is taking medication or receiving other treatment for a medical condition that results in the person being unable to meet the requirements for the medical certificate necessary for the pilot operation. Additionally, under 14 CFR 63.19, no person may serve as a flight engineer during a period of known physical deficiency, or increase in physical deficiency, that would make the flight engineer unable to meet the physical requirements for an unexpired medical certificate.

All required pilot flight crewmembers and flight engineers are to comply with all other applicable obligations under the FAA's regulations and other applicable laws. This notification creates no individual rights of action and establishes no precedent for future determinations.

Issued in Washington, DC, on March 26, 2020.

Naomi Tsuda,

Assistant Chief Counsel for Enforcement, Federal Aviation Administration.

[FR Doc. 2020–06784 Filed 3–30–20; 8:45 am]

BILLING CODE 4410–09–P

CONSUMER PRODUCT SAFETY COMMISSION

[Docket No. CPSC–2015–0029]

16 CFR Part 1232

Revisions to Safety Standard for Children's Folding Chairs and Stools

AGENCY: Consumer Product Safety Commission.

ACTION: Direct final rule.

SUMMARY: In December 2017, the U.S. Consumer Product Safety Commission (CPSC) issued a consumer product safety standard for children's folding chairs and stools. The standard incorporated by reference the applicable ASTM voluntary standard. We are publishing this direct final rule revising the CPSC's mandatory standard for children's folding chairs and stools to incorporate by reference the most recent version of the applicable ASTM standard.

DATES: This direct final rule is effective on July 6, 2020, unless we receive significant adverse comment by May 1, 2020. If we receive timely significant adverse comments, we will publish a document in the **Federal Register**, withdrawing this direct final rule before its effective date. The incorporation by reference of the publication listed in this rule is approved by the Director of the Federal Register as of July 6, 2020.

ADDRESSES: You may submit comments, identified by Docket No. CPSC–2015–0029, by any of the following methods:

Electronic Submissions: Submit electronic comments to the Federal eRulemaking Portal at: *https://www.regulations.gov.* Follow the instructions for submitting comments. The CPSC does not accept comments submitted by electronic mail (email), except through *https://www.regulations.gov.* The CPSC encourages you to submit electronic comments by using the Federal eRulemaking Portal, as described above.

Mail/hand delivery/courier Submissions: Submit comments by mail/hand delivery/courier to: Division of the Secretariat, Consumer Product Safety Commission, Room 820, 4330 East-West Highway, Bethesda, MD 20814; telephone (301) 504–7479.

Instructions: All submissions received must include the agency name and docket number for this notice. All comments received may be posted without change, including any personal identifiers, contact information, or other personal information provided, to: *https://www.regulations.gov.* Do not submit electronically confidential business information, trade secret information, or other sensitive or protected information that you do not want to be available to the public. If you wish to submit such information please submit it according to the instructions for written submissions.

Docket: For access to the docket to read background documents or comments received, go to: *https://www.regulations.gov,* and insert the docket number, CPSC–2015–0029, into the ''Search'' box, and follow the prompts.

FOR FURTHER INFORMATION CONTACT: Keysha Walker, Compliance Officer,

Office of Compliance and Field Operations, Consumer Product Safety Commission, 4330 East-West Highway, Bethesda, MD 20814–4408; telephone: 301–504–6820; email: *kwalker@cpsc.gov.*

SUPPLEMENTARY INFORMATION:

A. Background

1. Statutory Authority

Section 104(b)(1)(B) of the Consumer Product Safety Improvement Act (CPSIA), also known as the Danny Keysar Child Product Safety Notification Act, requires the Commission to promulgate consumer product safety standards for durable infant or toddler products. The law requires these standards to be ''substantially the same as'' applicable voluntary standards or more stringent than the voluntary standards if the Commission concludes that more stringent requirements would further reduce the risk of injury associated with the product.

The CPSIA also sets forth a process for updating CPSC's durable infant or toddler standards when the voluntary standard upon which the CPSC standard was based is changed. Section 104(b)(4)(B) of the CPSIA provides that if an organization revises a standard that has been adopted, in whole or in part, as a consumer product safety standard under this subsection, it shall notify the Commission. In addition, the revised voluntary standard shall be considered to be a consumer product safety standard issued by the Commission under section 9 of the Consumer Product Safety Act (15 U.S.C. 2058), effective 180 days after the date on which the organization notifies the Commission (or such later date specified by the Commission in the **Federal Register**) unless, within 90 days after receiving that notice, the Commission notifies the organization that it has determined that the proposed revision does not improve the safety of the consumer product covered by the standard and that the Commission is retaining the existing consumer product safety standard.

2. The Children's Folding Chair and Stool Standard

On December 15, 2017, the Commission published a final rule issuing a mandatory standard for children's folding chairs and stools that incorporated by reference the standard in effect at that time, ASTM F2613–17a, *Standard Consumer Specification for Children's Chairs and Stools.* 82 FR 59505. The ASTM standard for children's folding chairs and stools, ASTM F2613, *Standard Consumer Safety Specification for Children's Chairs and Stools,* applies to children's folding chairs and stools with a seat height of 15 inches or less, and equipped with or without a rocking base. These chairs are intended to be used by a single child who can get in and out of the product unassisted. The standard was codified in the Commission's regulations at 16 CFR part 1232. Since publication of ASTM F2613–17a, the current mandatory standard, ASTM has published one revision to ASTM F2613. ASTM F2613–19 was approved and published in November 2019. ASTM officially notified the Commission of this revision on January 6, 2020. The rule is incorporating ASTM F2613–19 as the mandatory standard.

B. Revisions to the ASTM Standard

Under section 104(b)(4)(B) of the CPSIA, unless the Commission determines that ASTM's revision of a voluntary standard that is a CPSC mandatory standard ''does not improve the safety of the consumer product covered by the standard,'' the revised voluntary standard becomes the new mandatory standard. As discussed below, the Commission determines that the changes made in ASTM F2613–19 are neutral or improve the safety of children's folding chairs and stools. Therefore, the Commission will allow the revised voluntary standard to become effective as a mandatory consumer product safety standard under the statute, effective July 6, 2020.

Differences Between 16 CFR Part 1232 and ASTM F2613–19

In November 2019, ASTM revised ASTM F2613–17a. The resulting standard, ASTM F2613–19, includes the changes below:

Non-Substantive Changes

Several changes were minor and editorial and do not affect the safety of children's folding chairs and stools. Specifically, sections 5.7 and 5.8 removed duplicative language such as ''when folded'' and ''when being folded,'' and clarified words to add ''comply with'' instead of ''meet.'' The Latching and Locking Mechanisms sections under section 5.8.1 were restructured to improve clarity and organization. All of these changes are explanatory or editorial in nature and non-substantive. The Commission finds that all of the non-substantive changes made in ASTM F2613–19 are neutral regarding safety and do not affect the safety of children's folding chairs and stools.

Substantive Change

There is one substantive change in ASTM F2613–19 concerning the requirement that products without latching or locking mechanisms have adequate clearance to protect fingers, hands and toes from crushing, laceration or pinching hazards.

The original ASTM F2613–17a sections 5.8.2 and 5.8.2.1 provided that if products without latching or locking mechanisms had an accessible gap at the hinge line that could ''admit a 3⁄16-in. (5-mm) diameter rod, it shall also admit a 1⁄2-in. (13-mm) diameter rod at all positions of the hinge.'' In other words, products without locking or latching mechanisms could have gaps at the hinge line smaller than 3⁄16 inch or larger than 1⁄2 inch, but could not have gaps between 3⁄16 and 1⁄2 inch wide.

ASTM F2613–19 now simplifies this requirement by requiring that all products without latching and locking mechanisms must have a hinge gap greater than or equal to 1⁄2-inch. A minimum 1⁄2 inch gap will require that all hinge clearances must be large enough to prevent injury should a child insert their finger in the hinge gap. Thus, section 5.8.2 now requires that products without latching and locking mechanisms ''shall be constructed such that a 1⁄2-in (13-mm) diameter rod can be admitted at all positions between any adjacent moving parts and between any moving part and an adjacent stationary part along the entire length of the clearance. The entire length of the clearance shall be assessed during folding and unfolding of the product.'' In section 6.2, *Locking Test Method,* testing for the latching or locking mechanism would apply a force of 10 lbf (45 N) to the latching or locking mechanism in the direction tending to release it. CPSC staff concludes that ASTM F2613–19 section 5.8.2 is a simpler requirement that enhances safety compared to the original ASTM F2613–17a. Instead of the original ASTM F2613–17a standard which allowed for hinge gaps less than or equal to 3⁄16-inch and greater than or equal to 1⁄2-inch, the new standard simply prohibits hinge gaps less than a 1⁄2-inch. The Commission considers these changes an improvement to safety.

C. Incorporation by Reference

The Office of the Federal Register (OFR) has regulations concerning incorporation by reference. 1 CFR part 51. Under these regulations, agencies must discuss, in the preamble to the final rule, ways that the materials the agency incorporates by reference are reasonably available to interested

persons and how interested parties can obtain the materials. In addition, the preamble to the final rule must summarize the material. 1 CFR 51.5(b).

In accordance with the OFR's requirements, section A of this preamble summarizes the major provisions of the ASTM F2613–19 standard that the Commission incorporates by reference into 16 CFR part 1232. The standard is reasonably available to interested parties, and interested parties may purchase a copy of the standard from ASTM International, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, PA 19428–2959 USA; phone: 610–832–9585; *www.astm.org.* In addition, once the rule becomes effective, a read-only copy of the standard will be available for viewing on the ASTM website at *https://www.astm.org/READINGLIBRARY/.* A copy of the standard can also be inspected at CPSC's Division of the Secretariat, U.S. Consumer Product Safety Commission, Room 820, 4330 East-West Highway, Bethesda, MD 20814, telephone 301–504–7923.

D. Certification

Section 14(a) of the CPSA requires that products subject to a consumer product safety rule under the CPSA, or to a similar rule, ban, standard, or regulation under any other act enforced by the Commission, be certified as complying with all applicable CPSC requirements. 15 U.S.C. 2063(a). Such certification must be based on a test of each product, or on a reasonable testing program, or, for children's products, on tests on a sufficient number of samples by a third party conformity assessment body accredited by the Commission to test according to the applicable requirements. As noted, standards issued under section 104(b)(1)(B) of the CPSIA are ''consumer product safety standards.'' Thus, they are subject to the testing and certification requirements of section 14 of the CPSA.

Because children's folding chairs and stools are children's products, samples of these products must be tested by a third party conformity assessment body whose accreditation has been accepted by the Commission. These products also must comply with all other applicable CPSC requirements, such as the lead content requirements in section 101 of the CPSIA, the tracking label requirement in section 14(a)(5) of the CPSA, and the consumer registration form requirements in section 104(d) of the CPSIA.

E. Notice of Requirements

In accordance with section 14(a)(3)(B)(iv) of the CPSIA, the Commission has previously published a notice of requirements (NOR) for accreditation of third party conformity assessment bodies for testing children's folding chairs and stools (82 FR 59505, December 15, 2017). The NOR provided the criteria and process for our acceptance of accreditation of third party conformity assessment bodies for testing children's folding chairs and stools to 16 CFR part 1232. The NORs for all mandatory standards for durable infant or toddler products are listed in the Commission's rule, ''Requirements Pertaining to Third Party Conformity Assessment Bodies,'' codified at 16 CFR part 1112.

The section 5.8.2 revision in ASTM F2613–19 simplifies the minimum hinge gap size to ½-in. for all positions in a product without latching and locking mechanisms. This reduces the number of probes required to test compliance to the standard. Testing laboratories that are currently CPSC-accepted, have demonstrated competence for testing in accordance with ASTM F2613–17a, and will have the competence to conduct the testing to the new standard under the revised standard ASTM F2613–19. Therefore, the Commission considers the existing CPSC-accepted laboratories for testing to ASTM F2613–17a to be capable of testing to ASTM F2613–19 as well. Accordingly, the existing NOR for this standard will remain in place, and CPSC-accepted third party conformity assessment bodies are expected in the normal course of renewing their accreditation to update the scope of the testing laboratories' accreditation to reflect the revised standard.

F. Direct Final Rule Process

The Commission is issuing this rule as a direct final rule. Although the Administrative Procedure Act (APA) generally requires notice and comment rulemaking, section 553 of the APA provides an exception when the agency, for good cause, finds that notice and public procedure are ''impracticable, unnecessary, or contrary to the public interest.'' 5 U.S.C. 553(b)(B). The Commission concludes that when the Commission updates a reference to an ASTM standard that the Commission has incorporated by reference under section 104(b) of the CPSIA, notice and comment are not necessary.

Under the process set out in section 104(b)(4)(B) of the CPSIA, when ASTM revises a standard that the Commission has previously incorporated by reference as a Commission standard for a durable infant or toddler product under section 104(b)(1)(b) of the CPSIA, that revision will become the new CPSC standard, unless the Commission determines that ASTM's revision does not improve the safety of the product. Thus, unless the Commission makes such a determination, the ASTM revision becomes CPSC's standard by operation of law. The Commission is allowing ASTM F2613–19 to become CPSC's new standard. The purpose of this direct final rule is merely to update the reference in the Code of Federal Regulations (CFR) so that it reflects accurately the version of the standard that takes effect by statute. The rule updates the reference in the CFR, but under the terms of the CPSIA, ASTM F2613–19 takes effect as the new CPSC standard for children's folding chairs and stools, even if the Commission did not issue this rule. Thus, public comment will not impact the substantive changes to the standard or the effect of the revised standard as a consumer product safety standard under section 104(b) of the CPSIA. Under these circumstances, notice and comment are not necessary. In Recommendation 95–4, the Administrative Conference of the United States (ACUS) endorsed direct final rulemaking as an appropriate procedure to expedite promulgating rules that are noncontroversial and that are not expected to generate significant adverse comment. *See* 60 FR 43108 (August 18, 1995). ACUS recommended that agencies use the direct final rule process when they act under the ''unnecessary'' prong of the good cause exemption in 5 U.S.C. 553(b)(B). Consistent with the ACUS recommendation, the Commission is publishing this rule as a direct final rule because we do not expect any significant adverse comments.

Unless we receive a significant adverse comment within 30 days, the rule will become effective on July 6, 2020. In accordance with ACUS's recommendation, the Commission considers a significant adverse comment to be one where the commenter explains why the rule would be inappropriate, including an assertion challenging the rule's underlying premise or approach, or a claim that the rule would be ineffective or unacceptable without change. As noted, this rule merely updates a reference in the CFR to reflect a change that occurs by statute.

Should the Commission receive a significant adverse comment, the Commission would withdraw this direct final rule. Depending on the comments and other circumstances, the Commission may then incorporate the adverse comment into a subsequent direct final rule or publish a notice of

proposed rulemaking, providing an opportunity for public comment.

G. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires that agencies review proposed and final rules for their potential economic impact on small entities, including small businesses, and prepare regulatory flexibility analyses. 5 U.S.C. 603 and 604. The RFA applies to any rule that is subject to notice and comment procedures under section 553 of the APA. *Id.* As explained, the Commission has determined that notice and comment are not necessary for this direct final rule. Thus, the RFA does not apply. We also note the limited nature of this document, which merely updates the incorporation by reference to reflect the mandatory CPSC standard that takes effect under section 104 of the CPSIA.

H. Paperwork Reduction Act

The standard for children's folding chairs and stools contains information-collection requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The revisions made no changes to that section of the standard. Thus, the revisions will have no effect on the information-collection requirements related to the standard.

I. Environmental Considerations

The Commission's regulations provide a categorical exclusion for the Commission's rules from any requirement to prepare an environmental assessment or an environmental impact statement where they ''have little or no potential for affecting the human environment.'' 16 CFR 1021.5(c)(2). This rule falls within the categorical exclusion, so no environmental assessment or environmental impact statement is required.

J. Preemption

Section 26(a) of the CPSA, 15 U.S.C. 2075(a), provides that where a consumer product safety standard is in effect and applies to a product, no state or political subdivision of a state may either establish or continue in effect a requirement dealing with the same risk of injury unless the state requirement is identical to the federal standard. Section 26(c) of the CPSA also provides that states or political subdivisions of states may apply to the CPSC for an exemption from this preemption under certain circumstances. Section 104(b) of the CPSIA deems rules issued there under ''consumer product safety rules.'' Therefore, once a rule issued under section 104 of the CPSIA takes effect, it will preempt in accordance with section 26(a) of the CPSA.

K. Effective Date

Under the procedure set forth in section 104(b)(4)(B) of the CPSIA, when a voluntary standard organization revises a standard upon which a consumer product safety standard was based, the revision becomes the CPSC standard within 180 days of notification to the Commission, unless the Commission determines that the revision does not improve the safety of the product, or the Commission sets a later date in the **Federal Register**. The statutory effective date of 180 days falls on July 4, 2020, a legal holiday and a weekend. Therefore, the Commission is setting the effective date of the rule on the next business day, July, 6, 2020. As discussed in the preceding section, this is a direct final rule. Unless we receive a significant adverse comment within 30 days, the rule will become effective on July 6, 2020.

L. The Congressional Review Act

The Congressional Review Act (CRA; 5 U.S.C. 801–808) states that, before a rule may take effect, the agency issuing the rule must submit the rule, and certain related information, to each House of Congress and the Comptroller General. 5 U.S.C. 801(a)(1). The submission must indicate whether the rule is a ''major rule.'' The CRA states that the Office of Information and Regulatory Affairs (OIRA) determines whether a rule qualifies as a ''major rule.'' Pursuant to the CRA, this rule does not qualify as a ''major rule,'' as defined in 5 U.S.C. 804(2). To comply with the CRA, the Office of the General Counsel will submit the required information to each House of Congress and the Comptroller General.

List of Subjects in 16 CFR Part 1232

Consumer protection, Imports, Incorporation by reference, Infants and children, Law enforcement, Safety, Toys.

For the reasons stated above, the Commission amends Title 16 CFR chapter II as follows:

PART 1232—SAFETY STANDARD FOR CHILDREN'S FOLDING CHAIRS AND STOOLS

■ 1. Revise the authority citation for part 1232 to read as follows:

Authority: Sec. 104, Pub. L. 110–314, 122 Stat. 3016 (15 U.S.C. 2056a); Sec 3, Pub. L. 112–28, 125 Stat. 273.

■ 2. Revise § 1232.2 to read as follows:

§ 1232.2 Requirements for children's folding chairs and stools.

Each children's folding chair and stool shall comply with all applicable provisions of ASTM F2613–19, *Standard Consumer Safety Specification for Children's Chairs and Stools,* approved on November 1, 2019. The Director of the Federal Register approves this incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. You may obtain a copy of this ASTM standard from ASTM International, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, PA 19428–2959 USA; phone: 610–832–9585; *www.astm.org.* A read-only copy of the standard is available for viewing on the ASTM website at *https://www.astm.org/READINGLIBRARY/.* You may inspect a copy at the Division of the Secretariat, U.S. Consumer Product Safety Commission, Room 820, 4330 East-West Highway, Bethesda, MD 20814, telephone 301–504–7923, or 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.*

Alberta E. Mills,

Secretary, U.S. Consumer Product Safety Commission.

[FR Doc. 2020–06334 Filed 3–31–20; 8:45 am]

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 500, 510, 520, 522, 524, 526, 556, and 558

[Docket No. FDA–2019–N–0002]

New Animal Drugs; Approval of New Animal Drug Applications; Withdrawal of Approval of New Animal Drug Applications; Change of Sponsor; Change of Sponsors' Name and Addresses

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule; technical amendments.

SUMMARY: The Food and Drug Administration (FDA or we) is amending the animal drug regulations to reflect application-related actions for new animal drug applications (NADAs) and abbreviated new animal drug applications (ANADAs) during October, November, and December 2019. FDA is informing the public of the availability

of summaries of the basis of approval and of environmental review documents, where applicable. The animal drug regulations are also being amended to make technical amendments to improve the accuracy of the regulations.

DATES: This rule is effective March 30, 2020.

FOR FURTHER INFORMATION CONTACT: George K. Haibel, Center for Veterinary Medicine (HFV–6), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 240–402–5689, *george.haibel@fda.hhs.gov*.

SUPPLEMENTARY INFORMATION:

I. Approval Actions

FDA is amending the animal drug regulations to reflect approval actions for NADAs and ANADAs during October, November, and December 2019, as listed in table 1. In addition, FDA is informing the public of the availability, where applicable, of documentation of environmental review required under the National Environmental Policy Act (NEPA) and, for actions requiring review of safety or effectiveness data, summaries of the basis of approval (FOI Summaries) under the Freedom of Information Act (FOIA). These public documents may be seen in the office of the Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, between 9 a.m. and 4 p.m., Monday through Friday. Persons with access to the internet may obtain these documents at the CVM FOIA Electronic Reading Room: *https://www.fda.gov/about-fda/center-veterinary-medicine/cvm-foia-electronic-reading-room*. Marketing exclusivity and patent information may be accessed in FDA's publication, Approved Animal Drug Products Online (Green Book) at: *https://www.fda.gov/animal-veterinary/products/approved-animal-drug-products-green-book*.

TABLE 1—ORIGINAL AND SUPPLEMENTAL NADAS AND ANADAS APPROVED DURING OCTOBER, NOVEMBER, AND DECEMBER 2019

Approval date	File No.	Sponsor	Product name	Species	Effect of the action	Public documents
October 11, 2019.	200–652	Huvepharma EOOD, 5th Floor, 3A Nikolay Haytov Str., 1113 Sophia, Bulgaria.	Monensin and decoquinate Type B and Type C medicated feeds.	Cattle	Original approval for use of MONOVET 90 (monensin Type A medicated article) with DECCOX (decoquinate) Type A medicated articles in the manufacture of Type B and Type C medicated feeds as a generic copy of NADA 141–148	FOI Summary.
October 11, 2019.	200–653	Do	Monensin, tylosin phosphate, and decoquinate Type B and Type C medicated feeds.	Cattle	Original approval for use of MONOVET 90 (monensin Type A medicated article) with TYLOVET (tylosin phosphate) and DECCOX (decoquinate) Type A medicated articles in the manufacture of Type B and Type C medicated feeds as a generic copy of NADA 141–149	FOI Summary.
October 11, 2019.	200–654	Do	Monensin and tilmicosin phosphate Type B and Type C medicated feeds.	Cattle	Original approval for use of MONOVET 90 (monensin Type A medicated article) with TILMOVET (tilmicosin phosphate) Type A medicated article in the manufacture of Type B and Type C medicated feeds as a generic copy of NADA 141–343	FOI Summary.
October 11, 2019.	200–655	Do	Monensin and tilmicosin phosphate Type B and Type C medicated feeds.	Cattle	Original approval for use of MONOVET 90 (monensin Type A medicated article) with PULMOTIL (tilmicosin phosphate) Type A medicated article in the manufacture of Type B and Type C medicated feeds as a generic copy of NADA 141–343	FOI Summary.
October 11, 2019.	200–656	Do	Monensin, tylosin phosphate, and decoquinate Type B and Type C medicated feeds.	Cattle	Original approval for use of MONOVET 90 (monensin Type A medicated article) with TYLAN (tylosin phosphate) and DECCOX (decoquinate) Type A medicated articles in the manufacture of Type B and Type C medicated feeds as a generic copy of NADA 141–149	FOI Summary.
October 11, 2019.	200–658	Do	Monensin and melengestrol acetate Type C medicated feeds.	Cattle	Original approval for use of MONOVET 90 (monensin Type A medicated article) with MGA (melengestrol acetate Type A medicated article) in the manufacture of Type C medicated feeds as a generic copy of NADA 125–476	FOI Summary.
October 11, 2019.	200–659	Do	Monensin, ractopamine hydrochloride, and melengestrol acetate Type C medicated feeds.	Cattle	Original approval for use of MONOVET 90 (monensin Type A medicated article) with ACTOGAIN (ractopamine hydrochloride Type A medicated article) and MGA (melengestrol acetate Type A medicated articles) in the manufacture of Type C medicated feeds as a generic copy of NADA 141–234	FOI Summary.
October 11, 2019.	200–660	Do	Monensin, tylosin phosphate, and melengestrol acetate Type C medicated feeds.	Cattle	Original approval for use of MONOVET 90 (monensin Type A medicated article) with TYLOVET (tylosin phosphate) Type A medicated article, and MGA (melengestrol acetate Type A medicated article) in the manufacture of Type C medicated feeds as a generic copy of NADA 138–870	FOI Summary.

TABLE 1—ORIGINAL AND SUPPLEMENTAL NADAS AND ANADAS APPROVED DURING OCTOBER, NOVEMBER, AND DECEMBER 2019—Continued

Approval date	File No.	Sponsor	Product name	Species	Effect of the action	Public documents
October 11, 2019.	200–661	Do	Monensin, tylosin phosphate, and melengestrol acetate Type C medicated feeds.	Cattle	Original approval for use of MONOVET 90 (monensin Type A medicated article) with TYLAN (tylosin phosphate) Type A medicated article, and MGA (melengestrol acetate Type A medicated article) in the manufacture of Type C medicated feeds as a generic copy of NADA 138–870	FOI Summary.
October 11, 2019.	200–662	Do	Monensin and ractopamine hydrochloride Type B and Type C medicated feeds.	Cattle	Original approval for use of MONOVET 90 (monensin Type A medicated article) with ACTOGAIN (ractopamine hydrochloride Type A medicated article) in the manufacture of Type B and Type C medicated feeds as a generic copy of NADA 141–225	FOI Summary.
October 29, 2019.	200–635	Mizner Bioscience LLC, 225 NE Mizner Blvd., Suite 760, Boca Raton, FL 33432.	Clomipramine Hydrochloride Tablets.	Dogs	Original approval as a generic copy of NADA 141–120	FOI Summary.
November 14, 2019.	141–518	Intervet, Inc., 2 Giralda Farms, Madison, NJ 07940.	BRAVECTO PLUS (fluralaner and moxidectin topical solution) Solution.	Cats	Original approval for the prevention of heartworm disease and for the treatment of infections with intestinal roundworm and hookworm; kills adult fleas and is indicated for the treatment and prevention of flea infestations, and the treatment and control of tick infestations for 2 months in cats and kittens	FOI Summary.
November 20, 2019.	200–663	Norbrook Laboratories Ltd., Station Works, County Down, Newry, BT35 6JP, UK.	SELARID (selamectin) Topical Solution.	Dogs and cats.	Original approval as a generic copy of NADA 141–152	FOI Summary.
November 25, 2019.	141–513	Kindred Biosciences, Inc., 1555 Bayshore Hwy., Suite 200, Burlingame, CA 94010.	ZIMETA (dipyrone injection).	Horses	Original approval for control of pyrexia in horses	FOI Summary.
December 9, 2019.	141–528	Elanco US Inc., 2500 Innovation Way, Greenfield, IN 46140.	CREDELIO CAT (lotilaner) Chewable Tablets.	Cats	Original approval for killing adult fleas, and for the treatment and prevention of flea infestations for 1 month in cats and kittens	FOI Summary.
December 9, 2019.	200–546	Bimeda Animal Health Ltd., 1B The Herbert Building, The Park, Carrickmines, Dublin, 18, EI.	BIMAGARD 12.5% (tiamulin hydrogen fumarate) Liquid Concentrate for Swine.	Swine	Original approval as a generic copy of NADA 140–916	FOI Summary.
December 19, 2019.	200–615	Vetoquinol USA, Inc., 4250 N. Sylvania Ave., Fort Worth, TX 76137.	IMOXI (imidacloprid and moxidectin) Topical Solution for Dogs.	Dogs	Original approval as a generic copy of NADA 141–251	FOI Summary.
December 30, 2019.	111–636	Zoetis Inc., 333 Portage St., Kalamazoo, MI 49007.	LINCOMIX (lincomycin hydrochloride) Soluble Powder.	Honeybees	Supplemental approval of a tolerance for residues of lincomycin in honey	FOI Summary.
December 30, 2019.	008–862	Do	TERRAMYCIN (oxytetracycline hydrochloride) Soluble Powder.	Honeybees	Supplemental approval of a tolerance for residues of oxytetracycline in honey	FOI Summary.
December 30, 2019.	013–076	Elanco US Inc. 2500 Innovation Way, Greenfield, IN 46140.	TYLAN (tylosin tartrate) Soluble.	Honeybees	Supplemental approval of a tolerance for residues of tylosin in honey	FOI Summary.

II. Withdrawals of Approval

Norbrook Laboratories, Ltd., Station Works, Newry BT35 6JP, Northern Ireland, has requested that FDA withdraw approval of the NADAs listed in the following table because the products are no longer manufactured or marketed:

File No.	Product name	21 CFR section
055–036	PRINCILLIN (ampicillin trihydrate) Capsules	520.90c.
055–050	PRINCILLIN (ampicillin trihydrate) Soluble Powder	520.90e.
055–056	PRINCILLIN (ampicillin trihydrate) Bolus	520.90f.
055–061	PRINCILLIN ''125'' For Oral Suspension	520.90d.
055–068	BOVICLOX (cloxacillin benzathine)	526.464b.
065–013	Dihydrostreptomycin (dihydrostreptomycin sulfate)	522.650.
065–493	JETPEN (penicillin G benzathine and penicillin G procaine) Aqueous Suspension	522.1696a.
065–500	TANDEM PEN (penicillin G procaine)	522.1696b.

Elsewhere in this issue of the **Federal Register**, FDA gave notice that approval of NADAs 055–036, 055–050, 055–056, 055–061, 055–068, 065–013, 065–493, and 065–500, and all supplements and amendments thereto, is withdrawn, effective March 30, 2020. As provided in the regulatory text of this document, the animal drug regulations are amended to reflect these actions.

III. Changes of Sponsor

Cooperative Research Farms, Box 69, Charlotteville, NY 12036, has informed FDA that it has transferred ownership of, and all rights and interest in, approved NADA 119–253 for Cattle Block M (monensin) a free-choice Type C medicated cattle feed to Wildcat Feeds, 215 NE Strait Ave., Topeka, KS 66616. Following this change of sponsorship, Cooperative Research Farms is no longer the sponsor of an approved application.

Dechra, Ltd., Snaygill Industrial Estate, Keighley Rd., Skipton, North Yorkshire, BD23 2RW, United Kingdom, has informed FDA that it has transferred ownership of, and all rights and interest in, approved ANADA 200–273 for VETRO–GEN Veterinary Ophthalmic Ointment to Putney, Inc., One Monument Sq., suite 400, Portland, ME 04101.

Huvepharma EOOD, 5th Floor, 3A Nikolay Haytov Str., 1113 Sofia, Bulgaria, has informed FDA that it has transferred ownership of, and all rights and interest in, approved NADA 141–472 for virginiamycin and diclazuril Type C medicated feed to Elanco US Inc., 2500 Innovation Way, Greenfield, IN 46140.

Accordingly, we are amending the regulations to reflect these changes.

IV. Change of Sponsors' Name and Addresses

Putney, Inc., One Monument Sq., suite 400, Portland, ME 04101, has informed FDA that it has changed its name and address to Dechra Veterinary Products LLC, 7015 College Blvd., suite 525, Overland Park, KS 66211. In addition, Virbac AH, Inc., 3200 Meacham Blvd., Ft. Worth, TX 76137 has informed FDA that it has changed its address to PO Box 162059, Fort Worth, TX 76161. Accordingly, we are amending § 510.600(c) (21 CFR 510.600(c)) to reflect these changes.

V. Technical Amendments

FDA is making the following amendments to improve the readability and accuracy of the animal drug regulations:

- The contact information in 21 CFR 500.1410, which provides for the incorporation by reference of the residue assay method for *n*-methyl-2-pyrrolidone, is being updated.
- We are removing entries for ''Strategic Veterinary Pharmaceuticals, Inc.'' from the lists of sponsors of approved applications in § 510.600(c) and the drug labeler code for KC Pharmacal from 21 CFR 520.260.
- The indications for use of oxytetracycline soluble powder in honey bees at 21 CFR 520.1660d are amended to reflect current labeling.
- The single section for euthanasia injectable solutions at 21 CFR 522.900 is being removed and separate sections for the active pharmaceutical ingredients are added at 21 CFR 522.1697 and 522.2092.
- The section heading in 21 CFR 524.1742 for ''*N*-(Mercaptomethyl) phthalimide *S*-(*O,O*-dimethyl phosphorodithioate) emulsifiable liquid'' is amended to read ''Phosmet emulsifiable liquid''.
- The entries in 21 CFR parts 556 and 558 for coumaphos for which approval of the last approved application was withdrawn in 2018 (83 FR 48940, September 28, 2018) are being removed.
- The entries in part 556 (21 CFR part 556) are being removed for tolerances of residues of erythromycin in swine tissues, of virginiamycin in turkey tissues, and of new animal drugs for which approval of their applications has been withdrawn.
- Cross-references to related approved uses of new animal drugs in part 556 and to related tolerances for drugs approved for use in food-producing animals in 21 CFR parts 520, 522, 524, and 558 are being corrected.
- A redundant cross-reference for related tolerances in 21 CFR 558.355 for use of monensin in medicated feeds is being removed and reserved.
- The acceptable daily intake of total residues of ivermectin and tolerances for residues of ivermectin in cattle liver and muscle in § 556.344 are being corrected.
- The acceptable daily intake of total residues of tildipirosin in § 556.733 is being corrected.
- The regulations in 21 CFR 520.2260b for sulfamethazine sustained-release boluses and in 21 CFR 522.1662a for oxytetracycline hydrochloride injection are being reformatted to present the tolerance cross-reference in a consistent location.
- Typographical errors are being corrected wherever they have been found.

VI. Legal Authority

This final rule is issued under section 512(i) of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C.360b(i)), which requires **Federal Register** publication of ''notice[s] . . . effective as a regulation,'' of the conditions of use of approved new animal drugs. This rule sets forth technical amendments to the regulations to codify recent actions on approved new animal drug applications and corrections to improve the accuracy of the regulations, and as such does not impose any burden on regulated entities.

Although denominated a rule pursuant to the FD&C Act, this document does not meet the definition of ''rule'' in 5 U.S.C. 804(3)(A) because it is a ''rule of particular applicability.'' Therefore, it is not subject to the congressional review requirements in 5 U.S.C. 801–808. Likewise, this is not a rule subject to Executive Order 12866, which defines a rule as ''an agency statement of general applicability and future effect, which the agency intends to have the force and effect of law, that is designed to implement, interpret, or prescribe law or policy or to describe the procedure or practice requirements of an agency.''

List of Subjects

21 CFR Part 500

Animal drugs, Animal feeds, Cancer, Incorporation by reference, Labeling, Packaging and containers, Polychlorinated biphenyls (PCBs).

21 CFR Parts 520, 522, 524, and 526

Animal drugs.

21 CFR Part 556

Animal drugs, Food.

21 CFR Part 558

Animal drugs, Animal feeds.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR parts 500, 510, 520, 522, 524, 526, 556, and 558 are amended as follows:

PART 500—GENERAL

■ 1. The authority citation for part 500 continues to read as follows:

Authority: 21 U.S.C. 321, 331, 342, 343, 348, 351, 352, 353, 360b, 371, 379e.

■ 2. In § 500.1410, revise paragraph (a) to read as follows:

§ 500.1410 N-methyl-2-pyrrolidone.

(a) *Standard for residues.* No residues of *n*-methyl-2-pyrrolidone may be found in the uncooked edible tissues of cattle as determined by a method entitled ''Method of Analysis: *N*-methyl-2-

pyrrolidone,'' September 26, 2011, Center for Veterinary Medicine, Food and Drug Administration, which is incorporated by reference with the approval of the Director of the Federal Register under 5 U.S.C. 522(a) and 1 CFR part 51. To obtain a copy of the analytical method, please submit a Freedom of Information request to: *https://www.accessdata.fda.gov/scripts/foi/FOIRequest/requestinfo.cfm*; or go to: *https://www.fda.gov/about-fda/center-veterinary-medicine/cvm-foia-electronic-reading-room*. You may inspect a copy at the office of the Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 301–827–6860, between 9 a.m. and 4 p.m., Monday through Friday or 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*.

* * * * *

PART 510—NEW ANIMAL DRUGS

■ 3. The authority citation for part 510 continues to read as follows:

Authority: 21 U.S.C. 321, 331, 351, 352, 353, 360b, 371, 379e.

■ 4. In § 510.600:

■ a. In the table in paragraph (c)(1):

■ i. Remove the entry for ''Cooperative Research Farms'';

■ ii. Add entries for ''Dechra Veterinary Products LLC'' and ''Mizner Bioscience LLC'' in alphabetical order;

■ iii. Remove the entries for ''Putney, Inc.'' and ''Strategic Veterinary Pharmaceuticals, Inc.'';

■ iv. Revise the entry for ''Virbac AH, Inc.''; and

■ v. Add an entry for ''Wildcat Feeds'' in alphabetical order; and

■ b. In the table in paragraph (c)(2):

■ i. Revise the entry for ''026637'';

■ ii. Remove the entry for ''051267'';

■ iii. Revise the entry for ''051311'';

■ iv. Remove the entry for ''054628''; and

■ v. Add entries for ''086039'' and ''086113'' in numerical order.

The revisions and additions read as follows:

§ 510.600 Names, addresses, and drug labeler codes of sponsors of approved applications.

* * * * *

(c) * * *

(1) * * *

Firm name and address	Drug labeler code
* * * * * * *	
Dechra Veterinary Products LLC, 7015 College Blvd., Suite 525, Overland Park, KS 66211	026637
* * * * * * *	
Mizner Bioscience LLC, 225 NE Mizner Blvd., Suite 760, Boca Raton, FL 33432	086039
* * * * * * *	
Virbac AH, Inc., PO Box 162059, Fort Worth, TX 76161	051311
* * * * * * *	
Wildcat Feeds, 215 NE Strait Ave., Topeka, KS 66616	086113
* * * * * * *	

(2) * * *

Drug labeler code	Firm name and address
* * * * * * *	
026637	Dechra Veterinary Products LLC, 7015 College Blvd., Suite 525, Overland Park, KS 66211.
* * * * * * *	
051311	Virbac AH, Inc., PO Box 162059, Fort Worth, TX 76161.
* * * * * * *	
086039	Mizner Bioscience LLC, 225 NE Mizner Blvd., Suite 760, Boca Raton, FL 33432.
* * * * * * *	
086113	Wildcat Feeds, 215 NE Strait Ave., Topeka, KS 66616.
* * * * * * *	

PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS

■ 5. The authority citation for part 520 continues to read as follows:

Authority: 21 U.S.C. 360b.

§ 520.88c [Amended]

■ 6. In § 520.88c(c), remove ''§ 556.510'' and in its place add ''§ 556.38''.

§§ 520.90b and 520.90c [Redesignated as §§ 520.90a and 520.90b]

■ 7. Redesignate §§ 520.90b and 520.90c as §§ 520.90a and 520.90b.

§§ 520.90d and 520.90e [Removed]

■ 8. Remove §§ 520.90d and 520.90e.

§ 520.90f [Redesignated as § 520.90c and Amended]

■ 9. Redesignate § 520.90f as § 520.90c and in newly redesignated § 520.90c, revise paragraphs (b) and (d) to read as follows:

§ 520.90c Ampicillin boluses.

* * * * *

(b) *Sponsor.* See No. 054771 in § 510.600(c) of this chapter.

* * * * *

(d) *Conditions of use in nonruminating calves*—(1) *Amount.* 5 milligrams per pound of body weight twice daily not to exceed 4 days.

(2) *Indications for use.* Oral treatment of bacterial enteritis (colibacillosis) caused by *E. coli.*

(3) *Limitations.* Treated calves must not be slaughtered for food during treatment and for 7 days after the last treatment. Federal law restricts this drug to use by or on the order of a licensed veterinarian.

§ 520.260 [Amended]

■ 10. In § 520.260(b)(2), remove ''No. 038782 for 884 or 1,768 milligram or 4.42 gram capsules;''.

§ 520.455 [Amended]

■ 11. In § 520.455(b), remove ''No. 058198'' and in its place add ''Nos. 058198 and 086039''.

§§ 520.903d and 520.903e [Redesignated as §§ 520.903c and 520.903d]

■ 12. Redesignate §§ 520.903d and 520.903e as §§ 520.903c and 520.903d.

§ 520.1263c [Redesignated as § 520.1263b]

■ 13. Redesignate § 520.1263c as § 520.1263b.

■ 14. Revise § 520.1286 to read as follows:

§ 520.1286 Lotilaner.

(a) *Specifications.* Each chewable tablet contains:

(1) For use in dogs: 56.25, 112.5, 225, 450, or 900 milligrams (mg) lotilaner; or

(2) For use in cats: 12 or 48 mg lotilaner.

(b) *Sponsor.* See No. 058198 in § 510.600(c) of this chapter.

(c) *Conditions of use*—(1) *Dogs*—(i) *Amount.* Administer orally once a month at the recommended minimum dosage of 9 mg/lb (20 mg/kg).

(ii) *Indications for use.* Kills adult fleas, and for the treatment and prevention of flea infestations (*Ctenocephalides felis*), and the treatment and control of tick infestations (*Amblyomma americanum* (lone star tick), *Dermacentor variabilis* (American dog tick), *Ixodes scapularis* (black-legged tick), and *Rhipicephalus sanguineus* (brown dog tick)) for 1 month in dogs and puppies 8 weeks of age or older and weighing 4.4 pounds or greater.

(iii) *Limitations.* Federal law restricts this drug to use by or on the order of a licensed veterinarian.

(2) *Cats*—(i) *Amount.* Administer orally once a month at the recommended minimum dosage of 2.7 mg/lb (6 mg/kg).

(ii) *Indications for use.* Kills adult fleas, and for the treatment and prevention of flea infestations (*Ctenocephalides felis*) for 1 month in cats and kittens 8 weeks of age or older and weighing 2 pounds or greater.

(iii) *Limitations.* Federal law restricts this drug to use by or on the order of a licensed veterinarian.

■ 15. In § 520.1660d, revise paragraph (d)(2)(ii) to read as follows:

§ 520.1660d Oxytetracycline powder.

* * * * *

(d) * * *

(2) * * *

(ii) *Indications for use.* For control of American foulbrood caused by *Paenibacillus larvae.*

* * * * *

§§ 520.1696b, 520.1696c, and 520.1696d [Redesignated as §§ 520.1696a, 520.1696b, and 520.1696c]

■ 16. Redesignate §§ 520.1696b, 520.1696c, and 520.1696d as §§ 520.1696a, 520.1696b, and 520.1696c.

§ 520.2218 [Amended]

■ 17. In § 520.2218(c), remove ''§§ 556.670 and 556.685'' and in its place add ''§§ 556.660, 556.670, and 556.685''.

§ 520.2260b [Amended]

■ 18. In § 520.2260b, redesignate paragraphs (a) through (f) and (g) as paragraphs (b) through (g) and (a), respectively.

■ 19. In § 520.2455, add paragraph (b)(4) to read as follows:

§ 520.2455 Tiamulin.

* * * * *

(b) * * *

(4) No. 061133 for product described in paragraph (a)(2) of this section.

* * * * *

PART 522—IMPLANTATION OR INJECTABLE DOSAGE FORM NEW ANIMAL DRUGS

■ 20. The authority citation for part 522 continues to read as follows:

Authority: 21 U.S.C. 360b.

■ 21. In § 522.650, revise paragraph (b) to read as follows:

§ 522.650 Dihydrostreptomycin sulfate injection.

* * * * *

(b) *Sponsor.* See No. 054771 in § 510.600(c) of this chapter.

* * * * *

■ 22. Add § 522.728 to read as follows:

§ 522.728 Dipyrone.

(a) *Specifications.* Each milliliter of solution contains 500 milligrams (mg) dipyrone.

(b) *Sponsor.* See No. 086078 in § 510.600(c) of this chapter.

(c) *Conditions of use in horses*—(1) *Amount.* Administer 30 mg per kilogram of body weight (13.6 mg per pound) by intravenous injection, once or twice daily at a 12-hour interval for up to 3 days.

(2) *Indications for use.* For control of pyrexia in horses.

(3) *Limitations.* Do not use in horses intended for human consumption. Do not use in any food-producing animals, including lactating dairy animals. Federal law restricts this drug to use by or on the order of a licensed veterinarian.

§ 522.900 [Removed]

■ 23. Remove § 522.900.

§ 522.1367 [Amended]

■ 24. In § 522.1367(c)(1)(i), remove ''§ 520.1350(c)'' and in its place add ''§ 520.1367(c)''.

§ 522.1662a [Amended]

■ 25. In § 522.1662a:

■ a. Redesignate paragraphs (a) through (e) as paragraphs (b) through (f);

■ b. Further redesignate newly redesignated paragraphs (c)(3)(i)(*a*) through (*c*) and (c)(3)(ii)(*a*) through (*c*) as paragraphs (c)(3)(i)(A) through (C) and (c)(3)(ii)(A) through (C), respectively;

■ c. Further redesignate newly redesignated paragraphs (e)(3)(i)(*a*) through (*c*) as paragraphs (e)(3)(i)(A) through (C);

■ d. Further redesignate newly redesignated paragraphs (e)(3)(ii)(*a*) and (*b*) and paragraphs (e)(3)(ii)(A) and (B);

■ e. Further redesignate newly redesignated paragraphs (e)(3)(iii)(*a*) through (*c*) as paragraphs (e)(3)(iii)(A) through (C);

■ f. In newly redesignated paragraph (e)(3)(iii)(C), remove ''paragraph (d)(3)(iii)(*c*) of this section'' and in its place add ''this paragraph (e)(3)(iii)(C)'';

■ g. Further redesignate newly redesignated paragraphs (f)(3)(i)(*a*) through (*c*) and (f)(3)(ii)(*a*) through (*c*) as paragraphs (f)(3)(i)(A) through (C) and (f)(3)(ii)(A) through (C), respectively;

■ h. Redesignate paragraphs (g)(3)(i)(*a*) through (*c*) and (g)(3)(ii)(*a*) through (*c*) as paragraphs (g)(3)(i)(A) through (C)

and (g)(3)(ii)(A) through (C), respectively; and

■ i. Redesignate paragraph (k) as paragraph (j) and paragraph (l) as paragraph (a).

§ 522.1696a [Amended]

■ 26. In § 522.1696a(b)(1) and (2) and (d)(2)(iii), remove ‘‘, 055529,’’.

§ 522.1696b [Amended]

■ 27. In § 522.1696b:

■ a. In paragraph (b)(1), remove ‘‘016592, 054771, and 055529’’ and in its place add ‘‘016592 and 054771’’;

■ b. Remove paragraphs (d)(2)(i)(A) and (B); and

■ c. In paragraph (d)(2)(iii)(B), remove ‘‘Nos. 000859 and 055529’’ and in its place add ‘‘No. 016592’’.

■ 28. Add § 522.1697 to read as follows:

§ 522.1697 Pentobarbital and phenytoin.

(a) *Specifications.* Each milliliter (mL) of solution contains 390 milligrams (mg) pentobarbital sodium and 50 mg phenytoin sodium.

(b) *Sponsors.* See Nos. 000061, 051311, and 054925 in § 510.600(c) of this chapter.

(c) *Special considerations.* Product labeling shall bear the following warning statements: ‘‘ENVIRONMENTAL HAZARD: This product is toxic to wildlife. Birds and mammals feeding on treated animals may be killed. Euthanized animals must be properly disposed of by deep burial, incineration, or other method in compliance with State and local laws, to prevent consumption of carcass material by scavenging wildlife.’’

(d) *Conditions of use in dogs*—(1) *Amount.* Administer 1 mL per 10 pounds of body weight as a single, bolus intravenous or intracardiac injection.

(2) *Indications for use.* For humane, painless, and rapid euthanasia.

(3) *Limitations.* Do not use in animals intended for food. Federal law restricts this drug to use by or on the order of a licensed veterinarian.

■ 29. Add § 522.2092 to read as follows:

§ 522.2092 Secobarbital and dibucaine.

(a) *Specifications.* Each milliliter (mL) of solution contains 400 milligram (mg) secobarbital sodium and 25 mg dibucaine hydrochloride.

(b) *Sponsor.* See No. 054771 in § 510.600(c) of this chapter.

(c) *Special considerations.* Product labeling shall bear the following warning statements: ‘‘ENVIRONMENTAL HAZARD: This product is toxic to wildlife. Birds and mammals feeding on treated animals may be killed. Euthanized animals must be properly disposed of by deep burial, incineration, or other method in compliance with State and local laws, to prevent consumption of carcass material by scavenging wildlife.’’

(d) *Conditions of use in dogs*—(1) *Amount.* Administer 1 mL per 10 pounds of body weight as a single, bolus intravenous injection.

(2) *Indications for use.* For humane, painless, and rapid euthanasia.

(3) *Limitations.* Do not use in animals intended for food. Federal law restricts this drug to use by or on the order of a licensed veterinarian.

PART 524—OPHTHALMIC AND TOPICAL DOSAGE FORM NEW ANIMAL DRUGS

■ 30. The authority citation for part 524 continues to read as follows:

Authority: 21 U.S.C. 360b.

■ 31. Add an undesignated center heading before § 524.981 to read as follows:

Fluocinolone Topical and Otic Dosage Forms

■ 32. Add § 524.1001 to read as follows:

§ 524.1001 Furalaner and moxidectin.

(a) *Specifications.* Each milliliter of solution contains 280 milligram (mg) furalaner and 14 mg moxidectin. Each individually packaged tube contains either 112.5 mg furalaner and 5.6 mg moxidectin; 250 mg furalaner and 12.5 mg moxidectin; or 500 mg furalaner and 25 mg moxidectin.

(b) *Sponsor.* See No. 000061 in § 510.600(c) of this chapter.

(c) *Conditions of use*—(1) *Amount.* Administer topically as a single dose every 2 months to provide a minimum dose of 18.2 mg/lb (40 mg/kg) fluralaner and 0.9 mg/lb (2 mg/kg) moxidectin.

(2) *Indications for use.* For the prevention of heartworm disease caused by *Dirofilaria immitis* and for the treatment of infections with intestinal roundworm (*Toxocara cati,* 4th stage larvae, immature adults, and adults) and hookworm (*Ancylostoma tubaeforme,* 4th stage larvae, immature adults, and adults); kills adult fleas and is indicated for the treatment and prevention of flea infestations (*Ctenocephalides felis*) and the treatment and control of tick infestations (*Ixodes scapularis* (black-legged tick) and *Dermacentor variabilis* (American dog tick)) for 2 months in cats and kittens 6 months of age and older and weighing 2.6 lb or greater.

(3) *Limitations.* Federal law restricts this drug to use by or on the order of a licensed veterinarian.

■ 33. In § 524.1146, revise paragraphs (a) and (b) to read as follows:

§ 524.1146 Imidacloprid and moxidectin.

(a) *Specifications.* Each milliliter of solution contains:

(1) 100 milligrams (mg) imidacloprid and 25 mg moxidectin; or

(2) 100 mg imidacloprid and 10 mg moxidectin.

(b) *Sponsors.* See sponsor numbers in § 510.600(c) of this chapter as follows:

(1) Nos. 000859 and 017030 for use of product described in paragraph (a)(1) of this section as in paragraph (d)(1) of this section.

(2) No. 000859 for use of product described in paragraph (a)(2) of this section as in paragraphs (d)(2) and (3) of this section.

* * * * *

■ 34. In § 524.1742:

■ a. Revise the section heading;

■ b. Redesignate paragraphs (c) and (d) as paragraphs (d) and (c), respectively;

■ c. Add a heading for the table in newly redesignated paragraph (d)(1) introductory text; and

■ d. Further redesignate newly redesignated paragraphs (d)(1)(i)(*a*) and (*b*) as paragraphs (d)(1)(i)(A) and (B).

The revision and addition reads as follows:

§ 524.1742 Phosmet emulsifiable liquid.

* * * * *

(d) * * *

(1) * * *

Table 1 to Paragraph (d)(1)

* * * * *

§ 524.2098 [Amended]

■ 35. In § 524.2098(b), remove ‘‘054771’’ and in its place add ‘‘Nos. 054771 and 055529’’.

PART 526—INTRAMAMMARY DOSAGE FORM NEW ANIMAL DRUGS

■ 36. The authority citation for part 526 continues to read as follows:

Authority: 21 U.S.C. 360b.

§ 526.464b [Removed]

■ 37. Remove § 526.464b.

§ 526.464c [Redesignated as § 526.464b]

■ 38. Redesignate § 526.464c as § 526.464b.

PART 556—TOLERANCES FOR RESIDUES OF NEW ANIMAL DRUGS IN FOOD

■ 39. The authority citation for part 556 continues to read as follows:

Authority: 21 U.S.C. 342, 360b, 371.

§ 556.40 [Amended]

■ 40. In § 556.40(c), remove ‘‘§§ 520.90e, 520.90f, 522.90a, and 522.90b’’ and in

its place add ''§§ 520.90c, 522.90a, and 522.90b''.

§ 556.165 [Amended]

■ 41. In § 556.165(c), remove ''§§ 526.464a, 526.464b, and 526.464c'' and in its place add ''§§ 526.464a and 526.464b''.

§ 556.168 [Removed]

■ 42. Remove § 556.168.

§ 556.230 [Amended]

■ 43. In § 556.230, remove paragraph (b)(3).

§ 556.304 [Amended]

■ 44. In § 556.304(c), remove ''§§ 522.1077, 522.1079, and 522.1081'' and in its place add ''§§ 522.1079 and 522.1081''.

§ 556.344 [Amended]

■ 45. In § 556.344:

■ a. In paragraph (a), remove ''1 µg/kg'' and in its place add ''5 µg/kg'';

■ b. In paragraph (b)(2)(i), remove ''100 ppb'' and in its place add ''1.6 ppm''; and

■ c. In paragraph (b)(2)(ii), remove ''10 ppb'' and in its place add ''650 ppb''.

■ 46. In § 556.360, add paragraph (b)(3) and revise paragraph (c) to read as follows:

§ 556.360 Lincomycin.

* * * * *

(b) * * *

(3) *Honey.* 750 ppb.

(c) *Related conditions of use.* See §§ 520.1263b, 522.1260, and 558.325 of this chapter.

■ 47. In § 556.500, add paragraph (b)(6) to read as follows:

§ 556.500 Oxytetracycline.

* * * * *

(b) * * *

(6) *Honey.* 750 ppb.

* * * * *

§ 556.510 [Amended]

■ 48. In § 556.510(c), remove ''520.1696b'' and in its place add ''520.1696a''.

§ 556.660 [Amended]

■ 49. In § 556.660(c), remove ''§ 558.582'' and in its place add ''§§ 520.2218 and 558.582''.

§ 556.670 [Amended]

■ 50. In § 556.670, in paragraph (c), remove ''§§ 520.2260a, 520.2260b, 520.2260c, 520.2261a, 520.2261b, 522.2260, 558.140, and 558.630'' and in its place add ''§§ 520.2218, 520.2260a, 520.2260b, 520.2260c, 520.2261a, 520.2261b, 522.2260, 558.140, and 558.630''.

§ 556.685 [Amended]

■ 51. In § 556.685(c), remove ''§§ 520.2325a, 520.2325b, and 558.586'' and in its place add ''§§ 520.2218, 520.2325a, 520.2325b, and 558.586''.

§ 556.733 [Amended]

■ 52. In § 556.733(a), remove ''10 µg/kg'' and in its place add ''50 µg/kg''.

■ 53. In § 556.746, add paragraph (b)(4) to read as follows:

§ 556.746 Tylosin.

* * * * *

(b) * * *

(4) *Honey.* 500 ppb.

* * * * *

§ 556.750 [Amended]

■ 54. In § 556.750, remove paragraph (b)(4).

■ 55. In § 556.765, revise paragraph (b)(1) to read as follows:

§ 556.765 Zilpaterol.

* * * * *

(b) * * *

(1) *Cattle.* (i) Liver (target tissue): 12 ppb.

(ii) Muscle: 10 ppb.

* * * * *

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

■ 56. The authority citation for part 558 continues to read as follows:

Authority: 21 U.S.C. 354, 360b, 360ccc, 360ccc–1, 371.

■ 57. In § 558.55, add paragraph (d)(5) to read as follows:

§ 558.55 Amprolium.

* * * * *

(d) * * *

(5) *Permitted combinations.* Amprolium may also be used in combination with:

(i) Virginiamycin as in § 558.635.

(ii) [Reserved]

■ 58. In § 558.76, revise paragraphs (e)(2)(vii), (viii), and (xi) to read as follows:

§ 558.76 Bacitracin methylenedisalicylate.

* * * * *

(e) * * *

(2) * * *

(vii) Fenbendazole as in § 558.258.

(viii) Halofuginone as in § 558.265.

* * * * *

(xi) Monensin as in § 558.355.

* * * * *

§ 558.185 [Removed]

■ 59. Remove § 558.185.

■ 60. In § 558.195, revise paragraph (e)(2)(ii) to read as follows:

§ 558.195 Decoquinate.

* * * * *

(e) * * *

(2) * * *

Decoquinate in grams/ton	Combination in grams/ton	Indications for use	Limitations	Sponsor
*	*	*	*	*
(ii) 12.9 to 90.8 ..	Monensin, 5 to 30	Cattle fed in confinement for slaughter: For prevention of coccidiosis caused by *Eimeria bovis* and *E. zuernii;* and for improved feed efficiency.	Feed continuously as the sole ration to provide 22.7 mg of decoquinate per 100 lb of body weight per day and 50 to 360 mg of monensin per head per day. Feed at least 28 days during period of exposure to coccidiosis or when it is likely to be a hazard. Do not feed to animals producing milk for food. Do not feed to lactating dairy cattle. Also see paragraph (d)(1) of this section and § 558.355(d)(9)(i). Monensin as provided by No. 016592 or 058198 in § 510.600(c) of this chapter.	016592, 054771.
*	*	*	*	*

* * * * *

■ 61. In § 558.342, revise paragraph (e)(1)(iv) to read as follows:

§ 558.342 Melengestrol.

* * * * *

(e) * * *

(1) * * *

Melengestrol acetate in mg/head/day	Combination in grams/ton	Indications for use	Limitations	Sponsor
*	*	*	*	*
(iv) 0.25 to 0.5 ...	Monensin, 10 to 40	Heifers fed in confinement for slaughter: For increased rate of weight gain, improved feed efficiency, and suppression of estrus (heat); and for the prevention and control of coccidiosis due to *Eimeria bovis* and *E. zuernii*..	Add at the rate of 0.5 to 2 lb/head/day a medicated feed (liquid or dry) containing 0.125 to 1 mg melengestrol acetate/lb to a feed containing 10 to 40 g of monensin per ton to provide 0.25 to 0.5 mg melengestrol acetate/head/day and 0.14 to 0.42 mg monensin/lb body weight, depending on severity of coccidiosis challenge, up to 480 mg monensin/head/day. See § 558.355(d). Monensin as provided by No. 016592 or 058198 in § 510.600(c) of this chapter.	016592, 054771, 058198
*	*	*	*	*

* * * * *

■ 62. In § 558.355, remove and reserve paragraph (e) and revise paragraph (f)(4)(iv) to read as follows:

§ 558.355 Monensin.

* * * * *

(f) * * *

(4) * * *

Monensin amount	Indications for use	Limitations	Sponsor
*	*	*	*
(iv) 400 mg per pound of block (0.088%).	Pasture cattle (slaughter, stocker, feeder, and dairy and beef replacement heifers): For increased rate of weight gain.	Provide 50 to 200 mg of monensin (2 to 8 ounces of block) per head per day, at least 1 block per 5 head of cattle. Feed blocks continuously. Do not feed salt or mineral supplements in addition to the blocks. Ingestion by cattle of monensin at levels of 600 mg per head per day and higher has been fatal. The effectiveness of this block in cull cows and bulls has not been established. See paragraph (d)(10)(i) of this section.	086113
*	*	*	*	*

* * * * *

■ 63. In § 558.500, revise paragraph (e)(2) to read as follows:

§ 558.500 Ractopamine.

* * * * *

(e) * * *

(2) *Cattle.*

Ractopamine in grams/ton	Combination in grams/ton	Indications for use	Limitations	Sponsor
(i) 8.2 to 24.6	.....	Cattle fed in confinement for slaughter: For increased rate of weight gain and improved feed efficiency during the last 28 to 42 days on feed.	Feed continuously as sole ration during the last 28 to 42 days on feed.	054771 058198
(ii) 8.2 to 24.6	Monensin 10 to 40 to provide 0.14 to 0.42 mg monensin/lb of body weight, depending on severity of coccidiosis challenge, up to 480 mg/head/day..	Cattle fed in confinement for slaughter: For increased rate of weight gain and improved feed efficiency during the last 28 to 42 days on feed, and for prevention and control of coccidiosis due to *Eimeria bovis* and *E. zuernii*.	Feed continuously as sole ration during the last 28 to 42 days on feed. See paragraph § 558.355(d). Ractopamine as provided by No. 058198 or 054771; monensin as provided by No. 016592 or 058198 in § 510.600(c) of this chapter.	016592 054771 058198
(iii) 9.8 to 24.6	.....	Cattle fed in confinement for slaughter: For increased rate of weight gain, improved feed efficiency, and increased carcass leanness during the last 28 to 42 days on feed.	Feed continuously as sole ration during the last 28 to 42 days on feed. Not for animals intended for breeding.	054771 058198
(iv) 9.8 to 24.6	Monensin 10 to 40 to provide 0.14 to 0.42 mg monensin/lb of body weight, depending on severity of coccidiosis challenge, up to 480 mg/head/day.	Cattle fed in confinement for slaughter: For increased rate of weight gain, improved feed efficiency, and increased carcass leanness during the last 28 to 42 days on feed, and for prevention and control of coccidiosis due to *Eimeria bovis* and *E. zuernii*.	Feed continuously as sole ration during the last 28 to 42 days on feed. Not for animals intended for breeding. See paragraph § 558.355(d). Ractopamine as provided by No. 058198 or 054771; monensin as provided by No. 016592 or 058198 in § 510.600(c) of this chapter.	016592 054771 058198
(v) 9.8 to 24.6	Monensin 10 to 40 to provide 0.14 to 0.42 mg monensin/lb of body weight, depending on severity of coccidiosis challenge, up to 480 mg/head/day, plus melengestrol acetate to provide 0.25 to 0.5 mg/head/day.	Heifers fed in confinement for slaughter: For increased rate of weight gain, improved feed efficiency, and increased carcass leanness during the last 28 to 42 days on feed, and for prevention and control of coccidiosis due to *Eimeria bovis* and *E. zuernii,* and for suppression of estrus (heat).	Feed continuously as sole ration during the last 28 to 42 days on feed. Not for animals intended for breeding. See §§ 558.342(d) and 558.355(d). Melengestrol acetate as provided by No. 058198 or 054771; monensin as provided by No. 016592 or 058198 in § 510.600(c) of this chapter.	016592 054771 058198
(vi) Not to exceed 800; to provide 70 to 400 mg/head/day.	.....	Cattle fed in confinement for slaughter: For increased rate of weight gain and improved feed efficiency during the last 28 to 42 days on feed.	Top dress in a minimum of 1 lb of medicated feed.	054771 058198
(vii) Not to exceed 800; to provide 70 to 400 mg/head/day.	Monensin 10 to 40 to provide 0.14 to 0.42 mg monensin/lb of body weight, depending on severity of coccidiosis challenge, up to 480 mg/head/day.	Cattle fed in confinement for slaughter: For increased rate of weight gain and improved feed efficiency during the last 28 to 42 days on feed, and for prevention and control of coccidiosis due to *Eimeria bovis* and *E. zuernii*.	Top dress ractopamine in a minimum of 1 lb of medicated feed during the last 28 to 42 days on feed. Not for animals intended for breeding. See § 558.355(d). Ractopamine as provided by No. 058198 or 054771; monensin as provided by No. 016592 or 058198 in § 510.600(c) of this chapter.	016592 054771 058198

* * * * *

■ 64. In § 558.618, revise paragraphs (e)(2)(ii) and (iii) to read as follows:

§ 558.618 Tilmicosin.

* * * * *

(e) * * *

(2) * * *

Tilmicosin phosphate in grams/ton	Combination in grams/ton	Indications for use	Limitations	Sponsor
*	*	* *	* *	*
(ii) 568 to 757	Monensin, 5 to 40	Cattle fed in confinement for slaughter: For improved feed efficiency; and for the control of bovine respiratory disease (BRD) associated with *Mannheimia haemolytica, Pasteurella multocida,* and *Histophilus somni* in groups of cattle fed in confinement for slaughter, where active BRD has been diagnosed in at least 10 percent of the animals in the group.	Feed continuously for 14 days to provide 12.5 mg tilmicosin/kg of bodyweight/day. The safety of tilmicosin has not been established in cattle intended for breeding purposes. This drug product is not approved for use in female dairy cattle 20 months of age or older. Use in these cattle may cause drug residues in milk. This drug product is not approved for use in calves intended to be processed for veal. A withdrawal period has not been established in pre-ruminating calves. Cattle intended for human consumption must not be slaughtered within 28 days of the last treatment with this drug product. See § 558.355(d). Tilmicosin as provided by No. 016592 or 058198; monensin as provided by No. 016592 or 058198 in § 510.600(c) of this chapter.	016592 058198
(iii) 568 to 757	Monensin, 10 to 40	Cattle fed in confinement for slaughter: For prevention and control of coccidiosis due to *Eimeria bovis* and *E. zuernii*; and for the control of BRD associated with *Mannheimia haemolytica, Pasteurella multocida,* and *Histophilus somni* in groups of cattle fed in confinement for slaughter, where active BRD has been diagnosed in at least 10 percent of the animals in the group.	Feed continuously for 14 days to provide 12.5 mg tilmicosin/kg of bodyweight/day. The safety of tilmicosin has not been established in cattle intended for breeding purposes. This drug product is not approved for use in female dairy cattle 20 months of age or older. Use in these cattle may cause drug residues in milk. This drug product is not approved for use in calves intended to be processed for veal. A withdrawal period has not been established in pre-ruminating calves. Cattle intended for human consumption must not be slaughtered within 28 days of the last treatment with this drug product. See § 558.355(d). Tilmicosin as provided by No. 016592 or 058198; monensin as provided by No. 016592 or 058198 in § 510.600(c) of this chapter.	016592 058198

■ 65. In § 558.625, revise paragraphs (e)(2)(vi) and (ix) to read as follows:

§ 558.625 Tylosin.

* * * * *

(e) * * *

(2) * * *

Tylosin grams/ton	Combination in grams/ton	Indications for use	Limitations	Sponsor
*	*	* *	* *	*
(vi) 8 to 10 ..	Monensin, 5 to 30 plus decoquinate, 13.6 to 22.7.	Cattle fed in confinement for slaughter: For reduction of incidence of liver abscesses caused by *Fusobacterium necrophorum* and *Arcanobacterium pyogenes*; for the prevention of coccidiosis caused by *Eimeria bovis* and *E. zuernii*; and for improved feed efficiency.	Feed continuously as the sole ration to provide 22.7 mg of decoquinate per 100 lb body weight per day, 50 to 360 mg of monensin/head/day, and 60 to 90 mg of tylosin/head/day. Feed at least 28 days during period of exposure to coccidiosis or when it is likely to be a hazard. Do not feed to animals producing milk for food. Do not feed to lactating dairy cattle. A withdrawal time has not been established for pre-ruminating calves. Do not use in calves to be processed for veal. Tylosin as provided by No. 016592 or 058198; monensin as provided by No. 016592 or 058198; decoquinate as provided by No. 058198 in § 510.600(c) of this chapter. See §§ 558.311(d) and 558.355(d).	016592 054771

Tylosin grams/ton	Combination in grams/ton	Indications for use	Limitations	Sponsor
*	*	* *	* *	*
(ix) 8 to 10 ..	Monensin, 10 to 40 plus melengestrol, 0.25 to 2.0.	Heifers fed in confinement for slaughter: For reduction of incidence of liver abscesses caused by *Fusobacterium necrophorum* and *Arcanobacterium* (*Actinomyces*) *pyogenes*; for prevention and control of coccidiosis caused by *Eimeria bovis* and *E. zuernii*; and for increased rate of weight gain, improved feed efficiency, and suppression of estrus (heat).	Feed continuously as sole ration to heifers at a rate of 0.5 to 2 pounds per head per day to provide 0.25 to 0.5 mg/head/day melengestrol acetate and 0.14 to 0.42 mg monensin/lb body weight per day, depending on the severity of the coccidiosis challenge, up to 480 mg/head/day and 60 to 90 mg/head/day tylosin. The melengestrol acetate portion of this Type C medicated feed must be mixed into the complete feed containing 10 to 40 g/ton monensin and 8 to 10 g/ton tylosin at feeding into the amount of complete feed consumed by an animal per day. A withdrawal time has not been established for preruminating calves. Do not use in calves to be processed for veal. Tylosin provided by No. 016592 or 058198; monensin as provided by No. 016592 or 058198; melengestrol provided by No. 054771 or 058198 in § 510.600(c) of this chapter. See §§ 558.342(d) and 558.355(d).	016592 054771 058198
*	*	* *	* *	*

■ 66. In § 558.635, revise paragraph (e)(1)(iv) to read as follows:

§ 558.635 Virginiamycin.

* * * * *

(e) * * *

(1) * * *

Virginiamycin grams/ton	Combination in grams/ton	Indications for use	Limitations	Sponsor
*	*	* *	* *	*
(iv) 20	Diclazuril, 0.91	Broiler chickens: For prevention of necrotic enteritis caused by *Clostridium perfringens* susceptible to virginiamycin; and for the prevention of coccidiosis caused by *Eimeria tenella, E. necatrix, E. acervulina, E. brunetti, E. mitis* (*mivati),* and *E. maxima*. Because diclazuril is effective against *E. maxima* late in its life cycle, subclinical intestinal lesions may be present for a short time after infection. Diclazuril was shown in studies to reduce lesions scores and improve performance and health of birds challenged with *E. maxima*.	Feed continuously as the sole ration. Do not use in hens producing eggs for human food. Diclazuril as provided by No. 058198 in § 510.600(c) of this chapter.	058198
*	*	* *	* *	*

* * * * *

Dated: March 25, 2020.

Lowell J. Schiller,

Principal Associate Commissioner for Policy.

[FR Doc. 2020–06688 Filed 3–30–20; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 520, 522, and 526

[Docket No. FDA–2019–N–0002]

New Animal Drugs; Withdrawal of Approval of New Animal Drug Applications

AGENCY: Food and Drug Administration, HHS.

ACTION: Notification of withdrawal.

SUMMARY: The Food and Drug Administration (FDA) is withdrawing approval of eight new animal drug applications (NADAs) at the sponsor's request because the products are no longer manufactured or marketed.

DATES: Withdrawal of approval is effective March 30, 2020

FOR FURTHER INFORMATION CONTACT: Sujaya Dessai, Center for Veterinary Medicine (HFV–212), Food and Drug

Administration, 7519 Standish Pl., Rockville, MD 20855, 240–402–5761, *sujaya.dessai@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: Norbrook Laboratories, Ltd., Station Works, Newry BT35 6JP, Northern Ireland, has requested that FDA withdraw approval of the NADAs listed in the following table because the products are no longer manufactured or marketed:

File No.	Product name	21 CFR section
055–036	PRINCILLIN (ampicillin trihydrate) Capsules	520.90c.
055–050	PRINCILLIN (ampicillin trihydrate) Soluble Powder	520.90e.
055–056	PRINCILLIN (ampicillin trihydrate) Bolus	520.90f.
055–061	PRINCILLIN ''125'' For Oral Suspension	520.90d.
055–068	BOVICLOX (cloxacillin benzathine)	526.464b.
065–013	Dihydrostreptomycin (dihydrostreptomycin sulfate)	522.650.
065–493	JETPEN (penicillin G benzathine and penicillin G procaine) Aqueous Suspension	522.1696a.
065–500	TANDEM PEN (penicillin G procaine)	522.1696b.

Therefore, under authority delegated to the Commissioner of Food and Drugs and in accordance with § 514.116 *Notice of withdrawal of approval of application* (21 CFR 514.116), notice is given that approval of NADAs 055–036, 055–050, 055–056, 055–061, 055–068, 065–013, 065–493, and 065–500, and all supplements and amendments thereto, is withdrawn, effective March 30, 2020.

Elsewhere in this issue of the **Federal Register**, FDA is amending the animal drug regulations to reflect the voluntary withdrawal of approval of these applications.

Dated: March 25, 2020.

Lowell J. Schiller,

Principal Associate Commissioner for Policy.

[FR Doc. 2020–06689 Filed 3–30–20; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF DEFENSE

Department of the Navy

32 CFR Part 716

[Docket ID: USN–2019–HQ–0016]

RIN 0703–AB23

Death Gratuity

AGENCY: Department of the Navy (DON), DoD.

ACTION: Final rule.

SUMMARY: This final rule removes the Department of the Navy (DON) regulation requiring the Secretary of the Navy to pay a death gratuity between $800 and $3,000 upon the death of a member of the naval service while on active duty, active duty for training, or inactive duty training. That benefit is enumerated in both U.S. Code and the Department of Defense (DoD) Financial Management Regulation. The DoD and DON have robust procedures for responding to the death of a service member. This part has been determined to be duplicative of statute and internal policy, thus it should be removed from the CFR.

DATES: This rule is effective on April 1, 2020.

FOR FURTHER INFORMATION CONTACT: CDR Dave Melson at 703–697–1311.

SUPPLEMENTARY INFORMATION: 32 CFR part 716, ''Death Gratuity,'' last updated on May 2, 1979 (44 FR 25647), contains information regarding DON payments of death gratuity. The Department of Defense publishes the policies, process and requirements around death gratuity payments in Chapter 36 of Volume 7A of the Financial Management Regulation (DoD 7000.14–R was updated March 2018 and is available at *https://comptroller.defense.gov/Portals/45/documents/fmr/Volume_07a.pdf*). Additionally, 10 U.S. Code 1475–1480 captures all current guidance related to the death gratuity. It has been determined that publication of this CFR part removal for public comment is impracticable, unnecessary, and contrary to public interest since this subject matter is already addressed in statute and by internal DoD policies and procedures that are publicly available on the Department's website.

This rule is not significant under Executive Order (E.O.) 12866, ''Regulatory Planning and Review.'' Therefore, E.O. 13771, ''Reducing Regulation and Controlling Regulatory Costs'' does not apply.

Removal of this part supports a recommendation of the DoD Regulatory Reform Task Force.

List of Subjects in 32 CFR Part 716

Military personnel.

PART 716—[REMOVED]

■ Accordingly, by the authority of 5 U.S.C. 301, 32 CFR part 716 is removed.

Dated: March 26, 2020.

D.J. Antenucci,

Commander, Judge Advocate General's Corps, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. 2020–06694 Filed 3–31–20; 8:45 am]

BILLING CODE 3810–FF–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R04–OAR–2019–0294; FRL–10007–17–Region 4]

Air Plan Approval; Tennessee: Chattanooga NSR Reform

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is finalizing approval of revisions to the Tennessee State Implementation Plan (SIP) submitted through two letters dated June 25, 2008, and September 12, 2018. The SIP revisions were submitted by the Tennessee Department of Environment and Conservation (TDEC) on behalf of the Chattanooga/Hamilton County Air Pollution Control Bureau and modify the Prevention of Significant Deterioration (PSD) regulations in the Chattanooga portion of the Tennessee SIP to address changes to the federal new source review (NSR) regulations in recent years for the implementation of the national ambient air quality standards (NAAQS). Additionally, the SIP revisions include updates to Chattanooga's regulations of nitrogen oxides (NO_X) and other miscellaneous typographical and administrative updates. This action is being taken pursuant to the Clean Air Act (CAA or Act).

DATES: This rule is effective May 1, 2020.

ADDRESSES: EPA has established a docket for this action under Docket Identification No. EPA–R04–OAR–2019–0294. All documents in the docket are listed on the *www.regulations.gov* website. Although listed in the index, some information is not publicly available, *i.e.,* Confidential Business Information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through *www.regulations.gov* or in hard copy at the Air Regulatory Management Section, Air Planning and Implementation Branch, Air and Radiation Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW, Atlanta, Georgia 30303–8960. EPA requests that if at all possible, you contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday 8:30 a.m. to 4:30 p.m., excluding Federal holidays.

FOR FURTHER INFORMATION CONTACT: Andres Febres, Air Regulatory Management Section, Air Planning and Implementation Branch, Air and Radiation Division, Region 4, U.S. Environmental Protection Agency, 61 Forsyth Street SW, Atlanta, Georgia 30303–8960. The telephone number is (404) 562–8966. Mr. Febres can also be reached via electronic mail at *febres-martinez.andres@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. This Action

EPA is taking final action to approve changes to the Chattanooga-Hamilton County portion of the Tennessee SIP regarding PSD permitting, as well as updates to the regulations of NO_X and other miscellaneous typographical and administrative updates, submitted by TDEC on behalf of the Chattanooga/Hamilton County Air Pollution Control Bureau (Bureau) through two letters dated June 25, 2008, and September 12, 2018.[1] [2] [3] EPA is finalizing approval of portions of these SIP revisions that make changes to the Chattanooga City Code, Part II, Chapter 4, Article II, Section 4–41. Specifically, EPA is approving changes in Section 4–41, which include updates to Rule 2—*Regulation of Nitrogen Oxides;* Rule 9—*Regulation of Visible Emissions from Internal Combustion Engines,* and Rule 18—*Prevention of Significant Deterioration of Air Quality.*[4] [5] [6] [7]

Aside from making typographical and administrative corrections to some of the rules, these SIP revisions are meant to address changes to the federal NSR regulations, as promulgated by EPA in various rules and as described in EPA's February 11, 2020, notice of proposed rulemaking (NPRM). *See* 85 FR 7986. In the February 11, 2020, NPRM, EPA proposed to approve the aforementioned changes to Section 4–41, Rule 2—*Regulation of Nitrogen Oxides,* Rule 9—*Regulation of Visible Emissions from Internal Combustion Engines,* and Rule 18—*Prevention of Significant Deterioration of Air Quality* in the Chattanooga–Hamilton County portion of the Tennessee SIP. The February 11, 2020, NPRM provides additional details regarding EPA's action. Comments on the February 11, 2020, NPRM were due on or before March 12, 2020. EPA received no adverse comments on the proposed action.

II. Incorporation by Reference

In this document, EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is finalizing the incorporation by reference of Chattanooga City Code, Part II, Chapter 4, Section 4–41, Rule 2—*Regulation of Nitrogen Oxides;* and Rule 9—*Regulation of Visible Emissions from Internal Combustion Engines,* both locally effective December 12, 2007; as well as Rule 18—*Prevention of Significant Deterioration of Air Quality,* locally effective October 3, 2017.[8] [9] The revisions are designed to address changes to the Federal NSR regulations in recent years for the implementation of the NAAQS and updates to Chattanooga's regulations of NO_X and other miscellaneous typographical and administrative updates. EPA has made, and will continue to make, these materials generally available through *www.regulations.gov* and at the EPA Region 4 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information). Therefore, these materials have been approved by EPA for inclusion in the State implementation plan, have been incorporated by reference by EPA into that plan, are fully federally enforceable under sections 110 and 113 of the CAA as of the effective date of the final rulemaking of EPA's approval, and will be incorporated by reference in the next update to the SIP compilation.[10]

III. Final Action

EPA is taking final action to approve changes to Chattanooga's June 25, 2008, and September 12, 2018, SIP submittals, meant to address changes to the federal NSR regulations, as well as making typographical and administrative updates. Specifically, EPA is finalizing approval of changes to Chattanooga City Code, Part II, Chapter 4, Section 4–41, which include updates to Rule 2—

[1] EPA received the SIP revisions on July 8, 2008, and September 18, 2018, respectively.

[2] The Bureau is comprised of Hamilton County and the municipalities of Chattanooga, Collegedale, East Ridge, Lakesite, Lookout Mountain, Red Bank, Ridgeside, Signal Mountain, Soddy Daisy, and Walden. The Bureau recommends regulatory revisions, which are subsequently adopted by the eleven jurisdictions. The Bureau then implements and enforces the regulations, as necessary, in each jurisdiction.

[3] On January 16, 2020, TDEC submitted, on behalf of the Bureau, a letter dated January 15, 2020, providing supplemental information for the September 12, 2018, submittal. This letter is discussed in the proposed action (85 FR 7986) and is available in the Docket.

[4] The list of SIP-approved rules for Chattanooga/Hamilton County, found at Table 4 of 40 CFR 52.2220(c), currently shows the title of Section 4–41, Rule 18 as ''Prevention of Significant Air Quality Deterioration.'' In this final rule, EPA is approving a change to this title to instead show ''Prevention of Significant Deterioration of Air Quality.''

[5] In this final action, EPA is also approving substantively identical changes from Chattanooga's Section 4–41, Rule 18, in the following sections of the Air Pollution Control Regulations/Ordinances for the remaining jurisdictions within the Bureau, which were locally effective as of the relevant dates below: Hamilton County—Section 41, Rule 18 (9/6/17); City of Collegedale—Section 14–341, Rule 18 (10/16/17); City of East Ridge—Section 8–41, Rule 18 (10/12/17); City of Lakesite—Section 14–41, Rule 18 (11/2/17); City of Red Bank—Section 20–41, Rule 18 (11/21/17); City of Soddy-Daisy—Section 8–41, Rule 18 (10/5/17); City of Lookout Mountain—Section 41, Rule 18 (11/14/17); City of Ridgeside Section 41, Rule 18 (1/16/18); City of Signal Mountain Section 41, Rule 18 (10/20/17); and Town of Walden Section 41, Rule 18 (10/16/17). However, changes to Chattanooga's Section 4–41, Rule 2 and Rule 9, only apply to the City of Chattanooga (12/12/07); Hamilton County—Section 8–541, Rules 2 and 9 (11/7/07); and City of Collegedale—Section 8–541, Rules 2 and 9 (1/22/08); therefore, EPA is not approving any corresponding Regulations/Ordinances for the remaining municipalities.

[6] In the February 11, 2020, NPRM (85 FR 7686), EPA inadvertently misidentified the section numbers for: (1) Hamilton County's Rules 2 and 9, as Section 41; and (2) the City of Collegedale's Rules 2 and 9, as Section 14–341. The correct section number for both municipalities is Section 8–541.

[7] Because the air pollution control regulations/ordinances adopted by the jurisdictions within the Bureau are substantively identical, EPA refers solely to Chattanooga and the Chattanooga rules throughout the notice as representative of the other jurisdictions for brevity and simplicity.

[8] EPA's approval also includes regulations/ordinances submitted for the other ten jurisdictions within the Bureau. *See supra* notes 2 and 5.

[9] In the February 11, 2020, NPRM (85 FR 7986), EPA inadvertently misidentified the locally effective dates for: (1) Chattanooga's Section 4–41, Rule 18, as January 23, 2017; and (2) the City of Lakesite's Section 14–41, Rule 18, as October 17, 2017. The correct dates are October 3, 2017, and November 2, 2017, respectively.

[10] *See* 62 FR 27968 (May 22, 1997).

Regulation of Nitrogen Oxides; Rule 9—*Regulation of Visible Emissions from Internal Combustion Engines,* and Rule 18—*Prevention of Significant Deterioration of Air Quality.* EPA is approving changes into the Chattanooga portion of the Tennessee SIP because the changes are consistent with section 110 of the CAA.

IV. Statutory and Executive Order Reviews

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

- Are not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Are not an Executive Order 13771 (82 FR 9339, February 2, 2017) regulatory action because SIP approvals are exempted under Executive Order 12866;
- Do not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Are certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Do not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Do not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Are not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Are not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Are not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- Do not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

The SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will it impose substantial direct costs on tribal governments or preempt tribal law.

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

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

List of Subjects in 40 CFR Part 52

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

Dated: March 17, 2020.

Mary S. Walker,

Regional Administrator, Region 4.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart RR—Tennessee

■ 2. In § 52.2220, paragraph (c), amend table 4 by revising the entries for ''Section 4–41, Rule 2,'' ''Section 4–41, Rule 9,'' and ''Section 4–41, Rule 18,'' under the heading ''Article II. Section 4–41 Rules, Regulations, Criteria, Standards'' to read as follows:

§ 52.2220 Identification of plan.

* * * * *

(c) * * *

TABLE 4—EPA-APPROVED CHATTANOOGA REGULATIONS

State section	Title/subject	Adoption date	EPA approval date	Explanation
*	*	*	*	* * *
Article II. Section 4–41 Rules, Regulations, Criteria, Standards				

TABLE 4—EPA-APPROVED CHATTANOOGA REGULATIONS—Continued

State section	Title/subject	Adoption date	EPA approval date	Explanation
*	*	*	*	*
Section 4–41 Rule 2	Regulation of Nitrogen Oxides ...	12/12/07	April 1, 2020, [Insert citation of publication].	EPA's approval includes the corresponding sections of the Air Pollution Control Regulations/Ordinances for the following jurisdictions within the Chattanooga-Hamilton County Air Pollution Control Bureau, which were locally effective as of the relevant dates below: Hamilton County—Section 8–541, Rule 2 (11/7/07); and City of Collegedale—Section 8–541, Rule 2 (1/22/08).
*	*	*	*	*
Section 4–41 Rule 9	Regulation of Visible Emissions from Internal Combustion Engines.	12/12/07	April 1, 2020, [Insert citation of publication].	EPA's approval includes the corresponding sections of the Air Pollution Control Regulations/Ordinances for the following jurisdictions within the Chattanooga-Hamilton County Air Pollution Control Bureau, which were locally effective as of the relevant dates below: Hamilton County—Section 8–541, Rule 9 (11/7/07); and City of Collegedale—Section 8–541, Rule 9 (1/22/08).
*	*	*	*	*
Section 4–41 Rule 18 ..	Prevention of Significant Deterioration of Air Quality.	10/3/17	April 1, 2020, [Insert citation of publication].	EPA's approval includes the corresponding sections of the Air Pollution Control Regulations/Ordinances for the remaining jurisdictions within the Chattanooga-Hamilton County Air Pollution Control Bureau, which were locally effective as of the relevant dates below: Hamilton County—Section 41, Rule 18 (9/6/17); City of Collegedale—Section 14–341, Rule 18 (10/16/17); City of East Ridge—Section 8–41, Rule 18 (10/12/17); City of Lakesite—Section 14–41, Rule 18 (11/2/17); City of Red Bank—Section 20–41, Rule 18 (11/21/17); City of Soddy-Daisy—Section 8–41, Rule 18 (10/5/17); City of Lookout Mountain—Section 41, Rule 18 (11/14/17); City of Ridgeside Section 41, Rule 18 (1/16/18); City of Signal Mountain Section 41, Rule 18 (10/20/17); and Town of Walden Section 41, Rule 18 (10/16/17).
*	*	*	*	*

* * * * *

[FR Doc. 2020–06583 Filed 3–31–20; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 64

[Docket ID FEMA–2020–0005; Internal Agency Docket No. FEMA–8623]

Suspension of Community Eligibility

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final rule.

SUMMARY: This rule identifies communities where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP) that are scheduled for suspension on the effective dates listed within this rule because of noncompliance with the floodplain management requirements of the program. If the Federal Emergency Management Agency (FEMA) receives documentation that the community has adopted the required floodplain management measures prior to the effective suspension date given in this rule, the suspension will not occur and a notice of this will be provided by publication in the **Federal Register** on a subsequent date. Also, information identifying the current participation status of a community can be obtained from FEMA's Community Status Book (CSB). The CSB is available at *https://www.fema.gov/national-flood-insurance-program-community-status-book.*

DATES: The effective date of each community's scheduled suspension is the third date (''Susp.'') listed in the third column of the following tables.

FOR FURTHER INFORMATION CONTACT: If you want to determine whether a particular community was suspended on the suspension date or for further information, contact Adrienne L. Sheldon, PE, CFM, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 400 C Street SW, Washington, DC 20472, (202) 212–3966.

SUPPLEMENTARY INFORMATION: The NFIP enables property owners to purchase Federal flood insurance that is not otherwise generally available from private insurers. In return, communities agree to adopt and administer local floodplain management measures aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4022, prohibits the sale of NFIP flood insurance unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed in this document no longer meet that statutory requirement for compliance with program regulations, 44 CFR part 59. Accordingly, the communities will be suspended on the effective date in the third column. As of that date, flood insurance will no longer be available in the community. We recognize that some of these communities may adopt and submit the required documentation of legally enforceable floodplain management measures after this rule is published but prior to the actual

suspension date. These communities will not be suspended and will continue to be eligible for the sale of NFIP flood insurance. A notice withdrawing the suspension of such communities will be published in the **Federal Register**.

In addition, FEMA publishes a Flood Insurance Rate Map (FIRM) that identifies the Special Flood Hazard Areas (SFHAs) in these communities. The date of the FIRM, if one has been published, is indicated in the fourth column of the table. No direct Federal financial assistance (except assistance pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act not in connection with a flood) may be provided for construction or acquisition of buildings in identified SFHAs for communities not participating in the NFIP and identified for more than a year on FEMA's initial FIRM for the community as having flood-prone areas (section 202(a) of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4106(a), as amended). This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column. The Administrator finds that notice and public comment procedures under 5 U.S.C. 553(b), are impracticable and unnecessary because communities listed in this final rule have been adequately notified.

Each community receives 6-month, 90-day, and 30-day notification letters addressed to the Chief Executive Officer stating that the community will be suspended unless the required floodplain management measures are met prior to the effective suspension date. Since these notifications were made, this final rule may take effect within less than 30 days.

National Environmental Policy Act. FEMA has determined that the community suspension(s) included in this rule is a non-discretionary action and therefore the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*) does not apply.

Regulatory Flexibility Act. The Administrator has determined that this rule is exempt from the requirements of the Regulatory Flexibility Act because the National Flood Insurance Act of 1968, as amended, Section 1315, 42 U.S.C. 4022, prohibits flood insurance coverage unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed no longer comply with the statutory requirements, and after the effective date, flood insurance will no longer be available in the communities unless remedial action takes place.

Regulatory Classification. This final rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

Executive Order 13132, Federalism. This rule involves no policies that have federalism implications under Executive Order 13132.

Executive Order 12988, Civil Justice Reform. This rule meets the applicable standards of Executive Order 12988.

Paperwork Reduction Act. This rule does not involve any collection of information for purposes of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*

List of Subjects in 44 CFR Part 64

Flood insurance, Floodplains.

Accordingly, 44 CFR part 64 is amended as follows:

PART 64—[AMENDED]

■ 1. The authority citation for Part 64 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.;* Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp.; p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp.; p. 376.

§ 64.6 [Amended]

■ 2. The tables published under the authority of § 64.6 are amended as follows:

State and location	Community No.	Effective date authorization/cancellation of sale of flood insurance in community	Current effective map date	Date Certain Federal assistance no longer available in SFHAs
Region I				
Connecticut:				
North Stonington, Town of, New London County.	090101	September 15, 1975, Emerg; April 3, 1985, Reg; April 3, 2020, Susp.	April 3, 2020	April 3, 2020.
Stonington, Town of, New London County.	090106	May 28, 1975, Emerg; September 30, 1980, Reg; April 3, 2020, Susp.	.....do *	Do.
Voluntown, Town of, New London County.	090143	July 17, 1975, Emerg; June 3, 1988, Reg; April 3, 2020, Susp.	.....do	Do.
Rhode Island:				
Charlestown, Town of, Washington County.	445395	October 30, 1970, Emerg; July 13, 1972, Reg; April 3, 2020, Susp.	.....do	Do.
Coventry, Town of, Kent County	440004	November 21, 1973, Emerg; September 1, 1978, Reg; April 3, 2020, Susp.	.....do	Do.
Exeter, Town of, Washington County ...	440032	February 4, 1976, Emerg; March 1, 1982, Reg; April 3, 2020, Susp.	.....do	Do.
Hopkinton, Town of, Washington County.	440028	September 8, 1975, Emerg; March 16, 1981, Reg; April 3, 2020, Susp.	.....do	Do.
Narragansett, Town of, Washington County.	445402	September 18, 1970, Emerg; December 3, 1971, Reg; April 3, 2020, Susp.	.....do	Do.
Narragansett Indian Tribe, Tribal Nation, Washington County.	445414	N/A, Emerg; February 14, 2005, Reg; April 3, 2020, Susp.	.....do	Do.
North Kingstown, Town of, Washington County.	445404	September 18, 1970, Emerg; July 14, 1972, Reg; April 3, 2020, Susp.	.....do	Do.
Richmond, Town of, Washington County.	440031	July 7, 1975, Emerg; November 5, 1980, Reg; April 3, 2020, Susp.	.....do	Do.
South Kingstown, Town of, Washington County.	445407	September 11, 1970, Emerg; June 23, 1972, Reg; April 3, 2020, Susp.	.....do	Do.

State and location	Community No.	Effective date authorization/cancellation of sale of flood insurance in community	Current effective map date	Date Certain Federal assistance no longer available in SFHAs
West Greenwich, Town of, Kent County	440037	October 10, 1975, Emerg; January 3, 1986, Reg; April 3, 2020, Susp.	.....do	Do.
Westerly, Town of, Washington County	445410	August 14, 1970, Emerg; July 28, 1972, Reg; April 3, 2020, Susp.	.....do	Do.
Region II				
New Jersey:				
Belleville, Township of, Essex County ..	340177	June 28, 1973, Emerg; September 28, 1979, Reg; April 3, 2020, Susp.	.....do	Do.
Bloomfield, Township of, Essex County	340178	May 12, 1972, Emerg; August 15, 1977, Reg; April 3, 2020, Susp.	.....do	Do.
Caldwell, Borough of, Essex County	340584	April 4, 2000, Emerg; June 4, 2007, Reg; April 3, 2020, Susp.	.....do	Do.
Cedar Grove, Township of, Essex County.	340180	March 15, 1974, Emerg; February 1, 1980, Reg; April 3, 2020, Susp.	.....do	Do.
East Orange, City of, Essex County	340181	July 14, 1972, Emerg; February 2, 1977, Reg; April 3, 2020, Susp.	.....do	Do.
Essex Fells, Borough of, Essex County	340575	July 28, 1975, Emerg; January 2, 1980, Reg; April 3, 2020, Susp.	.....do	Do.
Glen Ridge, Borough of, Essex County	340183	April 15, 1975, Emerg; April 3, 1984, Reg; April 3, 2020, Susp.	.....do	Do.
Newark, City of, Essex County	340189	November 3, 1972, Emerg; March 28, 1980, Reg; April 3, 2020, Susp.	.....do	Do.
North Caldwell, Borough of, Essex County.	340190	May 2, 1975, Emerg; April 3, 1985, Reg; April 3, 2020, Susp.	.....do	Do.
Nutley, Township of, Essex County	340191	June 30, 1972, Emerg; April 15, 1977, Reg; April 3, 2020, Susp.	.....do	Do.
Orange Township, City of, Essex County.	340192	October 2, 1973, Emerg; June 15, 1984, Reg; April 3, 2020, Susp.	.....do	Do.
Roseland, Borough of, Essex County ...	340193	July 31, 1975, Emerg; September 2, 1981, Reg; April 3, 2020, Susp.	.....do	Do.
Verona, Township of, Essex County	340195	February 23, 1973, Emerg; February 15, 1980, Reg; April 3, 2020, Susp.	.....do	Do.
Region III				
Maryland:				
Barton, Town of, Allegany County	240002	June 13, 1975, Emerg; September 28, 1979, Reg; April 3, 2020, Susp.	.....do	Do.
Cumberland, City of, Allegany County ..	240003	January 23, 1974, Emerg; September 1, 1978, Reg; April 3, 2020, Susp.	.....do	Do.
Frostburg, City of, Allegany County	240004	April 17, 1975, Emerg; December 18, 1979, Reg; April 3, 2020, Susp.	.....do	Do.
Lonaconing, Town of, Allegany County	240005	June 19, 1975, Emerg; September 28, 1979, Reg; April 3, 2020, Susp.	.....do	Do.
Midland, Town of, Allegany County	240006	June 2, 1975, Emerg; August 15, 1979, Reg; April 3, 2020, Susp.	.....do	Do.
Westernport, Town of, Allegany County	240007	February 19, 1975, Emerg; July 16, 1979, Reg; April 3, 2020, Susp.	.....do	Do.

*-do = Ditto.
Code for reading third column: Emerg.—Emergency; Reg.—Regular; Susp.—Suspension.

Katherine B. Fox,

Assistant Administrator for Mitigation, Federal Insurance and Mitigation Administration—FEMA Resilience, Department of Homeland Security, Federal Emergency Management Agency.

[FR Doc. 2020–06495 Filed 3–31–20; 8:45 am]

BILLING CODE 9110–12–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 1, 2, 15, 18, 22, 24, 25, 27, 73, 90, 95, 97, and 101

[ET Docket Nos. 03–137 and 13–84, FCC 19–126; FRS 16453]

Human Exposure to Radiofrequency Electromagnetic Fields and Reassessment of FCC Radiofrequency Exposure Limits and Policies

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In this document, the Federal Communications Commission (Commission) amends its rules related to the two methods that may be used for determining and achieving compliance with the Commission's existing limits on human exposure to radiofrequency (RF) electromagnetic fields: *Exemption*—consideration of whether a particular device or deployment is so clearly compliant, based on criteria in the Commission's rules, that it qualifies as exempt from the requirement to undertake a more thorough RF exposure analysis—and *evaluation*—a more specific examination of an individual

site or device, which considers factors beyond those utilized for exemption and may be performed with a variety of computational and/or measurement methodologies. It also amends the rules related to an increasingly important part of demonstrating and maintaining RF exposure compliance: *mitigation*—the restriction from or limitation of RF exposure in controlled areas to keep RF exposure within the Commission's established limits by, for example, using signs or barriers. The amended rules are intended to provide more efficient, practical, and consistent RF exposure evaluation procedures and mitigation measures to help ensure compliance with the existing RF exposure limits. The amended rules replace the various inconsistent service-specific criteria for exempting parties from performing an evaluation to demonstrate compliance with the RF exposure limits with new, streamlined criteria. The amended rules also allow the use of any valid computational method to determine potential RF exposure levels, remove the minimum evaluation distance requirement for frequencies above 6 GHz, and establish post-evaluation RF exposure mitigation procedures (*e.g.,* signage), to help ensure that persons are not exposed to RF emissions in excess of the existing limits. The Commission also affirms its prior decision to classify the pinna (outer ear) as an extremity in RF exposure compliance testing, finds no appropriate basis for and thus declines to propose amendments to existing RF exposure limits at this time, and terminates the inquiry in which it sought comment on the Commission's existing guidelines for limiting RF exposure to humans.

DATES: Effective June 1, 2020.

FOR FURTHER INFORMATION CONTACT: Martin Doczkat, email: *martin.doczkat@fcc.gov;* the Commission's RF Safety Program, *rfsafety@fcc.gov;* or call the Office of Engineering and Technology at (202) 418–2470.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Second Report and Order, Memorandum Opinion and Order,* and *Termination of Notice of Inquiry,* ET Docket No. 03–137, ET Docket No. 13–84, FCC 19–126, adopted November 27, 2019 and released December 4, 2019. The full text of this document is available for public inspection and copying during normal business hours in the FCC Reference Center (Room CY–A257), 445 12th Street SW, Washington, DC 20554, or by downloading the text from the Commission's website at *https://www.fcc.gov/edocs/daily-digest/2019/12/05.* Alternative formats are available for people with disabilities (Braille, large print, electronic files, audio format) by sending an email to *fcc504@fcc.gov* or calling the Commission's Consumer and Governmental Affairs Bureau at (202) 418–0530 (voice), (202) 418–0432 (TTY).

Synopsis

I. Introduction

1. On March 27, 2013, the Commission adopted a First Report and Order (First RF Report and Order), Further Notice of Proposed Rulemaking (2013 RF Further Notice), and Notice of Inquiry (2013 RF Inquiry) in this proceeding, 78 FR 33654, June 4, 2013. In the 2019 Second Report and Order, the Commission simplified the regulatory framework for determining compliance with the Commission's existing RF exposure limits by providing more efficient, practical, and consistent RF exposure exemption criteria, evaluation procedures, and mitigation measures to help ensure compliance with the RF exposure limits. In the 2019 Memorandum Opinion and Order, the Commission affirmed its decision in the First RF Report and Order to classify in its rules the pinna (outer ear) as an extremity for RF exposure compliance testing. In the 2019 Termination of Notice of Inquiry, the Commission terminated the 2013 RF Inquiry that sought comment on the efficacy and propriety of the Commission's existing guidelines and policies for limiting RF exposure to humans, finding no appropriate basis for and thus declining to propose amendments to existing limits at this time. The following are the major actions that the Commission took in the 2019 Second Report and Order to simplify the Commission's RF exposure evaluation procedures and mitigation measures and apply them consistently:

- Created three broad categories for exemption from the RF exposure evaluation requirements for all fixed, mobile, and portable RF sources, based on power, separation distance (minimum distance in any direction from any part of a radiating structure to any part of the human body), and frequency, that provide for both single- and multiple-transmitter cases and treat like sources similarly regardless of the underlying service; adopted the term ''exemption'' to replace ''exclusion'' for this topic.
- Added to § 1.1307(b) of the Commission's rules a set of technical definitions related to output power, separation distance, RF exposure scenarios and sources, and categories for specifying RF safety program actions that reflect potential RF exposure scenarios.
- Replaced restrictive and outdated provisions that specified only a single acceptable numerical approach to RF exposure evaluation, with provisions allowing the use of any valid computational method to determine RF exposure levels; allowed parties to make *ad hoc* requests for use of other RF exposure evaluation methods whose reliability and validity can be substantiated.
- Removed from § 2.1093(d) of the Commission's rules the 5-cm minimum separation specification for measurements and calculations used to demonstrate RF exposure compliance for devices that operate above 6 GHz.
- Established more specific post-evaluation RF exposure mitigation measures that include access control, signage, and training requirements for transmitter sites where RF exposure limits may be exceeded to help ensure that persons are not exposed to RF emissions that exceed the Commission's established RF exposure limits.

II. Discussion

Second Report and Order

2. In the 2019 *Second Report and Order,* the Commission amended parts 1, 2, 15, 18, 22, 24, 25, 27, 73, 90, 95, 97, and 101 of its rules to simplify the procedures for determining compliance with the Commission's existing RF exposure limits to help ensure consistent compliance with those limits. These actions are described in greater detail below.

A. Exemptions From the RF Exposure Evaluation Requirement

3. As proposed in the *2013 RF Further Notice* and supported in the record, the Commission revised the various service-specific criteria for exemption (formerly termed exclusion) from performing an RF exposure evaluation, to set forth a single, generally-applicable set of formulas based on power, separation distance, and frequency of fixed, mobile, and portable transmitters that are applicable to both single and multiple sources of RF emissions, and adopted a set of technical definitions related to output power and separation distance. The Commission adopted three broad classes of RF exemptions: (1) For extremely low-power devices that transmit at no more than 1 mW; (2) for somewhat higher-power devices with transmitting antennas that normally operate within 0.5 cm to 40 cm of the human body in the frequency range between 300 MHz and 6 GHz, a formula based primarily on the

localized specific absorption rate (SAR) limits; and (3) for all other transmitters, based on a set of formulas for maximum permissible exposure (MPE) limits. The new exemption criteria apply to all of the Commission's rules authorizing RF sources. Under the new rules, every applicant for equipment authorization and every licensee prior to deployment or commencement of operations may determine whether the device or transmitter falls under one of the classes of exemptions. If the device or transmitter falls under one of these classes of exemption, no additional action is necessary. If not, the applicant or licensee will have to perform a routine evaluation to determine compliance with the existing RF exposure limits. The Commission reasoned that this new process would not impose any significant burdens on impacted parties since the underlying exposure rules and parties' obligations under the rules remain the same; the new rules only modify the process used to demonstrate compliance.

4. In response to comments that the rule changes are unnecessary and will be burdensome and some parties may lose their service-based exemptions, the Commission noted that unlike in the past, fixed RF communications equipment is now located on rooftops that are accessible to the public and on other structures near ground level that are not spatially removed from publicly accessible areas at similar heights. To achieve consistently reliable compliance with the existing RF exposure limits, the Commission decided that these sorts of installations warrant an affirmative determination of compliance with the RF exposure requirements.

1. Exemption Criteria—Single RF Source.

5. A single RF source will be exempt from RF exposure evaluation under any one of three circumstances: (1) The RF source transmits at no more than 1 mW time-averaged available (matched conducted) power; (2) the RF source is normally separated between 0.5 and 40 cm from the human body, in the frequency range between 300 MHz and 6 GHz, and transmits at no more than the average power threshold result from the formula the Commission adopted based on the localized SAR limits; or, (3) for all other fixed, mobile, and portable transmitters, the RF source transmits at no more than the average power threshold result from the set of formulas the Commission adopted based on the MPE limits at separation distances from any part of the radiating structure of at least $\lambda/2\pi$ (RF signal free-space wavelength divided by 2π) in all service categories.

6. *1-mW Blanket Exemption.* For extremely low-power fixed, mobile, and portable RF sources, the Commission adopted a blanket RF exposure evaluation exemption for a single transmitter operating with up to 1 mW of time-averaged available (matched conducted) power, irrespective of the separation distance from the human body. The 1-mW exemption is independent of service type and covers the full frequency range from 100 kHz to 100 GHz, but it may not be used in conjunction with other exemption criteria, or in devices with higher-power transmitters operating in the same time-averaging period. The 1-mW blanket exemption applies for any separation distance, including distances of less than 0.5 cm and where there is no separation, *e.g.,* medical implant devices.

7. *SAR-Based Exemption.* For fixed, mobile, and portable RF sources near a human body, where the separation distance is normally between 0.5 and 40 cm and may be less than $\lambda/2\pi$, the Commission adopted the new RF exposure evaluation exemption formula shown here for time-averaged power thresholds (specified in mW) for exemption of single portable, mobile, and fixed RF sources at 0.3–6 GHz. A source is exempt if each of the maximum time-averaged available (matched conducted) power and effective radiated power (ERP) is no more than:

$$P_{th}\ (\text{mW}) = \begin{cases} ERP_{20\ cm}(d/20\ \text{cm})^{x} & d \le 20\ \text{cm} \\ ERP_{20\ cm} & 20\ \text{cm} < d \le 40\ \text{cm} \end{cases}$$

Where

$$x = -\log_{10}\left(\frac{60}{ERP_{20\ cm}\sqrt{f}}\right) \text{ and } f \text{ is in GHz;}$$

and

$$ERP_{20\ cm}\ (\text{mW}) = \begin{cases} 2040f & 0.3\ \text{GHz} \le f < 1.5\ \text{GHz} \\ 3060 & 1.5\ \text{GHz} \le f \le 6\ \text{GHz} \end{cases}$$

d = the separation distance (cm);

8. The formula provides, as a function of separation distance and frequency, a threshold power below which a single RF source is exempt from further RF exposure evaluation. It applies to fixed, mobile, and portable RF sources in any service at a separation distance between 0.5 cm and 40 cm from the body, and is applicable in the frequency range from 300 MHz through 6 GHz. The SAR-based thresholds are derived based on the frequency, power, and separation

distance of the RF source. The formula defines the thresholds in general for either available maximum time-averaged power or maximum time-averaged ERP, whichever is greater.

9. If the ERP of a device is not easily determined, such as for a portable device with a small form factor, available maximum time-averaged power (*i.e.,* maximum power delivered into a matched antenna, considering line loss or any other loss that diminishes the power delivered to an antenna) may be used exclusively if the device antenna or radiating structure does not exceed an electrical length of λ/4. A coherent phased array of antenna elements is to be treated as a single antenna or RF source with separation distance determined from the nearest antenna element.

10. For devices with antennas of length greater than λ/4 where the gain is not well-defined but always less than that of a half-wave dipole, the available maximum time-averaged power generated by the device may be used in place of the maximum time-averaged ERP, in situations where that ERP value is not known. This would apply, for instance, to ''leaky'' coaxial distribution systems, RF heating equipment, and other typically unintentionally radiating or Industrial, Scientific and Medical (ISM) devices. The SAR-based exemption threshold, P_{th}, is defined in terms of maximum time-averaged power and in accordance with the source-based time-averaging requirements described in § 2.1093(d)(5) of the rules. Time-averaged power measurements are necessary to determine if the maximum output of a transmitting antenna (ERP) or matched conducted transmitter power is above the proposed threshold for exemption from routine SAR evaluation. The Commission's Office of Engineering and Technology (OET) will publish in its Knowledge Database (KDB) the power measurement and SAR test procedures necessary to demonstrate compliance with the RF exposure limits.

11. While commenters supported the basic idea of a uniform formula for an SAR exemption, several commenters disagreed with the proposed formula, contending it was overly conservative and inconsistent with the operation of current devices. Instead, parties supported use of the International Electrotechnical Commission's (IEC's) standard IEC 62479 (2010), which provides alternative recommendations for exemption of low-power devices based on SAR. For several reasons, the Commission was not persuaded that the IEC standard was appropriate. Even though the IEC's standard uses dipoles and flat phantoms as a starting point for modeling, and is applicable to the same frequency range as the SAR exemption formula (300 MHz–6 GHz), the Commission determined that the IEC standard departs significantly regarding the applicable range of separation distances and use of bandwidth, with an increased complexity in the resulting formulas. In addition, the IEC model does not directly incorporate antenna directivity and states that it may not apply to devices with highly directive antennas. To maintain simplicity, the Commission limited the exemptions to those based solely on the relationship of power (both available or matched power and ERP), separation distance, and frequency, without other inputs—such as antenna pattern or bandwidth—that would effectively render an exemption determination as complex as an evaluation. It concluded that additional complexity in the exemptions from additional inputs would result in regulations that were of little or no practical utility as a simple exemption protocol; additional factors could be considered as needed or appropriate in a more thorough evaluation to demonstrate compliance. The Commission also declined to extend the SAR-based exemption formula from 0.5 cm to 0 cm because there is no modeling data that validates such an extension.

12. *MPE-Based Exemption.* To support an exemption from further evaluation for frequencies from 300 kHz through 100 GHz, the Commission also adopted general frequency and separation-distance dependent MPE-based ERP thresholds as shown below in Table 2. The values in Table 2 apply to any single RF source (*i.e.,* fixed, mobile, and portable transmitters) and specify power and separation distance criteria for each of the five frequency ranges used for the MPE limits.

TABLE 2—SINGLE RF SOURCES SUBJECT TO ROUTINE ENVIRONMENTAL EVALUATION UNDER MPE-BASED EXEMPTIONS

Transmitter frequency (MHz)	Threshold ERP (watts)
0.3–1.34	1,920 R^2
1.34–30	3,450 R^2/f^2
30–300	3.83 R^2
300–1,500	0.0128 R^2f
1,500–100,000	19.2 R^2

Note: R is in meters and f is in MHz.

13. An RF source with ERP equal to or less than the Threshold ERP specified in Table 2 for the source frequency would be considered exempt from evaluation. In cases where ERP is not well defined, the available maximum time-averaged power may be used if the device antenna(s) or radiating structure(s) does not exceed an electrical length of λ/4. The separation distance R is the smallest distance from any part of the antenna or radiating structure to all persons, including those occupationally exposed, during operation at the applicable ERP. In the case of mobile or portable devices, the separation distance R is from the outer housing of the device where it is closest to the antenna. At sites with multiple fixed transmitters, or multiple mobile or portable transmitters within the same device, the formulas would be applied in conjunction with the summations discussed in the section below on RF Exposure Evaluation Exemption Criteria—Multiple RF Sources.

14. The criteria shown in Table 2 apply at separation distances from any part of the radiating structure of at least λ/2π; if R is less than λ/2π and other exemptions do not apply, evaluation is required. Since λ/2π is greater than 20 cm at frequencies below 239 MHz, these exemption criteria do not apply to portable devices that are operated both at less than 20 cm from the human body and at frequencies below 239 MHz. In general, less restrictive SAR-based exemption criteria may be used in accordance with the formulas specified in Table 2, but these SAR-based exemptions are not valid below 300 MHz. Thus, there are no exemption criteria below 239 MHz for portable devices (or for any antenna at less than 20 cm), other than the 1 mW blanket exemption.

15. The Commission declined to adopt commenters' suggestions to adjust the formulas to more readily exempt transmitters mounted on dedicated, access-controlled wireless support structures in the frequency range 300 MHz to 3 GHz because simply being building-mounted does not preclude persons from having access to the area near an antenna, particularly when mounted low to the ground or in other accessible locations. The actual distance from potential human presence should be taken into consideration. The Commission rejected a commenter's proposal to relax the standard for transmitters located on structures where access can be more readily controlled since spaces adjacent to such a structure may be readily accessible, rendering the transmitter appropriate for an evaluation. It also rejected a commenter's proposal to add a modified exemption formula that would apply between 400 MHz and 3 GHz because it found that the formula was based on

inappropriate assumptions and could not ensure compliance with the Commission's RF exposure limits.

16. *1-mW Exemption.* For multiple sources inside a single device, each of which is capable of no more than 1-mW, the Commission adopted a minimum 2-cm separation distance between antennas that operate in the same time-averaging period, as proposed in the *2013 RF Further Notice.* In other words, if there are two or more RF sources inside a single device operating at the same time and the nearest parts of the antenna structures are separated by less than 2 cm, the 1-mW exemption will not apply. However, if the sum of multiple sources is less than 1 mW during the time-averaging period, they may be treated as a single source (separation is not required), and exempted accordingly. As with the exemption for a single RF source, this exemption cannot be used in conjunction with other exemption criteria, and medical implant devices may use only this 1-mW exemption.

17. *Use of Summation Formulas.* In situations where RF exposure is generated from multiple sources at the same time, all such sources are considered in aggregate to determine compliance with the exposure limits. The Commission decided that the SAR- and MPE-based exemptions from RF exposure evaluation may be used along with known existing exposure levels to exempt multiple RF sources. This is accomplished by normalizing each source power level to each matching exemption threshold power and determining whether the total of all the normalized powers is no more than 1. (Normalization here means dividing an RF source power level by the corresponding exemption threshold power.) In addition, if pre-existing exposure levels are known, they may also be normalized to the exposure limits to determine the remaining margin available for exemption of additional sources to demonstrate compliance with the limit. These concepts are applied to the antennas of multiple transmitters in a single device and to multiple fixed transmitters, as explained below.

18. *Multiple RF Sources with Fixed Physical Relationship.* To address the potential exposure from multiple simultaneously operating RF sources with a fixed physical relationship, the Commission adopted the summation formula shown below for all RF sources, regardless of whether portable, mobile, or fixed, rather than its proposals in the *2013 RF Further Notice,* which provided different formulas for portable, mobile, and fixed transmitters. For sites or devices with multiple transmitters, the summation formula shown below will determine whether multiple transmitters using the single transmitter formulas are collectively exempt from evaluation. This formula includes three summation terms, the first two of which are summations for the exemptions, the third is to account for exposure from existing evaluations, which is described in more detail below.

$$\sum_{i=1}^{a} \frac{P_i}{P_{th,i}} + \sum_{j=1}^{b} \frac{ERP_j}{ERP_{th,j}} + \sum_{k=1}^{c} \frac{Evaluated_k}{Exposure\ Limit_k} \leq 1$$

Where:

a equals the number of fixed, mobile, or portable RF sources claiming exemption using the Table 1 formula for P_{th}, including existing exempt transmitters and those being added.

b equals the number of fixed, mobile, or portable RF sources claiming exemption using the applicable Table 2 formula for Threshold ERP, including existing exempt transmitters and those being added.

c equals the number of existing fixed, mobile, or portable RF sources with known evaluation for the specified minimum distance.

P_i equals the available maximum time-averaged power or the ERP, whichever is greater, for a fixed, mobile, or portable RF source *i* at a distance between 0.5 cm and 40 cm (inclusive).

$P_{th,i}$ equals the exemption threshold power (P_{th}) according to the Table 1 formula for a fixed, mobile, or portable RF source *i.*

ERP_j equals the available maximum time-averaged power or the ERP, whichever is greater, of a fixed, mobile, or portable RF source *j.*

$ERP_{th,j}$ equals the exemption threshold ERP for a fixed, mobile, or portable RF source *j,* at a distance of at least $\lambda/2\pi$, according to the applicable Table 2 formula at the location in question.

$Evaluated_k$ equals the maximum reported SAR or MPE of fixed, mobile, or portable RF source *k* either in the device or at the transmitter site from an existing evaluation.

$Exposure\ Limit_k$ equals either the general population/uncontrolled maximum permissible exposure (MPE) limit or specific absorption rate (SAR) limit for each fixed, mobile, or portable source, as applicable.

19. The normalized contributions to the total exemption threshold can be determined by calculating for each RF source, whether mobile, portable, or fixed, the ratio of the maximum time-averaged power (matched conducted power or ERP, as appropriate) for the transmitter, comparing it to the appropriate frequency- and distance-dependent threshold, using the formula above for either time-averaged power thresholds (mW) for exemption of single portable, mobile and fixed RF sources, or Table 2, and summing those ratios. If the ratios for all transmitters in a device operating in the same time-averaging period are included in the total sum and this sum is no more than 1 (*i.e.,* 100 percent), the cumulative contributions do not exceed the permissible limit and a location at a site or the device (*i.e.,* all transmitters within the device) are exempt from routine evaluation. The basic exemption criteria are contained in the *P* and *ERP* summation terms, while the *Evaluated/Exposure Limit* sum accounts for the preexisting exposure levels and correspondingly reduces the allowable margin remaining for exemption at the location of interest (*e.g.,* 20 cm for mobile RF sources). All transmitters must be considered, and all transmitters that can operate at the same time must be included in the summation of multiple transmitters. If a transmitter is subsequently proposed to be added under the Commission's permissive change authorization procedures for portable or mobile devices, a new calculation must be made including the additional transmitter.

20. In response to a commenter's suggestion that the Commission incorporate further technical definitions in its rules for terms used in the summation formula beyond those proposed in the *2013 RF Further Notice,* the Commission added definitions of ''available maximum time-averaged power,'' ''effective radiated power (ERP),'' and ''time-averaging period'' to its rules. However, because the Commission's exemptions do not rely on delivered power but available power, it declined to adopt a definition for ''delivered maximum time-averaged power.'' The Commission clarified that the delivered maximum time-averaged power would be the largest net power delivered or supplied to an antenna, as averaged over a time period not to

exceed 30 minutes for fixed sources, or as averaged over a time period inherent from the device transmission characteristics for mobile and portable sources (also not to exceed 30 minutes).

21. To account for simultaneous transmissions while allowing for short time-averaging periods for non-overlapping transmissions, the Commission included short time-averaging periods for non-overlapping transmissions in its rules. It also clarified that multiple source summations require time averaging over an averaging period during which the maximum power is being transmitted, provided that summations (or measurements) performed using a shorter time-averaging period correspond to the maximum aggregate time-averaged SAR or power density of the multiple transmitters being summed (*i.e.,* accounting for maximum duty cycle, maximum transmitted power, overlapping transmission, *etc.*). Also, short time-averaging periods (*e.g.,* over one pulse at maximum power) may be selected to conservatively determine power and avoid the need to sum powers from multiple transmitters when transmissions from the different transmitters do not overlap in time. The values for P_i, ERP_j, and $Evaluated_k$, where applicable, are determined according to the source-based time averaging requirements of §§ 2.1093(d)(5) and 2.1091(d)(2) of the rules, and the sum of those values conservatively represents the total calculated exposure. The summation formula may be used even if some of the three terms do not apply (*i.e.,* where those terms would be zero). To the extent that overlapping transmissions may vary among individual products and host configurations, the Commission noted that applicants may want to consult device-specific procedures developed by the FCC Laboratory addressing the details of how to conduct evaluations and determine compliance with the RF exposure limits.

22. *RF Sources without Fixed Physical Relationships.* As proposed in the *2013 RF Further Notice,* the Commission decided not to require applicants to account for multiple RF sources that have no fixed positional relationship between or among each other when determining the availability of an exemption, as is typically the case between a mobile and a broadcast antenna or other fixed source, or between two mobile sources. There is no practical method to quantitatively establish exemption for multiple RF sources where there is no definite positional relationship between sources, such as between multiple mobile/portable devices or between such devices and fixed transmitters, and none were recommended by commenters.

23. Although commenters raised concerns about the impact of cumulative RF exposure, the Commission found that consideration of the typical spatial separation between RF sources diminishes the practical relevance of multiple spatially uncorrelated transmitters. Since exposure from fixed RF sources diminishes rapidly with distance and signal losses due to non-line-of-sight conditions, the Commission expects that exposure from portable or mobile devices near a person's body would generally be overwhelmingly more significant. The exposure from each portable or mobile device near a person will generally be highly localized and involve low total power absorption. The Commission expects that the locations of maximum SAR in the body from these portable and mobile RF sources are highly unlikely to overlap, and also that total power absorption will not result in significant contribution to whole-body average SAR. Thus, for multiple exempt RF sources without an inherent spatial relationship, regardless of their classification as fixed, mobile, or portable, the Commission concluded that it is very highly unlikely the localized or whole-body SAR limits would be exceeded. The Commission concluded that the summation of potential exposure due to spatially uncorrelated sources should not be routinely required and is consistent with all known compliance activities to date.

B. Environmental Evaluation

24. Where an exemption cannot be invoked, a routine environmental evaluation—described in the Commission's rules as a ''determination of compliance''—must be performed for fixed transmission sites where the exemptions are not met to ensure that the RF exposure limits are not exceeded in places that are accessible to humans. In most cases, such an evaluation is simple and generic and does not require a determination of the precise exposure level, only that it can be determined from available information that it must be less than the Commission's limits. In other cases, the evaluation may require more precision regarding transmitter power and antenna distance from human-accessible spaces and, potentially, may be the basis for determining necessary measures to deter humans from entering otherwise accessible locations (*i.e.,* mitigation).

25. As proposed in the *2013 RF Further Notice* and supported in the record, the Commission removed provisions from its rules that specified only one acceptable numerical approach to RF exposure evaluation and instead allowed any valid computational method to be used. The Commission replaced the restrictive rules with guidance documents, such as in OET Bulletins and the KDB, which describe acceptable methods for certain applications. Plus, the Commission decided that parties can make *ad hoc* requests for use of other methods whose reliability and validity they can substantiate to the satisfaction of Commission staff. Also as proposed, the Commission eliminated a minimum measurement distance of 5 cm for devices operating above 6 GHz, since that requirement appears to have been rendered obsolete by technological developments and is no longer necessary.

26. *Consistency of Usage of Any Valid Method for SAR Computation.* As proposed in the *2013 RF Further Notice* and supported in the record, the Commission modified the language in §§ 1.1307(b)(2)(iv) and 95.1221 of the rules by removing references to the finite difference time domain (FDTD) method for SAR computation and allowed any valid computational method supported by adequate documentation and consistent results to be used. In response to commenters' suggestion for increased reliance on field measurements for fixed sites rather than computation because of concerns that SAR computation would underestimate exposure, the Commission noted that computational methods for transmitter facilities tend to be more restrictive than measurements since they use maximum power and other conservative assumptions. Since such methods provide a simpler, less burdensome means of demonstrating compliance, the Commission decided that computational methods will be permitted where they can be successfully invoked. In response to a commenter's suggestion that software developers be given guidance about the requirements for valid computational software, the Commission directed the Commission's OET to provide guidance on acceptable methods of computation via the KDB.

27. *Removal from Rules of Minimum Evaluation Distance Requirement for Frequencies Above 6 GHz.* To better simulate RF exposure in typical situations, the Commission also eliminated from § 2.1093(d) of its rules a minimum measurement distance of 5 cm for measurements and calculations used to demonstrate RF exposure compliance for devices operating above

6 GHz. The Commission emphasized that applicants must provide specific justification for measurement distances used in compliance testing, describing the normal and feasible use(s) of the device. Equipment certification review will specifically include evaluation of the propriety of this specification, including any measures that may be taken to ensure that it is maintained.

28. *Technical Evaluation References in Rules.* As proposed in the *2013 RF Further Notice,* the Commission removed the reference to IEEE Standard C95.3–1991 from § 24.51(c) of its rules as a possible SAR evaluation reference, instead relying on publications in the KDB for providing guidance on technical evaluation procedures and standards. The Commission also determined that the FCC Laboratory's current process of issuing draft versions of KDB guidance documents, engaging manufacturers and other affected entities early in the revision process, and providing flexibility and harmony with existing standards effectively address the commenters' concerns about the process and transparency of developing KDB documents. Regarding OET Bulletins 56 and 65, the Commission decided to eliminate Bulletin 56 in deference to more current material on the same subject on the Commission's website, and that Commission staff will maintain and update OET Bulletin 65 as a standalone document available for download.

C. Mitigation Measures To Ensure Compliance With Exposure Limits

29. *Transient Exposure.* In the 2019 *Second Report and Order,* the Commission adopted its proposal to define transient exposure as the brief RF exposure in a controlled environment that does not exceed the general population limit, which may be averaged over a time interval up to 30 minutes (shorter averaging times are generally more conservative and may be used for convenience during evaluation). The rules the Commission adopted require, for controlled areas where the general population limit is exceeded, access controls and appropriate signage in addition to supervision of transient individuals by trained occupational specialists. The Commission found no basis for permitting exposure of any untrained individuals—regardless of whether they are workers—greater than the general population exposure limit. The applicability of occupational limits requires that a person be fully aware (*e.g.,* training has been provided, warning signs detailing the nature of the hazard have been posted) and able to exercise control over his or her work-related exposure.

30. Thus, the occupational exposure limits apply only if a person has been trained and has sufficient information to be fully aware of nearby RF sources and the necessity and means of avoiding overexposure. To satisfy the requirement to present written or verbal information to untrained transient individuals within controlled environments, the Commission affirmed that written information may include signs, maps, or diagrams showing where exposure limits are exceeded, and verbal information may include prerecorded messages.

31. The Commission declined to adopt its proposal that transient exposure should not exceed the continuous occupational limit, listed in § 1.1310, at any time, since it agreed with a commenter that such a limit would result in a more restrictive exposure limit for transient individuals than for the general public, for which there is no temporal peak limit. The Commission also agreed with commenters that its current rules limiting exposure for all populations do not specify a cap at any peak value above the continuous limits. As long as the average over any applicable time-averaged period provided in the rules is compliant with the continuous general population limit, a transient individual walking in a controlled area may be exposed above the general population limit in one location and below this limit in another location—how much above that limit an instantaneous exposure is permitted is not defined in the rules.

32. Despite a commenter's concern about the use of the term ''general population'' in conjunction with ''controlled,'' the Commission was not convinced by the concern over how the terminology should be applied, or that it was potentially introducing a third exposure category. The Commission noted that there are only two sets of limits—those which apply to supervised/trained workers (in an occupational setting) and those which apply to the general population (which includes unsupervised and untrained workers). The environment in which these exposures occur defines whether the exposure is in a controlled or uncontrolled setting. Because the Commission also adopted requirements for implementing RF safety programs at fixed sites, the only situation where transient exposure would be relevant would be in a controlled setting.

33. Despite commenters' arguments that the Commission's requirements for transient individuals to be supervised regarding RF exposure areas are unnecessary and burdensome and ultimately would not be practical or effective, the Commission maintained that the supervision requirement is reasonable since a new employee would be made aware of areas where exposure could exceed the limits as part of his/her supervised orientation. The Commission agreed with commenters that third-party workers who perform tasks near RF sources should be trained and not considered transient. It also agreed that transient provisions are not to be used with any regularity and would not apply to persons (*e.g.,* tree trimmers, window washers, *etc.*) expected to be in locations for extended periods where the general population RF limits are exceeded, nor to persons who traverse such areas on a regular basis. All such persons must receive appropriate training.

34. *Signage and Access Control.* To the extent that required signs are used to warn workers so they are protected from RF exposure levels that exceeds the Commission's limits, the Commission decided that the following information must be included in such signs:

- RF energy advisory symbol (*e.g.,* Figure A.3 of IEEE Standard C95.2–1999)
- A description of the RF source (*e.g.,* transmitting antennas)
- Behavior necessary to comply with the exposure limits (*e.g.,* do not climb tower unless you know that antennas are not energized; stay behind barrier or off of markings)
- Up-to-date contact information (*e.g.,* monitored phone number or email address connected to someone with authority and capability to provide prompt response)

35. As proposed in the *2013 RF Further Notice* and supported in the record, the Commission adopted four categories for specifying RF safety program actions that reflect potential RF exposure scenarios, analogous to the categories in the Institute of Electrical and Electronics Engineers (IEEE) Standard C95.7–2014—''IEEE Recommended Practice for Radio Frequency Safety Programs, 3 kHz to 300 GHz.''

36. Category One applies to locations where the operational characteristics of RF sources would not cause the exposure limit for the general population to be exceeded even with continuous or with source-based time-averaged exposure. Category One signs are optional and will show a green ''INFORMATION'' heading and may be used to offer information to the public

that a transmitting RF source is nearby but that it is compliant with the Commission's RF exposure limits regardless of duration or usage. Category One signs could include the following:

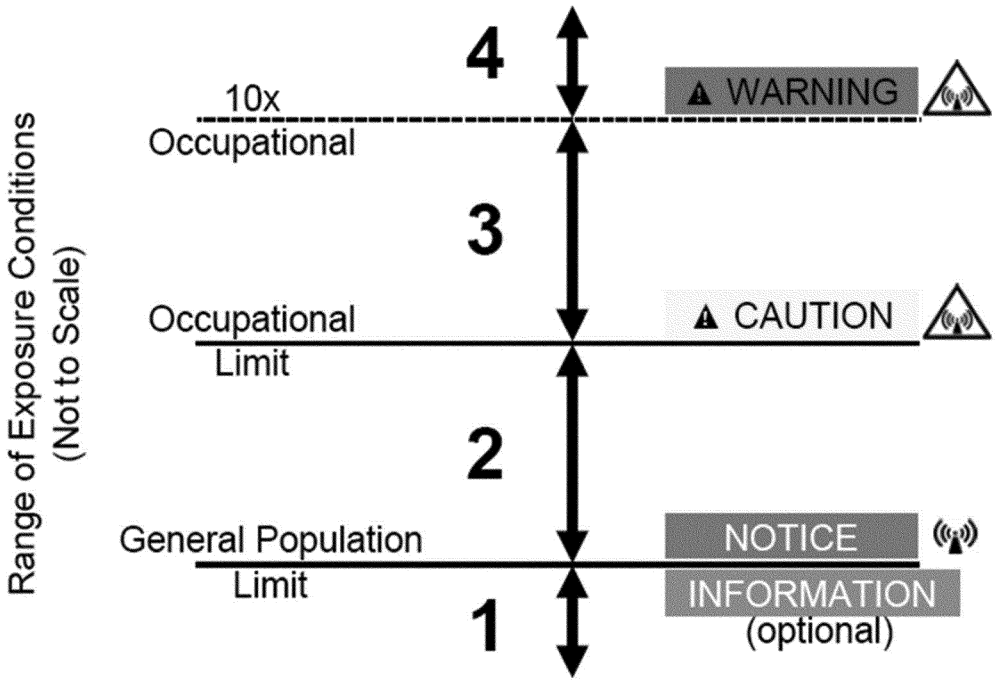
- An explanation of safety precautions to be observed when closer to the antenna than the information sign (where applicable)
- Reminder to obey all postings and boundaries (if higher categories are nearby)
- Up-to-date contact information (if higher categories are nearby)
- Place to get additional information (such as a website, if no higher categories are nearby)

37. Category Two signs and positive access controls are required where the continuous exposure limit would be exceeded for the general population, but not for occupational personnel. Category Two signs must have the signal word ''NOTICE'' in blue color. Under certain controlled conditions, such as on a rooftop with limited access (*e.g.,* a locked door with appropriate signage or antenna concealment), the Commission allowed that a sign be attached directly to the antenna. A label affixed to an antenna will be considered sufficient only if it is readable from the direction of approach and at least at the separation distance required for compliance with the general population exposure limit. Appropriate training is required for any occupational personnel with access to the controlled area where the general population exposure limit is exceeded, and transient individuals must be supervised by occupational personnel with appropriate training upon entering any of these areas. Use of time averaging would be required for transient individuals in the area where the continuous general population exposure limit is exceeded. Though not required, use of personal RF monitors in the areas where the general population exposure limit is exceeded is an option likely to ensure compliance.

38. Category Three applies to locations where the exposure limit for occupational personnel would be exceeded potentially by up to a factor of ten. Category Three requires signs with the appropriate signal word ''CAUTION'' in yellow color, and control or indicators (*e.g.,* chains, railings, contrasting paint, diagrams), in addition to the positive access control established for Category Two, surrounding the area in which the exposure limit is exceeded. The Commission allowed, under certain controlled conditions, that a sign may be attached directly to the antenna. A label affixed to an antenna will be considered sufficient only if it is readable from the direction of approach and at least at the separation distance required for compliance with the occupational exposure limit. Additionally, appropriate training is required for any occupational personnel with access to the controlled area where the general population exposure limit is exceeded. Use of time averaging is required for transient individuals to ensure compliance with the general population exposure limit. Appropriately trained occupational personnel may use RF monitors or personal protective equipment to ensure compliance with the occupational limits. If such mitigation procedures or power reduction, and therefore Category reduction, are not feasible, then the lockout/tagout procedures specified in 29 CFR 1910.147 must be used.

39. Category Four applies to locations where the exposure limit for occupational personnel would be exceeded by more than a factor of ten, or where there is a possibility for serious contact injury, such as a severe burn, permanent tissue damage, or shock. Where the occupational limit could be exceeded by a more than factor of ten, ''WARNING'' signs in orange color are required. ''DANGER'' signs in red color are required where immediate and serious injury will occur on contact, in addition to positive access control. For example, ''DANGER'' signs are required at the base of AM broadcast towers where serious injuries due to contact burns may occur. If a power reduction would not sufficiently protect against the relevant exposure limit in the event of human presence, lockout/tagout procedures must be followed to ensure human safety. To aid in protecting individuals from potentially serious and immediate harm, Category Four signs can be useful in indicating the most hazardous locations, even though Category Three signs already indicate an area surpassing the occupational exposure limit for continuous exposure. In Category Four locations, it is infeasible for any mitigation measures (*e.g.,* time-averaging, personal protective equipment) other than power reduction to bring exposure levels within the Commission's occupational limits. See Figure 1 below for a visual description of these categories.

Figure 1. Graphical Representation of Exposure Categories and Associated Signage Requirements



NOTE: Where immediate and serious injury would occur on contact regardless of category, a

sign and associated components are required pursuant to the description of *Category Four*.

40. Determination of the appropriate category designation must not be based on the exemptions from routine RF evaluation, but instead must be based on a specific site evaluation, consistent with the Commission's existing recommendations and rules for routine evaluation of compliance by measurement or computation as specified in OET Bulletin 65. Such methods as spatial averaging of plane-wave equivalent power-density, source-based time averaging, and SAR determinations may be used where appropriate to determine compliance with an applicable limit or classification of the environment into one of the categories. In contrast to IEEE's reference to ''action levels,'' the general population exposure limit for uncontrolled environments is a definite legal limit enforced by the Commission.

41. Establishment of a controlled environment where this limit is exceeded (*i.e.,* a Category Two, Three, or Four environment) would generally require some type of positive access control. These include locked doors, ladder cages, or effective fences, as well as enforced prohibition of public access to external surfaces of buildings, or generally, active preclusion of unauthorized access. It does not include natural barriers that tend to limit access but may not be always effective or other access restrictions that do not require any action on the part of the licensee or property management. Members of the general public (which can include children and vision-impaired persons) should not be expected to be aware of or act on posted exposure conditions only. Barriers and/or markings are required to complement signs to ensure compliance with the Commission's RF exposure limits. In response to commenters' concerns about the risk of RF overexposure to unaware workers and that signs should not be a catchall compliance measure, the Commission observed that an appropriately trained worker will be able to interpret the signs to appropriately control his/her exposure, and emphasized that untrained workers should not have access to controlled locations without supervision.

42. The Commission required that signs have an up-to-date point of contact, but declined to require 24/7 monitoring. Instead, it directed the OET to update OET Bulletin 65 to specify that the contact point be continuously monitored during normal business hours, but did not specify a response time. In response to commenters' concerns regarding sign content and readability and the feasibility of implementing access controls, the Commission required that signs be legible and readily viewable and readable (as specified by the Occupational Safety and Health Administration and the former National Bureau of Standards) from the boundary (and as necessary, on the approach to this boundary) where the applicable RF exposure limits are exceeded, and that controls or indicators be placed at compliance boundaries; it declined to adopt a site safety plan or a setback of

1500 feet from all cell towers as required components. The Commission also concluded that parties responsible for the placement of signs should consider the potential implications of over-signage (*e.g.,* undue alarm, confusion, and disregard of meaningful postings) and indicated that it will consider compliance with these rules on a case-by-case basis.

43. *Training to Ensure Compliance.* Because RF safety awareness is vitally important to ensure that persons are fully aware of the potential for RF exposure and can exercise control over their exposure, the Commission directed the OET to consider the topics outlined in Annex A of ANSI/IEEE C95.7–2005—''IEEE Recommended Practice for Radio Frequency Safety Programs, 3 kHz to 300 GHz'' as training guidance to reference in a future revision of OET Bulletin 65. The Commission emphasized that it does not consider signage at an access door to be sufficient to achieve the goal of training compliance for those persons potentially exposed beyond that door. The area beyond the door must also be appropriately signed, marked, and/or cordoned with barriers. Lockout/tagout could satisfy a need for power reduction, but are not appropriate as universal requirements. In the case of training using verbal information, the Commission clarified that either spoken word or pre-recorded audio from an authorized individual qualified to provide instruction on how to remain compliant is acceptable. Training may also include web-based programs.

44. *Responsibility for Mitigation Measures.* Despite comments requesting limitations on a licensee's responsibility for RF exposure mitigation measures, the Commission declined to adopt safe harbors (*e.g.,* category-appropriate signage, access controls, indicative or physical barriers, RF safety training, information about RF exposure risks in accessible areas, and 24/7 contact information) from actions and events at a restricted area beyond the licensee's control.

45. In response to comments on the responsibility of new entrants at multiple transmitter sites, the Commission clarified that while each nearby licensee shares responsibility for compliance, where it is demonstrated that a new or modified facility has put a previously-compliant site out of compliance, the licensee of that new/modified facility is solely responsible both for any compliance and for any enforcement action that may occur. At the same time, while the requirement for new and renewal applicants to evaluate and ensure compliance at sites is intended as a mechanism to maintain ongoing compliance, it does not absolve other license holders of responsibility or place sole responsibility for mitigation on the newcomer to a site who may discover noncompliance by existing site occupants or may contribute further to pre-existing noncompliance. The Commission found that such a general policy would not only discourage cooperation and site agreements, but also inappropriately absolve the preexisting licensees of their violations. The Commission expects that consideration of available evidence on a case-by-case basis during any appropriate enforcement actions can avoid inappropriate assignment of liability where noncompliance is found.

46. The Commission rejected a commenter's argument that, in addition to the Commission's requirements concerning warning signs and barriers, local authorities should be allowed to require additional signs and access restriction where they deem appropriate. While section 332(c)(7)(B)(iv) of the Act permits State and local governments, when making decisions on the ''placement, construction, and modification'' of personal wireless service facilities, to consider whether such facilities comply with the Commission's regulations concerning RF emissions, it expressly prohibits them from imposing their own regulations on such facilities on the basis of the environmental effects of such emissions.

D. Transition Periods

47. To allow licensees and manufacturers time to complete the required RF exposure evaluations or determine whether they are exempt from evaluation, as well as allow an orderly transition for the Commission's licensing Bureaus and equipment authorization program to incorporate the new exemption criteria into their equipment certification policies and procedures, the Commission set a timetable for conducting the reevaluation, under the new rules, of antenna locations that were previously exempt from evaluation. As a commenter requested, the Commission allowed two years from the effective date of the new rules to complete the evaluations and comply with the more specific RF exposure mitigation requirements adopted in the 2019 *Second Report and Order,* as necessary.

E. Conforming Edits

48. In the *2013 RF Further Notice,* the Commission proposed to reword §§ 1.1307(b), 1.1310, 2.1091, and 2.1093 in its rules as necessary to ensure clarity and consistency. In addition, it proposed to make changes to specific sections of parts 15, 24, 25, 95, and 97 for consistency and as necessary depending on the substantive changes in parts 1 and 2. Since the Commission proposed that its general RF exposure evaluation exemption criteria apply to all rule parts authorizing RF sources, specific exceptions in rule parts other than parts 1 and 2 were not necessary. No specific comments were received on these proposals and the Commission took the following actions:

- For applicants for equipment authorizations covered by parts 15 and 18, in §§ 15.212(a)(viii), 15.247(i), 15.255(g), 15.257(g), 15.319(i), 15.407(f), 15.709(h), and 18.313, we substitute our general exemption criteria for the specific exemption from routine evaluation;
- For applicants and licensees in the Public Mobile Service Personal Communications Service, we add and substitute our general exemption criteria for the specific exemption from routine evaluation in §§ 22.379 and 24.52;
- For applicants and licensees of satellite earth stations, we remove the 5 percent criterion in § 25.117(g) and introduce similar language to § 25.115, paragraph (p), § 25.129, paragraph (c), § 25.149, paragraph (c)(3), and § 25.271, paragraph (g);
- For applicants and licensees in the Miscellaneous Wireless Communications Services, Radio Broadcast Services, and Private Land Mobile Services we substitute our general exemption criteria for the specific exemption from routine evaluation by modifying §§ 27.52, 73.404, paragraph (e)(10), and by adding § 90.223 and removing § 90.223;
- We add mobile devices to § 95.2385 for WMTS and edit § 95.2585 to eliminate the limited specification of FDTD modeling for MedRadio service medical implants;
- For applicants and licensees in the Amateur Radio Service, we substitute our general exemption criteria for the specific exemption from routine evaluation based on power alone in § 97.13(c)(1) and specify the use of occupational/controlled limits for amateurs where appropriate; and
- For applicants and licensees in the Multichannel Video Distribution and Data Service, we substitute our general exemption criteria for the specific exemption from routine evaluation of stations in the 12.2–12.7 GHz frequency band with output powers less than 1640 watts EIRP, in § 101.1425.

Each of these changes will improve consistency and clarity of the rules.

Memorandum Opinion and Order

49. In the 2019 *Memorandum Opinion and Order,* the Commission dismissed and alternatively denied a petition for reconsideration of its decision in the *2013 First RF Report and Order* to classify the pinna (outer ear) as an extremity in RF exposure testing. The Commission found that the petition contained no new information that specifically addressed the effects of RF exposure on the pinnae themselves and otherwise relied on arguments that have been fully considered and rejected. Furthermore, the Commission found that the petition did not raise any new arguments when it cited alternative concerns related to pinnae classification, brain proximity, and human safety; offered no persuasive evidence that the Commission's analysis was flawed; and that it did not demonstrate any errors or omissions in the Commission's previous decision. For these reasons, the Commission dismissed and alternatively denied the petition for reconsideration.

Termination of Notice of Inquiry (ET Docket No. 13–84)

50. In the 2019 *Termination of Notice of Inquiry,* the Commission terminated the *Notice of Inquiry* proceeding in ET Docket No. 13–84 that it initiated in 2013 to review its existing RF exposure standards and certain related policies without making any changes to the Commission's RF rules. While some commenters suggested that the Commission should revise it RF exposure standards to be consistent with other international standards, the Commission declined to make any changes that would effectively relax its current standards, concluding that the best available evidence, including consideration of the opinions provided by expert U.S. federal health agencies, supports maintaining the Commission's existing RF exposure standards.. The Commission also determined that commenters suggesting alternatives that would tighten the FCC's existing RF exposure standards did not offer a sufficient scientific basis as to how their proposed reductions were derived, why the proposed reductions specified the appropriate amount, or how their proposed alternative reductions may impact the viability or performance of wireless services and devices.

III. Procedural Matters

A. Paperwork Reduction Act Analysis

51. This document contains new information collections subject to the Paperwork Reduction Act of 1995 (PRA), Public Law 104–13.

B. Congressional Review Act

52. The Commission will send a copy of the *Second Report and Order, Memorandum Opinion and Order,* and *Termination of Notice of Inquiry* in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A).

C. Final Regulatory Flexibility Act

53. The Regulatory Flexibility Act of 1980 (RFA) requires that an agency prepare a regulatory flexibility analysis for notice and comment rulemakings, unless the agency certifies that ''the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities.'' Accordingly, the Commission has prepared a Final Regulatory Flexibility.

54. Analysis (FRFA), set forth in Appendix D of the 2019 *Second Report and Order, Memorandum Opinion and Order,* and *Termination of Notice of Inquiry* concerning the possible impact of the rule changes.

IV. Ordering Clauses

55. Accordingly, *it is ordered* that pursuant to sections 1, 4(i), 4(j), 301, 302, 303(r), 307, 308, 309, 332(a)(1), 332(c)(7)(B)(iv), and 403 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i), 154(j), 301, 302a, 303(r), 307, 308, 309, 332(a)(1), 332(c)(7)(B)(iv), 403; the National Environmental Policy Act of 1969, 42 U.S.C. 4321, *et seq.;* and section 704(b) of the Telecommunications Act of 1996, Pub. L. 104–104, the *Second Report and Order* in ET Docket No. 03–137 is hereby adopted.

56. *It is further ordered* that parts 1, 2, 15, 18, 22, 24, 25, 27, 73, 90, 95, 97, and 101 of the Commission's rules, 47 CFR parts 1, 2, 15, 18, 22, 24, 25, 27, 73, 90, 95, 97 and 101, *are amended,* effective June 1, 2020, except for §§ 2.1091 and 2.1093 of the Commission's rules, which contain new or modified information collection requirements that require approval by the Office of Management and Budget under the Paperwork Reduction Act and *will become effective* after the Commission publishes a notice in the **Federal Register** announcing such approval and the relevant effective date.

57. *It is further ordered* that pursuant to section 405 of the Communications Act of 1934, as amended, 47 U.S.C. 405, and § 1.429 of the Commission's rules, 47 CFR 1.429, this *Memorandum Opinion and Order* is hereby adopted and the Petition for Reconsideration filed by the American Association for Justice is dismissed and alternatively denied.

58. *It is further ordered* that pursuant to authority contained in sections 4(i) and 4(j) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 154(j), and § 1.430 of the Commission's rules, 47 CFR 1.430, the *Notice of Inquiry* in ET Docket No. 13–84 is terminated.

59. *It is further ordered* that pursuant to the authority contained in sections 4(i) and 4(j) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 154(j), and § 1.430 of the Commission's rules, 47 CFR 1.430, ET Docket No. 03–137 in terminated.

60. *It is further ordered* that the Commission's Consumer and Governmental Affairs Bureau, Reference Information Center, shall send a copy of the *Second Report and Order,* including the Final Regulatory Flexibility Analysis, and the *Memorandum Opinion and Order,* to the Chief Counsel for Advocacy of the Small Business Administration.

List of Subjects

47 CFR Part 1

Communications, Telecommunications.

47 CFR Part 2

Communications equipment, Radio, Telecommunications, Television.

47 CFR Part 15

Communications equipment, Labeling, Radio.

47 CFR Part 18

Household appliances, Medical devices, Radio, Scientific equipment, Radio.

47 CFR Part 22

Communications, Communications equipment, Radio, Telecommunications.

47 CFR Part 24

Communications equipment, Radio, Telecommunications.

47 CFR Part 27 and 73

Communications equipment, Radio, Television.

47 CFR Part 90, 95, 97, and 101

Communications equipment, Radio.

Federal Communications Commission.

Marlene Dortch,

Secretary.

Final Rules

For the reasons discussed in the preamble, the Federal Communication Commission amends 47 CFR parts 1, 2,

15, 24, 25, 27, 73, 90, 95, 97, and 101 as follows:

PART 1—PRACTICE AND PROCEDURE

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

Authority: 47 U.S.C. chs. 2, 5, 9, 13; 28 U.S.C. 2461 note, unless otherwise noted.

■ 2. Section 1.1307 is amended by revising paragraph (b) to read as follows:

§ 1.1307 Actions that may have a significant environmental effect, for which Environmental Assessments (EA) must be prepared.

* * * * *

(b)(1) *Requirements.* (i) With respect to the limits on human exposure to RF provided in § 1.1310 of this chapter, applicants to the Commission for the grant or modification of construction permits, licenses or renewals thereof, temporary authorities, equipment authorizations, or any other authorizations for radiofrequency sources must either:

(A) Determine that they qualify for an exemption pursuant to § 1.1307(b)(3);

(B) Prepare an evaluation of the human exposure to RF radiation pursuant to § 1.1310 and include in the application a statement confirming compliance with the limits in § 1.1310; or

(C) Prepare an Environmental Assessment if those RF sources would cause human exposure to levels of RF radiation in excess of the limits in § 1.1310.

(ii) Compliance with these limits for fixed RF source(s) may be accomplished by use of mitigation actions, as provided in § 1.1307(b)(4). Upon request by the Commission, the party seeking or holding such authorization must submit technical information showing the basis for such compliance, either by exemption or evaluation. Notwithstanding the preceding requirements, in the event that RF sources cause human exposure to levels of RF radiation in excess of the limits in § 1.1310 of this chapter, such RF exposure exemptions and evaluations are not deemed sufficient to show that there is no significant effect on the quality of the human environment or that the RF sources are categorically excluded from environmental processing.

(2) *Definitions.* For the purposes of this section, the following definitions shall apply.

Available maximum time-averaged power for an RF source is the maximum available RF power (into a matched load) as averaged over a *time-averaging period;*

Category One is any spatial region that is compliant with the general population exposure limit with *continuous exposure* or *source-based time-averaged exposure;*

Category Two is any spatial region where the general population exposure limit is exceeded but that is compliant with the occupational exposure limit with *continuous exposure;*

Category Three is any spatial region where the occupational exposure limit is exceeded but by no more than ten times the limit;

Category Four is any spatial region where the exposure is more than ten times the occupational exposure limit or where there is a possibility for serious injury on contact.

Continuous exposure refers to the maximum time-averaged exposure at a given location for an *RF source* and assumes that exposure may take place indefinitely. The exposure limits in § 1.1310 of this chapter are used to establish the spatial regions where mitigation measures are necessary assuming continuous exposure as prescribed in § 1.1307(b)(4) of this chapter.

Effective Radiated Power (*ERP*) is the product of the *maximum antenna gain* which is the largest far-field power gain relative to a dipole in any direction for each transverse polarization component, and the *maximum delivered time-averaged power* which is the largest net power delivered or supplied to an antenna as averaged over a *time-averaging period; ERP* is summed over two polarizations when present;

Exemption for (an) *RF source*(*s*) is solely from the obligation to perform a routine environmental evaluation to demonstrate compliance with the RF exposure limits in § 1.1310 of this chapter; it is not exemption from the equipment authorization procedures described in part 2 of this chapter, not exemption from general obligations of compliance with the RF exposure limits in § 1.1310 of this chapter, and not exemption from determination of whether there is no significant effect on the quality of the human environment under § 1.1306 of this chapter.

Fixed RF source is one that is physically secured at one location, even temporarily, and is not able to be easily moved to another location while radiating;

Mobile device is as defined in § 2.1091(b) of this chapter;

Plane-wave equivalent power density is the square of the root-mean-square (rms) electric field strength divided by the impedance of free space (377 ohms).

Portable device is as defined in § 2.1093(b) of this chapter;

Positive access control is mitigation by proactive preclusion of unauthorized access to the region surrounding an RF source where the continuous exposure limit for the general population is exceeded. Examples of such controls include locked doors, ladder cages, or effective fences, as well as enforced prohibition of public access to external surfaces of buildings. However, it does not include natural barriers or other access restrictions that did not require any action on the part of the licensee or property management.

Radiating structure is an unshielded RF current-carrying conductor that generates an RF reactive near electric or magnetic field and/or radiates an RF electromagnetic wave. It is the component of an *RF source* that transmits, generates, or reradiates an RF fields, such as an antenna, aperture, coil, or plate.

RF source is Commission-regulated equipment that transmits or generates RF fields or waves, whether intentionally or unintentionally, via one or more *radiating structure*(*s*). Multiple *RF sources* may exist in a single *device.*

Separation distance (variable R in Table 1) is the minimum distance in any direction from any part of a *radiating structure* and any part of the body of a nearby person;

Source-based time averaging is an average of instantaneous exposure over a *time-averaging period* that is based on an inherent property or duty-cycle of a device to ensure compliance with the *continuous exposure* limits;

Time-averaging period is a time period not to exceed 30 minutes for fixed RF sources or a time period inherent from device transmission characteristics not to exceed 30 minutes for mobile and portable RF sources;

Transient individual is an untrained person in a location where occupational/controlled limits apply, and he or she must be made aware of the potential for exposure and be supervised by trained personnel pursuant to § 1.1307(b)(4) of this chapter where use of time averaging is required to ensure compliance with the general population exposure limits in § 1.1310 of this chapter.

(3) *Determination of exemption.* (i) For single RF sources (*i.e.,* any single fixed RF source, mobile device, or portable device, as defined in paragraph (b)(2) of this section): A single RF source is exempt if:

(A) The available maximum time-averaged power is no more than 1 mW, regardless of separation distance. This exemption may not be used in

conjunction with other exemption criteria other than those in paragraph (b)(3)(ii)(A) of this section. Medical implant devices may only use this exemption and that in paragraph (b)(3)(ii)(A);

(B) Or the available maximum time-averaged power or effective radiated power (ERP), whichever is greater, is less than or equal to the threshold P_{th} (mW) described in the following formula. This method shall only be used at separation distances (cm) from 0.5 centimeters to 40 centimeters and at frequencies from 0.3 GHz to 6 GHz (inclusive). P_{th} is given by:

$$P_{th}\ (\text{mW}) = \begin{cases} ERP_{20\ cm}(d/20\ \text{cm})^{x} & d \leq 20\ \text{cm} \\ ERP_{20\ cm} & 20\ \text{cm} < d \leq 40\ \text{cm} \end{cases}$$

Where

$$x = -\log_{10}\left(\frac{60}{ERP_{20\ cm}\sqrt{f}}\right) \text{ and } f \text{ is in GHz;}$$

and

$$ERP_{20\ cm}\ (\text{mW}) = \begin{cases} 2040f & 0.3\ \text{GHz} \leq f < 1.5\ \text{GHz} \\ 3060 & 1.5\ \text{GHz} \leq f \leq 6\ \text{GHz} \end{cases}$$

d = the separation distance (cm);

(C) Or using Table 1 and the minimum separation distance (R in meters) from the body of a nearby person for the frequency (f in MHz) at which the source operates, the ERP (watts) is no more than the calculated value prescribed for that frequency. For the exemption in Table 1 to apply, R must be at least $\lambda/2\pi$, where λ is the free-space operating wavelength in meters. If the ERP of a single RF source is not easily obtained, then the available maximum time-averaged power may be used in lieu of ERP if the physical dimensions of the radiating structure(s) do not exceed the electrical length of $\lambda/4$ or if the antenna gain is less than that of a half-wave dipole (1.64 linear value).

TABLE 1 TO § 1.1307(b)(3)(i)(C)—SINGLE RF SOURCES SUBJECT TO ROUTINE ENVIRONMENTAL EVALUATION

RF Source frequency (MHz)	Threshold ERP (watts)
0.3–1.34	1,920 R^2.
1.34–30	3,450 R^2/f^2.
30–300	3.83 R^2.
300–1,500	0.0128 R^2f.
1,500–100,000	19.2R^2.

(ii) For multiple RF sources: Multiple RF sources are exempt if:

(A) The available maximum time-averaged power of each source is no more than 1 mW and there is a separation distance of two centimeters between any portion of a radiating structure operating and the nearest portion of any other radiating structure in the same device, except if the sum of multiple sources is less than 1 mW during the time-averaging period, in which case they may be treated as a single source (separation is not required). This exemption may not be used in conjunction with other exemption criteria other than those is paragraph (b)(3)(i)(A) of this section. Medical implant devices may only use this exemption and that in paragraph (b)(3)(i)(A).

(B) in the case of fixed RF sources operating in the same time-averaging period, or of multiple mobile or portable RF sources within a device operating in the same time averaging period, if the sum of the fractional contributions to the applicable thresholds is less than or equal to 1 as indicated in the following equation.

$$\sum_{i=1}^{a}\frac{P_i}{P_{th,i}} + \sum_{j=1}^{b}\frac{ERP_j}{ERP_{th,j}} + \sum_{k=1}^{c}\frac{Evaluated_k}{Exposure\ Limit_k} \leq 1$$

Where:

a = number of fixed, mobile, or portable RF sources claiming exemption using paragraph (b)(3)(i)(B) of this section for P_{th}, including existing exempt transmitters and those being added.

b = number of fixed, mobile, or portable RF sources claiming exemption using paragraph (b)(3)(i)(C) of this section for Threshold ERP, including existing exempt transmitters and those being added.

c = number of existing fixed, mobile, or portable RF sources with known evaluation for the specified minimum distance including existing evaluated transmitters.

P_i = the available maximum time-averaged power or the ERP, whichever is greater, for fixed, mobile, or portable RF source i at a distance between 0.5 cm and 40 cm (inclusive).

$P_{th,i}$ = the exemption threshold power (P_{th}) according to paragraph (b)(3)(i)(B) of this section for fixed, mobile, or portable RF source i.

ERP_j = the ERP of fixed, mobile, or portable RF source j.

$ERP_{th,j}$ = exemption threshold ERP for fixed, mobile, or portable RF source j, at a distance of at least $\lambda/2\pi$ according to the applicable formula of paragraph (b)(3)(i)(C) of this section.

$Evaluated_k$ = the maximum reported SAR or MPE of fixed, mobile, or portable RF source k either in the device or at the transmitter site from an existing evaluation at the location of exposure.

$Exposure\ Limit_k$ = either the general population/uncontrolled maximum permissible exposure (MPE) or specific absorption rate (SAR) limit for each fixed, mobile, or portable RF source k, as applicable from § 1.1310 of this chapter.

(4) *Mitigation.* (i) As provided in paragraphs (b)(4)(ii) through (vi) of this section, specific mitigation actions are required for fixed RF sources to the extent necessary to ensure compliance with our exposure limits, including the implementation of an RF safety plan, restriction of access to those RF sources, and disclosure of spatial regions where exposure limits are exceeded.

(ii) Category One—INFORMATION: No mitigation actions are required when the RF source does not cause continuous or source-based time-averaged exposure in excess of the general population limit in s§ 1.1310 of this part. Optionally a green ''INFORMATION'' sign may offer information to those persons who might be approaching RF sources. This optional sign, when used, must include at least the following information: Appropriate signal word ''INFORMATION'' and associated color (green), an explanation of the safety precautions to be observed when closer to the antenna than the information sign, a reminder to obey all postings and boundaries (if higher categories are nearby), up-to-date licensee (or operator) contact information (if higher categories are nearby), and a place to get additional information (such as a website, if no higher categories are nearby).

(iii) Category Two—NOTICE: Mitigation actions are required in the form of signs and positive access control surrounding the boundary where the continuous exposure limit is exceeded for the general population, with the appropriate signal word ''NOTICE'' and associated color (blue) on the signs. Signs must contain the components discussed in paragraph (b)(4)(vi) of this section. Under certain controlled conditions, such as on a rooftop with limited access, a sign attached directly to the surface of an antenna will be considered sufficient if the sign specifies a minimum approach distance and is readable at this separation distance and at locations required for compliance with the general population exposure limit in § 1.1310 of this part. Appropriate training is required for any occupational personnel with access to controlled areas within restrictive barriers where the general population exposure limit is exceeded, and transient individuals must be supervised by trained occupational personnel upon entering any of these areas. Use of time averaging is required for transient individuals to ensure compliance with the general population exposure limit.

(iv) Category Three—CAUTION: Signs (with the appropriate signal word ''CAUTION'' and associated color (yellow) on the signs), controls, or indicators (*e.g.,* chains, railings, contrasting paint, diagrams) are required (in addition to the positive access control established for Category Two) surrounding the area in which the exposure limit for occupational personnel in a controlled environment is exceeded by no more than a factor of ten. Signs must contain the components discussed in paragraph (b)(4)(vi) of this section. If the boundaries between Category Two and Three are such that placement of both Category Two and Three signs would be in the same location, then the Category Two sign is optional. Under certain controlled conditions, such as on a rooftop with limited access, a sign may be attached directly to the surface of an antenna within a controlled environment if it specifies the minimum approach distance and is readable at this distance and at locations required for compliance with the occupational exposure limit in § 1.1310 of this part. If signs are not used at the occupational exposure limit boundary, controls or indicators (*e.g.,* chains, railings, contrasting paint, diagrams, *etc.*) must designate the boundary where the occupational exposure limit is exceeded. Additionally, appropriate training is required for any occupational personnel with access to the controlled area where the general population exposure limit is exceeded, and transient individuals must be supervised by trained personnel upon entering any of these areas. Use of time averaging is required for transient individuals to ensure compliance with the general population exposure limit. Further mitigation by reducing exposure time in accord with six-minute time averaging is required for occupational personnel in the area in which the occupational exposure limit is exceeded. However, proper use of RF personal protective equipment may be considered sufficient in lieu of time averaging for occupational personnel in the areas in which the occupational exposure limit is exceeded. If such procedures or power reduction, and therefore Category reduction, are not feasible, then lockout/tagout procedures in 29 CFR 1910.147 must be followed.

(v) Category Four—WARNING/DANGER: Where the occupational limit could be exceeded by a factor of more than ten, ''WARNING'' signs with the associated color (orange), controls, or indicators (*e.g.,* chains, railings, contrasting paint, diagrams) are required (in addition to the positive access control established for Category Two) surrounding the area in which the occupational exposure limit in a controlled environment is exceeded by more than a factor of ten Signs must contain the components discussed in paragraph (b)(4)(vi) of this section. ''DANGER'' signs with the associated color (red) are required where immediate and serious injury will occur on contact, in addition to positive access control, regardless of mitigation actions taken in Categories Two or Three. If the boundaries between Category Three and Four are such that placement of both Category Three and Four signs would be in the same location, then the Category Three sign is optional. No access is permitted without Category reduction. If power reduction, and therefore Category reduction, is not feasible, then lockout/tagout procedures in 29 CFR 1910.147 must be followed.

(vi) RF exposure advisory signs must be viewable and readable from the boundary where the applicable exposure limits are exceeded, pursuant to 29 CFR 1910.145, and include at least the following five components:

(A) Appropriate signal word, associated color {*i.e.,* {DANGER'' (red), ''WARNING'' (orange), ''CAUTION,'' (yellow) ''NOTICE'' (blue)};

(B) RF energy advisory symbol;

(C) An explanation of the RF source;

(D) Behavior necessary to comply with the exposure limits; and

(E) Up-to-date contact information.

(5) *Responsibility for compliance.* (i) In general, when the exposure limits specified in § 1.1310 of this part are

exceeded in an accessible area due to the emissions from multiple fixed RF sources, actions necessary to bring the area into compliance or preparation of an Environmental Assessment (EA) as specified in § 1.1311 of this part are the shared responsibility of all licensees whose RF sources produce, at the area in question, levels that exceed 5% of the applicable exposure limit proportional to power. However, a licensee demonstrating that its facility was not the most recently modified or newly-constructed facility at the site establishes a rebuttable presumption that such licensee should not be liable in an enforcement proceeding relating to the period of non-compliance. Field strengths must be squared to be proportional to SAR or power density. Specifically, these compliance requirements apply if the square of the electric or magnetic field strength exposure level applicable to a particular RF source exceeds 5% of the square of the electric or magnetic field strength limit at the area in question where the levels due to multiple fixed RF sources exceed the exposure limit. Site owners and managers are expected to allow applicants and licensees to take reasonable steps to comply with the requirements contained in paragraph (b)(1) of this section and, where feasible, should encourage co-location of RF sources and common solutions for controlling access to areas where the RF exposure limits contained in § 1.1310 of this part might be exceeded. Applicants and licensees are required to share technical information necessary to ensure joint compliance with the exposure limits, including informing other licensees at a site in question of evaluations indicating possible non-compliance with the exposure limits.

(ii) Applicants for proposed RF sources that would cause non-compliance with the limits specified in § 1.1310 at an accessible area previously in compliance must submit an EA if emissions from the applicant's RF source would produce, at the area in question, levels that exceed 5% of the applicable exposure limit. Field strengths must be squared if necessary to be proportional to SAR or power density.

(iii) Renewal applicants whose RF sources would cause non-compliance with the limits specified in § 1.1310 at an accessible area previously in compliance must submit an EA if emissions from the applicant's RF source would produce, at the area in question, levels that exceed 5% of the applicable exposure limit. Field strengths must be squared if necessary to be proportional to SAR or power density.

* * * * *

■ 3. Section 1.1310 is revised to read as follows:

§ 1.1310 Radiofrequency radiation exposure limits.

(a) Specific absorption rate (SAR) shall be used to evaluate the environmental impact of human exposure to radiofrequency (RF) radiation as specified in § 1.1307(b) of this part within the frequency range of 100 kHz to 6 GHz (inclusive).

(b) The SAR limits for occupational/controlled exposure are 0.4 W/kg, as averaged over the whole body, and a peak spatial-average SAR of 8 W/kg, averaged over any 1 gram of tissue (defined as a tissue volume in the shape of a cube). Exceptions are the parts of the human body treated as extremities, such as hands, wrists, feet, ankles, and pinnae, where the peak spatial-average SAR limit for occupational/controlled exposure is 20 W/kg, averaged over any 10 grams of tissue (defined as a tissue volume in the shape of a cube). Exposure may be averaged over a time period not to exceed 6 minutes to determine compliance with occupational/controlled SAR limits.

(c) The SAR limits for general population/uncontrolled exposure are 0.08 W/kg, as averaged over the whole body, and a peak spatial-average SAR of 1.6 W/kg, averaged over any 1 gram of tissue (defined as a tissue volume in the shape of a cube). Exceptions are the parts of the human body treated as extremities, such as hands, wrists, feet, ankles, and pinnae, where the peak spatial-average SAR limit is 4 W/kg, averaged over any 10 grams of tissue (defined as a tissue volume in the shape of a cube). Exposure may be averaged over a time period not to exceed 30 minutes to determine compliance with general population/uncontrolled SAR limits.

(d)(1) Evaluation with respect to the SAR limits in this section must demonstrate compliance with both the whole-body and peak spatial-average limits using technically supported measurement or computational methods and exposure conditions in advance of authorization (licensing or equipment certification) and in a manner that facilitates independent assessment and, if appropriate, enforcement. Numerical computation of SAR must be supported by adequate documentation showing that the numerical method as implemented in the computational software has been fully validated; in addition, the equipment under test and exposure conditions must be modeled according to protocols established by FCC-accepted numerical computation standards or available FCC procedures for the specific computational method.

(2) For operations within the frequency range of 300 kHz and 6 GHz (inclusive), the limits for maximum permissible exposure (MPE), derived from whole-body SAR limits and listed in Table 1 in paragraph (e)(1) of this section, may be used instead of whole-body SAR limits as set forth in paragraphs (a) through (c) of this section to evaluate the environmental impact of human exposure to RF radiation as specified in § 1.1307(b) of this part, except for portable devices as defined in § 2.1093 of this chapter as these evaluations shall be performed according to the SAR provisions in § 2.1093.

(3) At operating frequencies above 6 GHz, the MPE limits listed in Table 1 in paragraph (e)(1) of this section shall be used in all cases to evaluate the environmental impact of human exposure to RF radiation as specified in § 1.1307(b) of this part.

(4) Both the MPE limits listed in Table 1 in paragraph (e)(1) of this section and the SAR limits as set forth in paragraphs (a) through (c) of this section are for continuous exposure, that is, for indefinite time periods. Exposure levels higher than the limits are permitted for shorter exposure times, as long as the average exposure over a period not more than the specified averaging time in Table 1 in paragraph (e)(1) is less than (or equal to) the exposure limits. Detailed information on our policies regarding procedures for evaluating compliance with all of these exposure limits can be found in the most recent edition of FCC's *OET Bulletin 65,* ''Evaluating Compliance with FCC Guidelines for Human Exposure to Radiofrequency Electromagnetic Fields,'' and its supplements, all available at the FCC's internet website: *https://www.fcc.gov/general/oet-bulletins-line,* and in the Office of Engineering and Technology (OET) Laboratory Division Knowledge Database (KDB) (*https://www.fcc.gov/kdb*).

Note to paragraphs (a) through (d): SAR is a measure of the rate of energy absorption due to exposure to RF electromagnetic energy. These SAR limits to be used for evaluation are based generally on criteria published by the American National Standards Institute (ANSI) for localized SAR in Section 4.2 of ''IEEE Standard for Safety Levels with Respect to Human Exposure to Radio Frequency Electromagnetic Fields, 3 kHz to 300 GHz,'' ANSI/IEEE Std C95.1–1992, copyright 1992 by the Institute of Electrical and Electronics Engineers, Inc., New York, New York 10017. These criteria

for SAR evaluation are similar to those recommended by the National Council on Radiation Protection and Measurements (NCRP) in ''Biological Effects and Exposure Criteria for Radiofrequency Electromagnetic Fields,'' NCRP Report No. 86, Section 17.4.5, copyright 1986 by NCRP, Bethesda, Maryland 20814. Limits for whole body SAR and peak spatial-average SAR are based on recommendations made in both of these documents. The MPE limits in Table 1 are based generally on criteria published by the NCRP in ''Biological Effects and Exposure Criteria for Radiofrequency Electromagnetic Fields,'' NCRP Report No. 86, Sections 17.4.1, 17.4.1.1, 17.4.2 and 17.4.3, copyright 1986 by NCRP, Bethesda, Maryland 20814. In the frequency range from 100 MHz to 1500 MHz, these MPE exposure limits for field strength and power density are also generally based on criteria recommended by the ANSI in Section 4.1 of ''IEEE Standard for Safety Levels with Respect to Human Exposure to Radio Frequency Electromagnetic Fields, 3 kHz to 300 GHz,'' ANSI/IEEE Std C95.1–1992, copyright 1992 by the Institute of Electrical and Electronics Engineers, Inc., New York, New York 10017.

(e)(1) Table 1 to § 1.1310(e)(1) sets forth limits for Maximum Permissible Exposure (MPE) to radiofrequency electromagnetic fields.

TABLE 1 TO § 1.1310(E)(1)—LIMITS FOR MAXIMUM PERMISSIBLE EXPOSURE (MPE)

Frequency range (MHz)	Electric field strength (V/m)	Magnetic field strength (A/m)	Power density (mW/cm^2)	Averaging time (minutes)
(i) Limits for Occupational/Controlled Exposure				
0.3–3.0	614	1.63	*(100)	≤6
3.0–30	1842/f	4.89/f	*($900/f^2$)	<6
30–300	61.4	0.163	1.0	<6
300–1,500			f/300	<6
1,500–100,000			5	<6
(ii) Limits for General Population/Uncontrolled Exposure				
0.3–1.34	614	1.63	*(100)	<30
1.34–30	824/f	2.19/f	*($180/f^2$)	<30
30–300	27.5	0.073	0.2	<30
300–1,500			f/1500	<30
1,500–100,000			1.0	<30

f = frequency in MHz. * = Plane-wave equivalent power density.

(2) Occupational/controlled exposure limits apply in situations in which persons are exposed as a consequence of their employment provided those persons are fully aware of the potential for exposure and can exercise control over their exposure. The phrase *fully aware* in the context of applying these exposure limits means that an exposed person has received written and/or verbal information fully explaining the potential for RF exposure resulting from his or her employment. With the exception of *transient* persons, this phrase also means that an exposed person has received appropriate training regarding work practices relating to controlling or mitigating his or her exposure. In situations when an untrained person is transient through a location where occupational/controlled limits apply, he or she must be made aware of the potential for exposure and be supervised by trained personnel pursuant to § 1.1307(b)(2) of this part where use of time averaging is required to ensure compliance with the general population exposure limit. The phrase *exercise control* means that an exposed person is allowed and also knows how to reduce or avoid exposure by administrative or engineering work practices, such as use of personal protective equipment or time averaging of exposure.

(3) General population/uncontrolled exposure limits apply in situations in which the general public may be exposed, or in which persons who are exposed as a consequence of their employment may not be fully aware of the potential for exposure or cannot exercise control over their exposure. For example, RF sources intended for consumer use shall be subject to the limits for general population/uncontrolled exposure in this section.

§ 1.4000 [Amended]

■ 4. Section 1.4000 is amended by removing and reserving paragraph (c).

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

■ 5. The authority citation for part 2 continues to read as follows:

Authority: 47 U.S.C. 154, 302a, 303, and 336, unless otherwise noted.

■ 6. Section 2.1033 is amended by adding paragraph (f) to read as follows:

§ 2.1033 Application for certification.

* * * * *

(f) Radio frequency devices operating under the provisions of this part are subject to the radio frequency radiation exposure requirements specified in §§ 1.1307(b), 1.1310, 2.1091, and 2.1093 of this chapter, as appropriate. Applications for equipment authorization of RF sources under this section must contain a statement confirming compliance with these requirements. Technical information showing the basis for this statement must be submitted to the Commission upon request.

■ 7. Section 2.1091 is amended by revising paragraphs (b) and (c), removing paragraph (d) introductory text, and revising paragraphs (d)(1) and (2) to read as follows:

§ 2.1091 Radiofrequency radiation exposure evaluation: mobile devices.

* * * * *

(b) For purposes of this section, the definitions in § 1.1307(b)(2) of this chapter shall apply. A mobile device is defined as a transmitting device designed to be used in other than fixed locations and to generally be used in such a way that a separation distance of at least 20 centimeters is normally maintained between the RF source's radiating structure(s) and the body of the user or nearby persons. In this context, the term ''fixed location'' means that the device is physically secured at one location and is not able to be easily moved to another location while transmitting. Transmitting devices designed to be used by consumers or workers that can be easily re-located, such as wireless devices

associated with a personal desktop computer, are considered to be mobile devices if they meet the 20-centimeter separation requirement.

(c)(1) Evaluation of compliance with the exposure limits in § 1.1310 of this chapter, and preparation of an EA if the limits are exceeded, is necessary for mobile devices with single RF sources having either more than an available maximum time-averaged power of 1 mW or more than the ERP listed in Table 1 to § 1.1307(b)(3)(i)(C), whichever is greater. For mobile devices not exempt by § 1.1307(b)(3)(i)(C) at distances from 20 centimeters to 40 centimeters and frequencies from 0.3 GHz to 6 GHz, evaluation of compliance with the exposure limits in § 1.1310 of this chapter is necessary if the ERP of the device is greater than ERP_{20cm} in the formula below. If the ERP of a single RF source at distances from 20 centimeters to 40 centimeters and frequencies from 0.3 GHz to 6 GHz is not easily obtained, then the available maximum time-averaged power may be used (*i.e.,* without consideration of ERP) in comparison with the following formula only if the physical dimensions of the radiating structure(s) do not exceed the electrical length of $\lambda/4$ or if the antenna gain is less than that of a half-wave dipole (1.64 linear value).

$$P_{th}(\text{mW}) = ERP_{20\,cm}\ (\text{mW}) = \begin{cases} 2040f & 0.3\ \text{GHz} \leq f < 1.5\ \text{GHz} \\ 3060 & 1.5\ \text{GHz} \leq f \leq 6\ \text{GHz} \end{cases}$$

(2) For multiple mobile or portable RF sources within a device operating in the same time averaging period, routine environmental evaluation is required if the formula in § 1.1307(b)(3)(ii)(B) of this chapter is applied to determine the exemption ratio and the result is greater than 1.

(3) Unless otherwise specified in this chapter, any other single mobile or multiple mobile and portable RF source(s) associated with a device is exempt from routine environmental evaluation for RF exposure prior to equipment authorization or use, except as specified in § 1.1307(c) and (d) of this chapter.

(d)(1) Applications for equipment authorization of mobile RF sources subject to routine environmental evaluation must contain a statement confirming compliance with the limits specified in § 1.1310 of this chapter as part of their application. Technical information showing the basis for this statement must be submitted to the Commission upon request. In general, maximum time-averaged power levels must be used for evaluation. All unlicensed personal communications service (PCS) devices and unlicensed NII devices shall be subject to the limits for general population/uncontrolled exposure.

(2)(i) For purposes of analyzing mobile transmitting devices under the occupational/controlled criteria specified in § 1.1310 of this chapter, time averaging provisions of the limits may be used in conjunction with the maximum duty factor to determine maximum time-averaged exposure levels under normal operating conditions.

(ii) Such time averaging provisions based on maximum duty factor may not be used in determining exposure levels for devices intended for use by consumers in general population/uncontrolled environments as defined in § 1.1310 of this chapter. However, ''source-based'' time averaging based on an inherent property of the RF source is allowed over a time period not to exceed 30 minutes. An example of this is the determination of exposure from a device that uses digital technology such as a time-division multiple-access (TDMA) scheme for transmission of a signal.

* * * * *

■ 8. Section 2.1093 is amended by revising paragraphs (b) through (d) to read as follows:

§ 2.1093 Radiofrequency radiation exposure evaluation: portable devices.

* * * * *

(b) For purposes of this section, the definitions in § 1.1307(b)(2) of this chapter shall apply. A portable device is defined as a transmitting device designed to be used in other than fixed locations and to generally be used in such a way that the RF source's radiating structure(s) is/are within 20 centimeters of the body of the user.

(c)(1) Evaluation of compliance with the exposure limits in § 1.1310 of this chapter, and preparation of an EA if the limits are exceeded, is necessary for portable devices having single RF sources with more than an available maximum time-averaged power of 1 mW, more than the ERP listed in Table 1 to § 1.1307(b)(3)(i)(C), or more than the P_{th} in the following formula, whichever is greater. The following formula shall only be used in conjunction with portable devices not exempt by § 1.1307(b)(3)(i)(C) at distances from 0.5 centimeters to 20 centimeters and frequencies from 0.3 GHz to 6 GHz.

$$P_{th}\ (\text{mW}) = \begin{cases} ERP_{20\ cm}(d/20\ \text{cm})^{x} & d \le 20\ \text{cm} \\ ERP_{20\ cm} & 20\ \text{cm} < d \le 40\ \text{cm} \end{cases}$$

Where

$$x = -\log_{10}\left(\frac{60}{ERP_{20\ cm}\sqrt{f}}\right)\ \text{and f is in GHz;}$$

$$ERP_{20\ cm}\ (\text{mW}) = \begin{cases} 2040f & 0.3\ \text{GHz} \le f < 1.5\ \text{GHz} \\ 3060 & 1.5\ \text{GHz} \le f \le 6\ \text{GHz} \end{cases}$$

d = the minimum separation distance (cm) in any direction from any part of the device antenna(s) or radiating structure(s) to the body of the device user.

(2) For multiple mobile or portable RF sources within a device operating in the same time averaging period, evaluation is required if the formula in § 1.1307(b)(3)(ii)(B) of this chapter is applied to determine the exemption ratio and the result is greater than 1.

(3) Unless otherwise specified in this chapter, any other single portable or multiple mobile and portable RF source(s) associated with a device is exempt from routine environmental evaluation for RF exposure prior to equipment authorization or use, except as specified in § 1.1307(c) and (d) of this chapter.

(d)(1) Applications for equipment authorization of portable RF sources subject to routine environmental evaluation must contain a statement confirming compliance with the limits specified in § 1.1310 of this chapter as part of their application. Technical information showing the basis for this statement must be submitted to the Commission upon request. The SAR limits specified in § 1.1310(a) through (c) of this chapter shall be used for evaluation of portable devices transmitting in the frequency range from 100 kHz to 6 GHz. Portable devices that transmit at frequencies above 6 GHz shall be evaluated in terms of the MPE limits specified in Table 1 to § 1.1310(e)(1) of this chapter. A minimum separation distance applicable to the operating configurations and exposure conditions of the device shall be used for the evaluation. In general, maximum time-averaged power levels must be used for evaluation. All unlicensed personal communications service (PCS) devices and unlicensed NII devices shall be subject to the limits for general population/uncontrolled exposure.

(2) Evaluation of compliance with the SAR limits can be demonstrated by either laboratory measurement techniques or by computational modeling. The latter must be supported by adequate documentation showing that the numerical method as implemented in the computational software has been fully validated; in addition, the equipment under test and exposure conditions must be modeled according to protocols established by FCC-accepted numerical computation standards or available FCC procedures for the specific computational method. Guidance regarding SAR measurement techniques can be found in the Office of Engineering and Technology (OET) Laboratory Division Knowledge Database (KDB). The staff guidance provided in the KDB does not necessarily represent the only acceptable methods for measuring RF exposure or RF emissions, and is not binding on the Commission or any interested party.

(3) For purposes of analyzing portable RF sources under the occupational/controlled SAR criteria specified in § 1.1310 of this chapter, time averaging provisions of the limits may be used in conjunction with the maximum duty factor to determine maximum time-averaged exposure levels under normal operating conditions.

(4) The time averaging provisions for occupational/controlled SAR criteria, based on maximum duty factor, may not be used in determining typical exposure levels for portable devices intended for use by consumers, such as cellular telephones, that are considered to operate in general population/uncontrolled environments as defined in § 1.1310 of this chapter. However, ''source-based'' time averaging based on an inherent property of the RF source is allowed over a time period not to exceed 30 minutes. An example of this would be the determination of exposure from a device that uses digital technology such as a time-division multiple-access (TDMA) scheme for transmission of a signal.

(5) Visual advisories (such as labeling, embossing, or on an equivalent electronic display) on portable devices designed only for occupational use can be used as part of an applicant's evidence of the device user's awareness of occupational/controlled exposure limits. Such visual advisories shall be legible and clearly visible to the user from the exterior of the device. Visual advisories must indicate that the device is for occupational use only, refer the user to specific information on RF exposure, such as that provided in a user manual and note that the advisory and its information is required for FCC RF exposure compliance. Such instructional material must provide users with information on how to use

the device and to ensure users are *fully aware* of and able to *exercise control* over their exposure to satisfy compliance with the occupational/controlled exposure limits. A sample of the visual advisory, illustrating its location on the device, and any instructional material intended to accompany the device when marketed, shall be filed with the Commission along with the application for equipment authorization. Details of any special training requirements pertinent to mitigating and limiting RF exposure should also be submitted. Holders of grants for portable devices to be used in occupational settings are encouraged, but not required, to coordinate with end-user organizations to ensure appropriate RF safety training.

(6) General population/uncontrolled exposure limits defined in § 1.1310 of this chapter apply to portable devices intended for use by consumers or persons who are exposed as a consequence of their employment and may not be fully aware of the potential for exposure or cannot exercise control over their exposure. No communication with the consumer including either visual advisories or manual instructions will be considered sufficient to allow consumer portable devices to be evaluated subject to limits for occupational/controlled exposure specified in § 1.1310 of this chapter.

PART 15—RADIO FREQUENCY DEVICES

■ 9. The authority citation for part 15 continues to read as follows:

Authority: 47 U.S.C. 154, 302a, 303, 304, 307, 336, 544a, 549.

■ 10. Section 15.212 is amended by revising paragraph (a)(1)(viii) to read as follows:

§ 15.212 Modular transmitters.

(a) * * *

(1) * * *

(viii) Radio frequency devices operating under the provisions of this part are subject to the radio frequency radiation exposure requirements specified in §§ 1.1307(b), 1.1310, 2.1091, and 2.1093 of this chapter, as appropriate. Applications for equipment authorization of modular transmitters under this section must contain a statement confirming compliance with these requirements. The modular transmitter must comply with any applicable RF exposure requirements in its final configuration. Technical information showing the basis for this statement must be submitted to the Commission upon request.

* * * * *

■ 11. Section 15.247 is amended by designating the note following paragraph (h) as ''note to paragraph (h)'' and by revising paragraph (i).

The revision reads as follows:

§ 15.247 Operation within the bands 902–928 MHz, 2400–2483.5 MHz, and 5725–5850 MHz.

* * * * *

(i) Radio frequency devices operating under the provisions of this part are subject to the radio frequency radiation exposure requirements specified in §§ 1.1307(b), 1.1310, 2.1091, and 2.1093 of this chapter, as appropriate. Applications for equipment authorization of mobile or portable devices operating under this section must contain a statement confirming compliance with these requirements. Technical information showing the basis for this statement must be submitted to the Commission upon request.

■ 12. Section 15.255 is amended by revising paragraph (g) to read as follows:

§ 15.255 Operation within the band 57–71 GHz.

* * * * *

(g) Radio frequency devices operating under the provisions of this part are subject to the radio frequency radiation exposure requirements specified in §§ 1.1307(b), 1.1310, 2.1091, and 2.1093 of this chapter, as appropriate. Applications for equipment authorization of mobile or portable devices operating under this section must contain a statement confirming compliance with these requirements. Technical information showing the basis for this statement must be submitted to the Commission upon request.

* * * * *

■ 13. Section 15.257 is amended by revising paragraph (g) to read as follows:

§ 15.257 Operation within the band 92–95 GHz.

* * * * *

(g) Radio frequency devices operating under the provisions of this part are subject to the radio frequency radiation exposure requirements specified in §§ 1.1307(b), 1.1310, 2.1091, and 2.1093 of this chapter, as appropriate. Applications for equipment authorization of mobile or portable devices operating under this section must contain a statement confirming compliance with these requirements. Technical information showing the basis for this statement must be submitted to the Commission upon request.

* * * * *

■ 14. Section 15.319 is amended by revising paragraph (i) to read as follows:

§ 15.319 General technical requirements.

* * * * *

(i) Radio frequency devices operating under the provisions of this part are subject to the radio frequency radiation exposure requirements specified in §§ 1.1307(b), 1.1310, 2.1091, and 2.1093 of this chapter, as appropriate. All equipment shall be considered to operate in a ''general population/uncontrolled'' environment. Applications for equipment authorization of mobile or portable devices operating under this section must contain a statement confirming compliance with these requirements. Technical information showing the basis for this statement must be submitted to the Commission upon request.

■ 15. Section 15.407 is amended by revising paragraph (f) to read as follows:

§ 15.407 General technical requirements.

* * * * *

(f) Radio frequency devices operating under the provisions of this part are subject to the radio frequency radiation exposure requirements specified in §§ 1.1307(b), 1.1310, 2.1091, and 2.1093 of this chapter, as appropriate. All equipment shall be considered to operate in a ''general population/uncontrolled'' environment. Applications for equipment authorization of mobile or portable devices operating under this section must contain a statement confirming compliance with these requirements. Technical information showing the basis for this statement must be submitted to the Commission upon request.

* * * * *

■ 16. Section 15.709 is amended by revising paragraph (h) to read as follows:

§ 15.709 General technical requirements.

* * * * *

(h) *Compliance with radio frequency exposure requirements.* White space devices shall ensure compliance with the Commission's radio frequency exposure requirements in §§ 1.1307(b), 2.1091 and 2.1093 of this chapter, as appropriate. Applications for equipment authorization of RF sources under this section must contain a statement confirming compliance with these requirements. Technical information showing the basis for this statement must be submitted to the Commission upon request.

PART 18—INDUSTRIAL, SCIENTIFIC AND MEDICAL EQUIPMENT

■ 17. The authority citation for part 18 continues to read as follows:

Authority: 4, 301, 302, 303, 304, 307.

■ 18. Section 18.313 is added to read as follows:

§ 18.313 Radio frequency exposure requirements.

Radio frequency devices operating under the provisions of this part are subject to the radio frequency radiation exposure requirements specified in §§ 1.1307(b), 1.1310, 2.1091, and 2.1093 of this chapter, as appropriate.

PART 22—PUBLIC MOBILE SERVICES

■ 19. The authority citation for part 22 continues to read as follows:

Authority: 47 U.S.C. 154, 222, 303, 309, and 332.

■ 20. Section 22.379 is added to read as follows:

§ 22.379 RF exposure.

Licensees and manufacturers shall ensure compliance with the Commission's radio frequency exposure requirements in §§ 1.1307(b), 2.1091, and 2.1093 of this chapter, as appropriate. Applications for equipment authorization of mobile or portable devices operating under this section must contain a statement confirming compliance with these requirements. Technical information showing the basis for this statement must be submitted to the Commission upon request.

PART 24—PERSONAL COMMUNICATIONS SERVICES

■ 21. The authority citation for part 24 continues to read as follows:

Authority: 47 U.S.C. 154, 301, 302, 303, 309 and 332.

§ 24.51 [Amended]

■ 22. Section 24.51 is amended by removing paragraph (c).

■ 23. Section 24.52 is revised to read as follows:

§ 24.52 RF exposure.

Licensees and manufacturers shall ensure compliance with the Commission's radio frequency exposure requirements in §§ 1.1307(b), 2.1091, and 2.1093 of this chapter, as appropriate. Applications for equipment authorization of mobile or portable devices operating under this section must contain a statement confirming compliance with these requirements. Technical information showing the basis for this statement must be submitted to the Commission upon request.

PART 25—SATELLITE COMMUNICATIONS

■ 24. The authority citation for part 25 continues to read as follows:

Authority: 47 U.S.C. 154, 301, 302, 303, 307, 309, 310, 319, 332, 605, and 721, unless otherwise noted.

■ 25. Section 25.115 is amended by adding reserved paragraph (o) and adding paragraph (p) to read as follows:

§ 25.115 Application for earth station authorizations.

* * * * *

(p) The licensee and grantees shall ensure compliance with the Commission's radio frequency exposure requirements in §§ 1.1307(b), 2.1091, and 2.1093 of this chapter, as appropriate. An Environmental Assessment may be required if RF radiation from the proposed facilities would, in combination with radiation from other sources, cause RF power density or field strength in an accessible area to exceed the applicable limits specified in § 1.1310 of this chapter. *See* § 1.1307(b)(5)(ii).

■ 26. Section 25.117 is amended by revising paragraph (g) to read as follows:

§ 25.117 Modification of station license.

* * * * *

(g) The licensee and grantees shall ensure compliance with the Commission's radio frequency exposure requirements in §§ 1.1307(b), 2.1091, and 2.1093 of this chapter, as appropriate. An Environmental Assessment may be required if RF radiation from the proposed facilities would, in combination with radiation from other sources, cause RF power density or field strength in an accessible area to exceed the applicable limits specified in § 1.1310 of this chapter. *See* § 1.1307(b)(5)(iii).

* * * * *

■ 27. Section 25.129 is amended by revising paragraph (c) to read as follows:

§ 25.129 Equipment authorization for portable earth-station transceivers.

* * * * *

(c) In addition to the information required by § 2.1033(c) of this chapter, applicants for certification required by this section shall submit any additional equipment test data necessary to demonstrate compliance with pertinent standards for transmitter performance prescribed in §§ 25.138, 25.202(f), 25.204, 25.209, and 25.216, must demonstrate compliance with the labeling requirement in § 25.285(b), and shall ensure compliance with the Commission's radio frequency exposure requirements in §§ 1.1307(b), 2.1091, and 2.1093 of this chapter, as appropriate. An Environmental Assessment may be required if RF radiation from the proposed facilities would, in combination with radiation from other sources, cause RF power density or field strength in an accessible area to exceed the applicable limits specified in § 1.1310 of this chapter. Applications for equipment authorization of mobile or portable devices operating under this section must contain a statement confirming compliance with these requirements. Technical information showing the basis for this statement must be submitted to the Commission upon request.

* * * * *

■ 28. Section 25.149 is amended by revising paragraph (c)(3) to read as follows:

§ 25.149 Application requirements for ancillary terrestrial components in Mobile-Satellite Service networks operating in the 1.5/1.6 GHz and 1.6/2.4 GHz Mobile-Satellite Service.

* * * * *

(c) * * *

(3) Licensees and manufacturers shall ensure compliance with the Commission's radio frequency exposure requirements in §§ 1.1307(b), 2.1091, and 2.1093 of this chapter, as appropriate. An Environmental Assessment may be required if RF radiation from the proposed facilities would, in combination with radiation from other sources, cause RF power density or field strength in an accessible area to exceed the applicable limits specified in § 1.1310 of this chapter. Applications for equipment authorization of mobile or portable devices operating under this section must contain a statement confirming compliance with these requirements. Technical information showing the basis for this statement must be submitted to the Commission upon request.

* * * * *

■ 29. Section 25.271 is amended by revising paragraph (g) to read as follows:

§ 25.271 Control of transmitting stations.

* * * * *

(g) All applicants shall ensure compliance with the Commission's radio frequency exposure requirements in §§ 1.1307(b), 2.1091, and 2.1093 of this chapter, as appropriate. Applicants with terminals that will exceed the guidelines in § 1.1310 of this chapter for

radio frequency radiation exposure shall provide a plan for mitigation of radiation exposure to the extent required to meet those guidelines. Licensees of transmitting earth stations are prohibited from using remote earth stations in their networks that are not designed to stop transmission when synchronization to signals from the target satellite fails.

PART 27—MISCELLANEOUS WIRELESS COMMUNICATIONS SERVICES

■ 30. The authority citation for part 27 continues to read as follows:

Authority: 47 U.S.C. 154, 301, 302a, 303, 307, 309, 332, 336, 337, 1403, 1404, 1451, and 1452, unless otherwise noted.

■ 31. Section 27.52 is revised to read as follows:

§ 27.52 RF exposure.

Licensees and manufacturers shall ensure compliance with the Commission's radio frequency exposure requirements in §§ 1.1307(b), 2.1091, and 2.1093 of this chapter, as appropriate. Applications for equipment authorization of mobile or portable devices operating under this section must contain a statement confirming compliance with these requirements. Technical information showing the basis for this statement must be submitted to the Commission upon request.

PART 73—RADIO BROADCAST SERVICES

■ 32. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 155, 301, 303, 307, 309, 310, 334, 336, 339.

■ 33. Section 73.404 is amended by revising paragraph (e)(10) to read as follows:

* * * * *

(e) * * *

(10) Licensees and permittees shall ensure compliance with the Commission's radio frequency exposure requirements in § 1.1307(b) of this chapter. An Environmental Assessment may be required if RF radiation from the proposed facilities would, in combination with radiation from other sources, cause RF power density or field strength in an accessible area to exceed the applicable limits specified in § 1.1310 of this chapter.

PART 90—PRIVATE LAND MOBILE RADIO SERVICES

■ 34. The authority citation for part 90 continues to read as follows:

Authority: 47 U.S.C. 154(i), 161, 303(g), 303(r), 332(c)(7), 1401–1473.

■ 35. Section 90.223 is added to subpart I to read as follows:

§ 90.223 RF exposure.

Licensees and manufacturers shall ensure compliance with the Commission's radio frequency exposure requirements in §§ 1.1307(b), 2.1091, and 2.1093 of this chapter, as appropriate. Applications for equipment authorization of mobile or portable devices operating under this section must contain a statement confirming compliance with these requirements. Technical information showing the basis for this statement must be submitted to the Commission upon request.

§ 90.1217 [Removed]

■ 36. Section 90.1217 is removed.

PART 95—PERSONAL RADIO SERVICES

■ 37. The authority citation for part 95 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 307.

■ 38. Section 95.2385 is revised to read as follows:

§ 95.2385 WMTS RF exposure evaluation.

Mobile and portable devices as defined in §§ 2.1091(b) and 2.1093(b) of this chapter operating in the WMTS are subject to radio frequency radiation exposure requirements as specified in §§ 1.1307(b), 2.1091, and 2.1093 of this chapter, as appropriate. Applications for equipment authorization of WMTS devices must contain a statement confirming compliance with these requirements. Technical information showing the basis for this statement must be submitted to the Commission upon request.

■ 39. Section 95.2585 is revised to read as follows:

§ 95.2585 MedRadio RF exposure evaluation.

A MedRadio medical implant device or medical body-worn transmitter is subject to the radiofrequency radiation exposure requirements specified in §§ 1.1307(b) and 2.1093 of this chapter, as appropriate. Applications for equipment authorization of devices operating under this section must demonstrate compliance with these requirements using either computational modeling or laboratory measurement techniques. Where a showing is based on computational modeling, the Commission retains the discretion to request that supporting documentation and/or specific absorption rate (SAR) measurement data be submitted, as described in § 2.1093(d)(1) of this chapter.

PART 97—AMATEUR RADIO SERVICE

■ 40. The authority citation for part 97 continues to read as follows:

Authority: 47 U.S.C. 151–155, 301–609, unless otherwise noted.

■ 41. Section 97.13 is amended by revising paragraph (c)(1) to read as follows:

§ 97.13 Restrictions on station location.

* * * * *

(c) * * *

(1) The licensee shall ensure compliance with the Commission's radio frequency exposure requirements in §§ 1.1307(b), 2.1091, and 2.1093 of this chapter, where applicable. In lieu of evaluation with the general population/uncontrolled exposure limits, amateur licensees may evaluate their operation with respect to members of his or her immediate household using the occupational/controlled exposure limits in § 1.1310, provided appropriate training and information has been accessed by the amateur licensee and members of his/her household. RF exposure of other nearby persons who are not members of the amateur licensee's household must be evaluated with respect to the general population/uncontrolled exposure limits. Appropriate methodologies and guidance for evaluating amateur radio service operation is described in the *Office of Engineering and Technology* (*OET*) *Bulletin 65,* Supplement B.

* * * * *

PART 101—FIXED MICROWAVE SERVICE

■ 42. The authority citation for part 101 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

■ 43. Section 101.1425 is revised to read as follows:

§ 101.1425 RF exposure.

MVDDS stations in the 12.2–12.7 GHz frequency band shall ensure compliance with the Commission's radio frequency exposure requirements in § 1.1307(b) of this chapter. An Environmental Assessment may be required if RF radiation from the proposed facilities would, in combination with radiation from other sources, cause RF power density or field strength in an accessible area to exceed the applicable limits specified in § 1.1310 of this chapter.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 200227–0066; RTID 0648–XY098]

Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pollock in the Bering Sea and Aleutian Islands

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

ACTION: Temporary rule.

SUMMARY: NMFS is reallocating the projected unused amounts of the Aleut Corporation's pollock directed fishing allowances from the Aleutian Islands subarea to the Bering Sea subarea directed fisheries. These actions are necessary to provide opportunity for harvest of the 2020 total allowable catch of pollock, consistent with the goals and objectives of the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), March 27, 2020, until 2400 hrs, A.l.t., December 31, 2020.

FOR FURTHER INFORMATION CONTACT: Steve Whitney, 907–586–7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the BSAI exclusive economic zone according to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (FMP) prepared by the North Pacific Fishery Management Council (Council) under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

In the Aleutian Islands subarea, the portion of the 2020 pollock total allowable catch (TAC) allocated to the Aleut Corporation's directed fishing allowance (DFA) is 14,700 metric tons (mt) as established by the final 2020 and 2021 harvest specifications for groundfish in the BSAI (85 FR 13553, March 9, 2020).

As of March 24, 2020, the Administrator, Alaska Region, NMFS, (Regional Administrator) has determined that 10,000 mt of Aleut Corporation's DFA in the Aleutian Islands subarea will not be harvested. Therefore, in accordance with § 679.20(a)(5)(iii)(B)(*4*), NMFS reallocates 10,000 mt of Aleut Corporation's DFA from the Aleutian Islands subarea to the Bering Sea subarea DFA allocations. The 10,000 mt of pollock in the Bering Sea subarea is apportioned to the AFA Inshore sector (50 percent), AFA catcher/processor sector (40 percent), and the AFA mothership sector (10 percent). The 2020 Bering Sea subarea pollock incidental catch allowance remains at 47,453 mt. As a result, the 2020 harvest specifications for pollock in the Aleutian Islands subarea included in the final 2020 and 2021 harvest specifications for groundfish in the BSAI (85 FR 13553, March 9, 2020 and 85 FR 17034, March 26, 2020) are revised as follows: 4,700 mt to Aleut Corporation's DFA. Furthermore, pursuant to § 679.20(a)(5), Table 4 of the final 2020 and 2021 harvest specifications for groundfish in the BSAI (85 FR 13553, March 9, 2020 and 85 FR 17034, March 26, 2020) is revised to make 2020 pollock allocations consistent with this reallocation.

TABLE 4—FINAL 2020 ALLOCATIONS OF POLLOCK TACS TO THE DIRECTED POLLOCK FISHERIES AND TO THE CDQ DIRECTED FISHING ALLOWANCES (DFA) [1]

[Amounts are in metric tons]

Area and sector	2020 Allocations	2020 A season [1]		2020 B season [1]
		A season DFA	SCA harvest limit [2]	B season DFA
Bering Sea subarea TAC [1]	1,436,900	n/a	n/a	n/a
CDQ DFA	144,400	64,980	40,432	79,420
ICA [1]	47,453	n/a	n/a	n/a
Total Bering Sea non-CDQ DFA	1,245,047	560,271	348,613	684,776
AFA Inshore	622,524	280,136	174,307	342,388
AFA Catcher/Processors [3]	498,019	224,108	139,445	273,910
Catch by C/Ps	455,687	205,059	n/a	250,628
Catch by CVs [3]	42,332	19,049	n/a	23,282
Unlisted C/P Limit [4]	2,490	1,121	n/a	1,370
AFA Motherships	124,505	56,027	34,861	68,478
Excessive Harvesting Limit [5]	217,883	n/a	n/a	n/a
Excessive Processing Limit [6]	373,514	n/a	n/a	n/a
Aleutian Islands subarea ABC	55,120	n/a	n/a	n/a
Aleutian Islands subarea TAC [1]	7,100	n/a	n/a	n/a
CDQ DFA	.....	.....	n/a	.....
ICA	2,400	1,200	n/a	1,200
Aleut Corporation	4,700	4,700	n/a	.....
Area harvest limit [7]	n/a	n/a	n/a	n/a
541	16,536	n/a	n/a	n/a
542	8,268	n/a	n/a	n/a
543	2,756	n/a	n/a	n/a
Bogoslof District ICA [8]	75	n/a	n/a	n/a

[1] Pursuant to § 679.20(a)(5)(i)(A), the Bering Sea subarea pollock TAC, after subtracting the CDQ DFA (10 percent) and the ICA (3.7 percent), is allocated as a DFA as follows: Inshore sector—50 percent, catcher/processor sector (C/P)—40 percent, and mothership sector—10 percent. In the Bering Sea subarea, 45 percent of the DFA is allocated to the A season (January 20–June 10) and 55 percent of the DFA is allocated to the B season (June 10–November 1). Pursuant to § 679.20(a)(5)(iii)(B)(*2*), the annual Aleutian Islands pollock (AI pollock) TAC, after subtracting first for the CDQ DFA (10 percent) and second for the ICA (2,400 mt), is allocated to the Aleut Corporation for a pollock directed fishery. In the Aleutian Islands subarea, the A season is allocated up to 40 percent of the ABC for AI pollock.

[2] In the Bering Sea subarea, pursuant to § 679.20(a)(5)(i)(C), no more than 28 percent of each sector's annual DFA may be taken from the SCA before noon, April 1.
[3] Pursuant to § 679.20(a)(5)(i)(A)(*4*), 8.5 percent of the DFA allocated to listed C/Ps shall be available for harvest only by eligible catcher vessels with a C/P endorsement delivering to listed C/Ps, unless there is a C/P sector cooperative for the year.
[4] Pursuant to § 679.20(a)(5)(i)(A)(*4*)(*iii*), the AFA unlisted catcher/processors are limited to harvesting not more than 0.5 percent of the catcher/processors sector's allocation of pollock.
[5] Pursuant to § 679.20(a)(5)(i)(A)(*6*), NMFS establishes an excessive harvesting share limit equal to 17.5 percent of the sum of the non-CDQ pollock DFAs.
[6] Pursuant to § 679.20(a)(5)(i)(A)(*7*), NMFS establishes an excessive processing share limit equal to 30.0 percent of the sum of the non-CDQ pollock DFAs.
[7] Pursuant to § 679.20(a)(5)(iii)(B)(*6*), NMFS establishes harvest limits for pollock in the A season in Area 541 of no more than 30 percent, in Area 542 of no more than 15 percent, and in Area 543 of no more than 5 percent of the Aleutian Islands pollock ABC.
[8] Pursuant to § 679.22(a)(7)(B), the Bogoslof District is closed to directed fishing for pollock. The amounts specified are for incidental catch only and are not apportioned by season or sector.
Note: Seasonal or sector apportionments may not total precisely due to rounding.

Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA (AA), finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the reallocation of AI pollock. Since the pollock fishery opened January 20, 2020, it is important to immediately inform the industry as to the final Bering Sea subarea pollock allocations. Immediate notification is necessary to allow for the orderly conduct and efficient operation of this fishery; allow the industry to plan for the fishing season and avoid potential disruption to the fishing fleet as well as processors; and provide opportunity to harvest increased seasonal pollock allocations while value is optimum. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of March 24, 2020.

The AA also finds good cause to waive the 30-day delay in the effective date of this action under 5 U.S.C. 553(d)(3). This finding is based upon the reasons provided above for waiver of prior notice and opportunity for public comment.

This action is required by § 679.20 and is exempt from review under Executive Order 12866.

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

Dated: March 27, 2020.

Hélène M.N. Scalliet,

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

[FR Doc. 2020–06813 Filed 3–27–20; 4:15 pm]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 200221–0062; RTID 0648–XF099]

Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in the West Yakutat District of the Gulf of Alaska

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS is prohibiting directed fishing for pollock in the West Yakutat District of the Gulf of Alaska (GOA). This action is necessary to prevent exceeding the 2020 total allowable catch of pollock in the West Yakutat District of the GOA.

DATES: Effective 1200 hours, Alaska local time (A.l.t.), March 28, 2020, through 2400 hours, A.l.t., December 31, 2020.

FOR FURTHER INFORMATION CONTACT: Josh Keaton, 907–586–7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the GOA exclusive economic zone according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The 2020 total allowable catch (TAC) of pollock in the West Yakutat District of the GOA is 5,554 metric tons (mt) as established by the final 2020 and 2021 harvest specifications for groundfish in the GOA (85 FR 13802, March 10, 2020).

In accordance with § 679.20(d)(1)(i), the Administrator, Alaska Region, NMFS (Regional Administrator), has determined that the 2020 TAC of pollock in the West Yakutat District of the GOA will soon be reached. Therefore, the Regional Administrator is establishing a directed fishing allowance of 5,304 mt, and is setting aside the remaining 250 mt as bycatch to support other anticipated groundfish fisheries. In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that this directed fishing allowance has been reached. Consequently, NMFS is prohibiting directed fishing for pollock in the West Yakutat District of the GOA.

While this closure is effective the maximum retainable amounts at § 679.20(e) and (f) apply at any time during a trip.

Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA (AA), finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the closure of directed fishing for pollock in the West Yakutat District of the GOA. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of March 26, 2020.

The AA also finds good cause to waive the 30-day delay in the effective date of this action under 5 U.S.C. 553(d)(3). This finding is based upon the reasons provided above for waiver of prior notice and opportunity for public comment.

This action is required by § 679.20 and is exempt from review under Executive Order 12866.

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

Dated: March 27, 2020.

Hélène M.N. Scalliet,

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

[FR Doc. 2020–06785 Filed 3–27–20; 4:15 pm]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 85, No. 63
Wednesday, April 1, 2020

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 800

[Doc. No. AMS–FGIS–19–0062]

Exceptions to Geographic Boundaries

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Advance notice of proposed rulemaking; request for comments.

SUMMARY: The Agricultural Marketing Service (AMS) is issuing this advance notice of proposed rulemaking (ANPR) in response to recent changes to the United States Grain Standards Act (USGSA or Act). The Agricultural Improvement Act of 2018 (Farm Bill) amended the USGSA to allow customers to obtain grain inspection services from other than the designated official inspection agency (OA) for the customer's geographic area if the customer has not been receiving services from the designated OA. AMS is seeking public comment on criteria to evaluate requests submitted under this provision, known as the ''nonuse of service'' exception. The Agency is also seeking input on criteria to evaluate requests submitted under another USGSA exception provision, ''timely service.''

DATES: Comments must be received by May 1, 2020.

ADDRESSES: Comments must be submitted through the Federal e-rulemaking portal at *http://www.regulations.gov* and should reference the document number and the date and page number of this issue of the **Federal Register**. All comments submitted in response to this notice will be included in the record and will be made available to the public. Please be advised that the identity of the individuals or entities submitting comments will be made public on the internet at the address provided above.

FOR FURTHER INFORMATION CONTACT: Sophie Parker, Deputy Director, Quality Assurance and Compliance Division, Federal Grain Inspection Service, AMS, USDA; phone: (202) 720–9170 or email: *FGISQACD@usda.gov*.

SUPPLEMENTARY INFORMATION: Under the USGSA (7 U.S.C. 71 *et seq*), each OA in the United States is assigned a specific geographic area in which it performs all official grain inspection and weighing services for customers within that geographic area (7 U.S.C. 79(f)(2)(A)). This ensures effective and efficient delivery of official services to all customers within the OA's designated territory and enhances the orderly marketing of grain. The USGSA also provides that customers may obtain services from other OAs under certain circumstances. For instance, OAs may cross geographic boundaries to provide services to requesting customers if: (1) The designated OA for the customer's geographic area is unable to provide necessary services on a timely basis; (2) the customer requires probe inspection on barge-lot basis; or (3) the OA for the customer's geographic area agrees in writing with the adjacent official agency to waive the current geographic restriction at the customer's request (7 U.S.C. 79(f)(2)(B)(i),(iii), and (iv)). These allowances are considered exceptions to the USGSA's standard requirements regarding the use of designated OAs to perform inspection services within specified geographic areas. Exceptions must be approved on a case-by-case basis by AMS's Federal Grain Inspection Service (FGIS), which administers the regulations under the USGSA.[1] The regulations at 7 CFR part 800 provide the limitations for use of these exceptions.

Service Exceptions

A notable exception that has been implemented in the past is known as the ''nonuse of service'' exception. In that exception, a customer who had not obtained inspection services from the designated OA in the customer's geographic area for a specified length of time could obtain services from another OA. At times, the regulations required customers to have not used their designated OA for at least 90 consecutive days; at other times the regulations specified a 180-day nonuse period before the customer could request service from another OA. However, lack of clarity about how FGIS determined whether to grant ''nonuse of service'' exceptions fostered confusion and conflicts among involved parties and created a perception of inconsistency regarding the handling of such requests. Congress eliminated the ''nonuse of service'' exception from the USGSA in 2015;[2] FGIS subsequently removed that exception from the regulations.[3]

Although the ''nonuse of service'' exception was eliminated from the USGSA in 2015, Congress reinstated authority to implement a ''nonuse of service'' exception through an amendment to the USGSA in the 2018 Farm Bill.[4] FGIS must now consider regulatory options related to the reinstatement of the ''nonuse of service'' exception (see 7 U.S.C. 79(f)(2)(B)(ii).

With this ANPR, AMS is requesting public input into the development of criteria FGIS could apply to determinations about whether to grant ''timely service'' or ''nonuse of service'' exceptions to requesting customers. Particularly, AMS seeks input from industry participants and OAs who use and provide official services and are familiar with grain inspection services under the USGSA. A list of criteria and/or questions commenters may address is provided below. AMS welcomes the submission of data and other information to support commenters' views.

Restoration of Previous Nonuse of Service Exceptions

Subsequent to the 2015 amendments to the USGSA and the 2016 changes to the FGIS regulations, a number of ''nonuse of service'' exceptions were terminated. The 2018 Farm Bill directed USDA to allow for restoration of those exceptions where appropriate. Interested parties were given an opportunity to submit restoration requests to FGIS, as described in a

[1] FGIS, formerly part of USDA's Grain Inspection, Packers and Stockyards Administration, was merged with USDA's Agricultural Marketing Service in 2018.

[2] The Agricultural Reauthorizations Act of 2015, enacted September 20, 2015 (Pub. L. 114–54 sec. 301(b)(3)(A)).

[3] 81 FR 49855, July 29, 2016.

[4] The Agricultural Improvement Act of 2018, enacted December 20, 2018 (Pub. L. 115–334 sec. 12610(a)(1)(D)).

Notice to Trade published by AMS on March 5, 2019.[5]

Termination of Nonuse of Service Exceptions

The amended USGSA provides that the ''nonuse of service'' exemption may only be terminated if all the parties to the exception jointly agree on the termination.[6] This means that the customer, the designated OA in the customer's geographic area, the OA that has been providing service under the exception, and FGIS must agree to terminate the exception. This ensures that: (1) All parties are aware of the change and (2) the designated OA for the assigned area will resume providing service to the customer.

The requirement for all parties to jointly agree on termination of the ''nonuse of service'' exception does not apply if the designation of an official agency is terminated.[7] If the designation of an official agency is renewed or restored after being terminated, the exceptions that were previously approved, under 7 U.S.C. 79(f)(2)(B), may be renewed or restored by requesting a determination from FGIS.

Request for Comments

AMS is considering use of the following information for evaluating exceptions requests under 7 U.S.C. 79(f)(2)(B)(i) and (ii). We invite comments, as well as suggested alternative or additional criteria.

i. Timely Service

a. The requesting facility would submit a verbal or written request for a ''timely service'' exception.

b. The requesting facility would provide documentation that the designated OA cannot provide service within six (6) hours from the time of the request. Valid documentation may include voice mail message, text message, or email which shows the date and time of the request.

c. The services requested from the designated OA would be within the time frames established in the OA's approved fee schedule.

ii. Nonuse of Service

a. The requesting facility would submit a written request for a ''nonuse of service'' exception.

b. The requesting facility would demonstrate it has not had official sample-lot inspection or weighing services for 90-consecutive days from its designated OA.

c. The request would document, in writing, why the requesting facility has not received official sample-lot inspection or weighing services for 90-consecutive days from its designated OA. Reasons would be based on data and facts regarding the designated OA's operational capacity to provide requested service.

d. Prior to finalizing a decision for a ''nonuse of service'' exception, AMS would take the following into consideration:

1. The location of the specified service point(s);

2. Services offered/requested;

3. The ability of the alternate OA to take on additional customers;

4. The ability to staff an onsite laboratory;

5. Impact of weather conditions on the designated OA's ability to provide service; and

6. Whether the requesting facility has ever utilized the official system (*i.e.,* facilities that have never used the official system before do not automatically qualify for ''nonuse of service'').

Additional Considerations for Comment

AMS received several questions from industry members regarding factors that could impact decisions on exceptions. We are sharing these questions to receive public input on whether and/or how these concerns should be included in the process for making decisions on geographic area exceptions under 7 U.S.C 79(f)(2)(B):

1. How should FGIS determine whether someone has not been receiving official services? Should FGIS use time (*e.g.,* 90 days or 180 days) as a basis for establishing ''non-use?

2. How should FGIS determine if OA is unable to provide services in a timely manner? Should timely results be considered under the timely service exception? If so, what should the baseline for determining timeliness?

3. Should the approval under timely service be granted on a one-time basis or for a longer period of time? If longer, what should that timeframe be?

4. What process should be put in place to make sure all parties are aware of an exception?

5. Should there be baseline performance measures or qualifications established for an OA to be considered as a part of an exception request? If so, what should they be?

6. Should any of the following factors be considered in granting a ''nonuse of service'' exception request: (1) Distance between a facility and the closest office of each OA, (2) fees charged, (3) services offered, (4) number of exceptions already approved for an OA, (5) number of facilities already lost by exceptions to other OAs, (5) ability and willingness to staff an onsite lab? Why or why not?

7. Should requests for ''nonuse of service'' exceptions be restricted to OAs that only cross into an adjacent OA's designated geographic area? Why or why not?

8. Should customers be able to switch back and forth between official agencies when they have received a ''nonuse of service'' exception?

a. Why or why not?

b. If switching was allowed, should there be any restrictions and why?

9. Is it difficult to receive accurate, timely and effective service from your officially designated inspection agency?

a. If so, how does this impact your facility's operations?

b. How can this be corrected?

10. Should FGIS continue to grant ''nonuse of service'' exceptions to grain handling facilities that make the request? If so, what parameters should the agency use to base the decision upon?

11. Should revenue be a factor considered in evaluating and determining ''nonuse of service'' exceptions?

a. What is the rationale for using or not using such a factor?

b. What type of financial documentation should be required from a requesting facility to justify their claim?

c. Should the financial impact on the designated OA be taken into consideration? Why or why not?

Comments in response to any or all of the above criteria and questions should be submitted to the address provided in the **ADDRESSES** section of this notice and must be received by May 1, 2020 to ensure consideration.

Authority: 7 U.S.C. 71–87k.

Bruce Summers,

Administrator, Agricultural Marketing Service.

[FR Doc. 2020–06614 Filed 3–31–20; 8:45 am]

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[5] Restoring Certain Exceptions to the U.S. Grain Standards Act, published March 5, 2019. *https://www.ams.usda.gov/content/restoring-certain-exceptions-us-grain-standards-act.*

[6] Public Law 115–334 sec. 12610(a)(1)(E).

[7] Public Law 115–334 sec. 12610(a)(2).

FEDERAL RESERVE SYSTEM

12 CFR Part 261a

[Docket No. R–1704]

[RIN No. 7100–AF78]

Privacy Act of 1974; Privacy Act Regulation

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Proposed rule and request for comment.

SUMMARY: Pursuant to the provisions of the Privacy Act of 1974, notice is given that the Board of Governors of the Federal Reserve System (Board) proposes to amend its regulation implementing the Privacy Act of 1974 (Privacy Act Rule). The Board is proposing to add a new system of records entitled BGFRS–43, ''FRB—Security Sharing Platform,'' to those identified as an ''exempt'' system of records. Notice of this new system of records is published elsewhere in this issue of the **Federal Register**.

DATES: Comments must be received on or before May 1, 2020.

ADDRESSES: You may submit comments, identified by Docket Number R–1704 and RIN 7100–AF74 by any of the following methods:

- *Agency website: https://www.federalreserve.gov*. Follow the instructions for submitting comments at *https://www.federalreserve.gov/apps/foia/proposedregs.aspx*.
- *Email: regs.comments@federalreserve.gov*. Include docket number in the subject line of the message.
- *Fax:* (202) 452–3819 or (202) 452–3102.
- *Mail:* Ann E. Misback, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue NW, Washington, DC 20551.

All public comments will be made available on the Board's website at *https://www.federalreserve.gov/apps/foia/proposedregs.aspx* as submitted, unless modified for technical reasons or to remove sensitive personally identifiable information. Public comments may also be viewed electronically or in paper in Room 146, 1709 New York Avenue NW, Washington, DC 20006, between 9:00 a.m. and 5:00 p.m. on weekdays.

FOR FURTHER INFORMATION CONTACT: David B. Husband, Counsel, (202) 530–6270, or *david.b.husband@frb.gov*; Legal Division, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue NW, Washington, DC 20551.

SUPPLEMENTARY INFORMATION: The Board last revised its Rules Regarding Access to Personal Information under the Privacy Act (the Board's Privacy Act Rule), 12 CFR part 261a, in 2010. See75 FR 63703 (October 18, 2010). The Privacy Act Rule sets forth the procedures for individuals requesting to access or amend information about themselves contained in a system of records maintained by the Board. It also sets out the procedures by which an individual may appeal an adverse determination of a request for access or amendment and identifies the systems of records that are exempt from certain provisions of the Privacy Act.

The Board is establishing a new system of records, BGFRS–43, ''FRB—Security Sharing Platform'' published elsewhere in this issue of the **Federal Register**. The new system of records maintains records relating to the Security Sharing Platform that will allow the Board and the twelve Federal Reserve Banks (collectively, ''the Federal Reserve System'') to share information regarding individuals who are involved in incidents or events that may affect the safety and security of the premises, grounds, property, personnel, and operations of the Federal Reserve System.

The Board proposes to amend its existing list of exempt system of records to add BGFRS–43, ''FRB—Security Sharing Platform,'' as an exempt system of records pursuant to 5 U.S.C. 552a(k)(2), which exempts the listed systems from certain provisions of the Privacy Act to the extent that the system contains investigatory material compiled for law enforcement purposes. The Security Sharing Platform system of records contains investigatory material compiled for law enforcement purposes as it will collect, maintain, and permit the sharing by Federal Reserve System law enforcement personnel of information necessary to protect the security and safety of the System's premises, grounds, property, personnel, and operations. Law enforcement personnel may use the collected information to conduct investigations, as appropriate, of suspected violations of civil or criminal laws. Therefore, to the extent BGFRS–43 contains investigatory materials compiled for law enforcement purposes, the system is appropriately designated as exempt pursuant to 5 U.S.C. 552a(k)(2).

Accordingly, the Board is proposing to amend 12 CFR 261a.12(b) to redesignate paragraph (b)(11) referencing BGFRS/OIG–1 Investigative Records as paragraph (b)(12) in order to maintain the Board's practice of listing OIG-specific SORNs after the general SORNs. The Board proposes to add BGFRS–43, ''FRB—Security Sharing Platform'' as new paragraph (b)(11).

Regulatory Flexibility Analysis

The Privacy Act Regulation sets forth the procedures by which individuals may request access and amendment to records maintained in systems of records at the Board. The Board believes that this rule will not have a significant economic impact on a substantial number of small entities, because it does not apply to business entities.

List of Subjects to Part 261(a)

Privacy.

Authority and Issuance

For the reasons stated in the Supplementary Information, the Board proposes to amend 12 CFR part 261a as follows:

PART 12 CFR 261a—RULES REGARDING ACCESS TO PERSONAL INFORMATION UNDER THE PRIVACY ACT 1974

■ 1. The authority citation for part 261a continues to read as follows:

Authority: 5 U.S.C. 552a.

■ 2. Amend § 261a.12(b) by redesignating paragraph (b)(11) as (b)(12) and adding new paragraph (b)(11) to read as follows:

§ 261a.12 Exempt Records.

* * * * *

(b) * * *

(11) BGFRS–43 Security Sharing Platform

* * * * *

Board of Governors of Federal Reserve System.

Michele Taylor Fennell,

Assistant Secretary of the Board.

[FR Doc. 2020–06506 Filed 3–31–20; 8:45 am]

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DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket Number USCG–2020–0143]

RIN 1625–AA08

Special Local Regulation; Upper Potomac River, National Harbor, MD

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard is proposing to establish special local regulations for certain waters of the Upper Potomac River. This action is necessary to provide for the safety of life on these navigable waters located at National Harbor, MD, during a swim event on June 20, 2020. This proposed rulemaking would prohibit persons and vessels from entering the regulated area unless authorized by the Captain of the

Port Maryland-National Capital Region or the Coast Guard Patrol Commander. We invite your comments on this proposed rulemaking.

DATES: Comments and related material must be received by the Coast Guard on or before May 1, 2020.

ADDRESSES: You may submit comments identified by docket number USCG–2020–0143 using the Federal eRulemaking Portal at *http://www.regulations.gov.* See the ''Public Participation and Request for Comments'' portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: If you have questions about this proposed rulemaking, call or email Mr. Ron Houck, U.S. Coast Guard Sector Maryland-National Capital Region; telephone 410–576–2674, email *Ronald.L.Houck@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
COTP Captain of the Port
DHS Department of Homeland Security
FR Federal Register
NPRM Notice of proposed rulemaking
PATCOM Coast Guard Patrol Commander
§ Section
U.S.C. United States Code

II. Background, Purpose, and Legal Basis

Enviro-Sports Productions, Inc. of Stinson Beach, CA, notified the Coast Guard that it will be conducting the Washington DC Sharkfest Swim event from 7:30 a.m. to 10:30 a.m. on June 20, 2020. The open water swim races consist of approximately 250 adult and youth participants competing on a designated course with three designated swim distances, including 1 km, 2 km, and 4 km. The course starts and finishes at the commercial pier at National Harbor, MD. Hazards from the swim competition include participants swimming within and adjacent to the designated navigation channel and interfering with vessels intending to operate within that channel, as well as swimming within approaches to local public and private marinas and public boat facilities. The Captain of the Port (COTP) Maryland-National Capital Region has determined that potential hazards associated with the swim event would be a safety concern for anyone intending to participate in this event or for vessels that operate within specified waters of the Upper Potomac River.

The purpose of this rulemaking is to protect event participants, non-participants and transiting vessels on certain waters of the Upper Potomac River before, during, and after the scheduled event. The Coast Guard is proposing this rulemaking under authority in 46 U.S.C. 70034 (previously 33 U.S.C. 1231).

III. Discussion of Proposed Rule

The COTP Maryland-National Capital Region is proposing to establish a special local regulation from 7 a.m. through 11 a.m. on June 20, 2020. There is no alternate date planned for this event. The regulated area would cover all navigable waters of the Upper Potomac River, within an area bounded by a line connecting the following points: From the Rosilie Island shoreline at latitude 38°47′30.30″ N, longitude 077°01′26.70 W, thence west to latitude 38°47′30.00″ N, longitude 077°01′37.30″ W, thence south to latitude 38°47′08.20″ N, longitude 077°01′37.30″ W, thence east to latitude 38°47′09.00″ N, longitude 077°01′09.20″ W, thence southeast along the pier to latitude 38°47′06.30″ N, longitude 077°01′02.50 W, thence north along the shoreline and west along the southern extent of the Woodrow Wilson (I–95/I–495) Memorial Bridge and south and west along the shoreline to the point of origin, located at National Harbor, MD. The regulated area is approximately 1,210 yards in length and 740 yards in width.

The proposed duration of the rule and size of the regulated area are intended to ensure the safety of life on these navigable waters before, during, and after the open water swim event, scheduled from 7:30 a.m. to 10:30 a.m. on June 20, 2020. The COTP and the Coast Guard Patrol Commander (PATCOM) would have authority to forbid and control the movement of all vessels and persons, including event participants, in the regulated area.

Except for Washington DC Sharkfest Swim event participants and vessels already at berth, a vessel or person would be required to get permission from the COTP or PATCOM before entering the regulated area. Vessel operators can request permission to enter and transit through the regulated area by contacting the PATCOM on VHF–FM channel 16. Vessel traffic would be able to safely transit the regulated area once the PATCOM deems it safe to do so. A person or vessel not registered with the event sponsor as a participant or assigned as official patrols would be considered a non-participant. Official Patrols are any vessel assigned or approved by the Commander, Coast Guard Sector Maryland-National Capital Region with a commissioned, warrant, or petty officer on board and displaying a Coast Guard ensign.

If permission is granted by the COTP or PATCOM, a person or vessel would be allowed to enter the regulated area or pass directly through the regulated area as instructed. Vessels would be required to operate at a safe speed that minimizes wake while within the regulated area. Official patrol vessels will direct non-participants while within the regulated area. Vessels would be prohibited from loitering within the navigable channel. Only participant vessels and official patrol vessels would be allowed to enter the swim race area.

The regulatory text we are proposing appears at the end of this document.

IV. Regulatory Analyses

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

A. Regulatory Planning and Review

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

This regulatory action determination is based on size, time of day and duration of the regulated area, which would impact a small designated area of the Upper Potomac River for 4 hours. The Coast Guard would issue a Broadcast Notice to Mariners via VHF–FM marine channel 16 about the status of the regulated area. Moreover, the rule would allow vessels to seek permission to enter the regulated area, and vessel traffic would be able to safely transit the regulated area once the PATCOM deems it safe to do so.

B. Impact on Small Entities

The Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, as amended, requires Federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term ''small entities'' comprises small businesses, not-for-profit organizations

that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule would not have a significant economic impact on a substantial number of small entities.

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

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. The Coast Guard will not retaliate against small entities that question or complain about this proposed rule or any policy or action of the Coast Guard.

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. We have analyzed this proposed rule under that Order and have determined that it is consistent with the fundamental federalism principles and preemption requirements described in Executive Order 13132.

Also, this proposed rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it would not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes. If you believe this proposed rule has implications for federalism or Indian tribes, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

E. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of $100,000,000 (adjusted for inflation) or more in any one year. Though this proposed rule would not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

F. Environment

We have analyzed this proposed rule under Department of Homeland Security Directive 023–01, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have made a preliminary determination that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This proposed rule involves implementation of regulations within 33 CFR part 100 applicable to organized marine events on the navigable waters of the United States that could negatively impact the safety of waterway users and shore side activities in the event area lasting for 4 hours. Normally such actions are categorically excluded from further review under paragraph L[61] of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 01. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

G. Protest Activities

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

V. Public Participation and Request for Comments

We view public participation as essential to effective rulemaking, and will consider all comments and material received during the comment period. Your comment can help shape the outcome of this rulemaking. If you submit a comment, please include the docket number for this rulemaking, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation.

We encourage you to submit comments through the Federal eRulemaking Portal at *http://www.regulations.gov.* If your material cannot be submitted using *http://www.regulations.gov,* contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions.

We accept anonymous comments. All comments received will be posted without change to *http://www.regulations.gov* and will include any personal information you have provided. For more about privacy and submissions in response to this docket, see DHS's Correspondence System of Records notice (85 FR 14226, March 11, 2020).

Documents mentioned in this NPRM as being available in the docket, and all public comments, will be in our online docket at *http://www.regulations.gov* and can be viewed by following that website's instructions. Additionally, if you go to the online docket and sign up for email alerts, you will be notified when comments are posted or a final rule is published.

List of Subjects in 33 CFR Part 100

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

For the reasons discussed in the preamble, the Coast Guard is proposing to amend 33 CFR part 100 as follows:

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

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

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

■ 2. Add § 100.T05–0143 to read as follows:

§ 100.T05–0143 Washington DC Sharkfest Swim, Upper Potomac River, National Harbor, MD.

(a) *Regulated area.* The regulations in this section apply to the following area: All navigable waters of the Upper

Potomac River, within an area bounded by a line connecting the following points: From the Rosilie Island shoreline at latitude 38°47′30.30″ N, longitude 077°01′26.70 W, thence west to latitude 38°47′30.00″ N, longitude 077°01′37.30″ W, thence south to latitude 38°47′08.20″ N, longitude 077°01′37.30″ W, thence east to latitude 38°47′09.00″ N, longitude 077°01′09.20″ W, thence southeast along the pier to latitude 38°47′06.30″ N, longitude 077°01′02.50″ W, thence north along the shoreline and west along the southern extent of the Woodrow Wilson (I–95/I–495) Memorial Bridge and south and west along the shoreline to the point of origin, located at National Harbor, MD. These coordinates are based on datum NAD 1983.

(b) *Definitions.* As used in this section—

Captain of the Port (COTP) Maryland-National Capital Region means the Commander, U.S. Coast Guard Sector Maryland-National Capital Region or any Coast Guard commissioned, warrant or petty officer who has been authorized by the COTP to act on his behalf.

Coast Guard Patrol Commander (PATCOM) means a commissioned, warrant, or petty officer of the U.S. Coast Guard who has been designated by the Commander, Coast Guard Sector Maryland-National Capital Region.

Official patrol means any vessel assigned or approved by Commander, Coast Guard Sector Maryland-National Capital Region with a commissioned, warrant, or petty officer on board and displaying a Coast Guard ensign.

Participant means all persons and vessels registered with the event sponsor as participating in the Washington DC Sharkfest Swim event or otherwise designated by the event sponsor as having a function tied to the event.

(c) *Regulations.* (1) Except for vessels already at berth, all non-participants are prohibited from entering, transiting through, anchoring in, or remaining within the regulated area described in paragraph (a) of this section unless authorized by the COTP Maryland-National Capital Region or PATCOM.

(2) To seek permission to enter, contact the COTP Maryland-National Capital Region at telephone number 410–576–2693 or on Marine Band Radio, VHF–FM channel 16 (156.8 MHz) or the PATCOM on Marine Band Radio, VHF–FM channel 16 (156.8 MHz). Those in the regulated area must comply with all lawful orders or directions given to them by the COTP Maryland-National Capital Region or PATCOM.

(3) The COTP Maryland-National Capital Region will provide notice of the regulated area through advanced notice via Fifth Coast Guard District Local Notice to Mariners, broadcast notice to mariners, and on-scene official patrols.

(d) *Enforcement officials.* The Coast Guard may be assisted with marine event patrol and enforcement of the regulated area by other Federal, State, and local agencies.

(e) *Enforcement period.* This section will be enforced from 7 a.m. to 11 a.m. June 20, 2020.

Dated: March 26, 2020.

Joseph B. Loring,

Captain, U.S. Coast Guard, Captain of the Port Maryland-National Capital Region.

[FR Doc. 2020–06743 Filed 3–31–20; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R01–OAR–2020–0057; FRL–10007–24–Region 1]

Air Plan Approval; Vermont; Infrastructure State Implementation Plan Requirements for the 2015 Ozone Standard

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve a State Implementation Plan (SIP) revision submitted by the State of Vermont. This revision addresses the infrastructure requirements of the Clean Air Act (CAA or Act)—including the interstate transport provisions—for the 2015 ozone National Ambient Air Quality Standards (NAAQS). The infrastructure requirements are designed to ensure that the structural components of each state's air-quality management program, including provisions prohibiting emissions that will have certain adverse air-quality effects in other states, are adequate to meet the state's responsibilities under the CAA. EPA is also proposing to approve State of Vermont Executive Order (E.O.) 19–17, *Executive Code of Ethics,* which Vermont submitted with its infrastructure submission for the 2015 ozone NAAQS to be added to the SIP. Because E.O. 19–17 supersedes and replaces E.O. 09–11, EPA is also proposing to remove E.O. 09–11 from the Vermont SIP. This action is being taken under the Clean Air Act.

DATES: Written comments must be received on or before May 1, 2020.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R01–OAR–2020–0057 at *https://www.regulations.gov,* or via email to *simcox.alison@epa.gov.* For comments submitted at *Regulations.gov,* follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov.* For either manner of submission, the EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For 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.* Publicly available docket materials are available at *https://www.regulations.gov* or at the U.S. Environmental Protection Agency, EPA Region 1 Regional Office, Air and Radiation Division, 5 Post Office Square—Suite 100, Boston, MA. EPA requests that if at all possible, you contact the contact listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: Alison C. Simcox, Air Quality Branch, U.S. Environmental Protection Agency, EPA Region 1, 5 Post Office Square—Suite 100, (Mail code 05–2), Boston, MA 02109–3912, tel. (617) 918–1684, email *simcox.alison@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document whenever ''we,'' ''us,'' or ''our'' is used, we mean EPA.

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I. Background and Purpose

On October 1, 2015, EPA promulgated a revision to the ozone NAAQS (2015 ozone NAAQS), lowering the level of both the primary and secondary standards to 0.070 parts per million (ppm).[1] Section 110(a)(1) of the CAA requires states to submit, within 3 years after promulgation of a new or revised standard, SIPs meeting the applicable requirements of section 110(a)(2).[2] On November 19, 2019, the Vermont Air Quality and Climate Division (AQCD) of the Department of Environmental Conservation (DEC) submitted a revision to its State Implementation Plan (SIP). The SIP revision addresses the infrastructure requirements of CAA sections 110(a)(1) and 110(a)(2)—including the ''Good Neighbor'' or ''transport'' provisions—for the 2015 ozone NAAQS.

[1] National Ambient Air Quality Standards for Ozone, Final Rule, 80 FR 65292 (October 26, 2015). Although the level of the standard is specified in the units of ppm, ozone concentrations are also described in parts per billion (ppb). For example, 0.070 ppm is equivalent to 70 ppb.

[2] SIP revisions that are intended to meet the applicable requirements of section 110(a)(1) and (2) of the CAA are often referred to as infrastructure SIPs and the applicable elements under 110(a)(2) are referred to as infrastructure requirements.

A. What is the scope of this rulemaking?

EPA is acting on the SIP submission from Vermont on the infrastructure requirements of CAA sections 110(a)(1) and 110(a)(2) for the 2015 ozone NAAQS (including the transport provisions).

Whenever EPA promulgates a new or revised NAAQS, CAA section 110(a)(1) requires states to make SIP submissions to provide for the implementation, maintenance, and enforcement of the NAAQS. This particular type of SIP submission is commonly referred to as an ''infrastructure SIP.'' These submissions must meet the various requirements of CAA section 110(a)(2), as applicable. Due to ambiguity in some of the language of CAA section 110(a)(2), EPA believes that it is appropriate to interpret these provisions in the specific context of acting on infrastructure SIP submissions. EPA has previously provided comprehensive guidance on the application of these provisions through a guidance document for infrastructure SIP submissions and through regional actions on infrastructure submissions.[3] Unless otherwise noted below, we are following that existing approach in acting on this submission. In addition, in the context of acting on such infrastructure submissions, EPA evaluates the submitting state's SIP for compliance with statutory and regulatory requirements, not for the state's implementation of its SIP.[4] EPA has other authority to address any issues concerning a state's implementation of the rules, regulations, consent orders, etc. that comprise its SIP.

B. What guidance is EPA using to evaluate Vermont's infrastructure SIP submission?

EPA highlighted the statutory requirement to submit infrastructure SIPs within 3 years of promulgation of a new NAAQS in an October 2, 2007, guidance document entitled ''Guidance on SIP Elements Required Under Sections 110(a)(1) and (2) for the 1997 8-hour Ozone and $PM_{2.5}$ National Ambient Air Quality Standards'' (2007 memorandum). EPA has issued additional guidance documents and memoranda, including a September 13, 2013, guidance document entitled ''Guidance on Infrastructure State Implementation Plan (SIP) Elements under Clean Air Act Sections 110(a)(1) and 110(a)(2)'' (2013 memorandum). Additional guidance documents specifically addressing the interstate-transport (''good neighbor'') provisions of infrastructure SIPs (CAA Section 110(a)(2)(D)) are given under Section II.D. below.

[3] EPA explains and elaborates on these ambiguities and its approach to address them in its September 13, 2013, Infrastructure SIP Guidance (available at *https://www3.epa.gov/airquality/urbanair/sipstatus/docs/Guidance_on_Infrastructure_SIP_Elements_Multipollutant_FINAL_Sept_2013.pdf*), as well as in numerous agency actions, including EPA's prior action on Vermont's infrastructure SIP to address the 2012 $PM_{2.5}$ NAAQS. *See* 83 FR 45194 (September 6, 2018).

[4] *See Montana Envtl. Info. Ctr.* v. *Thomas,* 902 F.3d 971 (9th Cir. 2018).

II. EPA's Evaluation of Vermont's Infrastructure SIP for the 2015 Ozone Standard

In this notice of proposed rulemaking, EPA is proposing action on Vermont's November 19, 2019, infrastructure SIP submission for the 2015 ozone NAAQS, including the interstate transport provisions (CAA section 110(a)(2)(D)(i)). In Vermont's submission, a detailed list of Vermont Laws and previously SIP-approved Air Quality Regulations show precisely how the various components of its EPA-approved SIP meet each of the requirements of section 110(a)(2) of the CAA for the 2015 ozone NAAQS. The following review evaluates the state's submission in light of section 110(a)(2) requirements and relevant EPA guidance. For the state's November 2019 submission, we provide an evaluation of the applicable Section 110(a)(2) elements, including the transport provisions.

A. Section 110(a)(2)(A)—Emission Limits and Other Control Measures

This section (also referred to in this action as an element) of the Act requires SIPs to include enforceable emission limits and other control measures, means or techniques, schedules for compliance, and other related matters. However, EPA has long interpreted emission limits and control measures for attaining the standards as being due when nonattainment planning requirements are due.[5] In the context of an infrastructure SIP, EPA is not evaluating the existing SIP provisions for this purpose. Instead, EPA is only evaluating whether the state's SIP has basic structural provisions for the implementation of the NAAQS.

In its November 2019 submittal for the 2015 ozone NAAQS, Vermont cites a number of provisions of Vermont Statutes Annotated (V.S.A.) in satisfaction of element A: 10 V.S.A. § 554, ''Powers,'' authorizes the Secretary of the Vermont Agency of

[5] See, for example, EPA's final rule on ''National Ambient Air Quality Standards for Lead,'' 73 FR 66964, 67034 (November 12, 2008).

Natural Resources [6] (ANR) to ''[a]dopt, amend and repeal rules, implementing the provisions'' of Vermont's air pollution control laws set forth in 10 V.S.A. chapter 23. It also authorizes the Secretary to ''conduct studies, investigations and research relating to air contamination and air pollution'' and to ''[d]etermine by appropriate means the degree of air contamination and air pollution in the state and the several parts thereof.'' EPA approved 10 V.S.A. § 554 on June 27, 2017 (82 FR 29005). Vermont also cites 10 V.S.A. § 556, ''Permits for the construction or modification of air contaminant sources,'' which requires applicants to obtain permits for constructing or modifying air contaminant sources, and 10 V.S.A. § 558, ''Emission control requirements,'' which authorizes the Secretary ''to establish emission control requirements . . . necessary to prevent, abate, or control air pollution.'' In addition, Vermont cites 10 V.S.A. § 579 ''Vehicle emissions labeling program for new motor vehicles'' for model year 2010 and later vehicles.

Under Element A of the November 2019 submittal, the state also cites more than 20 Vermont Air Pollution Control Regulations (VT APCR) that it has adopted to control the emissions related to ozone and ozone precursors (nitrogen oxides (NO_X) and volatile organic compounds (VOCs)). A few, with their EPA approval citation [7] are listed here: § 5–502—Major Stationary Sources and Major Modifications (81 FR 50342; August 1, 2016); § 5–251—Control of Nitrogen Oxides Emissions (81 FR 50342; August 1, 2016); § 5–253.5—Stage I Vapor Recovery Controls at Gasoline Dispensing Facilities (81 FR 23164; April 20, 2016); 5–253.8—Industrial Adhesives (84 FR 65009; November 26, 2019); § 5–253.17—Industrial Cleaning Solvents (84 FR 65009; November 26, 2019).

EPA proposes that Vermont meets the infrastructure requirements of section 110(a)(2)(A) for the 2015 ozone NAAQS.

B. Section 110(a)(2)(B)—Ambient Air Quality Monitoring/Data System

This section requires SIPs to provide for establishment and operation of appropriate devices, methods, systems, and procedures necessary to monitor, compile, and analyze ambient air quality data, and to make these data available to EPA upon request. Each year, states submit annual air monitoring network plans to EPA for review and approval. EPA's review of these annual monitoring plans includes our evaluation of whether the state: (i) Monitors air quality at appropriate locations throughout the state using EPA-approved Federal Reference Methods or Federal Equivalent Method monitors; (ii) submits data to EPA's Air Quality System (AQS) in a timely manner; and (iii) provides EPA Regional Offices with prior notification of any planned changes to monitoring sites or the network plan.

State law authorizes the Secretary of ANR, or authorized representative, to ''conduct studies, investigations and research relating to air contamination and air pollution'' and to ''[d]etermine by appropriate means the degree of air contamination and air pollution in the state and the several parts thereof.'' *See* 10 V.S.A. § 554(8), (9). Vermont Department of Environmental Conservation (DEC), one of several departments within ANR, operates an air quality monitoring network, and EPA approved the state's 2019 Annual Air Monitoring Network Plan on August 15, 2019.[8] Furthermore, Vermont populates EPA's Air Quality System (AQS) with air-quality monitoring data in a timely manner and provides EPA with prior notification when considering a change to its monitoring network or plan. EPA proposes that Vermont has met the infrastructure SIP requirements of section 110(a)(2)(B) with respect to the 2015 ozone NAAQS.

C. Section 110(a)(2)(C)—Program for Enforcement of Control Measures and for Construction or Modification of Stationary Sources

States are required to include a program providing for enforcement of all SIP measures and for the regulation of construction of new or modified stationary sources to meet new source review (NSR) requirements under prevention of significant deterioration (PSD) and nonattainment new source review (NNSR) programs. Part C of the CAA (sections 160–169B) addresses PSD, while part D of the CAA (sections 171–193) addresses NNSR requirements.

The evaluation of each state's submission addressing the infrastructure SIP requirements of section 110(a)(2)(C) covers the following: (i) Enforcement of SIP measures; (ii) PSD program for major sources and major modifications; and (iii) a permit program for minor sources and minor modifications.

Sub-Element 1: Enforcement of SIP Measures

State law provides the Secretary of ANR with the authority to enforce air pollution control requirements, including SIP-approved 10 V.S.A. § 554, which authorizes the Secretary of ANR to ''[i]ssue orders as may be necessary to effectuate the purposes of [the state's air pollution control laws] and enforce the same by all appropriate administrative and judicial proceedings.'' In addition, Vermont's SIP-approved regulations VT APCR § 5–501, ''Review of Construction or Modification of Air Contaminant Sources,'' and VT APCR § 5–502, ''Major Stationary Sources and Major Modifications,'' establish requirements for permits to construct, modify or operate major air contaminant sources.

EPA proposes that Vermont has met the enforcement of SIP measures requirements of section 110(a)(2)(C) with respect to the 2015 ozone NAAQS.

Sub-Element 2—PSD Program for Major Sources and Major Modifications

PSD applies to new major sources or modifications made to major sources for pollutants where the area in which the source is located is in attainment of, or unclassifiable with regard to, the relevant NAAQS. EPA interprets the CAA as requiring each state to make an infrastructure SIP submission for a new or revised NAAQS demonstrating that the air agency has a complete PSD permitting program in place satisfying the current requirements for all regulated NSR pollutants. VT DEC's EPA-approved PSD rules, contained at VT APCR Subchapters I, IV, and V, contain provisions that address applicable requirements for all regulated NSR pollutants, including greenhouse gases (GHGs).

In 2018, EPA evaluated Vermont's PSD permitting program in the context of an infrastructure SIP submission under CAA § 110(a)(2)(C) and determined that it satisfies the current requirements for all regulated NSR pollutants. *See* 83 FR 45194 (September 6, 2018). For a detailed analysis, see EPA's proposal in that rulemaking. *See* 83 FR 30598 (June 29, 2018). No new or revised PSD permitting program requirements have become due since that time. Therefore, for the reasons provided in the June 29, 2018, notice, EPA proposes to approve Vermont's infrastructure SIP for the 2015 ozone NAAQS for the requirement in section 110(a)(2)(C) to include a PSD permitting program in the SIP that covers the requirements for all regulated NSR

[6] The Vermont Department of Environmental Conservation is one of three departments within the Vermont ANR.

[7] The citations reference the most recent EPA approval of the stated rule or of revisions to the rule.

[8] See EPA approval letter located in the docket for this action.

pollutants as required by part C of the Act.

Sub-Element 3: Preconstruction Permitting for Minor Sources and Minor Modifications

To address the pre-construction regulation of the modification and construction of minor stationary sources and minor modifications of major stationary sources, an infrastructure SIP submission should identify the existing EPA-approved SIP provisions and/or include new provisions that govern the minor source pre-construction program that regulate emissions of the relevant NAAQS pollutants. On August 1, 2016, EPA approved revisions to Vermont's minor NSR program. *See* 81 FR 50342. Vermont and EPA rely on the existing minor NSR program to ensure that new and modified sources not captured by the major NSR permitting programs, VT APCR § 5–502, do not interfere with attainment and maintenance of the 2015 ozone NAAQS.

We are proposing to find that Vermont has met the requirement to have a SIP-approved minor new source review permit program as required under Section 110(a)(2)(C) for the 2015 ozone NAAQS.

D. Section 110(a)(2)(D)—Interstate Transport

This section contains a comprehensive set of air-quality-management elements pertaining to the transport of air pollution with which states must comply. It covers the following five topics, categorized as sub-elements: Sub-element 1, Significant contribution to nonattainment, and interference with maintenance of a NAAQS; Sub-element 2, PSD; Sub-element 3, Visibility protection; Sub-element 4, Interstate pollution abatement; and Sub-element 5, International pollution abatement. Sub-elements 1 through 3 above are found under section 110(a)(2)(D)(i) of the Act, and these items are further categorized into the four prongs discussed below. Sub-elements 4 and 5 are found under section 110(a)(2)(D)(ii) of the Act and include provisions insuring compliance with sections 115 and 126 of the Act relating to interstate and international pollution abatement.

Sub-Element 1: Section 110(a)(2)(D)(i)(I)—Significant Contribution to Nonattainment (Prong 1) and Interference With Maintenance of the NAAQS (Prong 2)

Background

Section 110(a)(2)(D)(i), known as the ''good neighbor'' provision, generally requires SIPs to contain adequate provisions to prohibit in-state emissions activities from having certain adverse air-quality effects on other states due to interstate transport of pollution. There are four so-called ''prongs'' within CAA section 110(a)(2)(D)(i): Section 110(a)(2)(D)(i)(I) contains prongs 1 and 2, while section 110(a)(2)(D)(i)(II) includes prongs 3 and 4. This sub-element addresses the first two prongs.

Under prongs 1 and 2 of the good neighbor provision, a SIP for a new or revised NAAQS must contain adequate provisions prohibiting any source or other type of emissions activity within the state from emitting air pollutants in amounts that will significantly contribute to nonattainment of the NAAQS in another state (prong 1) or from interfering with maintenance of the NAAQS in another state (prong 2). EPA and states must give independent significance to prong 1 and prong 2 when evaluating downwind air-quality problems under section 110(a)(2)(D)(i)(I).[9]

We note that EPA has addressed the interstate transport requirements of CAA section 110(a)(2)(D)(i)(I) with respect to prior ozone NAAQS in several regional regulatory actions, including the Cross-State Air Pollution Rule (CSAPR), which addressed interstate transport with respect to the 1997 ozone NAAQS as well as the 1997 and 2006 fine particulate matter ($PM_{2.5}$) standards, and the CSAPR Update for the 2008 ozone NAAQS (CSAPR Update).[10] These actions only addressed interstate transport in the eastern United States [11] and did not address the 2015 ozone NAAQS.

Through the development and implementation of CSAPR, the CSAPR Update and previous regional rulemakings pursuant to the good neighbor provision,[12] the EPA, working in partnership with states, developed the following four-step interstate transport framework to address the requirements of the good neighbor provision for the ozone NAAQS: [13] (1) Identify downwind air quality problems; (2) identify upwind states that impact those downwind air quality problems sufficiently such that they are considered ''linked'' and therefore warrant further review and analysis; (3) identify the emissions reductions necessary (if any), considering cost and air quality factors, to prevent linked upwind states identified in step 2 from contributing significantly to nonattainment or interfering with maintenance of the NAAQS at the locations of the downwind air quality problems; and (4) adopt permanent and enforceable measures needed to achieve those emissions reductions.

EPA has released several documents containing information relevant to evaluating interstate transport with respect to the 2015 ozone NAAQS. First, on January 6, 2017, EPA published a notice of data availability (NODA) with preliminary interstate ozone transport modeling with projected ozone design values for 2023, on which we requested comment.[14] The year 2023 was used as the analytic year for this preliminary modeling because that year aligns with the expected attainment year for Moderate ozone nonattainment areas.[15]

On October 27, 2017, we released a memorandum (2017 memorandum) containing updated modeling data for 2023, which incorporated changes made in response to comments on the NODA.[16] Although the 2017 memorandum also released data for a 2023 modeling year, we specifically stated that the modeling may be useful for states developing SIPs to address remaining good neighbor obligations for the 2008 ozone NAAQS, but did not address the 2015 ozone NAAQS. On March 27, 2018, we issued a memorandum (March 2018 memorandum) indicating the same 2023 modeling data released in the 2017 memorandum would also be useful for evaluating potential downwind air-quality problems with respect to the

[9] *See North Carolina* v. *EPA,* 531 F.3d 896, 909–911 (2008).

[10] *See* 76 FR 48208 (August 8, 2011) (*i.e.,* CSAPR); 81 FR 74504 (October 26, 2016) (*i.e.,* CSAPR Update).

[11] For purposes of CSAPR and the CSAPR Update action, the Western U.S. (or the West) was considered to consist of the 11 western contiguous states of Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming. The Eastern U.S. (or the East) was considered to consist of the 37 states east of the 11 Western states.

[12] Other regional rulemakings addressing ozone transport include the NO_X SIP Call, 63 FR 57356 (October 27, 1998), and the Clean Air Interstate Rule (CAIR), 70 FR 25162 (May 12, 2005).

[13] The four-step interstate framework has also been used to address requirements of the good neighbor provision for some previous particulate matter and ozone NAAQS, including in the Western United States. *See, e.g.,* 83 FR 30380 (June 28, 2018); 83 FR 5375, 5376–77 (February 7, 2018).

[14] *See* Notice of Availability of the EPA's Preliminary Interstate Ozone Transport Modeling Data for the 2015 Ozone National Ambient Air Quality Standard (NAAQS). 82 FR 1733 (January 6, 2017).

[15] 82 FR 1735 (January 6, 2017).

[16] See Information on the Interstate Transport State Implementation Plan Submissions for the 2008 Ozone National Ambient Air Quality Standards under Clean Air Act Section 110(a)(2)(D)(i)(I), October 27, 2017, available in the docket for this action or at *https://www.epa.gov/interstate-air-pollution-transport/interstate-air-pollution-transport-memos-and-notices.*

2015 ozone NAAQS (step 1 of the four-step framework).

The March 2018 memorandum included newly available contribution-modeling results to assist states in evaluating their impact on potential downwind air-quality problems (step 2 of the four-step framework) in their efforts to develop good neighbor SIPs for the 2015 ozone NAAQS to address their interstate transport obligations.[17] EPA subsequently issued two more memoranda in August and October 2018, providing guidance to states developing good neighbor SIPs for the 2015 ozone NAAQS concerning, respectively, potential contribution thresholds that may be appropriate to apply in step 2 and considerations for identifying downwind areas that may have problems maintaining the standard (under prong 2 of the good neighbor provision) at step 1 of the framework.[18]

The March 2018 memorandum describes the process and results of the updated photochemical and source-apportionment modeling used to project ambient ozone concentrations for the year 2023 and the state-by-state impacts on those concentrations. The March 2018 memorandum also explains that the selection of the 2023 analytic year aligns with the 2015 ozone NAAQS attainment year for Moderate nonattainment areas. As described in the 2017 and March 2018 memoranda, EPA used the Comprehensive Air Quality Model with Extensions (CAMx version 6.40) to model average and maximum design values in 2023 to identify potential nonattainment and maintenance receptors (*i.e.,* monitoring sites that are projected to have problems attaining or maintaining the 2015 ozone NAAQS).

The March 2018 memorandum presents design values calculated in two ways: first, following the EPA's historic ''3 x 3'' approach [19] to evaluating all sites, and second, following a modified approach for coastal monitoring sites in which ''overwater'' modeling data were not included in the calculation of future-year design values (referred to as the ''no water'' approach).

For purposes of identifying potential nonattainment and maintenance receptors in 2023, EPA applied the same approach used in the CSAPR Update, wherein EPA considered a combination of monitoring data and modeling projections to identify monitoring sites that are projected to have problems attaining or maintaining the NAAQS. Specifically, EPA identified nonattainment receptors as those monitoring sites with measured values [20] exceeding the NAAQS that also have projected (*i.e.,* in 2023) average design values exceeding the NAAQS. EPA identified maintenance receptors as those monitoring sites with projected maximum design values exceeding the NAAQS. This included sites with measured values below the NAAQS, but with projected average and maximum design values exceeding the NAAQS, and monitoring sites with projected average design values below the NAAQS, but with projected maximum design values exceeding the NAAQS. EPA included the design values and monitoring data for all monitoring sites projected to be potential nonattainment or maintenance receptors based on the updated 2023 modeling in Attachment B to the March 2018 memorandum.

After identifying potential downwind nonattainment and maintenance receptors, EPA performed nationwide, state-level ozone source-apportionment modeling to estimate the expected impact from each state to each nonattainment and maintenance receptor.[21] EPA included contribution information resulting from the source-apportionment modeling in Attachment C to the March 2018 memorandum. For more information on the modeling and analysis, please see the 2017 and March 2018 memoranda, the NODA for the preliminary interstate transport assessment, and the supporting technical documents included in the docket for this action.

In the CSAPR and the CSAPR Update, the EPA used a threshold of one percent of the NAAQS to determine whether a given upwind state was ''linked'' at step 2 of the four-step framework and would, therefore, contribute to downwind nonattainment and maintenance sites identified in step 1. If a state's impact did not equal or exceed the one-percent threshold, the upwind state was not ''linked'' to a downwind air quality problem, and the EPA, therefore, concluded the state will not significantly contribute to nonattainment or interfere with maintenance of the NAAQS in the downwind states. However, if a state's impact equaled or exceeded the one-percent threshold, the state's emissions were further evaluated in step 3, taking into account both air-quality and cost considerations, to determine what, if any, emissions reductions might be necessary to address the good neighbor provision.

As noted previously, on August 31, 2018, the EPA issued a memorandum (the August 2018 memorandum) providing guidance concerning potential contribution thresholds that may be appropriate to apply with respect to the 2015 ozone NAAQS in step 2. Consistent with the process for selecting the one-percent threshold in CSAPR and the CSAPR Update, the memorandum included analytical information regarding the degree to which potential air-quality thresholds would capture the collective amount of upwind contribution from upwind states to downwind receptors for the 2015 ozone NAAQS. The August 2018 memorandum indicated that, based on the EPA's analysis of its most recent modeling data, the amount of upwind collective contribution captured using a 1 parts per billion (ppb) threshold is generally comparable, overall, to the amount captured using a threshold equivalent to one percent of the 2015 ozone NAAQS. Accordingly, the EPA indicated that it may be reasonable and appropriate for states to use a 1 ppb contribution threshold, as an alternative to the one-percent threshold, at step 2 of the four-step framework in developing their SIP revisions addressing the good neighbor provision for the 2015 ozone NAAQS.[22]

While the March 2018 memorandum presented information regarding the EPA's latest analysis of ozone transport following the approaches the EPA has taken in prior regional rulemaking actions, the EPA has not made any final

[17] See Information on the Interstate Transport State Implementation Plan Submissions for the 2015 Ozone National Ambient Air Quality Standards under Clean Air Act Section 110(a)(2)(D)(i)(I), March 27, 2018, available in the docket for this action or at *https://www.epa.gov/interstate-air-pollution-transport/interstate-air-pollution-transport-memos-and-notices*.

[18] *See* Analysis of Contribution Thresholds for Use in Clean Air Act Section 110(a)(2)(D)(i)(I) Interstate Transport State Implementation Plan Submissions for the 2015 Ozone National Ambient Air Quality Standards, August 31, 2018) (''August 2018 memorandum''), and Considerations for Identifying Maintenance Receptors for Use in Clean Air Act Section 110(a)(2)(D)(i)(I) Interstate Transport State Implementation Plan Submissions for the 2015 Ozone National Ambient Air Quality Standards, October 19, 2018, available in the docket for this action or at *https://www.epa.gov/airmarkets/memo-and-supplemental-information-regarding-interstate-transport-sips-2015-ozone-naaqs*.

[19] *See* March 2018 memorandum, p. 4.

[20] EPA used 2016 ozone design values, based on 2014–2016 measured data, which were the most current data at the time of the analysis. See attachment B of the March 2018 memorandum, p. B–1.

[21] As discussed in the March 2018 memorandum, EPA performed source-apportionment model runs for a modeling domain that covers the 48 contiguous United States and the District of Columbia, and adjacent portions of Canada and Mexico.

[22] *See* August 2018 memorandum, p. 4.

determinations regarding how states should identify downwind receptors with respect to the 2015 ozone NAAQS at step 1 of the four-step framework. Rather, the EPA noted that states have flexibility in developing their own SIPs to follow different analytical approaches than the EPA's, so long as their chosen approach has an adequate technical justification and is consistent with the requirements of the CAA.

Vermont's Submission for Prongs 1 and 2

On November 19, 2019, Vermont submitted a SIP revision addressing the CAA section 110(a)(2)(D)(i)(I) interstate transport requirements for the 2015 ozone NAAQS. This ''good neighbor SIP'' was included as an enclosure in the state's infrastructure SIP for the same NAAQS.

Vermont relied on the results of the EPA's modeling for the 2015 ozone NAAQS contained in the March 2018 memorandum to identify downwind nonattainment and maintenance receptors that may be impacted by emissions from sources in Vermont. These results indicate Vermont's greatest impact on any potential downwind nonattainment or maintenance receptor would be 0.07 ppb. Vermont compared these values to a screening threshold of 0.70 ppb, representing one percent of the 2015 ozone NAAQS. Because Vermont's impacts to neighboring states are projected to be less than 0.70 ppb, Vermont concluded that emissions from sources within the state will not significantly contribute to nonattainment or interfere with maintenance of the 2015 ozone NAAQS in any other state.

Vermont also reviewed ozone concentrations and trends measured at the state's three ambient air-quality monitors and noted that no concentrations at these monitors has exceeded the 2015 ozone NAAQS since 2010. Vermont also looked at EPA's projected emissions of ozone precursors performed in support of the CSAPR Update. This modeling included annual total NOx and VOC emissions by state for the years 2011 through 2017 and projected emissions for 2023.[23] For Vermont, emissions of ozone precursors have decreased for the period 2011–2017 and are projected to be lower in 2023 than in 2017.

Vermont's November 2019 Good Neighbor submission also lists and discusses Vermont's regulations for controlling emissions of ozone precursors, and its regional emissions-control strategies, including those it has implemented as a member of the Ozone Transport Commission.

EPA's Evaluation of Vermont's Submission

The EPA is proposing to rely on the 2023 modeling data identifying downwind receptors and upwind state contributions, as released in the March 2018 memorandum, to evaluate Vermont's good neighbor obligation with respect to the 2015 ozone NAAQS. On September 13, 2019, the United States Court of Appeals for the District of Columbia Circuit (D.C. Circuit) issued its decision in *Wisconsin* v. *EPA* addressing legal challenges to the CSAPR Update, in which the EPA partially addressed certain upwind states' good neighbor obligations for the 2008 ozone NAAQS. 938 F.3d 303. While the court generally upheld the rule as to most of the challenges raised in the litigation, the court remanded the CSAPR Update to the extent it failed to require upwind states to eliminate their significant contributions in accordance with the attainment dates found in CAA section 181 by which downwind states must come into compliance with the NAAQS. *Id.* at 313. In light of the court's decision, the EPA is providing further explanation regarding why it proposes to find that it is appropriate and consistent with the statute—as well as the legal precedent—to use the 2023 analytic year for assessing good neighbor obligations for the 2015 ozone NAAQS.

The EPA believes that 2023 is an appropriate year for analysis of good neighbor obligations for the 2015 ozone NAAQS because the 2023 ozone season is the last relevant ozone season during which achieved emissions reductions in linked upwind states could assist downwind states with meeting the August 2, 2024, Moderate area attainment date for the 2015 ozone NAAQS. The EPA recognizes that the attainment date for nonattainment areas classified as Marginal for the 2015 ozone NAAQS is August 2, 2021, which currently applies in several downwind nonattainment areas evaluated in the EPA's modeling.[24] However, as explained below, the EPA does not believe that either the statute or applicable case law requires the evaluation of good neighbor obligations in a future year aligned with the attainment date for nonattainment areas classified as Marginal.

The good neighbor provision instructs the EPA and states to apply its requirements ''consistent with the provisions of'' title I of the CAA. CAA section 110(a)(2)(D)(i); *see also North Carolina* v. *EPA,* 531 F.3d 896, 911–12 (D.C. Circuit 2008). This consistency instruction follows the requirement that plans ''contain adequate provisions prohibiting'' certain emissions in the good neighbor provision. As the D.C. Circuit held in *North Carolina,* and more recently in *Wisconsin,* the good neighbor provision must be applied in a manner consistent with the designation and planning requirements in title I that apply in downwind states and, in particular, the timeframe within which downwind states are required to implement specific emissions control measures in nonattainment areas and submit plans demonstrating how those areas will attain, relative to the applicable attainment dates. *See North Carolina,* 896 F.3d at 912 (holding that the good neighbor provision's reference to title I requires consideration of both procedural and substantive provisions in title I); *Wisconsin,* 938 F.3d at 313–18.

While the EPA recognizes, as the court held in *North Carolina* and *Wisconsin,* that upwind emissions-reduction obligations, therefore, must generally be aligned with downwind receptors' attainment dates, unique features of the statutory requirements associated with the Marginal area planning requirements and attainment date under CAA section 182 lead the EPA to conclude that it is more reasonable and appropriate to require the alignment of upwind good neighbor obligations with later attainment dates applicable for Moderate or higher classifications. Under the Clean Air Act, states with areas designated nonattainment are generally required to submit, as part of their state implementation plan, an ''attainment demonstration'' that shows, usually through air-quality modeling, how an area will attain the NAAQS by the applicable attainment date. *See* CAA section 172(c)(1).[25] Such plans must also include, among other things, the adoption of all ''reasonably available''

[23] *https://www.epa.gov/air-emissions-modeling/2011-version-63-platform.*

[24] The Marginal area attainment date is not applicable for nonattainment areas already classified as Moderate or higher, such as the New York Metropolitan Area. For the status of all nonattainment areas under the 2015 ozone NAAQS, see U.S. EPA, 8-Hour Ozone (2015) Designated Area/State Information, *https://www3.epa.gov/airquality/greenbook/jbtc.html* (last updated Sept. 30, 2019).

[25] Part D of title I of the Clean Air Act provides the plan requirements for all nonattainment areas. Subpart 1, which includes section 172(c), applies to all nonattainment areas. Congress provided in subparts 2–5 additional requirements specific to the various NAAQS pollutants that nonattainment areas must meet.

control measures on existing sources, a demonstration of ''reasonable further progress'' toward attainment, and contingency measures, which are specific controls that will take effect if the area fails to attain by its attainment date or fails to make reasonable further progress toward attainment. *See, e.g.,* CAA section 172(c)(1); 172(c)(2); 172(c)(9).

Ozone nonattainment areas classified as Marginal are excepted from these general requirements under the CAA—unlike other areas designated nonattainment under the Act (including for other NAAQS pollutants), Marginal ozone nonattainment areas are specifically exempted from submitting an attainment demonstration and are not required to implement *any* specific emissions controls at existing sources in order to meet the planning requirements applicable to such areas. See CAA section 182(a): ''The requirements of this subsection shall apply in lieu of any requirement that the State submit a demonstration that the applicable implementation plan provides for attainment of the ozone standard by the applicable attainment date in any Marginal Area.'' [26] Marginal ozone nonattainment areas are also exempted from demonstrating reasonable further progress towards attainment and submitting contingency measures. See CAA section 182(a), which does not include a reasonable further progress requirement and specifically notes that ''Section [172(c)(9)] of this title (relating to contingency measures) shall not apply to Marginal Areas.''

Existing regulations—either local, state, or federal—are typically part of the reason why ''additional'' local controls are not needed to bring Marginal nonattainment areas into attainment. As described in EPA's record for its final rule defining area classifications for the 2015 ozone NAAQS and establishing associated attainment dates, history has shown that most areas classified as Marginal for prior ozone standards attained the respective standards by the Marginal area attainment date (*i.e.,* without being re-classified to a Moderate designation). *See* 83 FR 10376.

As part of a historical lookback, EPA calculated that by the relevant attainment date for areas classified as Marginal, 85 percent of such areas attained the 1979 1-hour ozone NAAQS, and 64 percent attained the 2008 ozone NAAQS. *See* Response to Comments, section A.2.4.[27] Based on these historical data, EPA expects that many areas classified Marginal for the 2015 ozone NAAQS will also attain by the relevant attainment date as a result of emissions reductions that are already expected to occur through implementation of existing local, state, and federal emissions reduction programs. To the extent states have concerns about meeting their attainment date for a Marginal area, the CAA under section 181(b)(3) provides authority for them to voluntarily request a higher classification for individual areas, if needed.

Areas that are classified as Moderate typically have more pronounced air-quality problems than Marginal areas or have been unable to attain the NAAQS under the minimal requirements that apply to Marginal areas. *See* CAA sections 181(a)(1) (classifying areas based on the degree of nonattainment relative to the NAAQS), and 181(b)(2) (providing for reclassification to the next highest designation upon failure to attain the standard by the attainment date). Thus, unlike Marginal areas, the statute explicitly requires a state with an ozone nonattainment area classified as Moderate or higher to develop an attainment plan demonstrating how the state will address the more significant air-quality problem, which generally requires the application of various control measures to existing sources of emissions located in the nonattainment area. *See generally* CAA sections 172(c) and 182(b)–(e).

Given that downwind states are not required to demonstrate attainment by the attainment date or impose additional controls on existing sources in a Marginal nonattainment area, EPA believes that it would be inconsistent to interpret the good neighbor provision as requiring EPA to evaluate the necessity for upwind state emissions reductions based on air quality modeled in a future year aligned with the Marginal area attainment date. Rather, EPA believes it is more appropriate and consistent with the nonattainment planning provisions in title I to evaluate downwind air quality and upwind state contributions, and, therefore, the necessity for upwind state emissions reductions, in a year aligned with an area classification in connection with which downwind states are also required to demonstrate attainment and implement controls on existing sources—*i.e.,* with the Moderate area attainment date, rather than the Marginal area date. With respect to the 2015 ozone NAAQS, the Moderate area attainment date will be in the summer of 2024, and the last full year of monitored ozone-season data that will inform attainment demonstrations is, therefore, 2023.

The EPA's interpretation of the good neighbor requirements in relation to the Marginal area attainment date is consistent with the *Wisconsin* opinion. For the reasons explained below, the court's holding does not contradict the EPA's view that 2023 is an appropriate analytic year in evaluating good neighbor SIPs for the 2015 ozone NAAQS. The court in *Wisconsin* was concerned that allowing upwind emission reductions to be implemented after the applicable attainment date would require downwind states to obtain more emissions reductions than the Act requires of them, to make up for the absence of sufficient emissions reductions from upwind states. *See* 938 F.3d at 316. As discussed previously, however, this equitable concern only arises for nonattainment areas classified as Moderate or higher for which downwind states are required by the CAA to develop attainment plans securing reductions from existing sources and demonstrating how such areas will attain by the attainment date. *See, e.g.,* CAA section 182(b)(1) & (2) (establishing ''reasonable further progress'' and ''reasonably available control technology'' requirements for Moderate nonattainment areas). Ozone nonattainment areas classified as Marginal are not required to meet these same planning requirements, and thus the equitable concerns raised by the *Wisconsin* court do not arise with respect to downwind areas subject to the Marginal area attainment date.

The distinction between planning obligations for Marginal nonattainment areas and higher classifications was not before the court in *Wisconsin*. Rather, the court was considering whether the EPA, in implementing its obligation to promulgate federal implementation plans under CAA section 110(c), was required to fully resolve good neighbor obligations by the 2018 *Moderate* area attainment date for the 2008 ozone NAAQS. *See* 938 F.3d at 312–13. Although the court noted that petitioners had not ''forfeited'' an argument with respect to the Marginal area attainment date, *see id.* at 314, the court did not address whether its holding with respect to the 2018

[26] States with Marginal nonattainment areas are required to implement new source review permitting for new and modified sources, but the purpose of those requirements is to ensure that potential emissions increases do not interfere with progress towards attainment, as opposed to reducing existing emissions. Moreover, EPA acknowledges that states within ozone transport regions must implement certain emission control measures at existing sources in accordance with CAA section 184, but those requirements apply regardless of the applicable area designation or classification.

[27] Available at *https://www.regulations.gov/document?D=EPA-HQ-OAR-2016-0202-0122.*

Moderate area date would have applied with equal force to the Marginal area attainment date because that date had already passed. Thus, the court did not have the opportunity to consider these differential planning obligations in reaching its decision regarding the EPA's obligations relative to the then-applicable 2018 Moderate area attainment date, because such considerations were not applicable to the case before the court.[28] For the reasons discussed here, the equitable concerns supporting the *Wisconsin* court's holding as to upwind state obligations relative to the Moderate area attainment date also support the EPA's interpretation of the good neighbor provision relative to the Marginal area attainment date. Thus, EPA proposes to conclude that its reliance on an evaluation of air quality in the 2023 analytical year for purposes of assessing good neighbor obligations with respect to the 2015 ozone NAAQS is based on a reasonable interpretation of the CAA and legal precedent.

As previously discussed, the March 2018 memorandum identifies potential downwind nonattainment and maintenance receptors, using the definitions applied in the CSAPR Update and using both the ''3 x 3'' and the ''no water'' approaches to calculating future year design values. The March 2018 memorandum identifies 57 potential nonattainment and maintenance receptors in the West in Arizona (2), California (49), and Colorado (6).[29] The March 2018 memorandum also provides contribution data regarding the impact of other states on the potential receptors.

For purposes of evaluating Vermont's 2015 ozone NAAQS interstate transport SIP submission, given that the state contributes less than one percent to downwind nonattainment and maintenance sites, it is reasonable to conclude that the state's impact will not significantly contribute to nonattainment or interfere with maintenance of the NAAQS in any other state. This is consistent with our October 13, 2016, action on Vermont's SIP with respect to the 2008 ozone NAAQS (81 FR 70631) and with the EPA's approach to both the 1997 and 2008 ozone NAAQS in CSAPR and the CSAPR Update. EPA notes, nonetheless, that consistent with the August 2018 memorandum, it may be reasonable and appropriate for states to use a 1 ppb contribution threshold, as an alternative to a one-percent threshold, at step 2 of the four-step framework in developing their SIP revisions addressing the good neighbor provision for the 2015 ozone NAAQS. However, for the reasons discussed below, it is unnecessary for EPA to determine whether it may be appropriate to apply a 1 ppb threshold for purposes of this action.

The EPA's updated 2023 modeling discussed in the March 2018 memorandum indicates that Vermont's largest impact on any potential downwind nonattainment and maintenance receptor is 0.07 ppb.[30] This value is less than 0.70 ppb (one percent of the 2015 ozone NAAQS),[31] and demonstrates that emissions from Vermont are not linked to any 2023 downwind potential nonattainment and maintenance receptors identified in the March 2018 memorandum. Accordingly, we propose to conclude that emissions from Vermont will not contribute to any potential receptors, and, thus, the state will not significantly contribute to nonattainment or interfere with maintenance of the NAAQS in any other state.

Sub-Element 2: Section 110(a)(2)(D)(i)(II)—PSD (Prong 3)

To prevent significant deterioration of air quality, this sub-element requires SIPs to include provisions that prohibit any source or other type of emissions activity in one state from interfering with measures that are required in any other state's SIP under Part C of the CAA. As explained in the 2013 memorandum, a state may meet this requirement with respect to in-state sources and pollutants that are subject to PSD permitting through a comprehensive PSD permitting program that applies to all regulated NSR pollutants and that satisfies the requirements of EPA's PSD implementation rules. As discussed above under element C, Vermont has such a PSD permitting program. For in-state sources not subject to PSD, this requirement can be satisfied through a fully-approved nonattainment new source review (NNSR) program with respect to any previous NAAQS. EPA's latest approval of some revisions to Vermont's NNSR regulations was on August 1, 2016. *See* 81 FR 50342. Therefore, we are proposing to approve this sub-element for the 2015 ozone NAAQS.

Sub-Element 3: Section 110(a)(2)(D)(i)(II)—Visibility Protection (Prong 4)

With regard to applicable requirements for visibility protection of section 110(a)(2)(D)(i)(II), states are subject to visibility and regional haze program requirements under part C of the CAA (which includes sections 169A and 169B). The 2009 memorandum, 2011 memorandum, and 2013 memorandum recommend that these requirements can be satisfied by an approved SIP addressing reasonably attributable visibility impairment, if required, or an approved SIP addressing regional haze. A fully approved regional haze SIP meeting the requirements of 40 CFR 51.308 will include all measures needed to achieve the state's apportionment of emission reduction obligations agreed upon through a regional planning process and will therefore ensure that emissions from sources under the air agency's jurisdiction are not interfering with measures required to be included in other air agencies' plans to protect visibility. EPA approved Vermont's Regional Haze SIP on May 22, 2012. *See*

[28] The D.C. Circuit, in a short judgment, subsequently vacated and remanded the EPA's action purporting to fully resolve good neighbor obligations for certain states for the 2008 ozone NAAQS, referred to as the CSAPR Close-Out, 83 FR 65878 (Dec. 21, 2018). *New York* v. *EPA,* No. 19–1019 (Oct. 1, 2019). That result necessarily followed from the *Wisconsin* decision, because as the EPA conceded, the Close-Out ''relied upon the same statutory interpretation of the Good Neighbor Provision'' rejected in *Wisconsin*. *Id.* slip op. at 3. In the Close-Out, the EPA had analyzed the year 2023, which was two years after the Serious area attainment date for the 2008 ozone NAAQS and not aligned with any attainment date for that NAAQS. *Id.* at 2. In *New York,* as in *Wisconsin,* the court was not faced with addressing specific issues associated with the unique planning requirements associated with the Marginal area attainment date.

[29] The number of receptors in the identified western states is 57, irrespective of whether the ''3 x 3'' or ''no water'' approach is used. Further, although the EPA has indicated that states may have flexibilities to apply a different analytic approach to evaluating interstate transport, including identifying downwind air quality problems, because the EPA is also concluding in this proposed action that Vermont will have an insignificant impact on any potential receptors identified in its analysis, Vermont need not definitively determine whether the identified monitoring sites should be treated as receptors for the 2015 ozone standard.

[30] The EPA's analysis indicates that Vermont will have a 0.07 ppb impact at the potential nonattainment receptor in Queens, NY (Site ID 360810124), which has a 2023 projected average design value of 70.2 ppb, a 2023 projected maximum design value of 72.0 ppb, and had a 2014–2016 design value of 69 ppb. The EPA's analysis further indicates that Vermont will have a 0.02 ppb impact at a potential nonattainment receptor in Suffolk, NY (Site ID 361030002), which has a projected 2023 average design value of 74.0 ppb, a 2023 projected maximum design value of 75.5 ppb, and had a 2014–2016 design value of 72 ppb. In addition, Vermont will have a 0.02 ppb impact at a potential nonattainment receptor in New Haven, CT (Site ID 90099002), which has a projected 2023 average design value of 69.9 ppb, a 2023 projected maximum design value of 72.6 ppb, and had a 2014–2016 design value of 76 ppb. *See* the March 2018 memorandum, attachment C.

[31] Because none of Vermont's impacts equal or exceed 0.70 ppb, they necessarily also do not equal or exceed the 1 ppb contribution threshold discussed in the August 2018 memorandum.

77 FR 30212. Accordingly, EPA proposes that Vermont meets the visibility protection requirements of 110(a)(2)(D)(i)(II) for the 2015 ozone NAAQS.

Sub-Element 4: Section 110(a)(2)(D)(ii)—Interstate Pollution Abatement

This sub-element requires that each SIP contain provisions requiring compliance with requirements of section 126 relating to interstate pollution abatement. Section 126(a) requires new or modified sources to notify neighboring states of potential impacts from the source. The statute does not specify the method by which the source should provide the notification. States with SIP-approved PSD programs must have a provision requiring such notification by new or modified sources.

On August 1, 2016 (81 FR 50342), EPA approved revisions to VT APCR § 5–501, which includes a provision that requires VT ANR to provide notice of a draft PSD permit to, among other entities, any state whose lands may be affected by emissions from the source. VT APCR § 5–501(7)(c). Vermont's public notice requirements are consistent with the Federal PSD program's public notice requirements for affected states under 40 CFR 51.166(q). Therefore, we propose to approve Vermont's compliance with the infrastructure SIP requirements of section 126(a) for the 2015 ozone NAAQS. Vermont has no obligations under any other provision of section 126, and no source or sources within the state are the subject of an active finding under section 126 of the CAA with respect to the 2015 ozone NAAQS.

Sub-Element 5: Section 110(a)(2)(D)(ii)—International Pollution Abatement

This sub-element also requires each SIP to contain provisions requiring compliance with the applicable requirements of section 115 relating to international pollution abatement. Section 115 authorizes the Administrator to require a state to revise its SIP to alleviate international transport into another country where the Administrator has made a finding with respect to emissions of the particular NAAQS pollutant and its precursors, if applicable. There are no final findings under section 115 of the CAA against Vermont with respect to the 2015 ozone NAAQS. Therefore, EPA is proposing that Vermont has met the applicable infrastructure SIP requirements of section 110(a)(2)(D)(ii) related to section 115 of the CAA for the 2015 ozone NAAQS.

E. Section 110(a)(2)(E)—Adequate Resources

Section 110(a)(2)(E)(i) requires each SIP to provide assurances that the state will have adequate personnel, funding, and legal authority under state law to carry out its SIP. In addition, section 110(a)(2)(E)(ii) requires each state to comply with the requirements for state boards in CAA section 128. Finally, section 110(a)(2)(E)(iii) requires that, where a state relies upon local or regional governments or agencies for the implementation of its SIP provisions, the state retain responsibility for ensuring implementation of SIP obligations with respect to relevant NAAQS. Section 110(a)(2)(E)(iii), however, does not apply to this action because Vermont does not rely upon local or regional governments or agencies for the implementation of its SIP provisions.

Sub-Element 1: Adequate Personnel, Funding, and Legal Authority Under State Law To Carry Out its SIP, and Related Issues

Vermont, through its infrastructure SIP submittal, has documented that its air agency has the requisite authority and resources to carry out its SIP obligations. Vermont cites 10 V.S.A. § 553, which designates ANR as the air pollution control agency of the state, and 10 V.S.A. § 554, which provides the Secretary of ANR with the power to ''[a]dopt, amend and repeal rules, implementing the provisions'' of 10 V.S.A. Chapter 23, Air Pollution Control, and to ''[a]ppoint and employ personnel and consultants as may be necessary for the administration of'' 10 V.S.A. Chapter 23. Section 554 also authorizes the Secretary of ANR to ''[a]ccept, receive and administer grants or other funds or gifts from public and private agencies, including the federal government, for the purposes of carrying out any of the functions of'' 10 V.S.A. Chapter 23. Additionally, 3 V.S.A. § 2822 provides the Secretary of ANR with the authority to assess air permit and registration fees, which fund state air programs. In addition to Federal funding and permit and registration fees, Vermont notes that the Vermont DEC Air Quality and Climate Division (AQCD) receives state funding to implement its air programs.[32]

EPA proposes that Vermont meets the infrastructure SIP requirements of this portion of section 110(a)(2)(E) for the 2015 ozone NAAQS.

Sub-Element 2: State Board Requirements Under Section 128 of the CAA

Section 110(a)(2)(E)(ii) requires each SIP to contain provisions that comply with the state board requirements of section 128 of the CAA. That provision contains two explicit requirements: (1) That any board or body which approves permits or enforcement orders under this chapter shall have at least a majority of members who represent the public interest and do not derive any significant portion of their income from persons subject to permits and enforcement orders under this chapter, and (2) that any potential conflicts of interest by members of such board or body or the head of an executive agency with similar powers be adequately disclosed. Section 128 further provides that a state may adopt more stringent conflicts of interest requirements and requires EPA to approve any such requirements submitted as part of a SIP.

In Vermont, no board or body approves permits or enforcement orders; these are approved by the Secretary of Vermont ANR. Thus, with respect to this sub-element, Vermont is subject only to the requirements of paragraph (a)(2) of section 128 of the CAA (regarding conflicts of interest).

Vermont's November 19, 2019, infrastructure SIP included State of Vermont Executive Order (E.O.) 19–17, *Executive Code of Ethics,* and requested that we approve it into the SIP and remove E.O. 09–11, which E.O. 19–17 supersedes and replaces. EPA originally approved E.O. 09–11 into the SIP on June 27, 2017. *See* 82 FR 29005.

The submitted Order, E.O. 19–17, prohibits all Vermont executive branch appointees (including the ANR Secretary) from taking ''any action in any matter in which he or she has either a Conflict of Interest or the appearance of a Conflict of Interest, until the Conflict is resolved.'' [33] The Order also

[32] VT ANR's authority to carry out the provisions of the SIP identified in 40 CFR 51.230 is discussed in the sections of this document assessing elements A, C, F, and G, as applicable.

[33] The Order defines ''Conflict of Interest'' as ''a significant interest of an Appointee or such an interest, known to the Appointee, of a member of his or her immediate family or household, or of a business associate, in the outcome of a particular matter pending before the Appointee or his or her Public Body. 'Conflict of Interest' does not include any interest that (i) is no greater than that of other persons generally affected by the outcome of a matter (such as a policyholder in an insurance company or a depositor in a bank), or (ii) has been disclosed to the Secretary and found not to be significant.'' ''Appearance of a Conflict of Interest'' is defined in the Order as ''the impression that a reasonable person might have, after full disclosure of the facts, that an Appointee's judgment might be significantly influenced by outside interests, even though there may be no actual Conflict of Interest.''

prohibits a full-time appointee from being ''the owner of, or financially interested, directly or indirectly, in any Private Entity or private interest subject to the supervision of his or her respective Public Body, except as a policy holder in an insurance company or a depositor in a bank.'' [34] Additionally, the Order requires an appointee to ''take all reasonable steps to avoid any action or circumstances, including acts or circumstances which may not be specifically prohibited by th[e] Code [of Ethics], which might result in (1) [u]ndermining his or her independence or impartiality or action; (2) [t]aking official action based on unfair considerations; (3) [g]iving preferential treatment to any private interest or Private Entity based on unfair considerations; (4) [g]iving preferential treatment to any family member or member of the Appointee's household; (5) [u]sing public office for the advancement of personal interest; (6) [u]sing public office to secure special privileges or exemptions; (7) [a]dversely affecting the confidence of the public in the integrity of State government; or (8) undermining the climate of civility and respect required for every open, democratic government to thrive.''

The Order also includes specific disclosure requirements. Every appointee earning $30,000 or more per year, which includes the ANR Secretary, must file annually with the Vermont Secretary of Civil and Military Affairs an ''Ethics Questionnaire'' identifying ''significant personal interests'' that ''might conflict with the best interests of the state.'' Agency Secretaries must also disclose certain additional financial and contractual interests to the State Ethics Commission biennially. EPA proposes to find that E.O. 19–17 satisfies the CAA § 128 requirement applicable to Vermont that potential conflicts of interest by the head of an executive agency that approves permits or enforcement orders under the CAA be ''adequately disclosed.'' Consequently, EPA proposes to approve E.O. 19–17 into the Vermont SIP and, concurrently, to remove E.O. 09–11 from the Vermont SIP.

EPA proposes that Vermont meets the infrastructure SIP requirements of this portion of section 110(a)(2)(E) for the 2015 ozone NAAQS.

[34] The Order defines ''a direct or indirect financial interest'' to exclude ''any insignificant interest held individually or by a member of the Appointee's immediate household or by a business associate'' and ''any interest which is no greater than that of other persons who might be generally affected by the Supervision of the Appointee's Public Body.''

F. Section 110(a)(2)(F)—Stationary Source Monitoring System

States must establish a system to monitor emissions from stationary sources and submit periodic emissions reports. Each plan shall also require the installation, maintenance, and replacement of equipment, and the implementation of other necessary steps, by owners or operators of stationary sources to monitor emissions from such sources. The state plan shall also require periodic reports on the nature and amounts of emissions and emissions-related data from such sources, and correlation of such reports by each state agency with any emission limitations or standards. Lastly, the reports shall be available at reasonable times for public inspection.

Vermont's infrastructure submittal references existing state regulations previously approved by EPA that require sources to monitor emissions and submit reports. In particular, VT APCR § 5–405, Required Air Monitoring, provides that ANR ''may require the owner or operator of any air contaminant source to install, use and maintain such monitoring equipment and records, establish and maintain such records, and make such periodic emission reports as [ANR] shall prescribe.'' *See* 45 FR 10775 (February 19, 1980). Moreover, section 5–402, Written Reports When Requested, authorizes ANR to ''require written reports from the person operating or responsible for any proposed or existing air contaminant source, which reports shall contain,'' among other things, information concerning the ''nature and amount and time periods or durations of emissions and such other information as may be relevant to the air pollution potential of the source. These reports shall also include the results of such source testing as may be required under Section 5–404 herein.'' *See* 81 FR 50342 (August 1, 2016).

Section 5–404, Methods for Sampling and Testing of Sources authorizes ANR to ''require the owner or operator of [a] source to conduct tests to determine the quantity of particulate and/or gaseous matter being emitted'' and requires a source to allow access, should ANR have reason to believe that emission limits are being violated by the source, and allows ANR ''to conduct tests of [its] own to determine compliance.'' *See* 45 FR 10775 (February 19, 1980). In addition, operators of sources that emit more than five tons of any and all air contaminants per year are required to register the source with the Secretary of ANR and to submit emissions data annually, pursuant to § 5–802, Requirement for Registration, and § 5–803, Registration Procedure. *See* 60 FR 2524 (January 10, 1995).

Vermont also certifies that nothing in its SIP would preclude the use, including the exclusive use, of any credible evidence or information, relevant to whether a source would have been in compliance with applicable requirements if the appropriate performance or compliance test or procedure had been performed. *See* 40 CFR 51.212(c).

Vermont provides for correlation by VT DEC of emissions reports by sources with applicable emission limitations or standards, as required by CAA § 110(a)(2)(F)(iii). Vermont receives emissions data through its annual registration program. Currently, VT DEC analyzes a portion of these data manually to correlate a facility's reported data with permit conditions, including hours of operation, fuel usage, and annual emissions limits for both criteria emissions and hazardous air contaminant emissions. VT DEC reports that it has finished the process of setting up an integrated electronic database that merges all air contaminant source information across permitting, compliance and registration programs, so that information concerning permit conditions, annual emissions data, and compliance data are accessible in one location for a particular air contaminant source. VT DEC further reports that it is working on a database function that would automatically correlate emissions data with permit conditions and other applicable standards electronically to enable VT DEC to complete correlation more efficiently and accurately.

Regarding the section 110(a)(2)(F) requirement that the SIP ensure that the public has availability to emission reports, Vermont certified in its November 19, 2019, submittal for the 2015 ozone NAAQS that the Vermont Public Records Act, 1 V.S.A. §§ 315–320, provides for the free and open examination of public records, including emissions reports. Furthermore, 10 V.S.A. § 563 specifically provides that the ANR ''Secretary shall not withhold emissions data and emission monitoring data from public inspection or review'' and ''shall keep confidential any record or other information furnished to or obtained by the Secretary concerning an air contaminant source, *other than emissions data and emission monitoring data,* that qualifies as a trade secret pursuant to 1 V.S.A. § 317(c)(9).'' (emphasis added). EPA approved section 563 into the Vermont SIP on June 27, 2017. *See* 82 FR 29005.

Consequently, EPA proposes that Vermont meets the infrastructure SIP requirements of section 110(a)(2)(F) for the 2015 ozone NAAQS.

G. Section 110(a)(2)(G)—Emergency Powers

This section requires that a plan provide for state authority analogous to that provided to the EPA Administrator in section 303 of the CAA, and adequate contingency plans to implement such authority. Section 303 of the CAA provides authority to the EPA Administrator to seek a court order to restrain any source from causing or contributing to emissions that present an ''imminent and substantial endangerment to public health or welfare, or the environment.'' Section 303 further authorizes the Administrator to issue ''such orders as may be necessary to protect public health or welfare or the environment'' in the event that ''it is not practicable to assure prompt protection . . . by commencement of such civil action.''

On June 27, 2017, EPA approved a Vermont SIP revision addressing the requirement that the plan provide for state authority comparable to that in section 303 of the CAA. *See* 82 FR 29005. For a detailed analysis explaining how Vermont meets this requirement, see EPA's notice of proposed rulemaking for that action. *See* 82 FR 15671, 15679 (March 30, 2017). For the reasons provided in the March 2017 notice, we are proposing to approve the state's submittal for this requirement of Section 110(a)(2)(G) with respect to the 2015 ozone NAAQS.

Section 110(a)(2)(G) also requires that Vermont have an approved contingency plan for any Air Quality Control Region (AQCR) within the state that is classified as Priority I, IA, or II for certain pollutants. *See* 40 CFR 51.150, 51.152(c). In general, contingency plans for Priority I, IA, and II areas must meet the applicable requirements of 40 CFR part 51, subpart H (40 CFR 51.150 through 51.153) (''Prevention of Air Pollution Emergency Episodes'') for the relevant NAAQS, if the NAAQS is covered by those regulations. Both AQCRs in Vermont are classified as Priority III for ozone, 40 CFR 52.2371, and, therefore, Vermont does not need to submit a contingency plan to implement its emergency episode authority.[35] Although not expected, if ozone conditions were to change, Vermont does have general authority, as noted previously (*i.e.,* 10 V.S.A. § 560 and 10 V.S.A. § 8009), to order a source to cease operations if it is determined that emissions from the source pose an imminent danger to human health or safety or an immediate threat of substantial harm to the environment.

In addition, as stated in Vermont's infrastructure SIP submittal under the discussion of public notification (Element J), Vermont posts near real-time air quality data, air quality predictions and a record of historical data on the VT DEC website and, when forecast or measured ozone concentrations exceed the level of the 2015 ozone NAAQS, distributes air quality alerts by email to many parties, including the media and the National Weather Service. Alerts include information about the health implications of elevated pollutant levels and list actions to reduce emissions and to reduce the public's exposure. In addition, daily forecasted ozone levels are also made available on the internet through the EPA AirNow and EnviroFlash systems. Information regarding these two systems is available on EPA's website at *www.airnow.gov*. Notices are sent out to EnviroFlash participants when levels are forecast to exceed the current ozone standard.

EPA proposes that Vermont meets the applicable infrastructure SIP requirements for section 110(a)(2)(G) with respect to contingency plans for the 2015 ozone NAAQS.

H. Section 110(a)(2)(H)—Future SIP Revisions

This section requires that a state's SIP provide for revision from time to time as may be necessary to take account of changes in the NAAQS or availability of improved methods for attaining the NAAQS and whenever EPA finds that the SIP is substantially inadequate. To address this requirement, Vermont's infrastructure submittal references 10 V.S.A. § 554, which provides the Secretary of Vermont ANR with the power to ''[p]repare and develop a comprehensive plan or plans for the prevention, abatement and control of air pollution in this state'' and to ''[a]dopt, amend and repeal rules, implementing the provisions'' of Vermont's air pollution control laws set forth in 10 V.S.A. chapter 23. EPA approved 10 V.S.A. § 554 into the SIP on June 27, 2017. *See* 82 FR 29005. EPA proposes that Vermont meets the infrastructure SIP requirements of CAA section 110(a)(2)(H) with respect to the 2015 ozone NAAQS.

I. Section 110(a)(2)(I)—Nonattainment Area Plan or Plan Revisions Under Part D

Section 110(a)(2)(I) provides that each plan or plan revision for an area designated as a nonattainment area shall meet the applicable requirements of part D of the CAA. EPA interprets section 110(a)(2)(I) to be inapplicable to the infrastructure SIP process because specific SIP submissions for designated nonattainment areas, as required under part D, are subject to a different submission schedule under subparts 2 through 5 of part D, extending as far as 10 years following area designations for some elements, whereas infrastructure SIP submissions are due within three years after adoption or revision of a NAAQS. Accordingly, EPA takes action on part D attainment plans through separate processes.

J. Section 110(a)(2)(J)—Consultation With Government Officials; Public Notifications; Prevention of Significant Deterioration; Visibility Protection

Section 110(a)(2)(J) of the CAA requires that each SIP ''meet the applicable requirements of section 121 of this title (relating to consultation), section 127 of this title (relating to public notification), and part C of this subchapter (relating to PSD of air quality and visibility protection).'' The evaluation of the submission from Vermont with respect to these requirements is described below.

Sub-Element 1: Consultation With Government Officials

Pursuant to CAA section 121, a state must provide a satisfactory process for consultation with local governments and Federal Land Managers (FLMs) in carrying out its NAAQS implementation requirements.

Vermont's 10 V.S.A. § 554 specifies that the Secretary of Vermont ANR shall have the power to ''[a]dvise, consult, contract and cooperate with other agencies of the state, local governments, industries, other states, interstate or interlocal agencies, and the federal government, and with interested persons or groups.'' EPA approved 10 V.S.A. § 554 into the SIP on June 27, 2017. *See* 82 FR 29005. In addition, VT APCR § 5–501(7)(c) requires VT ANR to provide notice to local governments and federal land managers of a determination by ANR to issue a draft PSD permit for a major stationary source or major modification. On August 1, 2016, EPA approved VT APCR § 5–501(7)(c) into Vermont's SIP. *See* 81 FR

[35] Classification of regions in Vermont is available at *https://www.ecfr.gov/cgi-bin/text-idx?SID=73d43a45cf13909292d606aad27c9cc6&mc=true&node=se40.5.52_12371&rgn=div8* and ozone monitor values for individual monitoring sites throughout Vermont are available at *www.epa.gov/outdoor-air-quality-data/monitor-values-report.*

50342. Therefore, EPA proposes that Vermont meets the infrastructure SIP requirements of this portion of section 110(a)(2)(J) for the 2015 ozone NAAQS.

Sub-Element 2: Public Notification

Pursuant to CAA section 127, states must notify the public if NAAQS are exceeded in an area, advise the public of health hazards associated with exceedances, and enhance public awareness of measures that can be taken to prevent exceedances and of ways in which the public can participate in regulatory and other efforts to improve air quality.

Vermont's 10 V.S.A. § 554 authorizes the Secretary of Vermont ANR to ''[c]ollect and disseminate information and conduct educational and training programs relating to air contamination and air pollution.'' In addition, the VT DEC Air Quality and Climate Division website includes near real-time air quality data, and a record of historical data. Air quality forecasts are distributed daily via email to interested parties. Air quality alerts are sent by email to a large number of affected parties, including the media. Alerts include information about the health implications of elevated pollutant levels and list actions to reduce emissions and to reduce the public's exposure. Also, Air Quality Data Summaries of the year's air quality monitoring results are issued annually and posted on the VT DEC Air Quality and Climate Division website. Vermont is also an active partner in EPA's AirNow and EnviroFlash air quality alert programs.

EPA proposes that Vermont meets the infrastructure SIP requirements of this portion of section 110(a)(2)(J) for the 2015 ozone NAAQS.

Sub-Element 3: PSD

EPA has already discussed Vermont's PSD program in the context of infrastructure SIPs in the paragraphs addressing section 110(a)(2)(C) and 110(a)(2)(D)(i)(II) and determined that it satisfies the requirements of EPA's PSD implementation rules. Therefore, the SIP also satisfies the PSD sub-element of section 110(a)(2)(J) for the 2015 ozone NAAQS.

Sub-Element 4: Visibility Protection

With regard to the applicable requirements for visibility protection, states are subject to visibility and regional haze program requirements under part C of the CAA (which includes sections 169A and 169B). In the event of the establishment of a new NAAQS, however, the visibility and regional haze program requirements under part C do not change. Thus, as noted in EPA's 2013 memorandum, we find that there is no new visibility obligation ''triggered'' under section 110(a)(2)(J) when a new NAAQS becomes effective. In other words, the visibility protection requirements of section 110(a)(2)(J) are not germane to infrastructure SIPs for the 2015 ozone NAAQS.

Based on the above analysis, EPA proposes that Vermont meets the infrastructure SIP requirements of sub-elements 1–3 of section 110(a)(2)(J) for the 2015 ozone NAAQS. We are not proposing action on sub-element 4 because, as noted above, it is not germane to infrastructure SIPs.

K. Section 110(a)(2)(K)—Air Quality Modeling/Data

Section 110(a)(2)(K) of the Act requires that a SIP provide for the performance of such air quality modeling as the EPA Administrator may prescribe for the purpose of predicting the effect on ambient air quality of any emissions of any air pollutant for which EPA has established a NAAQS, and the submission, upon request, of data related to such air quality modeling. EPA has published modeling guidelines at 40 CFR part 51, Appendix W, for predicting the effects of emissions of criteria pollutants on ambient air quality. EPA also recommends in the 2013 memorandum that, to meet section 110(a)(2)(K), a state submit or reference the statutory or regulatory provisions that provide the air agency with the authority to conduct such air quality modeling and to provide such modeling data to EPA upon request.

In its submittal, Vermont cites to VT APCR § 5–406, Required Air Modeling, which authorizes ''[t]he Air Pollution Control Officer [to] require the owner or operator of any proposed air contaminant source . . . to conduct . . . air quality modeling and to submit an air quality impact evaluation to demonstrate that operation of the proposed source . . . will not directly or indirectly result in a violation of any ambient air quality standard, interfere with the attainment of any ambient air quality standard, or violate any applicable prevention of significant deterioration increment . . . .'' Vermont reviews the potential impact of such sources consistent with EPA's ''Guidelines on Air Quality Models'' at 40 CFR part 51, appendix W. *See* VT APCR § 5–406(2). Vermont also cites to VT APCR § 5–502, Major Stationary Sources and Major Modifications, which requires the submittal of an air quality impact evaluation or air quality modeling to ANR to demonstrate impacts of new and modified major sources, in accordance with VT APCR § 5–406. The modeling data are sent to EPA along with the draft major permit. As a result, the SIP provides for such air quality modeling as the Administrator has prescribed and for the submission, upon request, of data related to such modeling.

The state also collaborates with the Ozone Transport Commission (OTC) and the Mid-Atlantic Regional Air Management Association and EPA in order to perform large-scale urban air shed modeling for ozone and PM, if necessary. EPA proposes that Vermont meets the infrastructure SIP requirements of section 110(a)(2)(K) for the 2015 ozone NAAQS.

L. Section 110(a)(2)(L)—Permitting Fees

This section requires SIPs to mandate that each major stationary source pay permitting fees to cover the costs of reviewing, approving, implementing, and enforcing a permit.

Vermont state law requires application fees for construction or modification permits for major stationary sources, 10 V.S.A. § 556; VT APCR § 5–504, and sets forth fee amounts, 3 V.S.A. § 2822(j)(1)(A)(ii)(I). State law also requires major stationary sources to pay annual registration renewal fees. *Id.* § 2822(j)(1)(B); VT APCR §§ 5–802, 5–806. Moreover, EPA fully approved Vermont's Title V permit program, *see* VT APCR subchapter X, on November 29, 2001. *See* 66 FR 59535; *see also* 40 CFR part 70, appendix A. To gain this approval, Vermont demonstrated that the annual fees required of Title V sources (which includes major stationary sources) under State law are sufficient to cover the costs of reviewing, approving, implementing, and enforcing the permits. *See* 61 FR 26145 (May 24, 1996).

Therefore, EPA proposes that Vermont meets the infrastructure SIP requirements of section 110(a)(2)(L) for the 2015 ozone NAAQS.

M. Section 110(a)(2)(M)—Consultation/ Participation by Affected Local Entities

To satisfy Element M, states must provide for consultation with, and participation by, local political subdivisions affected by the SIP. Vermont's infrastructure submittal references 10 V.S.A. § 554, which was approved into the VT SIP on June 27, 2017. *See* 82 FR 29005. This statute authorizes the Secretary of Vermont ANR to ''[a]dvise, consult, contract and cooperate with other agencies of the state, local governments, industries, other states, interstate or interlocal agencies, and the federal government,

and with interested persons or groups.'' In addition, VT APCR § 5–501(7) provides for notification to local officials and agencies about the opportunity for participating in permitting determinations for the construction or modification of major sources. EPA proposes that Vermont meets the infrastructure SIP requirements of section 110(a)(2)(M) with respect to the 2015 ozone NAAQS.

N. Vermont Executive Order Submitted for Incorporation Into the SIP

Vermont's November 19, 2019, infrastructure SIP submittal for the 2015 ozone NAAQS included State of Vermont Executive Order (E.O.) 19–17, *Executive Code of Ethics.* As requested by Vermont, EPA is proposing to approve E.O. 19–17 into the Vermont SIP and, because E.O. 19–17 supersedes and replaces E.O. 09–11, to remove E.O. 09–11 from the Vermont SIP.

III. Proposed Action.

EPA is proposing to approve the elements of the infrastructure SIP submitted by Vermont on November 19, 2019, for the 2015 ozone NAAQS. Specifically, EPA's proposed action regarding each infrastructure SIP requirement is contained in Table 1 below.

TABLE 1—PROPOSED ACTION ON VERMONT'S INFRASTRUCTURE SIP SUBMITTAL FOR THE 2015 OZONE NAAQS

Element	2015 Ozone
(A): Emission limits and other control measures.	A
(B): Ambient air quality monitoring and data system.	A
(C)1: Enforcement of SIP measures.	A
(C)2: PSD program for major sources and major modifications.	A
(C)3: PSD program for minor sources and minor modifications.	A
(D)1: Contribute to nonattainment/interfere with maintenance of NAAQS.	A
(D)2: PSD	A
(D)3: Visibility Protection	A
(D)4: Interstate Pollution Abatement.	A
(D)5: International Pollution Abatement.	A
(E)1: Adequate resources	A
(E)2: State boards	A
(E)3: Necessary assurances with respect to local agencies.	NA
(F): Stationary source monitoring system.	A
(G): Emergency power	A
(H): Future SIP revisions	A
(I): Nonattainment area plan or plan revisions under part D.	+
(J)1: Consultation with government officials.	A
(J)2: Public notification	A
(J)3: PSD	A
(J)4: Visibility protection	+
(K): Air quality modeling and data.	A
(L): Permitting fees	A
(M): Consultation and participation by affected local entities.	A

In the above table, the key is as follows:

A	Approve
NA	Not applicable
+	Not germane to infrastructure SIPs

In addition, EPA is proposing to approve, and incorporate into the Vermont SIP, the following Executive Order, which was included for approval in Vermont's infrastructure SIP submittal:

State of Vermont Executive Order No. 19–17, Executive Code of Ethics, effective December 4, 2017.

EPA is also proposing to remove State of Vermont Executive Order No. 09–11, *Executive Code of Ethics,* which has been superseded and replaced by Executive Order No. 19–17.

EPA is soliciting public comments on the issues discussed in this notice or on other relevant matters. These comments will be considered before taking final action. Interested parties may participate in the Federal rulemaking procedure by submitting written comments to this proposed rule by following the instructions listed in the **ADDRESSES** section of this **Federal Register**.

IV. Incorporation by Reference

In this rule, EPA is proposing to include in a final EPA rule regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is proposing to incorporate by reference the Vermont executive order regarding the State's executive code of ethics discussed in Section II of this preamble. EPA has made, and will continue to make, these documents generally available through *https://www.regulations.gov* and at the EPA Region 1 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

V. Statutory and Executive Order Reviews

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

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

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

List of Subjects in 40 CFR Part 52

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

Dated: March 24, 2020.

Dennis Deziel,

Regional Administrator, EPA Region 1.

[FR Doc. 2020–06659 Filed 3–31–20; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 721

[EPA–HQ–OPPT–2019–0614; FRL–10004–51]

RIN 2070–AB27

Modification of Significant New Uses of Certain Chemical Substances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to amend the significant new use rules (SNURs) for chemical substances, which were the subject of a premanufacture notice (PMN) and a significant new use notice (SNUN). This action would amend the SNURs to allow certain new uses reported in the SNUNs without additional notification requirements and modify the significant new use notification requirements based on the actions and determinations for the SNUN submissions. EPA is proposing this amendment based on review of new and existing data for the chemical substances.

DATES: Comments must be received on or before May 1, 2020.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–HQ–OPPT–2019–0614, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.
- *Mail:* Document Control Office (7407M), Office of Pollution Prevention and Toxics (OPPT), Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001.
- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.html.* Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *http://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: *For technical information contact:* Kenneth Moss, Chemical Control Division, Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: (202) 564–8974; email address: *moss.kenneth@epa.gov.*

For general information contact: The TSCA-Hotline, ABVI-Goodwill, 422 South Clinton Ave., Rochester, NY 14620; telephone number: (202) 554–1404; email address: *TSCA-Hotline@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you manufacture, process, or use the chemical substances contained in this proposed rule. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Manufacturers or processors of the chemical substance (NAICS codes 325 and 324110), *e.g.,* chemical manufacturing and petroleum refineries.

This proposed rule may affect certain entities through pre-existing import certification and export notification rules under TSCA. Chemical importers are subject to the TSCA section 13 (15 U.S.C. 2612) import certification requirements promulgated at 19 CFR 12.118 through 12.127 and 19 CFR 127.28 and must certify that the shipment of the chemical substance complies with all applicable rules and orders under TSCA. Importers of chemicals subject to a SNUR must certify their compliance with the SNUR requirements. Any person who exports or intends to export the chemical substance that is the subject of a final rule are subject to the export notification provisions of TSCA section 12(b) (15 U.S.C. 2611(b)) (40 CFR 721.20), and must comply with the export notification requirements in 40 CFR part 707, subpart D.

B. What should I consider as I prepare my comments for EPA?

1. *Submitting CBI.* Do not submit this information to EPA through *regulations.gov* or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD–ROM that you mail to EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When preparing and submitting your comments, see the commenting tips at *http://www.epa.gov/dockets/comments.html.*

II. Background

A. What action is the Agency taking?

EPA is proposing amendments to the SNURs for chemical substances in 40 CFR part 721, subpart E. A SNUR for a chemical substance designates certain activities as a significant new use. Persons who intend to manufacture or process the chemical substance for the significant new use must notify EPA at least 90 days before commencing that activity. The required notification would initiate EPA's evaluation of the intended use within the applicable review period. Manufacture and processing for the significant new use would be unable to commence until EPA conducted a review of the notice, made an appropriate determination on the notice, and took such actions as are required with that determination.

B. What is the Agency's authority for taking this action?

TSCA section 5(a)(2) (15 U.S.C. 2604(a)(2)) authorizes EPA to determine that a use of a chemical substance is a ''significant new use.'' EPA must make

this determination by rule after considering all relevant factors and may issue or modify a TSCA section 5(e) Order and/or amend the SNUR promulgated under TSCA section 5(a)(2). Procedures and criteria for modifying or revoking SNUR requirements appear at 40 CFR 721.185.

III. Significant New Use Determination

TSCA section 5(a)(2) states that EPA's determination that a use of a chemical substance is a significant new use must be made after consideration of all relevant factors, including:

- The projected volume of manufacturing and processing of a chemical substance.
- The extent to which a use changes the type or form of exposure of human beings or the environment to a chemical substance.
- The extent to which a use increases the magnitude and duration of exposure of human beings or the environment to a chemical substance.
- The reasonably anticipated manner and methods of manufacturing, processing, distribution in commerce, and disposal of a chemical substance.

In determining whether and how to amend the significant new uses for the chemical substances that are the subject of these SNURs EPA considered relevant information about the toxicity of the chemical substance, likely human exposures and environmental releases associated with possible uses, and the four TSCA section 5(a)(2) factors listed in this unit.

IV. Substances Subject to This Proposed Significant New Use Rule Amendment and Proposed Changes

EPA is proposing to amend the significant new use and recordkeeping requirements for chemical substances in 40 CFR part 721, subpart E. In this unit, EPA provides the following information for each chemical substance:

- PMN number and SNUN number.
- Chemical name (generic name, if the specific name is claimed as CBI).
- Chemical Abstracts Service (CAS) number (if assigned for non-confidential chemical identities).
- **Federal Register** publication date and reference for the final SNUR previously issued.
- Basis for the Proposed Amendment.
- Potentially Useful Information. This is information identified by EPA that would help characterize the potential health and/or environmental effects of the chemical substance in support of a request by the PMN submitter to modify the TSCA Order, or if a manufacturer or processor is considering submitting a SNUN for a significant new use designated by the SNUR.
- CFR citation assigned in the regulatory text section of this proposed rule.

PMN P–95–169; SNUN S–08–7; SNUN S–14–1; and SNUN S–17–10

Chemical name: 2-Propen-1-one, 1-(4-morpholinyl)-.

CAS number: 5117–12–4.

Federal Register *publication date and reference:* Jan. 5, 2000 (65 FR 354) (FRL–6055–2), amended May 13, 2011 (76 FR 27910) (FRL–8871–5), and amended June 30, 2015, (80 FR 37165) (FRL–9928–93).

Basis for the modified significant new use rule: P–95–169 is used as a diluent for ultraviolet and electron beam curable resins for coatings, inks, and curable adhesives, S–14–1 is used as a monomer in ultraviolet ink jet applications and S–08–7 is used in energy production. The proposed SNUR modification of April 9, 2015, (80 FR 19037) (FRL–9924–10) contains the basis of the current SNUR codified at 40 CFR 721.5185.

On June 12, 2017, EPA received a SNUN (S–17–10) involving the chemical substance for use as a monomer for use in stereolithography. The 90-day review period for the SNUN expired on February 6, 2018 and a TSCA section 5(e) Order was issued under TSCA sections 5(a)(3)(B)(ii)(I) and 5(e)(1)(A)(ii)(I), based on a determination that the use may present an unreasonable risk of injury to human health and the environment. EPA identified concerns, based on acute toxicity, neurotoxicity, eye irritation, sensitization, liver toxicity, and aquatic toxicity test data for the chemical substance. In addition to the dermal protection, hazard communication, use, and water release notification requirements under the SNUR, the TSCA section 5(e) Order for S–17–10 required respirators to prevent inhalation exposure during the use of the chemical substance as a monomer in stereolithography. The proposed amendment would remove the use described in the SNUN from the scope of the significant new use, except where that use does not include the protective measures described in the TSCA section 5(e) Order for S–17–10.

Potentially Useful Information: Certain information may be potentially useful to characterize the health and environmental effects of the chemical substance in support of a request to modify the TSCA section 5(e) Order, or if a manufacturer or processor is considering submitting a SNUN for a significant new use that would be designated by this proposed SNUR. The results of specific organ toxicity and aquatic toxicity testing would help characterize the potential health and environmental effects of the chemical substance

CFR citation: 40 CFR 721.5185.

PMN P–10–136 and SNUN S–18–5

Chemical names: (P–10–136, Chemical A) Butanoic acid, 3-mercapto-, 1,1′-[2,2-bis[(substituted-1-oxoalkoxy)methyl]-1,3-propanediyl] ester (generic) and (P–10–136, Chemical B) Butanoic acid, 3-mercapto-,1,1′-[2-(hydroxymethyl)-2-(substituted-1-oxoalkoxy)methyl)-1,3-propanediyl] ester (generic).

CAS numbers: Not Available.

Federal Register *publication date and reference:* Apr. 27, 2012, (77 FR 25236) (FRL– 9343–4).

Basis for the modified significant new use rule: P–10–136 states that the chemical substances will be used as a monomer for acryl-based ultra-violet (UV)-curing coatings, inks, and adhesives. A SNUR was issued based on meeting the concern criteria at 40 CFR 721.170(b)(3)(i) and (b)(4)(i). EPA identified concerns for systemic toxicity, mutagenic effects, dermal sensitization and neurotoxicity, based on test data on the PMN substances. The SNUR required notification for domestic manufacture; for use other than as a monomer for acryl-based ultra-violet (UV)-curing coatings, inks, and adhesives; and for manufacturing, processing or use resulting in releases to surface waters exceeding 2 ppb.

On August 16, 2018, EPA received S–18–5 for the generic (non-confidential) use as a monomer for industrial adhesives, coatings and inks. The 90-day review period expired on September 25, 2019. Based on the activities described in the SNUN, EPA determined under TSCA section 5(a)(3)(C) that the use is not likely to present an unreasonable risk. The modified SNUR would retain the existing notification requirements and remove the new use described in S–18–5 from the scope of the significant new use.

Potentially Useful Information: Certain information may be potentially useful to characterize the health and environmental effects of the chemical substances if a manufacturer or processor is considering submitting a SNUN for a significant new use that would be designated by this proposed SNUR. The results of specific target organ toxicity and aquatic toxicity testing would help characterize the potential health and environmental effects of the chemical substances.

CFR citations: 40 CFR 721.10371 and 40 CFR 721.10372.

PMN P–12–44; SNUN S–18–4; and SNUN S–19–5

Chemical name: Functionalized multi-walled carbon nanotubes (generic).

CAS number: None.

Federal Register *publication date and reference:* May 9, 2013, (78 FR 27056) (FRL–9384–8).

Basis for the modified significant new use rule: The generic (non-confidential) use for P–12–44 is an additive for rubber and batteries. The SNUR was issued based on meeting the concern criteria at 40 CFR 721.170(b)(3)(ii) and (b)(4)(ii). EPA identified concerns for lung effects to workers exposed to the PMN substance and for sublethal effects in fish at levels at 100 ppb. The SNUR required notification if the chemical substance was used other than for the confidential use described in the PMN, for manufacturing, processing or use as a powder, and for manufacturing, processing or use resulting in releases to surface waters.

On May 14, 2018, EPA received a SNUN, S–18–4 for the chemical substance for use as a chemical additive in epoxy compounds for transportation, marine and industrial coatings, paints and manufactured goods. The 90-day review period for the SNUN expired on February 22, 2019. Based on the activities described in the SNUN, an Order was issued under TSCA sections 5(a)(3)(B)(ii)(I) and 5(e)(1)(A)(ii)(I), based on determinations under sections 5(a)(3)(B)(i) and 5(e)(1)(A)(i) of TSCA that the use may present an unreasonable risk of injury to human health, and the information available to the Agency is insufficient to permit a reasoned evaluation of the environmental effects. EPA identified concerns for lung effects, carcinogenicity, immunotoxicity, and thymus toxicity.

Due to potential worker exposures, the TSCA Order for S–18–4 allows the use of the chemical substance as a chemical additive for use in epoxy compounds for transportation, marine and industrial coatings, paints and manufactured goods and requires personal protective equipment including respirators to prevent dermal and inhalation exposure. The TSCA Order also retains the same requirements as the SNUR for no water release, for no manufacturing, processing or use as a powder, and allowing the confidential use described in PMN P–12–44.

On May 20, 2019 EPA received a SNUN, S–19–5 for the chemical substance from the same submitter as S–18–4 for use in conductive ink. The 90-day review period for the SNUN expired on August 9, 2019. Based on the activities described in the SNUN, including the requirements of the TSCA Order for S–18–4, EPA determined under TSCA section 5(a)(3)(C) that the use is not likely to present an unreasonable risk. EPA modified the TSCA Order for S–18–4 to allow the use described in the SNUN.

The proposed amendment would (1) remove the new uses described in SNUN S–19–5 from the scope of the significant new use and (2) remove the new uses described in SNUN S–18–4 from the scope of the significant new use except where that use does not include the protective measures described in the TSCA Order for S–18–4.

Potentially Useful Information: Certain information may be potentially useful to characterize the health and environmental effects of the chemical substance in support of a request to modify the TSCA section 5(e) Order, or if a manufacturer or processor is considering submitting a SNUN. The results of particle size information, specific organ toxicity, carcinogenicity, and acute and chronic aquatic toxicity testing would help characterize the potential health and environmental effects of the chemical substance.

CFR citation: 40 CFR 721.10663.

PMN P–12–0292; PMN P–17–217; and SNUN S–19–4

Chemical name: Coke (coal), secondary pitch; a carbon-containing residue from the coking of air blown pitch coke oil and/or pitch distillate; composed primarily of isotropic carbon, it contains small amounts of sulfur and ash constituents.

CAS number: 94113–91–4.

Federal Register *publication date and reference:* November 17, 2016 (81 FR 81264) (FRL–9953–41).

Basis for the modified significant new use rule: P–12–292 states the generic (non-confidential) use of the chemical substance is in the carbon graphite industry. The SNUR issued under TSCA sections 5(e)(1)(A)(i) and 5(e)(1)(A)(ii)(I), was based on the chemical substance may present an unreasonable risk of injury to human health. EPA identified concerns for lung effects and cancer to workers exposed to the substance via inhalation based on SAR analysis of test data on analogous respirable, poorly soluble particulates, in the carbon black. The SNUR required notification for use without the personal protective equipment, including a NIOSH-certified respirator with an APF of at least 50 or compliance with a New Chemicals Exposure Limit (NCEL) of 0.0025 mg/m^3; use without establishment and use of a hazard communication program; domestic manufacture; use other than the confidential use specified in the TSCA Order; and exceeding an aggregate confidential production volume limit.

On January 19, 2017, EPA received PMN P–17–217 for the same chemical substance for use as an additive to increase the porosity in the manufacture of diesel particulate filters. The 90-day review period for the PMN expired on July 4, 2017. Based on the activities described in the PMN, an Order was issued under TSCA sections 5(a)(3)(B)(ii)(I) and 5(e)(1)(A)(ii)(I), based on a determination that the chemical substance may present an unreasonable risk of injury to human health. In addition to the restrictions identified for the SNUR, the TSCA Order for P–17–217 did not allow processing or use of the chemical substance involving an application method that generates a dust, vapor, mist, or aerosol; permitted use as an additive for diesel particulate filters manufacture to increase the porosity of the filter material for export only (*i.e.,* no use of the additive formulation within the United States); and required certain testing before exceeding an aggregate production volume limit of 2,500,000 kilograms.

On June 4, 2019, EPA received a SNUN, S–19–4 for use of the chemical substance as a lubricating agent in the production of automotive disc brakes. The 90-day review period for the SNUN expired on September 13, 2019. Based on the activities described in the SNUN, EPA determined under TSCA section 5(a)(3)(C) that the use is not likely to present an unreasonable risk.

The modified SNUR proposes to designate as a ''significant new use'' processing or use of the chemical substance involving an application method that generates a dust, vapor, mist, or aerosol, exceeding an aggregate production volume of 2,500,000 kilograms, and to allow the uses described in P–17–217 and S–19–4. It would also be a significant new use to use the substance in an additive formulation to produce diesel particulate filters within the United States.

Potentially Useful Information: Certain information may be potentially useful to characterize the health effects of the chemical substance in support of a request to modify the TSCA section 5(e) Order, or if a manufacturer or processor is considering submitting a SNUN for a significant new use that would be designated by this proposed SNUR. The results of pulmonary

toxicity and carcinogenicity testing would help characterize the potential health effects of the chemical substance.

CFR citation: 40 CFR 721.10928.

V. Rationale for the Proposed Rule

In those instances where EPA expanded the scope of the significant new use, the Agency identified concerns, as discussed in Unit IV., associated with certain uses that are not current. EPA determined that those uses could result in changes in the type or form of exposure to the chemical substance and/or increased exposures to the chemical substance and/or changes in the reasonably anticipated manner and methods of manufacturing, processing, distribution in commerce, and disposal of the chemical substance, in addition to considering the factors discussed in Unit IV.

VI. Applicability of the Proposed Rule to Uses Occurring Before Effective Date of the Final Rule

To establish a significant new use, EPA must determine that the use is not ongoing. EPA solicits comments on whether any of the uses that are not currently a significant new use under the current rule, but which would be regulated as a ''significant new use'' if this proposed rule is finalized are ongoing. These specific new uses are processing or use involving an application method that generates a dust, vapor, mist, or aerosol or exceeding an aggregate production volume of 2,500,000 kilograms for the SNUR for 40 CFR 721.10928, worker protection requirements for the SNUR for 40 CFR 721.10663, and the additional worker protection requirements for inhalation exposure for the SNUR for 40 CFR 721.5185. EPA designates April 1, 2020 as the cutoff date for determining whether the new use is ongoing. EPA has decided that the intent of TSCA section 5(a)(1)(B) is best served by designating a use as a significant new use as of the date of public release of the proposed SNUR rather than as of the effective date of the final rule. If uses begun after public release were considered ongoing rather than new, it would be difficult for EPA to establish SNUR notice requirements, because a person could defeat the SNUR by initiating the proposed significant new use before the rule became effective, and then argue that the use was ongoing as of the effective date of the final rule.

Thus, any persons who begin commercial manufacture or processing activities with the chemical substance that are not currently a significant new use under the current rule but which would be regulated as a ''significant new use'' if this proposed rule is finalized, must cease any such activity as of the effective date of the rule if and when finalized. To resume their activities, these persons would have to comply with all applicable SNUR notice requirements and wait until the notice review period, including all extensions, expires.

VII. Development and Submission of Information

TSCA section 5 generally does not require developing any particular new information (*e.g.,* generating test data) before submission of a SNUN. There is an exception: If a person is required to submit information for a chemical substance pursuant to a rule, order or consent agreement under TSCA section 4 (15 U.S.C. 2603), then TSCA section 5(b)(1)(A) (15 U.S.C. 2604(b)(1)(A)) requires such information to be submitted to EPA at the time of submission of the SNUN.

In the absence of a rule, order, or consent agreement under TSCA section 4 covering the chemical substance, persons are required only to submit information in their possession or control and to describe any other information known or reasonably ascertainable (40 CFR 720.50). Unit IV. lists potentially useful information for all SNURs in this rule. Descriptions of this information are provided for informational purposes. The potentially useful information identified in Unit IV. will be useful to EPA's evaluation in the event that someone submits a SNUN for the significant new use. Companies who are considering submitting a SNUN are encouraged, but not required, to develop the information on the substance, which may assist with EPA's analysis of the SNUN.

EPA strongly encourages persons, before performing any testing, to consult with the Agency. Furthermore, pursuant to TSCA section 4(h), which pertains to reduction of testing on vertebrate animals, EPA encourages dialog with the Agency on the use of alternative test methods and strategies (also called New Approach Methodologies, or NAMs), if available, to generate the recommended test data. EPA encourages dialog with Agency representatives to help determine how best the submitter can meet both the data needs and the objective of TSCA section 4(h).

The potentially useful information listed in Unit IV. may not be the only means of providing information to evaluate the chemical substance. EPA recommends that potential SNUN submitters contact EPA early enough so that they will be able to conduct the appropriate tests.

SNUN submitters should be aware that EPA will be better able to evaluate SNUNs which provide detailed information on the following:

- Human exposure and environmental release that may result from the significant new use of the chemical substances.

VIII. SNUN Submissions

According to 40 CFR 721.1(c), persons submitting a SNUN must comply with the same notification requirements and EPA regulatory procedures as persons submitting a PMN, including submission of test data on health and environmental effects as described in 40 CFR 720.50. SNUNs must be submitted on EPA Form No. 7710–25, generated using e-PMN software, and submitted to the Agency in accordance with the procedures set forth in 40 CFR 721.25 and 40 CFR 720.40. E–PMN software is available electronically at *https://www.epa.gov/opptintr/newchems.*

IX. Economic Analysis

EPA has evaluated the potential costs of establishing SNUN requirements for potential manufacturers and processors of the chemical substances subject to this proposed rule. The EPA's complete economic analysis is available in the docket under docket ID number EPA–HQ–OPPT–2019–0614.

X. Statutory and Executive Order Reviews

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

A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulations and Regulatory Review

This proposed rule would modify SNURs for chemical substances that were the subject of a PMN and a SNUN. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993).

B. Paperwork Reduction Act (PRA)

According to the PRA, 44 U.S.C. 3501 *et seq.,* an agency may not conduct or sponsor, and a person is not required to respond to a collection of information that requires OMB approval under PRA, unless it has been approved by OMB and displays a currently valid OMB control number. The OMB control numbers for EPA's regulations in title 40

of the CFR, after appearing in the **Federal Register**, are listed in 40 CFR part 9, and included on the related collection instrument or form, if applicable. EPA is amending the table in 40 CFR part 9 to list the OMB approval number for the information collection requirements contained in this rule. This listing of the OMB control numbers and their subsequent codification in the CFR satisfies the display requirements of PRA and OMB's implementing regulations at 5 CFR part 1320. This Information Collection Request (ICR) was previously subject to public notice and comment prior to OMB approval, and given the technical nature of the table, EPA finds that further notice and comment to amend it is unnecessary. As a result, EPA finds that there is ''good cause'' under section 553(b)(3)(B) of the Administrative Procedure Act, 5 U.S.C. 553(b)(3)(B), to amend this table without further notice and comment.

The information collection requirements related to this action have already been approved by OMB pursuant to PRA under OMB control number 2070–0012 (EPA ICR No. 574). This action does not impose any burden requiring additional OMB approval. If an entity were to submit a SNUN to the Agency, the annual burden is estimated to average between 30 and 170 hours per response. This burden estimate includes the time needed to review instructions, search existing data sources, gather and maintain the data needed, and complete, review, and submit the required SNUN.

Send any comments about the accuracy of the burden estimate, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques, to the Director, Regulatory Support Division, Office of Mission Support (2822T), Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001. Please remember to include the OMB control number in any correspondence, but do not submit any completed forms to this address.

C. Regulatory Flexibility Act (RFA)

Pursuant to RFA section 605(b) (5 U.S.C. 601 *et seq.*), the Agency hereby certifies that promulgation of this proposed SNUR would not have a significant adverse economic impact on a substantial number of small entities. The requirement to submit a SNUN applies to any person (including small or large entities) who intends to engage in any activity described in the final rule as a ''significant new use.'' Because these uses are ''new,'' based on all information currently available to EPA, it appears that no small or large entities presently engage in such activities. A SNUR requires that any person who intends to engage in such activity in the future must first notify EPA by submitting a SNUN. EPA's experience to date is that, in response to the promulgation of SNURs covering over 1,000 chemicals, the Agency receives only a small number of notices per year. For example, the number of SNUNs received was seven in Federal fiscal year (FY) 2013, 13 in FY2014, six in FY2015, 10 in FY2016, 14 in FY2017, and 18 in FY2018 and only a fraction of these were from small businesses. In addition, the Agency currently offers relief to qualifying small businesses by reducing the SNUN submission fee from $16,000 to $2,800. This lower fee reduces the total reporting and recordkeeping of cost of submitting a SNUN to about $10,116 for qualifying small firms. Therefore, the potential economic impacts of complying with this proposed SNUR are not expected to be significant or adversely impact a substantial number of small entities. In a SNUR that published in the **Federal Register** of June 2, 1997 (62 FR 29684) (FRL–5597–1), the Agency presented its general determination that final SNURs are not expected to have a significant economic impact on a substantial number of small entities, which was provided to the Chief Counsel for Advocacy of the Small Business Administration.

D. Unfunded Mandates Reform Act (UMRA)

Based on EPA's experience with proposing and finalizing SNURs, State, local, and Tribal governments have not been impacted by these rulemakings, and EPA does not have any reasons to believe that any State, local, or Tribal government will be impacted by this final rule. As such, EPA has determined that this proposed rule would not impose any enforceable duty, contain any unfunded mandate, or otherwise have any effect on small governments subject to the requirements of UMRA sections 202, 203, 204, or 205 (2 U.S.C. 1501 *et seq.*).

E. Executive Order 13132: Federalism

This action would not have a substantial direct effect on 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, as specified in Executive Order 13132, entitled ''*Federalism*'' (64 FR 43255, August 10, 1999).

F. Executive Order 13175: Consultation and Coordination With Indian Tribe Governments

This proposed rule would not have Tribal implications because it is not expected to have substantial direct effects on Indian Tribes. This proposed rule would not significantly nor uniquely affect the communities of Indian Tribal governments, nor would it involve or impose any requirements that affect Indian Tribes. Accordingly, the requirements of Executive Order 13175, entitled ''*Consultation and Coordination with Indian Tribal Governments*'' (65 FR 67249, November 9, 2000), do not apply to this proposed rule.

G. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks

This proposed rule is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because this is not an economically significant regulatory action as defined by Executive Order 12866, and this action does not address environmental health or safety risks disproportionately affecting children.

H. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use

This proposed rule is not subject to Executive Order 13211 (66 FR 28355, May 22, 2001), because this action is not expected to affect energy supply, distribution, or use and because this action is not a significant regulatory action under Executive Order 12866.

I. National Technology Transfer and Advancement Act (NTTAA)

In addition, since this action does not involve any technical standards, NTTAA section 12(d) (15 U.S.C. 272 note), does not apply to this action.

J. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations

This proposed rule does not entail special considerations of environmental justice related issues as delineated by Executive Order 12898 (59 FR 7629, February 16, 1994).

List of Subjects

40 CFR Part 9

Environmental protection, Reporting and recordkeeping requirements.

40 CFR Part 721

Environmental protection, Chemicals, Hazardous substances, Reporting and recordkeeping requirements.

Dated: March 10, 2020.

Tala Henry,

Deputy Director, Office of Pollution Prevention and Toxics.

Therefore, it is proposed that 40 CFR part 721 be amended as follows:

PART 721—[AMENDED]

■ 1. The authority citation for part 721 continues to read as follows:

Authority: 15 U.S.C. 2604, 2607, and 2625(c).

■ 2. Amend § 721.5185 by revising paragraphs (a)(1), (2)(i), and (2)(iii) to read as follows:

§ 721.5185 2-Propen-1-one, 1-(4-morpholinyl)-.

(a) * * * (1) The chemical substance identified as 2-propen-1-one, 1-(4-morpholinyl)- (PMN P–95–169; SNUN S–08–7; SNUN S–14–1; and SNUN S–17–10 CAS No. 5117–12–4) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section. The requirements of this rule do not apply to quantities of the chemical substance after it has been completely reacted (cured) because 2-propen-1-one, 1-(4-morpholinyl)- will no longer exist.

(2) * * *

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1), (a)(2)(i), (a)(2)(iv), (a)(3)(i), (a)(3)(ii), (a)(4), (a)(6)(v), (b) (concentration set at 1.0 percent), and (c). Safety 4/4H EVOH/PE laminate, Ansell Edmont Neoprene number 865, and Solvex Nitrile Rubber number 275 gloves have been tested in accordance with the American Society for Testing Materials (ASTM) F739 method and found by EPA to satisfy the TSCA consent orders and § 721.63(a)(2)(i) requirements for dermal protection to 100 percent PMN substance. Gloves and other dermal protection may not be used for a time period longer than they are actually tested and must be replaced at the end of each work shift. For additional dermal protection materials, a company must submit all test data to the Agency and must receive written Agency approval for each type of material tested prior to use of that material as worker dermal protection. However, for the purposes of determining the imperviousness of gloves, up to 1 year after the commencement of commercial manufacture or import, the employer may use the method described in § 721.63(a)(3)(ii), thereafter, they must use the method described in § 721.63(a)(3)(i). For use as a monomer for stereolithography: Requirements as specified in § 721.63(a)(4), when determining which persons are reasonably likely to be exposed as required for § 721.63(a)(4), engineering control measures (*e.g.,* enclosure or confinement of the operation, general and local ventilation) or administrative control measures (*e.g.,* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible, (a)(5)(respirators must provide a National Institute for Occupational Safety and Health assigned protection factor of at least 50), (a)(6)(v), and (c).

(ii) * * *

(iii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(y)(1). It is a significant new use to use the chemical substance for any use other than as a monomer for use in ultraviolet ink jet applications or stereolithography, unless the chemical substance is processed and used in an enclosed process.

* * * * *

■ 3. Amend § 721.10371 by revising paragraphs (a)(1) and (2)(i) to read as follows:

§ 721.10371 Butanoic acid, 3-mercapto-,1,1′-[2-(hydroxymethyl)-2-(substituted-1-oxoalkoxy)methyl)-1,3-propanediyl] ester (generic).

(a) * * * (1) The chemical substance identified generically as butanoic acid, 3-mercapto-,1,1′-[2-(hydroxymethyl)-2-(substituted-1-oxoalkoxy)methyl)-1,3-propanediyl] ester (PMN P–10–136 and S–18–5, Chemical A) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) * * *

(i) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(f). It is a significant new use to use the substance other than as a monomer for acryl-based ultraviolet (UV)-curing coatings, inks, and adhesives or the confidential use described in the significant new use notice S–18–5.

* * * * *

■ 4. Amend § 721.10372 by revising paragraphs (a)(1) and (2)(i) to read as follows:

§ 721.10372 Butanoic acid, 3-mercapto-,1,1′-[2,2-bis[(substituted-1-oxoalkoxy)methyl]-1,3-propanediyl] ester (generic).

(a) * * * (1) The chemical substance identified generically as butanoic acid, 3-mercapto-,1,1′-[2,2-bis[(substituted-1-oxoalkoxy)methyl]-1,3-propanediyl] ester (PMN P–10–136 and SNUN S–18–5, Chemical B) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) * * *

(i) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(f). It is a significant new use to use the substance other than as a monomer for acryl-based ultraviolet (UV)-curing coatings, inks, and adhesives, or the confidential use described in the SNUN S–18–5.

* * * * *

■ 5. Amend § 721.10663 by revising paragraphs (a)(1), (2)(i) and (ii) and (b)(1) to read as follows:

§ 721.10663 Functionalized multi-walled carbon nanotubes (generic).

(a) * * * (1) The chemical substance identified generically as functionalized multi-walled carbon nanotubes (PMN P–12–44; SNUN S–18–4; and SNUN S–19–5) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) * * *

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1), (3), (4), when determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1) and(4), engineering control measures (*e.g.,* enclosure or confinement of the operation, general and local ventilation) or administrative control measures (*e.g.,* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible, (a)(5)(respirators must provide a National Institute for Occupational Safety and Health (NIOSH) assigned protection factor of at least 50, (a)(6)(particulate), (b)(concentration set at 1.0%), and (c).

(ii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(v)(1), (w)(1), and (x)(1) It is a significant new use to use the substance other than as a chemical additive for use in epoxy compounds for transportation, marine and industrial coatings, paints and manufactured goods, for the confidential use described in PMN P–12–44, or for the confidential use described in SNUN S–19–5.

(b) * * *

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (f), (i), and (k) are applicable to manufacturers, importers, and processors of this substance.

* * * * *

■ 6. Amend § 721.10928 by revising paragraphs (a)(1) and (2)(iii) to read as follows:

§ 721.10928 Coke (coal), secondary pitch; a carbon-containing residue from the coking of air blown pitch coke oil and/or pitch distillate; composed primarily of isotropic carbon, it contains small amounts of sulfur and ash constituents.

(a) * * * (1) The chemical substance identified as coke (coal), secondary pitch. Definition: A carbon-containing residue from the coking of air blown pitch coke oil and/or pitch distillate; composed primarily of isotropic carbon, it contains small amounts of sulfur and ash constituents (PMN P–12–292, PMN P–17–217, and SNUN S–19–4; CAS No. 94113–91–4) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) * * *

(iii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(f), (p)(2,500,000 kg), and (y)(1)(2). It is a significant new use to use the substance other than (I) for the confidential use permitted by the TSCA Order for P–12–292, (II) as a lubricating agent used in the production of automotive disc brakes, or (III) to process as an additive for the manufacture of diesel particulate filters to increase the porosity of the filter. It is a significant new use to use the substance in an additive formulation to produce diesel particulate filters within the United States.

* * * * *

[FR Doc. 2020–06441 Filed 3–31–20; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 721

[EPA–HQ–OPPT–2017–0575; FRL–10005–89]

RIN 2070–AB27

Revocation of Significant New Use Rule for a Certain Chemical Substance (P–16–581)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to revoke the significant new use rule (SNUR) under the Toxic Substances Control Act (TSCA) for the chemical substance identified generically as alpha 1,3-polysaccharide, which was the subject of premanufacture notice (PMN) identified as P–16–581. EPA issued a SNUR based on this PMN which designated certain activities as significant new uses. EPA has received test data for the chemical substance and is proposing to revoke the SNUR based on these new data.

DATES: Comments must be received on or before May 1, 2020.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–HQ–OPPT–2017–0575, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov*. Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.
- *Mail:* Document Control Office (7407M), Office of Pollution Prevention and Toxics (OPPT), Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001.
- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.html*.

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

FOR FURTHER INFORMATION CONTACT: *For technical information contact:* Kenneth Moss, Chemical Control Division, Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: 202–564–8974; email address: *moss.kenneth@epa.gov*.

For general information contact: The TSCA-Hotline, ABVI-Goodwill, 422 South Clinton Ave., Rochester, NY 14620; telephone number: (202) 554–1404; email address: *TSCA-Hotline@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you manufacture (including import), process, or use the chemical substance contained in this rule. Potentially affected entities may include, but are not limited to:

- Manufacturers or processors of the chemical substances (NAICS codes 325 and 324110), *e.g.,* chemical manufacturing and petroleum refineries.

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in this unit could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether this action might apply to certain entities. To determine whether you or your business may be affected by this action, you should carefully examine the applicability provisions in 40 CFR 721.5. If you have any questions regarding the applicability of this action to a particular entity, consult the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

This action may also affect certain entities through pre-existing export notification rules under TSCA. If this proposed SNUR revocation becomes effective, persons who export or intend to export the chemical that is the subject of this action would no longer be subject to the TSCA section 12(b)(15 U.S.C. 2611(b) export notification requirements at 40 CFR part 707 that are currently triggered by the SNUR.

B. What should I consider as I prepare my comments for EPA?

1. *Submitting CBI.* Do not submit this information to EPA through *regulations.gov* or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD–ROM that you mail to EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When preparing and submitting your comments, see the commenting tips at *http://www.epa.gov/dockets/comments.html*.

II. Background

A. What action is the agency taking?

In the **Federal Register** of April 5, 2019 (84 FR 13531) (FRL–9991–19), EPA promulgated a SNUR at 40 CFR 721.11193 for the chemical substance identified generically as alpha 1,3-polysaccharide (P–16–581). The SNUR designated certain activities as significant new uses. EPA has received new data on the biosolubility of the chemical substance. Based on its review of these data, EPA now proposes to revoke the SNUR pursuant to 40 CFR 721.185. In this unit, EPA provides a brief description of the chemical

substance, including the PMN number, generic chemical name, the **Federal Register** publication date and reference, the docket number, the basis for revoking the SNUR under 40 CFR 721.185, and the CFR citation of the SNUR.

PMN Number: P–16–581

Chemical name: Alpha 1,3-polysaccharide (generic).

CAS number: Not available.

Federal Register *publication date and reference:* April 5, 2019 (84 FR 13531).

Basis for revocation of SNUR: EPA issued a SNUR for this substance that designated certain activities as significant new uses based on a finding that the substance may pose potential human health hazards. Specifically, EPA identified a concern that adverse lung effects (*i.e.,* lung overload) could occur if the chemical substance were manufactured, processed, or used in a manner that generated respirable particles. To address this hazard concern, EPA issued a SNUR under TSCA section 5(a)(2), which identified concerns for lung effects if the following protective measures were not followed: (1) No use of the substance other than the uses described in the PMN; and (2) no manufacture, processing, or use with particle size less than 10 micrometers. EPA also identified pulmonary effects toxicity testing as information potentially useful to characterize the health effects of the PMN substance. The PMN submitter performed biosolubility testing on the ground PMN substance and provided the test data to EPA on February 14, 2019. EPA initiated an internal review of these data; however, it moved forward with publishing the final SNUR on April 5, 2019 having not yet completed its review. The following are the results and conclusions of the Agency's review.

The biosolubility testing was conducted using a conservative respiratory tract fluid volume of 0.3 mL/kg bw (rounded down to 20 mL for a 70 kg individual). This equated to a loading concentration of 15 mg of the PMN substance per mL of simulated epithelial lung fluid (SELF). The SELF represented the intraluminal volume of respiratory tract fluid, without consideration of the daily turnover volume. The estimated average alveolar fluid volume is approximately 37 mL, nearly double the volume used for the biosolubility testing. In comparison, the normal reference range for extra vascular lung water (EVLW) index in humans is 7.3 ± 2.8 mL/kg bw (n = 534) or 511 mL for a 70 kg individual. EVLW index corresponds to the ''sum of interstitial, intracellular, alveolar, and lymphatic fluid, not including pleural effusions.'' Therefore, the solubility of the PMN substance in SELF represented a worst-case loading concentration for the PMN substance in the intraluminal compartment, assuming an equivalent static volume of 20 mL. Given that humans accumulate respirable, poorly soluble particles in the intra-alveolar, interstitial, subpleural, and broncho-vascular bundle compartments, with a predominance of particles eventually being found in the interstitium, the extrapolated *in vitro* to *in vivo* concentration of the PMN substance would equal a loading concentration of approximately 3 mg/mL of EVLW (*i.e.,* 1,500 mg/(511 mL for EVLW—37 mL for alveolar volume)) approximately 5 times lower than the loading concentration tested in the biosolubility study.

This information supports EPA's determination that the substance has inherently low toxicity and should not be considered a poorly soluble particle with the associated hazard concern for lung overload. Therefore, EPA proposes that the SNUR for this chemical substance be revoked pursuant to 40 CFR 721.185(a)(1).

CFR citation: 40 CFR 721.11193

B. What is the agency's authority for taking this action?

Upon conclusion of the review for P–16–581, EPA designated certain activities as significant new uses. Under 40 CFR 721.185, EPA may at any time revoke a SNUR for a chemical substance which has been added to subpart E of 40 CFR part 721 if EPA makes one of the determinations set forth in 40 CFR 721.185(a)(1) through (a)(6). Revocation may occur on EPA's initiative or in response to a written request. Under 40 CFR 721.185(b)(3), if EPA concludes that a SNUR should be revoked, the Agency will propose the changes in the **Federal Register**, briefly describe the grounds for the action, and provide interested parties an opportunity to comment.

EPA has determined that the criteria set forth in 40 CFR 721.185(a)(1) have been satisfied for the chemical substance. Therefore, EPA is proposing to revoke the SNUR for this chemical substance. The significant new use notification and the recordkeeping requirements at 40 CFR 721.11193 would terminate when this proposed revocation becomes effective. In addition, export notification under TSCA section 12(b) and 40 CFR part 707, subpart D triggered by the SNUR would no longer be required.

III. Statutory and Executive Order Reviews

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

This proposed rule would revoke or eliminate an existing regulatory requirement and does not contain any new or amended requirements. As such, the Agency has determined that this proposed SNUR revocation would not have any adverse impacts, economic or otherwise.

A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulations and Regulatory Review

The Office of Management and Budget (OMB) has exempted these types of regulatory actions from review under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563, entitled (76 FR 3821, January 21, 2011).

B. Paperwork Reduction Act (PRA)

This proposed rule does not contain any information collections subject to approval under the PRA, (44 U.S.C. 3501 *et seq.*).

C. Regulatory Flexibility Act (RFA)

Pursuant to the RFA section 605(b), 5 U.S.C. 601 *et seq.,* the Agency hereby that this SNUR revocation would not have a significant economic impact on a substantial number of small entities. This proposed rule would eliminate a reporting requirement.

D. Unfunded Mandates Reform Act (UMRA)

For the same reasons, this action does not require any action under Title II of UMRA (2 U.S.C. 1531–1538 *et seq.*).

E. Executive Order 13132: Federalism

This proposed rule does not have Federalism implications, because it would not have substantial direct effects on 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, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999).

F. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

This proposed rule does not have Tribal implications, because it would not have substantial direct effects on one or more Indian Tribes, on the relationship between the Federal Government and Indian Tribes, or on the distribution of power and

responsibilities between the Federal Government and Indian Tribes, as specified in Executive Order (65 FR 67249, November 9, 2000).

G. Executive Order 13045: Protection of Children From Environmental Health and Safety Risks

This action is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because this is not an economically significant regulatory action as defined under Executive Order 12866, and it does not address environmental health or safety risks disproportionately affecting children.

H. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use

This proposed rule is not subject to Executive Order 13211 (66 FR 28355, May 22, 2001), because this action is not expected to affect energy supply, distribution, or use and because this action is not a significant regulatory action under Executive Order 12866.

I. National Technology Transfer and Advancement Act (NTTAA)

In addition, since this action does not involve any technical standards, NTTAA section 12(d), 15 U.S.C. 272 note, does not apply to this action.

J. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations

This action does not entail special considerations of environmental justice related issues as delineated by Executive Order 12898 (59 FR 7629, February 16, 1994).

List of Subjects in 40 CFR Part 721

Environmental protection, Chemicals, Hazardous substances, Reporting and recordkeeping requirements.

Dated: March 5, 2020.

Tala Henry,

Deputy Director, Office of Pollution Prevention and Toxics.

Therefore, it is proposed that 40 CFR part 721 be amended as follows:

PART 721—[AMENDED]

■ 1. The authority citation for part 721 continues to read as follows:

Authority: 15 U.S.C. 2604, 2607, and 2625(c).

§ 721.11193 [Removed]

■ 2. Remove § 721.11193.

[FR Doc. 2020–06442 Filed 3–31–20; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 12, 19, 36, 43, and 52

[FAR Case 2018–020; Docket No. FAR–2018–0020, Sequence No. 1]

RIN 9000–AN78

Federal Acquisition Regulation: Construction Contract Administration

AGENCY: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Proposed rule.

SUMMARY: DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to implement a section of the John S. McCain National Defense Authorization Act for Fiscal Year 2019, which requires agencies to provide a notice along with the solicitation to prospective bidders and offerors regarding definitization of requests for an equitable adjustment related to change orders under construction contracts.

DATES: Interested parties should submit written comments to the Regulatory Secretariat Division at one of the addresses shown below on or before June 1, 2020 to be considered in the formation of the final rule.

ADDRESSES: Submit comments in response to FAR Case 2018–020 by any of the following methods:

- *Regulations.gov: http://www.regulations.gov.* comments via the Federal eRulemaking portal by searching for ''FAR Case 2018–020''. Select the link ''Comment Now'' that corresponds with FAR Case 2018–020. Follow the instructions provided at the ''Comment Now'' screen. Please include your name, company name (if any), and ''FAR Case 2018–020'' on your attached document.
- *Mail:* General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street NW, 2nd Floor, ATTN: Lois Mandell, Washington, DC 20405.

Instructions: Please submit comments only and cite FAR Case 2018–020, in all correspondence related to this case. Comments received generally will be posted without change to *http://www.regulations.gov,* including any personal and/or business confidential information provided. To confirm receipt of your comment(s), please check *www.regulations.gov,* approximately two to three days after submission to verify posting (except allow 30 days for posting of comments submitted by mail).

FOR FURTHER INFORMATION CONTACT: Ms. Camara Francis, Procurement Analyst, at 202–550–0935, or by email at *camara.francis@gsa.gov,* for clarification of content. For information pertaining to status or publication schedules, contact the Regulatory Secretariat Division at 202–501–4755. Please cite FAR Case 2018–020.

SUPPLEMENTARY INFORMATION:

I. Background

DoD, GSA, and NASA are proposing to amend the FAR to implement section 855 of the John S. McCain National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2019 (Pub. L. 115–232, 15 U.S.C. 644(w)). Section 855 requires Federal agencies to provide a notice, along with solicitations for construction contracts anticipated to be awarded to small businesses, to prospective offerors including information about the agency's policies or practices in complying with FAR requirements related to the timely definitization of requests for equitable adjustment on construction contracts. The notice must include data regarding the time it took the agency to definitize requests for equitable adjustment on construction contracts for the three-year period preceding the issuance of the notice.

II. Discussion and Analysis

The proposed changes to the FAR are summarized in the following paragraphs.

A. *Solicitation notice regarding administration of change orders for construction.* New text is proposed in FAR part 36, Construction and Architect-Engineer Contracts, subpart 36.5, Contract Clauses, to add coverage of the requirement for a new solicitation notice to be included in solicitations for construction. Specifically, new section 36.524, Notice to offerors regarding administration of change orders for construction, contains the prescription for the use of new solicitation provision 52.236–XX, Notice Regarding Administration of Change Orders for Construction. New section 36.524 also includes guidance for contracting officers regarding the information to be inserted in the provision. This new solicitation provision, which is proposed to be added in FAR part 52, Solicitation Provisions and Contract Clauses, will provide a standardized way for contracting officers to provide the notice required by section 855 of the NDAA for FY 2019.

Additional coverage related to the requirement for the new solicitation notice is proposed in FAR part 43, Contract Modifications, subpart 43.2, Change Orders. A new paragraph is proposed for section 43.204, Administration, to instruct contracting offices and contract administration offices to use a specific Federal system to collect data on the time required to definitize unpriced change orders for construction contracts. The data will be used in new solicitation provision 52.236–XX.

In FAR part 12, Acquisition of Commercial Items, subpart 12.5, Applicability of Certain Laws to the Acquisition of Commercial Items and Commercially Available Off-The-Shelf Items, a new paragraph is added to note that 15 U.S.C. 644(w), Solicitation Notice Regarding Administration of Change Orders for Construction, is not applicable to Executive agency contracts for the acquisition of commercial items.

B. *Cross reference to coverage of new solicitation notice.*

Section 19.502, Setting aside acquisitions, is amended to add a cross reference to the new section 36.524.

III. Applicability to Contracts at or Below the Simplified Acquisition Threshold (SAT) and for Commercial Items, Including Commercially Available Off-the-Shelf (COTS) Items

This rule proposes to implement a statutory requirement for Federal agencies to provide a notice, along with solicitations for construction contracts anticipated to be awarded to small businesses, to prospective offerors regarding agency policies or practices, and agency past performance, in complying with FAR requirements related to the timely definitization of requests for equitable adjustments resulting from change orders under construction contracts. The Federal Acquisition Regulatory Council (FAR Council) intends to apply the new provision 52.236–XX, Notice Regarding Administration of Change Orders for Construction, to contracts at or below the simplified acquisition threshold (SAT), but does not intend to apply the new provision to contracts for the acquisition of commercial items including COTS items.

A. *Applicability to Contracts at or below the SAT.* Pursuant to 41 U.S.C. 1905, a provision of law is not applicable to acquisitions at or below the SAT unless the law (i) contains criminal or civil penalties; (ii) specifically refers to 41 U.S.C. 1905 and states that the law applies to acquisitions at or below the SAT; or (iii) the FAR Council makes a written determination that it is not in the best interest of the Federal Government to exempt contracts or subcontracts at or below the SAT. If none of these conditions are met, the FAR is required to include the statutory requirement(s) on a list of provisions of law that are inapplicable to acquisitions at or below the SAT.

The purpose of this rule is to implement section 855 of the NDAA for FY 2019. Section 855 requires Federal agencies to provide a notice, along with solicitations for construction contracts anticipated to be awarded to small businesses, to prospective offerors regarding agency policies or practices, and agency past performance, in complying with FAR requirements related to the timely definitization of requests for equitable adjustments resulting from change orders under construction contracts. Section 855 is silent on the applicability of these requirements for acquisitions at or below the SAT and does not independently provide for criminal or civil penalties; nor does it include terms making express reference to 41 U.S.C. 1905 and its application to acquisitions at or below the SAT. Therefore, it does not apply to acquisitions at or below the SAT unless the FAR Council makes a written determination as provided at 41 U.S.C. 1905.

Application of section 855 to acquisitions at or below the SAT will maximize the number of small entities who would benefit from the information to be provided regarding definitization of requests for equitable adjustment resulting from change orders under construction contracts. Approximately one third of construction contracts awarded in FY 2016 through FY 2018 were valued at or below the SAT. Not applying this rule to acquisitions at or below the SAT would exclude acquisitions intended to be covered by section 855.

For these reasons, it is in the best interest of the Federal Government to apply the requirements of the rule to acquisitions at or below the SAT.

B. *Applicability to Contracts for the Acquisition of Commercial Items, Including COTS Items.*

41 U.S.C. 1906 governs the applicability of laws to contracts for the acquisition of commercial items, and is intended to limit the applicability of laws to contracts for the acquisition of commercial items. 41 U.S.C. 1906 provides that if a provision of law contains criminal or civil penalties, or if the FAR Council makes a written determination that it is not in the best interest of the Federal Government to exempt commercial item contracts, the provision of law will apply to contracts for the acquisition of commercial items. Likewise, 41 U.S.C. governs the applicability of laws to COTS items, with the Administrator for Federal Procurement Policy the decision authority to determine that it is in the best interest of the Government to apply a provision of law to acquisitions of COTS items in the FAR. The FAR Council and the Administrator for Federal Procurement Policy have not made such determination, therefore this rule does not apply to commercial items.

IV. Executive Orders 12866 and 13563

Executive Orders (E.O.s) 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). E.O. 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This is not a significant regulatory action and, therefore, was not subject to review under section 6(b) of E.O. 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

V. Executive Order 13771

This proposed rule is not subject to E.O. 13771, Reducing Regulation and controlling Regulatory Costs, because this rule is not expected to be a significant regulatory action under E.O. 12866.

VI. Regulatory Flexibility Act

DoD, GSA, and NASA do not expect this change to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.* However, an Initial Regulatory Flexibility Analysis (IRFA) has been performed and is summarized as follows:

DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to implement section 855 of the John S. McCain National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2019, which requires Federal agencies to provide a notice, along with solicitations for construction contracts anticipated to be awarded to small businesses, to prospective offerors regarding agency policies or practices in complying with FAR requirements related to the timely definitization of requests for equitable adjustment on construction contracts. The notice must include information on the

agency's policies or practices on definitizing equitable adjustments on construction contracts and data on the amount of time it took the agency to definitize requests for equitable adjustment on construction contracts during the three-year period preceding the issuance of the notice.

The objective of this proposed rule is to provide contractors with information about an agency's past performance in definitizing equitable adjustments under construction contract change orders as required by section 855 of the NDAA for FY 2019.

This rule is primarily aimed at Federal agencies, requiring them to provide a notice of their past performance on definitizing equitable adjustments for construction contracts. The notice will provide potential small business offerors with information that may be useful to them as they prepare, or decide whether to prepare and submit, a proposal in response to an agency's solicitation for construction. For example, if an agency has a poor history of definitizing equitable adjustments, potential small business offerors may reconsider whether to submit a proposal in response to that agency's solicitation. Alternately, when preparing their proposals, small business offerors may consider the additional costs that could be incurred if it is likely they will experience delays in the definitization of equitable adjustments.

An analysis of the Federal Procurement Data System (FPDS) reveals that an average of 2,340 unique entities per year were awarded construction contracts during FY 2016, 2017, and 2018. Of those, 1,872 were small entities. The number of construction contracts awarded in FY 2016, 2017, and 2018 averaged 4,488 per year, of which 3,355 were awarded to small entities. Additionally, during these same years, an average of 3,939 construction-related task orders were awarded each year to approximately 1,069 unique entities; 3,254 of those task orders were awarded to 851 small entities. On average, over FY 2016, 2017, and 2018, 6,503 modifications were issued each year to approximately 1,582 entities for change orders or definitization of change orders under construction contracts. Of those, approximately 3,803 modifications were issued to 1,147 small entities.

This proposed rule does not include any new reporting, recordkeeping or other compliance requirements for small entities.

The proposed rule does not duplicate, overlap, or conflict with any other Federal rules.

There are no known significant alternative approaches that would accomplish the stated objectives of the applicable statute.

The Regulatory Secretariat Division has submitted a copy of the IRFA to the Chief Counsel for Advocacy of the SBA. A copy of the IRFA may be obtained from the Regulatory Secretariat Division. DoD, GSA, and NASA invite comments from small business concerns and other interested parties on the expected impact of this rule on small entities.

DoD, GSA, and NASA will also consider comments from small entities concerning the existing regulations in subparts affected by this rule in accordance with 5 U.S.C. 610. Interested parties must submit comments separately and should cite 5 U.S.C. 610 (FAR case 2018–020) in correspondence.

VII. Paperwork Reduction Act

The rule does not contain any information collection requirements that require the approval of the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. chapter 35).

List of Subjects in 48 CFR Parts 12, 19, 36, 43, and 52

Government procurement.

William F. Clark,

Director, Office of Governmentwide Acquisition Policy, Office of Acquisition Policy, Office of Governmentwide Policy.

Therefore, DoD, GSA, and NASA are proposing to amend 48 CFR part(s) 12, 19, 36, 43, and 52 as set forth below:

■ 1. The authority citation for 48 CFR part(s) 12, 19, 36, 43, and 52 continues to read as follows:

Authority: 40 U.S.C. 121(c); 10 U.S.C. chapter 137; and 51 U.S.C. 20113.

PART 12—ACQUISITION OF COMMERCIAL ITEMS

■ 2. Amend section 12.503 by adding paragraph (a)(10) to read as follows:

12.503 Applicability of certain laws to Executive agency contracts for the acquisition of commercial items.

(a) * * *

(10) 15 U.S.C. 644(w), Solicitation Notice Regarding Administration of Change Orders for Construction (see 36.524).

* * * * *

PART 19—SMALL BUSINESS PROGRAMS

■ 3. Add section 19.502–11 to read as follows:

19.502–11 Solicitation notice regarding administration of change orders for construction.

See 36.524 for the requirement to provide a notice to offerors regarding definitization of requests for equitable adjustment for change orders under construction contracts.

PART 36—CONSTRUCTION AND ARCHITECT-ENGINEER CONTRACTS

■ 4. Revise subpart 36.5 heading to read as follows:

Subpart 36.5—Solicitation Provisions and Contract Clauses

* * * * *

■ 5. Revise section 36.500 to read as follows:

36.500 Scope of subpart.

(a) This subpart prescribes provisions and clauses for insertion in solicitations and contracts for—

(1) Construction; and

(2) Dismantling, demolition, or removal of improvements contracts.

(b) Provisions and clauses prescribed elsewhere in the Federal Acquisition Regulation (FAR) shall also be used in such solicitations and contracts when the conditions specified in the prescriptions for the provisions and clauses are applicable.

■ 6. Add section 36.524 to read as follows:

36.524 Notice to offerors regarding administration of change orders for construction.

(a) The contracting officer shall insert the provision at 52.236–XX, Notice Regarding Administration of Change Orders for Construction, in solicitations for construction that are set aside, or will be awarded on a sole-source basis, pursuant to part 19. This provision does not apply to the acquisition of commercial items using part 12 procedures.

(b) The contracting officer shall complete the fill-ins to provide—

(1) Information to offerors about the agency's policies or procedures in complying with requirements relating to timely definitization of requests for equitable adjustment for change orders for construction; and

(2) Data for the prior 3 fiscal years, available at [*website to be determined*], regarding the time required to definitize requests for equitable adjustment for change orders for construction (see 43.204). Prior to August 13, 2021, if fewer than 3 fiscal years of data are available, provide data for the number of fiscal years that are available.

PART 43—CONTRACT MODIFICATIONS

■ 7. Amend section 43.204 by redesignating paragraph (b)(3) as paragraph (b)(3)(i), and adding paragraph (b)(3)(ii) to read as follows:

* * * * *

43.204 Administration.

* * * * *

(b) * * *

(3) * * *

(ii) Contracting offices and contract administration offices, as appropriate,

shall use [*website to be determined*] to record and maintain data regarding the time required to definitize requests for equitable adjustment associated with unpriced change orders for construction. The contracting officer shall ensure the data is entered into [*website to be determined*] promptly.

* * * * *

PART 52—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

■ 8. Add section 52.236–XX to read as follows:

52.236–XX Notice Regarding Administration of Change Orders for Construction.

As prescribed in 36.524, insert the following provision:

Notice Regarding Administration of Change Orders for Construction (DATE)

(a) As required by 15 U.S.C. 644(w), this provision provides information relating to the definitization of requests for equitable adjustment for change orders under construction contracts.

(b) Federal Acquisition Regulation (FAR) 43.204 provides policy and guidance relating to definitization of requests for equitable adjustment resulting from change orders for contracts, including those for construction. In addition to FAR 43.204, the agency issuing this solicitation has established the following policies or procedures that apply to definitization of requests for equitable adjustment for change orders under construction contracts: _. *[Contracting officer insert description of applicable policies or procedures, or address of a publicly accessible website containing this information. If no applicable policies or procedures exist, insert ''None.'']*

(c) Information on the agency's past performance in definitizing requests for equitable adjustment associated with change orders for construction for fiscal year(s) _ *[Contracting Officer insert the prior fiscal years, up to 3, for which information is available]* is available at _ *[Contracting Officer insert address of publicly accessible website containing this information]* or in the following table:

Time to definitize after receipt of request for equitable adjustment for construction	Number of requests for equitable adjustment definitized for construction
30 days or less	
31 to 60 days	
61 to 90 days	
91 to 180 days	
181 to 365 days	
366 or more days	
After completion of contract performance via a contract modification addressing all undefinitized requests for equitable adjustment received during contract performance.	

[Contracting Officer insert number of requests for equitable adjustment definitized in each category.]

(End of provision)

[FR Doc. 2020–05866 Filed 3–31–20; 8:45 am]

BILLING CODE 6820–EP–P

Notices

Federal Register
Vol. 85, No. 63
Wednesday, April 1, 2020

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

[Docket No. USDA–2020–0003]

Solicitation of Input From Stakeholders on Agricultural Innovations

AGENCY: Research, Education, and Economics, USDA.

ACTION: Request for written stakeholder input.

SUMMARY: The United States Department of Agriculture (USDA) is soliciting comments and suggestions on objectives and opportunities leading to research goals and informed product goals to facilitate transformative breakthroughs to enable U.S. agriculture to meet the Department's goal of increasing agricultural production by 40 percent to meet the needs of the global population in 2050 while cutting the environmental footprint of U.S. agriculture in half. This effort is part of USDA's Agricultural Innovation Agenda, the Department's commitment to the continued success of American farmers, ranchers, producers, and foresters in the face of future challenges.

DATES: Written comments must be received by August 1, 2020, to be assured of consideration. Comments received after that date will be considered to the extent practicable.

ADDRESSES: You may submit comments using the Federal eRulemaking Portal. Go to *http://www.regulations.gov/#!docketDetail;D=USDA-2020-0003* and click the ''Comment Now'' button.

FOR FURTHER INFORMATION CONTACT: John Dyer, 202–720–1542, *john.dyer@usda.gov.*

SUPPLEMENTARY INFORMATION: As part of the Agricultural Innovation Agenda, the United States Department of Agriculture (USDA) seeks written stakeholder input on objectives and opportunities leading to research goals and informed product goals to facilitate transformative breakthroughs to enable U.S. agriculture to meet the Department's goal to increase agricultural production by 40 percent to meet the needs of the global population in 2050 while cutting the environmental footprint of U.S. agriculture in half.

The Department, using the 2019 National Academies of Sciences, Engineering, and Medicine report *Science Breakthroughs to Advance Food and Agricultural Research by 2030,* identified four innovation clusters that present broad potential for transformative innovation. Innovation clusters represent a grouping of innovations to focus agricultural research and inform product development. These clusters are:

- *Genome Design*—Utilization of genomics and precision breeding to explore, control, and improve traits of agriculturally important organisms.
- *Digital/Automation*—Deployment of precise, accurate and field-based sensors to collect information in real time in order to visualize changing conditions and respond automatically with interventions that reduce risk of losses and maximize productivity.
- *Prescriptive Intervention*—Application and integration of data sciences, software tools, and systems models to enable advanced analytics for managing the food and agricultural system.
- *Systems Based Farm Management*—Leverage a systems approach in order to understand the nature of interactions among different elements of the food and agricultural system to increase overall efficiency, resilience, and sustainability of farm enterprises.

Stakeholders are asked to respond to the following questions:

1. What agricultural commodity, group of commodities, or customer base does your response pertain to or would benefit?

2. What are the biggest challenges and opportunities to increase productivity and/or decrease environmental footprint that should be addressed in the next 10- to 30-year timeframe?

3. For each opportunity identified, answer the following supplemental questions:

a. What might be the outcome for the innovation solution (*e.g.,* the physical or tangible product(s) or novel approach) from *each* of the four innovation clusters?

b. What are the specific research gaps, regulatory barriers, or other hurdles that need to be addressed to enable eventual application, or further application, of the innovation solution proposed from each of the four innovation clusters?

Stakeholder input will inform the Department as it works to develop a comprehensive strategy to guide public-sector research objectives and inform private-sector product development in order to maximize the U.S. Agriculture sector's continued ability to meet future demands.

Done in Washington, DC, this 26th day of March.

Stephen Censky,

Deputy Secretary, United States Department of Agriculture.

[FR Doc. 2020–06825 Filed 3–31–20; 8:45 am]

BILLING CODE 3410–03–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2018–0091]

Notice of Proposed Revision to Import Requirements for the Importation of Fresh Citrus From South Africa Into the United States

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: We are advising the public that we have prepared a commodity import evaluation document (CIED) relative to the importation into the United States of citrus (grapefruit, lemon, mandarin orange, sweet orange, tangelo, and Satsuma mandarin) fruit from South Africa. Based on the findings of the CIED, we are proposing to remove restrictions on the ports of entry into which citrus from South Africa may be imported into the United States. We are making the CIED available to the public for review and comment.

DATES: We will consider all comments that we receive on or before June 1, 2020.

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

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov/#!docketDetail;D=APHIS-2018-0091.*

• *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS–2018–0091, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road Unit 118, Riverdale, MD 20737–1238.

Supporting documents and any comments we receive on this docket may be viewed at *http://www.regulations.gov/#!docketDetail;D=APHIS-2018-0091* or in our reading Room, which is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue SW, Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799–7039 before coming.

FOR FURTHER INFORMATION CONTACT: Mr. Tony Roman, Senior Regulatory Policy Specialist, RCC, IRM, PHP, PPQ, APHIS, 4700 River Road Unit 133, Riverdale, MD 20737–1236; (301) 851–2242.

SUPPLEMENTARY INFORMATION:

Background

Under the regulations in ''Subpart L–Fruits and Vegetables'' (7 CFR 319.56–1 through 319.56–12, referred to below as the regulations), the Animal and Plant Health Inspection Service (APHIS) prohibits or restricts the importation of fruits and vegetables into the United States from certain parts of the world to prevent plant pests from being introduced into or disseminated within the United States.

Section 319.56–4 of the regulations provides the requirements for authorizing the importation of fruits and vegetables into the United States, as well as revising existing requirements for the importation of fruits and vegetables. Paragraph (c) of that section provides that the name and origin of all fruits and vegetables authorized importation into the United States, as well as the requirements for their importation, are listed on the internet in APHIS' Fruits and Vegetables Import Requirements database, or FAVIR (*https://epermits.aphis.usda.gov/manual*). It also provides that, if the Administrator of APHIS determines that any of the phytosanitary measures required for the importation of a particular fruit or vegetable are no longer necessary to reasonably mitigate the plant pest risk posed by the fruit or vegetable, APHIS will publish a notice in the **Federal Register** making its pest risk documentation and determination available for public comment.

Currently, several citrus species (grapefruit, lemon, mandarin orange, sweet orange, tangelo, and Satsuma mandarin) from South Africa are listed in FAVIR as fruits authorized importation into the United States, subject to the same phytosanitary measures.

One of these phytosanitary measures requires the citrus to be cold treated according to treatment schedule T107–e. This treatment schedule is listed in the Plant Protection and Quarantine Treatment Manual as an effective mitigation for *Thaumatotibia leucotreta* (false codling moth).[1] False codling moth is known to exist in South Africa and could follow the pathway on fresh citrus fruit imported into the United States.

We implemented the current treatment schedule for false codling moth on South African citrus in 2013 on a provisional basis, provided that the citrus was only imported into the ports of Newark, NJ, Philadelphia, PA, and Wilmington, DE. We included these port restrictions because T107–e was requested by the national plant protection organization (NPPO) of South Africa as a less stringent alternative to the treatment schedule at the time, T107–k, and because the ports in question had cold treatment facilities if the revised treatment schedule proved to be ineffective. In 2014, we also added Houston, TX, as an authorized port. These port restrictions are also currently found in FAVIR.

Over the following 2 years, we conducted enhanced inspections for false codling moth on citrus from South Africa at the four authorized ports. During that time, more than 2,000 shipments of citrus from South Africa were imported from South Africa into the United States, with no detections of live false codling moth.

Based on these results, the NPPO of South Africa asked that we remove the port restrictions and authorize the importation of citrus from South Africa into all ports of entry within the United States. In response to this request, we have prepared a commodity import evaluation document (CIED) that recommends removing the port restrictions.

Therefore, in accordance with § 319.56–4(c)(3), we are announcing the availability of our CIED for public review and comment. This document, as well as a description of the economic considerations associated with the removal of the port restrictions, may be viewed on the *Regulations.gov* website or in our reading room (see **ADDRESSES** above for a link to *Regulations.gov* and information on the location and hours of the Reading Room). You may request paper copies of these documents by calling or writing to the person listed under **FOR FURTHER INFORMATION CONTACT**. Please refer to the subject of the analysis you wish to review when requesting copies.

After reviewing any comments we receive, we will announce our decision regarding whether to revise the requirements for the importation of citrus from South Africa in a subsequent notice. If the overall conclusions of our analysis and the Administrator's determination of risk remain unchanged following our consideration of the comments, then we will revise the requirements for the importation of citrus from South Africa as described in this notice.

Authority: 7 U.S.C. 1633, 7701–7772, and 7781–7786; 21 U.S.C. 136 and 136a; 7 CFR 2.22, 2.80, and 371.3.

Done in Washington, DC, this 27th day of March 2020.

Mark Davidson,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2020–06799 Filed 3–31–20; 8:45 am]

BILLING CODE 3410–34–P

[1] To view the manual, go to *https://www.aphis.usda.gov/import_export/plants/manuals/ports/downloads/treatment.pdf.*

DEPARTMENT OF AGRICULTURE

Forest Service

Locatable Minerals

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare an environmental impact statement.

SUMMARY: The U.S. Department of Agriculture (USDA) is initiating an environmental impact statement to inform a decision to revise agency regulations that minimize adverse environmental impacts on National Forest System surface resources in connection with operations authorized by the Mining Law of 1872, as amended (United States mining laws). These rules and procedures govern prospecting, exploration, development, mining, and processing operations conducted on National Forest System lands authorized by the United States mining laws, subsequent reclamation of the land, and any necessary long-term post-closure resource management.

DATES: An advanced notice of proposed rulemaking was published in the **Federal Register**, Vol. 83, No. 178, Thursday, September 13, 2018. The Forest Service invited comments regarding challenges the public has experienced with respect to aspects of the agency's current regulations at 36

CFR 228, subpart A, and issues the public foresees with respect to potential revision of these regulations. Comments were due October 15, 2018. The proposed rule and draft environmental impact statement are expected in 2020. The next public comment period will be announced when the proposed rule and draft environmental impact statement are available.

FOR FURTHER INFORMATION CONTACT: Sarah Shoemaker, Minerals and Geology Management, 907–586–7886, between 8:00 a.m. and 4:00 p.m., Alaska Standard Time, Monday through Friday. Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern Time, Monday through Friday.

SUPPLEMENTARY INFORMATION:

Purpose and Need for Action

The goals of the regulatory revision are to: (1) Increase Forest Service efficiency in the review of certain proposed mineral operations authorized by the United States mining laws, and, where applicable, Forest Service approval of some of these proposals by clarifying the regulations; (2) increase consistency with the U.S. Department of the Interior, Bureau of Land Management (BLM) surface management regulations governing operations authorized by the United States mining laws, which will eliminate significant differences between the two land management agency's regulations, making it less confusing for those who conduct these operations on both BLM and National Forest System lands; and (3) increase the Forest Service's nationwide consistency in regulating mineral operations authorized by the United States mining laws by clarifying its regulations.

Regulatory revisions are needed to better meet the regulation's purpose: ''to set forth the rules and procedures that govern prospecting, exploration, development, mining, and processing operations, and their reasonably incident uses (operations), on National Forest System lands, under the United States mining laws, in order to minimize, to the extent practicable, these operations' adverse impacts to surface resources'' (36 CFR 228.1). In addition, these revisions are needed to increase the efficiency of Forest Service review of certain proposed operations authorized by the United States mining laws and, where applicable, Forest Service approval of some of these proposals. Increasing efficiency includes being consistent, within the authorities of each agency, with the BLM surface management regulations governing operations authorized by the United States mining laws to assist those who conduct operations on lands managed by each agency. Increasing efficiency also means to increase the Agency's consistency in implementing the regulations across the agency.

Proposed Action

Revise agency regulations at 36 CFR 228, subpart A that minimize adverse environmental impacts on National Forest System surface resources in connection with operations authorized by the United States mining laws. These rules and procedures govern prospecting, exploration, development, mining, and processing operations conducted on National Forest System lands authorized by U.S. mining laws, subsequent reclamation of the land, and any necessary long-term post-closure resource management.

Possible Alternatives

The existing regulations at 36 CFR 228, subpart A is the no-action alternative.

Responsible Official

Under Secretary of Agriculture for Natural Resources and Environment.

Nature of Decision To Be Made

The decision to be made is whether to revise 36 CFR 228, subpart A; and if so, what provisions should be changed, deleted, and added.

Scoping Process

The scoping process was initiated and comments were solicited with the advanced notice of proposed rulemaking published in the **Federal Register**, Vol. 83, No. 178, Thursday, September 13, 2018.

Tina J. Terrell,

Associate Deputy Chief, National Forest System.

[FR Doc. 2020–06791 Filed 3–31–20; 8:45 am]

BILLING CODE 3411–15–P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Indiana Advisory Committee to the U.S. Commission on Civil Rights

AGENCY: U.S. Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act that the Indiana Advisory Committee (Committee) will hold a meeting on Thursday, April 16, 2020, from 3–4 p.m. EDT for the purpose of discussing civil rights and lead contamination in the state.

DATES: The meeting will be held on Thursday April 16, 2020, from 3–4 p.m. EDT.

Public Call Information: Dial: (888) 204–4368; Conference ID: 7996755.

FOR FURTHER INFORMATION CONTACT: Mallory Trachtenberg, DFO, at *mtrachtenberg@usccr.gov* or 312–353–8311.

SUPPLEMENTARY INFORMATION: This meeting is free and open to the public. Members of the public may join through the above listed number. Members of the public will be invited to make a statement as time allows. The conference call operator will ask callers to identify themselves, the organization they are affiliated with (if any), and an email address prior to placing callers into the conference room. Callers can expect to incur regular charges for calls they initiate over wireless lines, according to their wireless plan. The Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Persons with hearing impairments may also follow the proceedings by first calling the Federal Relay Service at 1–800–877–8339 and providing the Service with the conference call number and conference ID number.

Members of the public are also entitled to submit written comments; the comments must be received in the regional office within 30 days following the meeting. Written comments may be mailed to the Advisory Committee Management Unit, U.S. Commission on Civil Rights, 230 S Dearborn, Suite 2120, Chicago, IL 60604. They may also be emailed to Carolyn Allen at *callen@usccr.gov.* Persons who desire additional information may contact the Regional Programs Unit Office at (312) 353–8311.

Records generated from this meeting may be inspected and reproduced at the Regional Programs Unit Office, as they become available, both before and after the meeting. Records of the meeting will be available via *www.facadatabase.gov* under the Commission on Civil Rights, Indiana Advisory Committee link. Persons interested in the work of this Committee are directed to the Commission's website, *http://www.usccr.gov,* or may contact the

Regional Programs Unit Office at the above email or street address.

Agenda

I. Welcome and Roll Call
II. Approval of Minutes
III. Announcements and Updates
IV. Discussion: Civil Rights and Lead Contamination in Indiana
  a. Review of February hearing
  b. Other discussion
V. Future Plans and Actions
VI. Public Comment
VII. Adjournment

Dated: March 27, 2020.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2020–06836 Filed 3–31–20; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Pennsylvania Advisory Committee

AGENCY: Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission), and the Federal Advisory Committee Act (FACA) that a meeting of the Pennsylvania Advisory Committee to the Commission will convene by conference call at 11:30 a.m. (EST) on Tuesday, April 21, 2020. The purpose of the project planning meeting is to discuss the Committee's draft report on its civil rights project titled, School Discipline and the School-to-Prison Pipeline in PA.

Public Call–In Information: Conference call-in number: 800–353–6461 and conference call ID number: 6813288.

FOR FURTHER INFORMATION CONTACT: Ivy Davis at *ero@usccr.gov* or by phone at 202–376–7533.

SUPPLEMENTARY INFORMATION: Interested members of the public may listen to the discussion by calling the following toll-free conference call-in number: 800–353–6461 and conference call ID number: 6813288. Please be advised that before placing them into the conference call, the conference call operator will ask callers to provide their names, their organizational affiliations (if any), and email addresses (so that callers may be notified of future meetings). Callers can expect to incur charges for calls they initiate over wireless lines, and the Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free conference call-in number.

Persons with hearing impairments may also follow the discussion by first calling the Federal Relay Service at 1–800–877–8339 and providing the operator with the toll-free conference call-in number: 800–353–6461 and conference call ID number: 6813288.

Members of the public are invited to make brief statements during the Public Comment section of the meeting or submit written comments. The written comments must be received in the regional office approximately 30 days after the scheduled meeting. Written comments may be mailed to the Eastern Regional Office, U.S. Commission on Civil Rights, 1331 Pennsylvania Avenue, Suite 1150, Washington, DC 20425, or emailed to Corrine Sanders at *ero@usccr.gov.* Persons who desire additional information may phone the Eastern Regional Office at (202) 376–7533.

Records and documents discussed during the meeting will be available for public viewing as they become available at: *https://www.facadatabase.gov/FACA/FACAPublicViewCommitteeDetails?id=a10t0000001gzjZAAQ;*

click the ''Meeting Details'' and ''Documents'' links. Records generated from this meeting may also be inspected and reproduced at the Eastern Regional Office, as they become available, both before and after the meeting. Persons interested in the work of this advisory committee are advised to go to the Commission's website, *www.usccr.gov,* or to contact the Eastern Regional Office at the above phone number, email or street address.

Agenda: Tuesday, April 21, 2020

I. Rollcall
II. Welcome
III. Project Planning
  —Discuss draft Committee report on its civil rights project
IV. Other Business
V. Next Meetings
VI. Public Comments
VII. Adjourn

Dated: March 27, 2020.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2020–06798 Filed 3–31–20; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

Economic Development Administration

Notice of Petitions by Firms for Determination of Eligibility To Apply for Trade Adjustment Assistance

AGENCY: Economic Development Administration, U.S. Department of Commerce.

ACTION: Notice and opportunity for public comment.

SUMMARY: The Economic Development Administration (EDA) has received petitions for certification of eligibility to apply for Trade Adjustment Assistance from the firms listed below. Accordingly, EDA has initiated investigations to determine whether increased imports into the United States of articles like or directly competitive with those produced by each of the firms contributed importantly to the total or partial separation of the firms' workers, or threat thereof, and to a decrease in sales or production of each petitioning firm.

SUPPLEMENTARY INFORMATION:

LIST OF PETITIONS RECEIVED BY EDA FOR CERTIFICATION OF ELIGIBILITY TO APPLY FOR TRADE ADJUSTMENT ASSISTANCE

[3/17/2020 through 3/24/2020]

Firm name	Firm address	Date accepted for investigation	Product(s)
Hy-Capacity, Inc	1404 13th Street South, Humboldt, IA 50548.	3/18/2020	The firm manufactures parts for tractors and other agricultural equipment.
Transformer Manufacturers, Inc	7051 West Wilson Avenue, Norridge, IL 60706.	3/18/2020	The firm manufactures electrical transformers.
Beaufurn, LLC	5269 U.S. Highway 158, Advance, NC 27006.	3/20/2020	The firm manufactures metal and wood furniture.
4–M Precision Industries, Inc	400 Technology Park Boulevard, Auburn, NY 13021.	3/23/2020	The firm manufactures stamped metal parts.

Any party having a substantial interest in these proceedings may request a public hearing on the matter. A written request for a hearing must be submitted to the Trade Adjustment Assistance Division, Room 71030, Economic Development Administration, U.S. Department of Commerce, Washington, DC 20230, no later than ten (10) calendar days following publication of this notice. These petitions are received pursuant to section 251 of the Trade Act of 1974, as amended.

Please follow the requirements set forth in EDA's regulations at 13 CFR 315.9 for procedures to request a public hearing. The Catalog of Federal Domestic Assistance official number and title for the program under which these petitions are submitted is 11.313, Trade Adjustment Assistance for Firms.

Irette Patterson,

Program Analyst.

[FR Doc. 2020–06772 Filed 3–31–20; 8:45 am]

BILLING CODE 3510–WH–P

DEPARTMENT OF COMMERCE

International Trade Administration

Initiation of Five-Year (Sunset) Reviews

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

SUMMARY: In accordance with the Tariff Act of 1930, as amended (the Act), the Department of Commerce (Commerce) is automatically initiating the five-year reviews (Sunset Reviews) of the antidumping and countervailing duty (AD/CVD) order(s) listed below. The International Trade Commission (the ITC) is publishing concurrently with this notice its notice of *Institution of Five-Year Reviews* which covers the same order(s).

DATES: Applicable (April 1, 2020).

FOR FURTHER INFORMATION CONTACT: Commerce official identified in the *Initiation of Review* section below at AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230. For information from the ITC, contact Mary Messer, Office of Investigations, U.S. International Trade Commission at (202) 205–3193.

SUPPLEMENTARY INFORMATION:

Background

Commerce's procedures for the conduct of Sunset Reviews are set forth in its *Procedures for Conducting Five-Year (Sunset) Reviews of Antidumping and Countervailing Duty Orders,* 63 FR 13516 (March 20, 1998) and 70 FR 62061 (October 28, 2005). Guidance on methodological or analytical issues relevant to Commerce's conduct of Sunset Reviews is set forth in *Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Duty Proceedings; Final Modification,* 77 FR 8101 (February 14, 2012).

Initiation of Review

In accordance with section 751(c) of the Act and 19 CFR 351.218(c), we are initiating the Sunset Reviews of the following antidumping and countervailing duty order(s):

DOC Case No.	ITC Case No.	Country	Product	Commerce contact
A–570–943	731–TA–1159	China	Oil Country Tubular Goods (2nd Review)	Jacqueline Arrowsmith (02) 482–5255.
C–570–944	701–TA–463	China	Oil Country Tubular Goods (2nd Review)	Mary Kolberg (202) 482–1785.
A–570–879	731–TA–1014	China	Polyvinyl Alcohol (3rd Review)	Mary Kolberg (202) 482–1785.
A–588–861	731–TA–1016	Japan	Polyvinyl Alcohol (3rd Review)	Mary Kolberg (202) 482–1785.

Filing Information

As a courtesy, we are making information related to sunset proceedings, including copies of the pertinent statute and Commerce's regulations, Commerce's schedule for Sunset Reviews, a listing of past revocations and continuations, and current service lists, available to the public on Commerce's website at the following address: *https://enforcement.trade.gov/sunset/.* All submissions in these Sunset Reviews must be filed in accordance with Commerce's regulations regarding format, translation, and service of documents. These rules, including electronic filing requirements via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS), can be found at 19 CFR 351.303.[1]

Any party submitting factual information in an AD/CVD proceeding must certify to the accuracy and completeness of that information.[2] Parties must use the certification formats provided in 19 CFR 351.303(g).[3] Commerce intends to reject factual submissions if the submitting party does not comply with applicable revised certification requirements.

On April 10, 2013, Commerce modified two regulations related to AD/CVD proceedings: The definition of factual information (19 CFR 351.102(b)(21)), and the time limits for the submission of factual information (19 CFR 351.301).[4] Parties are advised to review the final rule, available at *https://enforcement.trade.gov/frn/2013/1304frn/2013-08227.txt,* prior to submitting factual information in these segments. To the extent that other regulations govern the submission of factual information in a segment (such as 19 CFR 351.218), these time limits will continue to be applied. Parties are also advised to review the final rule concerning the extension of time limits for submissions in AD/CVD proceedings, available at *https://enforcement.trade.gov/frn/2013/1309frn/2013-22853.txt,* prior to submitting factual information in these segments.[5]

Letters of Appearance and Administrative Protective Orders

Pursuant to 19 CFR 351.103(d), Commerce will maintain and make available a public service list for these proceedings. Parties wishing to participate in any of these five-year reviews must file letters of appearance as discussed at 19 CFR 351.103(d)). To facilitate the timely preparation of the public service list, it is requested that those seeking recognition as interested parties to a proceeding submit an entry

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

[2] *See* section 782(b) of the Act.

[3] *See also Certification of Factual Information to Import Administration During Antidumping and Countervailing Duty Proceedings,* 78 FR 42678 (July 17, 2013) (*Final Rule*). Answers to frequently asked questions regarding the *Final Rule* are available at *http://enforcement.trade.gov/tlei/notices/factual_info_final_rule_FAQ_07172013.pdf.*

[4] *See Definition of Factual Information and Time Limits for Submission of Factual Information: Final Rule,* 78 FR 21246 (April 10, 2013).

[5] *See Extension of Time Limits,* 78 FR 57790 (September 20, 2013).

of appearance within 10 days of the publication of the Notice of Initiation. Because deadlines in Sunset Reviews can be very short, we urge interested parties who want access to proprietary information under administrative protective order (APO) to file an APO application immediately following publication in the **Federal Register** of this notice of initiation. Commerce's regulations on submission of proprietary information and eligibility to receive access to business proprietary information under APO can be found at 19 CFR 351.304–306. Note that Commerce has temporarily modified certain of its requirements for serving documents containing business proprietary information, until May 19, 2020, unless extended.[6]

Information Required From Interested Parties

Domestic interested parties, as defined in section 771(9)(C), (D), (E), (F), and (G) of the Act and 19 CFR 351.102(b), wishing to participate in a Sunset Review must respond not later than 15 days after the date of publication in the **Federal Register** of this notice of initiation by filing a notice of intent to participate. The required contents of the notice of intent to participate are set forth at 19 CFR 351.218(d)(1)(ii). In accordance with Commerce's regulations, if we do not receive a notice of intent to participate from at least one domestic interested party by the 15-day deadline, Commerce will automatically revoke the order without further review.[7]

If we receive an order-specific notice of intent to participate from a domestic interested party, Commerce's regulations provide that *all parties* wishing to participate in a Sunset Review must file complete substantive responses not later than 30 days after the date of publication in the **Federal Register** of this notice of initiation. The required contents of a substantive response, on an order-specific basis, are set forth at 19 CFR 351.218(d)(3). Note that certain information requirements differ for respondent and domestic parties. Also, note that Commerce's information requirements are distinct from the ITC 's information requirements. Consult Commerce's regulations for information regarding Commerce's conduct of Sunset Reviews. Consult Commerce's regulations at 19 CFR part 351 for definitions of terms and for other general information concerning antidumping and countervailing duty proceedings at Commerce.

This notice of initiation is being published in accordance with section 751(c) of the Act and 19 CFR 351.218(c).

Dated: March 26, 2020.

James Maeder,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2020–06775 Filed 3–31–20; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Advance Notification of Sunset Review

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

Background

Every five years, pursuant to the Tariff Act of 1930, as amended (the Act), the Department of Commerce (Commerce) and the International Trade Commission automatically initiate and conduct reviews to determine whether revocation of a countervailing or antidumping duty order or termination of an investigation suspended under section 704 or 734 of the Act would be likely to lead to continuation or recurrence of dumping or a countervailable subsidy (as the case may be) and of material injury.

Upcoming Sunset Reviews for May 2020

Pursuant to section 751(c) of the Act, the following Sunset Reviews are scheduled for initiation in May 2020 and will appear in that month's *Notice of Initiation of Five-Year Sunset Reviews* (Sunset Review).

	Department Contact
Antidumping Duty Proceedings	
Citric Acid and Certain Citrate Salts from Canada (A–122–853) (2nd Review)	Matthew Renkey (202) 482–2312.
Citric Acid and Certain Citrate Salts from China (A–570–937 (2nd Review)	Matthew Renkey (202) 482–2312.
Countervailing Duty Proceedings	
Citric Acid and Certain Citrate Salts from China (C–570–938) (2nd Review)	Mary Kolberg (202) 482–1785.

Suspended Investigations

No Sunset Review of suspended investigations is scheduled for initiation in May 2020.

Commerce's procedures for the conduct of Sunset Review are set forth in 19 CFR 351.218. The *Notice of Initiation of Five-Year* (*Sunset) Review* provides further information regarding what is required of all parties to participate in Sunset Review.

Pursuant to 19 CFR 351.103(c), Commerce will maintain and make available a service list for these proceedings. To facilitate the timely preparation of the service list(s), it is requested that those seeking recognition as interested parties to a proceeding contact Commerce in writing within 10 days of the publication of the Notice of Initiation. Note that Commerce has temporarily modified certain of its requirements for serving documents containing business proprietary information, until May 19, 2020, unless extended.[1]

Please note that if Commerce receives a Notice of Intent to Participate from a member of the domestic industry within 15 days of the date of initiation, the review will continue.

Thereafter, any interested party wishing to participate in the Sunset Review must provide substantive comments in response to the notice of initiation no later than 30 days after the date of initiation.

This notice is not required by statute but is published as a service to the international trading community.

Dated: March 26, 2020.

James Maeder,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2020–06774 Filed 3–31–20; 8:45 am]

BILLING CODE 3510–DS–P

[6] *See Temporary Rule Modifying AD/CVD Service Requirements Due to COVID–19,* 85 FR 17006 (March 26, 2020).

[7] *See* 19 CFR 351.218(d)(1)(iii).

[1] *See Temporary Rule Modifying AD/CVD Service Requirements Due to COVID–19,* 85 FR 17006 (March 26, 2020).

DEPARTMENT OF COMMERCE

International Trade Administration

Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review

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

FOR FURTHER INFORMATION CONTACT: Brenda E. Brown, Office of 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.

Background

Each year during the anniversary month of the publication of an antidumping or countervailing duty order, finding, or suspended investigation, an interested party, as defined in section 771(9) of the Tariff Act of 1930, as amended (the Act), may request, in accordance with 19 CFR 351.213, that the Department of Commerce (Commerce) conduct an administrative review of that antidumping or countervailing duty order, finding, or suspended investigation.

All deadlines for the submission of comments or actions by Commerce discussed below refer to the number of calendar days from the applicable starting date.

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 period of review. We intend to release the CBP data under Administrative Protective Order (APO) to all parties having an APO within five days of publication of the initiation notice and to make our decision regarding respondent selection within 21 days of publication of the initiation **Federal Register** notice. Therefore, we encourage all parties interested in commenting on respondent selection to submit their APO applications on the date of publication of the initiation notice, or as soon thereafter as possible. Commerce invites comments regarding the CBP data and respondent selection within five days of placement of the CBP data on the record of the review.

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:

In general, Commerce finds that determinations concerning whether particular companies should be ''collapsed'' (*i.e.,* 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 a 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 antidumping proceeding (*i.e.,* investigation, administrative review, new shipper review or changed circumstances review). For any company subject to a 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 a Quantity and Value 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 a proceeding where Commerce considered collapsing that entity, complete quantity and value 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 requests 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 particular market situation (PMS) for purposes of constructed value under section 773(e) of the Act.[1] 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). 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 Section D responses.

Opportunity to Request a Review: Not later than the last day of April 2020,[2] interested parties may request administrative review of the following orders, findings, or suspended investigations, with anniversary dates in April for the following periods:

[1] *See* Trade Preferences Extension Act of 2015, Public Law 114–27, 129 Stat. 362 (2015).

[2] Or the next business day, if the deadline falls on a weekend, federal holiday or any other day when Commerce is closed.

Antidumping Duty Proceedings	
Argentina: Biodiesel A–357–820	4/1/19–3/31/20
Indonesia: Biodiesel A–560–830	4/1/19–3/31/20
Republic of Korea: Phosphor Copper A–580–885	4/1/19–3/31/20
Thailand: Rubber Bands A–549–835	9/6/2018–3/31/20
The People's Republic of China:	
1,1,1,2- Tetrafluoroethane (R–134A) A–570–044	4/1/19–3/31/20
The People's Republic of China: Activated Carbon A–570–904	4/1/19–3/31/20
The People's Republic of China: Aluminum Foil A–570–053	4/1/19–3/31/20
The People's Republic of China: Drawn Stainless Steel Sinks A–570–983	4/1/19–3/31/20
The People's Republic of China: Magnesium Metal A–570–896	4/1/19–3/31/20
The People's Republic of China: Non-Malleable Cast Iron Pipe Fittings A–570–875	4/1/19–3/31/20
The People's Republic of China: Stainless Steel Sheet and Strip A–570–042	4/1/19–3/31/20
The People's Republic of China: Certain Steel Threaded Rod A–570–932	4/1/19–3/31/20
Countervailing Duty Proceedings	
The People's Republic of China:	
Aluminum Foil C–570–054	1/1/19–12/31/19
The People's Republic of China: Drawn Stainless Steel Sinks C–570–984	1/1/19–12/31/19
The People's Republic of China: Stainless Steel Sheet and Strip C–570–043	1/1/19–12/31/19
Suspension Agreements	
None.	

In accordance with 19 CFR 351.213(b), an interested party as defined by section 771(9) of the Act may request in writing that the Secretary conduct an administrative review. For both antidumping and countervailing duty reviews, the interested party must specify the individual producers or exporters covered by an antidumping finding or an antidumping or countervailing duty order or suspension agreement for which it is requesting a review. In addition, a domestic interested party or an interested party described in section 771(9)(B) of the Act must state why it desires the Secretary to review those particular producers or exporters. If the interested party intends for the Secretary to review sales of merchandise by an exporter (or a producer if that producer also exports merchandise from other suppliers) which was produced in more than one country of origin and each country of origin is subject to a separate order, then the interested party must state specifically, on an order-by-order basis, which exporter(s) the request is intended to cover.

Note that, for any party Commerce was unable to locate in prior segments, Commerce will not accept a request for an administrative review of that party absent new information as to the party's location. Moreover, if the interested party who files a request for review is unable to locate the producer or exporter for which it requested the review, the interested party must provide an explanation of the attempts it made to locate the producer or exporter at the same time it files its request for review, in order for the Secretary to determine if the interested party's attempts were reasonable, pursuant to 19 CFR 351.303(f)(3)(ii).

As explained in *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties,* 68 FR 23954 (May 6, 2003), and *Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties,* 76 FR 65694 (October 24, 2011), Commerce clarified its practice with respect to the collection of final antidumping duties on imports of merchandise where intermediate firms are involved. The public should be aware of this clarification in determining whether to request an administrative review of merchandise subject to antidumping findings and orders.[3]

Commerce no longer considers the non-market economy (NME) entity as an exporter conditionally subject to an antidumping duty administrative reviews.[4] Accordingly, the NME entity will not be under review unless Commerce specifically receives a request for, or self-initiates, a review of the NME entity.[5] In administrative reviews of antidumping duty orders on merchandise from NME countries where a review of the NME entity has not been initiated, but where an individual exporter for which a review was initiated does not qualify for a separate rate, Commerce will issue a final decision indicating that the company in question is part of the NME entity. However, in that situation, because no review of the NME entity was conducted, the NME entity's entries were not subject to the review and the rate for the NME entity is not subject to change as a result of that review (although the rate for the individual exporter may change as a function of the finding that the exporter is part of the NME entity). Following initiation of an antidumping administrative review when there is no review requested of the NME entity, Commerce will instruct CBP to liquidate entries for all exporters not named in the initiation notice, including those that were suspended at the NME entity rate.

All requests must be filed electronically in Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS) on Enforcement and Compliance's ACCESS website at *https://access.trade.gov*.[6] Further, in accordance with 19 CFR 351.303(f)(l)(i), a copy of each request must be served on the petitioner and each exporter or producer specified in the request. Note that Commerce has temporarily modified certain of its requirements for serving documents containing business proprietary information, until May 19, 2020, unless extended.[7]

Commerce will publish in the **Federal Register** a notice of ''Initiation of

[3] *See* the Enforcement and Compliance website at *https://legacy.trade.gov/enforcement/.*

[4] *See Antidumping Proceedings: Announcement of Change in Department Practice for Respondent Selection in Antidumping Duty Proceedings and Conditional Review of the Nonmarket Economy Entity in NME Antidumping Duty Proceedings,* 78 FR 65963 (November 4, 2013).

[5] In accordance with 19 CFR 351.213(b)(1), parties should specify that they are requesting a review of entries from exporters comprising the entity, and to the extent possible, include the names of such exporters in their request.

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

[7] *See Temporary Rule Modifying AD/CVD Service Requirements Due to COVID–19,* 85 FR 17006 (March 26, 2020).

Administrative Review of Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation'' for requests received by the last day of April 2020. If Commerce does not receive, by the last day of April 2020, a request for review of entries covered by an order, finding, or suspended investigation listed in this notice and for the period identified above, Commerce will instruct CBP to assess antidumping or countervailing duties on those entries at a rate equal to the cash deposit of estimated antidumping or countervailing duties required on those entries at the time of entry, or withdrawal from warehouse, for consumption and to continue to collect the cash deposit previously ordered.

For the first administrative review of any order, there will be no assessment of antidumping or countervailing duties on entries of subject merchandise entered, or withdrawn from warehouse, for consumption during the relevant provisional-measures ''gap'' period of the order, if such a gap period is applicable to the period of review.

This notice is not required by statute but is published as a service to the international trading community.

Dated: March 26, 2020.

James Maeder,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2020–06776 Filed 3–31–20; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–533–872]

Finished Carbon Steel Flanges From India: Final Results of Countervailing Duty Administrative Review, 2016–2017

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

SUMMARY: The Department of Commerce (Commerce) determines that Norma (India) Ltd. (Norma) and R.N. Gupta & Co. Ltd (RNG), producers and/or exporters of finished carbon steel flanges (steel flanges) from India, received countervailable subsidies during the period of review (POR), November 29, 2016 through December 31, 2017.

DATES: Applicable April 1, 2020.

FOR FURTHER INFORMATION CONTACT: Yasmin Bordas or John McGowan, AD/CVD Operations, Office VI, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–3813 and (202) 482–3019, respectively.

SUPPLEMENTARY INFORMATION:

Background

Commerce published the preliminary results of this administrative review of steel flanges from India on October 15, 2019.[1] For a history of events that occurred since the *Preliminary Results, see* the Issues and Decision Memorandum.[2]

Commerce exercised its discretion to toll all deadlines affected by the partial federal government closure from December 22, 2018 through the resumption of operations on January 29, 2019.[3] On February 3, 2020, Commerce extended the deadline for the final results of this administrative review. The revised deadline for the final results of this administrative review is now March 27, 2020.[4]

Commerce conducted this review in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act).

Scope of the Order

The merchandise covered by the order is steel flanges. For a complete description of the scope of the order, *see* the Issues and Decision Memorandum.

Analysis of Comments Received

All issues raised in interested parties' case and rebuttal briefs are addressed in the Issues and Decision Memorandum. The issues are identified in the Appendix to this notice. The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov* and is available to all parties in the Central Records Unit, room B8024 of the main Commerce building. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly on the internet at *http://enforcement.trade.gov/frn/index.html.* The signed and electronic versions of the Issues and Decision Memorandum are identical in content.

Changes Since the Preliminary Results

Based on the comments received from the interested parties after the *Preliminary Results,* we made changes to the net subsidy rates calculated for the mandatory respondents. For a discussion of these issues, *see* the Issues and Decision Memorandum.

Companies Not Selected for Individual Review

For the companies not selected for individual review, because the rates calculated for Norma and RNG were above *de minimis* and not based entirely on facts available, we applied a subsidy rate based on a weighted-average of the subsidy rates calculated for Norma and RNG using publicly ranged sales data submitted by the respondents. This is consistent with the methodology that we would use in an investigation to establish the all-others rate, pursuant to section 705(c)(5)(A) of the Act.

Final Results of Administrative Review

We determine that, for the period of November 29, 2016 through December 31, 2017, the following total estimated net countervailable subsidy rates exist:

Company	Subsidy rate (percent *ad valorem*)
Norma (India) Ltd[5]	5.39
R.N. Gupta & Co. Ltd	4.69
Adinath International	5.03
Allena Group	5.03
Alloyed Steel	5.03
Bebitz Flanges Works Private Limited	5.03
C.D. Industries	5.03
CHW Forge	5.03
CHW Forge Pvt. Ltd.	5.03
Citizen Metal Depot	5.03
Corum Flange	5.03
DN Forge Industries	5.03
Echjay Forgings Limited	5.03
Falcon Valves and Flanges Private Limited	5.03
Heubach International	5.03
Hindon Forge Pvt. Ltd.	5.03

[1] *See Finished Carbon Steel Flanges from India: Preliminary Results of Countervailing Duty Administrative Review, 2016–2017,* 84 FR 55141 (October 15, 2019) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum.

[2] *See* Memorandum, ''Decision Memorandum for the Final Results of the 2016–2017 Countervailing Duty Administrative Review of Finished Carbon Steel Flanges from India,'' dated concurrently with this determination and hereby adopted by this notice (Issues and Decision Memorandum).

[3] *See* Memorandum to the Record from Gary Taverman, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance, ''Deadlines Affected by the Partial Shutdown of the Federal Government,'' dated January 28, 2019. All deadlines in this segment of the proceeding have been extended by 40 days.

[4] *See* Memorandum, ''Finished Carbon Steel Flanges from India: Extension of Deadline for Final Results of Countervailing Duty Administrative Review; 11/29/2016–12/31/2017,'' dated February 3, 2020.

[5] We note that cross-ownership exists between Norma (India) Ltd., USK Export Private Limited (USK), Uma Shanker Khandelwal and Co., (UMA) and Bansidhar Chiranjilal (BCL). *See* Issues and Decision Memorandum at 4.

Company	Subsidy rate (percent *ad valorem*)
Jai Auto Pvt. Ltd.	5.03
Kinnari Steel Corporation	5.03
M F Rings and Bearing Races Ltd.	5.03
Mascot Metal Manufactures	5.03
OM Exports	5.03
Punjab Steel Works (PSW)	5.03
R.D. Forge	5.03
Raaj Sagar Steel	5.03
Ravi Ratan Metal Industries	5.03
Rolex Fittings India Pvt. Ltd.	5.03
Rollwell Forge Pvt. Ltd.	5.03
SHM (ShinHeung Machinery)	5.03
Siddhagiri Metal & Tubes	5.03
Sizer India	5.03
Steel Shape India	5.03
Sudhir Forgings Pvt. Ltd.	5.03
Tirupati Forge	5.03

Disclosure

Commerce intends to disclose the calculations performed for these final results of review within five days of the date of publication of this notice in the **Federal Register**, in accordance with 19 CFR 351.224(b).

Assessment Rate

Pursuant to 19 CFR 351.212(b)(2), Commerce intends to issue appropriate instructions to U.S. Customs and Border Protection (CBP) 15 days after publication of the final results of this review. We will instruct CBP to liquidate shipments of subject merchandise produced and/or exported by the companies listed above, entered, or withdrawn from warehouse for consumption, from November 29, 2016 through December 31, 2017, at the *ad valorem* rates listed above.

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the notice of final results of this administrative review for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication, as provided by section 751(a)(2)(C) of the Act: (1) The cash deposit rate for the companies listed in these final results will be equal to the subsidy rates established in the final results of this review; (2) for all non-reviewed firms, we will instruct CBP to continue to collect cash deposits at the most-recent company-specific or all-others rate applicable to the company, as appropriate. These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification Regarding Administrative Protective Order

This notice also serves as a reminder to 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), which continues to govern business proprietary information in this segment of the proceeding. 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 the terms of an APO is a sanctionable violation.

Notification to Interested Parties

These final results are issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.221(b)(5).

Dated: March 23, 2020.

Jeffrey I. Kessler,

Assistant Secretary for Enforcement and Compliance.

Appendix—List of Topics Discussed in the Issues and Decision Memorandum

I. Summary
II. List of Issues
III. Background
IV. Changes since the *Preliminary Results*
V. Scope of the Order
VI. Period of Review
VII. Subsidies Valuation Information
VIII. Use of Facts Otherwise Available and Adverse Inferences
IX. Analysis of Program
X. Analysis of Comments
Comment 1: Determination Regarding the Exemption from Entry Tax for the Iron and Steel Industry in SGUP
Comment 2: Calculation of EPCGS Benefits for Norma
Comment 3: Calculation of EPCGS Benefits for RNG
XI. Recommendation

[FR Doc. 2020–06777 Filed 3–31–20; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTIDs 0648–XT029, 0648–XT034]

Schedules for Atlantic Shark Identification Workshops and Safe Handling, Release, and Identification Workshops; Correction

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

ACTION: Notice of public workshops; correction.

SUMMARY: NMFS announces that the date for the Atlantic Shark Identification workshop originally scheduled for April 2, 2020, in Wilmington, NC has been changed to July 2, 2020. Also, NMFS is postponing the Safe Handling, Release, and Identification workshops originally scheduled for Houston, TX on March 17, 2020; Kitty Hawk, NC on April 1, 2020; and Revere, MA on April 3, 2020. The dates for these workshops have been changed to June 26, 2020, June 29, 2020, and June 16, 2020, respectively. The dates are being changed due to concerns about the spread of the COVID–19 virus associated with traveling to, and attending, the originally scheduled workshops. The workshop times and locations remains unchanged: 12 p.m.–4 p.m. for the Atlantic Shark Identification workshop; and, 9 a.m. to 5 p.m. for the Safe Handling, Release, and Identification workshops. The remaining workshops in May and June 2020 remain unchanged, unless further noticed. Atlantic Shark Identification workshops are mandatory for federally-permitted Atlantic shark dealers. Safe Handling, Release, and Identification workshops are mandatory for shark and swordfish limited-access permit holders who fish with longline or gillnet gear. Additional free workshops will be conducted during 2020.

DATES: The date for the Atlantic Shark Identification workshop to be held in Wilmington, NC is changed to July 2, 2020, unless further noticed. The dates for the Safe Handling, Release, and Identification workshops to be held in Revere, MA, Houston, TX, and Kitty Hawk, NC, are changed to June 16, June 26, and June 29, 2020, respectively, unless further noticed. See **SUPPLEMENTARY INFORMATION** for further details.

ADDRESSES: The address for the Atlantic Shark Identification to be held in Wilmington, NC, remains at Hampton Inn, 124 Old Eastwood Road, Wilmington, NC 28403. The Safe Handling, Release, and Identification workshops remain at Holiday Inn Express, 9300 South Main Street, Houston, TX 77025; Hilton Garden Inn, 5353 North Virginia Dare Trail, Kitty Hawk, NC 27949; and, Hampton Inn, 230 Lee Burbank Highway, Revere, MA 02151. See **SUPPLEMENTARY INFORMATION** for further details.

FOR FURTHER INFORMATION CONTACT: Rick Pearson by phone: (727) 551–5742.

SUPPLEMENTARY INFORMATION: The workshop schedules, registration

information, and a list of frequently asked questions regarding these workshops are posted on the internet at: *https://www.fisheries.noaa.gov/atlantic-highly-migratory-species/safe-handling-release-and-identification-workshops,* and *https://www.fisheries.noaa.gov/atlantic-highly-migratory-species/atlantic-shark-identification-workshops.*

Correction

In the **Federal Register** (Doc. 2019–25673) of November 26, 2019, on page 65117, in the first column, correct the date of the sixth Safe Handling, Release, and Identification workshop listed under the heading *Workshop Dates, Times, and Locations* to read:

''6. June 26, 2020, 9 a.m.–5 p.m., Holiday Inn Express, 9300 South Main Street, Houston, TX 77025.''

In the **Federal Register** (Doc. 2020–04022) of February 27, 2020, on page 11346, in the third column, correct the date of the first Atlantic Shark Identification workshop listed under the heading *Workshop Dates, Times, and Locations* to read:

''1. July 2, 2020, 12 p.m.–4 p.m., Hampton Inn, 124 Old Eastwood Road, Wilmington, NC 28403.''

In the **Federal Register** (Doc. 2020–04022) of February 27, 2020, on page 11347, in the first column, correct the dates of the first and second Safe Handling, Release, and Identification workshops listed under the heading *Workshop Dates, Times, and Locations* to read:

''1. June 29, 2020, 9 a.m.–5 p.m., Hampton Inn, 124 Old Eastwood Road, Wilmington, NC 28403.

2. June 16, 2020, 9 a.m.–5 p.m., Hampton Inn, 230 Lee Burbank Highway, Revere, MA 02151.''

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

Dated: March 26, 2020.

Hélène M.N. Scalliet,

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

[FR Doc. 2020–06702 Filed 3–31–20; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XA101]

New England Fishery Management Council; Public Meeting

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

ACTION: Notice; public meeting via webinar.

SUMMARY: The New England Fishery Management Council (Council) is scheduling a public meeting of its Habitat Joint Committee and Advisory Panel via webinar to consider actions affecting New England fisheries in the exclusive economic zone (EEZ). Recommendations from this group will be brought to the full Council for formal consideration and action, if appropriate.

DATES: This meeting will be held on Tuesday, April 21, 2020 at 9 a.m.

ADDRESSES: All meeting participants and interested parties can register to join the webinar at *https://attendee.gotowebinar.com/register/2346067948378065933.*

Council address: New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

FOR FURTHER INFORMATION CONTACT: Thomas A. Nies, Executive Director, New England Fishery Management Council; telephone: (978) 465–0492.

SUPPLEMENTARY INFORMATION:

Agenda

The committee will receive general updates on habitat-related actions and projects. They plan to discuss and provide feedback on development of habitat policies for aquaculture, submarine cables, and floating offshore wind. The committee will discuss and provide feedback on issues related to offshore wind development.

Other business may be discussed as necessary.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during these meetings. Action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Thomas A. Nies, Executive Director, at (978) 465–0492, at least 5 days prior to the date. This meeting will be recorded. Consistent with 16 U.S.C. 1852, a copy of the recording is available upon request.

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

Dated: March 27, 2020.

Tracey L. Thompson,

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

[FR Doc. 2020–06802 Filed 3–31–20; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XA103]

Fisheries of the Gulf of Mexico and the South Atlantic; Southeast Data, Assessment, and Review (SEDAR); Public Meeting

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

ACTION: Notice of SEDAR 68 Data Plenary Webinar I for Gulf of Mexico and Atlantic Scamp Grouper.

SUMMARY: The SEDAR 68 assessment process of Gulf of Mexico and Atlantic Scamp will consist of a series of data and assessment webinars, and a Review Workshop. See **SUPPLEMENTARY INFORMATION**.

DATES: The SEDAR 68 Data Plenary Webinar I will be held April 22, 2020, from 1 p.m. to 3 p.m.

ADDRESSES:

Meeting address: The meeting will be held via webinar. The webinar is open to members of the public. Those interested in participating should contact Julie A. Neer at SEDAR (see **FOR FURTHER INFORMATION CONTACT**) to request an invitation providing webinar access information. Please request webinar invitations at least 24 hours in advance of each webinar.

SEDAR address: 4055 Faber Place Drive, Suite 201, North Charleston, SC 29405.

FOR FURTHER INFORMATION CONTACT: Julie A. Neer, SEDAR Coordinator; (843) 571–4366; email: *Julie.neer@safmc.net*

SUPPLEMENTARY INFORMATION: The Gulf of Mexico, South Atlantic, and Caribbean Fishery Management Councils, in conjunction with NOAA Fisheries and the Atlantic and Gulf States Marine Fisheries Commissions have implemented the Southeast Data, Assessment and Review (SEDAR) process, a multi-step method for determining the status of fish stocks in the Southeast Region. SEDAR is a multi-step process including: (1) Data/Assessment Workshop, and (2) a series of webinars. The product of the Data/Assessment Workshop is a report which

compiles and evaluates potential datasets and recommends which datasets are appropriate for assessment analyses, and describes the fisheries, evaluates the status of the stock, estimates biological benchmarks, projects future population conditions, and recommends research and monitoring needs. Participants for SEDAR Workshops are appointed by the Gulf of Mexico, South Atlantic, and Caribbean Fishery Management Councils and NOAA Fisheries Southeast Regional Office, HMS Management Division, and Southeast Fisheries Science Center. Participants include data collectors and database managers; stock assessment scientists, biologists, and researchers; constituency representatives including fishermen, environmentalists, and NGO's; International experts; and staff of Councils, Commissions, and state and federal agencies.

The items of discussion in the Data Webinars are as follows:

- An assessment data set and associated documentation will be developed during the webinars;

- Participants will evaluate proposed data and select appropriate sources for providing information on life history characteristics, catch statistics, discard estimates, length and age composition, and fishery dependent and fishery independent measures of stock abundance.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the intent to take final action to address the emergency.

Special Accommodations

The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to the Council office (see **ADDRESSES**) at least 3 business days prior to each workshop.

Note: The times and sequence specified in this agenda are subject to change.

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

Dated: March 27, 2020.

Tracey L. Thompson,

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

[FR Doc. 2020–06803 Filed 3–31–20; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XR097]

Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to Gastineau Channel Historical Society Sentinel Island Moorage Float Project, Juneau, Alaska

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

ACTION: Notice; proposed incidental harassment authorization; request for comments on proposed authorization and possible renewal.

SUMMARY: NMFS has received a request from Gastineau Channel Historical Society (GCHS) for authorization to take marine mammals incidental to Sentinel Island Moorage Float project near Juneau, Alaska. Pursuant to the Marine Mammal Protection Act (MMPA), NMFS is requesting comments on its proposal to issue an incidental harassment authorization (IHA) to incidentally take marine mammals during the specified activities. NMFS is also requesting comments on a possible one-year renewal that could be issued under certain circumstances and if all requirements are met, as described in Request for Public Comments at the end of this notice. NMFS will consider public comments prior to making any final decision on the issuance of the requested MMPA authorizations and agency responses will be summarized in the final notice of our decision.

DATES: Comments and information must be received no later than May 1, 2020.

ADDRESSES: Comments should be addressed to Jolie Harrison, Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service. Physical comments should be sent to 1315 East-West Highway, Silver Spring, MD 20910 and electronic comments should be sent to *ITP.Meadows@noaa.gov.*

Instructions: NMFS is not responsible for comments sent by any other method, to any other address or individual, or received after the end of the comment period. All comments received are a part of the public record and will generally be posted online at *https://www.fisheries.noaa.gov/permit/incidental-take-authorizations-under-marine-mammal-protection-act* without change. All personal identifying information (*e.g.,* name, address) voluntarily submitted by the commenter may be publicly accessible. Do not submit confidential business information or otherwise sensitive or protected information.

FOR FURTHER INFORMATION CONTACT: Dwayne Meadows, Ph.D., Office of Protected Resources, NMFS, (301) 427–8401. Electronic copies of the application and supporting documents, as well as a list of the references cited in this document, may be obtained online at: *https://www.fisheries.noaa.gov/permit/incidental-take-authorizations-under-marine-mammal-protection-act.* In case of problems accessing these documents, please call the contact listed above.

SUPPLEMENTARY INFORMATION:

Background

The MMPA prohibits the ''take'' of marine mammals, with certain exceptions. Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce (as delegated to NMFS) to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and either regulations are issued or, if the taking is limited to harassment, a notice of a proposed incidental take authorization may be provided to the public for review.

Authorization for incidental takings shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s) and will not have an unmitigable adverse impact on the availability of the species or stock(s) for taking for subsistence uses (where relevant). Further, NMFS must prescribe the permissible methods of taking and other ''means of effecting the least practicable adverse impact'' on the affected species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of the species or stocks for taking for certain subsistence uses (referred to in shorthand as ''mitigation''); and requirements pertaining to the mitigation, monitoring and reporting of the takings are set forth.

The definitions of all applicable MMPA statutory terms cited above are included in the relevant sections below.

National Environmental Policy Act

To comply with the National Environmental Policy Act of 1969 (NEPA; 42 U.S.C. 4321 *et seq.*) and NOAA Administrative Order (NAO) 216–6A, NMFS must review our proposed action (*i.e.,* the issuance of an incidental harassment authorization) with respect to potential impacts on the human environment.

This action is consistent with categories of activities identified in Categorical Exclusion B4 (incidental harassment authorizations with no anticipated serious injury or mortality) of the Companion Manual for NOAA Administrative Order 216–6A, which do not individually or cumulatively have the potential for significant impacts on the quality of the human environment and for which we have not identified any extraordinary circumstances that would preclude this categorical exclusion. Accordingly, NMFS has preliminarily determined that the issuance of the proposed IHA qualifies to be categorically excluded from further NEPA review.

We will review all comments submitted in response to this notice prior to concluding our NEPA process or making a final decision on the IHA request.

Summary of Request

On 24 October 2019, NMFS received a request from GCHS for an IHA to take marine mammals incidental to Sentinel Island Moorage Float project near Juneau, Alaska. The application was deemed adequate and complete on February 7, 2020. GCHS's request is for take of seven species (consisting of eight stocks) of marine mammals by Level B harassment and/or Level A harassment. Neither GCHS nor NMFS expects serious injury or mortality to result from this activity and, therefore, an IHA is appropriate.

Description of Proposed Activity

Overview

The project consists of the construction of an access float to more easily access Sentinel Island within Favorite Channel/Lynn Canal near Juneau, Alaska. GCHS would install a pile supported marine float with a metal gangway spanning from the float to a timber platform on Sentinel Island. The project includes the following in-water components: driving six 24-inch diameter steel pipe piles to support the float and seaward end of the gangway. Pile driving would be by vibratory pile driving to install the piles until down-the-hole (DTH) drilling is needed to rock socket the piles. Impact pile driving will only be used for piles that encounter soils too dense to penetrate with the vibratory equipment, which is not expected.

The pile driving or DTH drilling can result in take of marine mammals from sound in the water which results in behavioral harassment (Level B harassment) or auditory injury (Level A harassment). The footprint of the project is approximately one square mile around the project site. The project will take no more than 6 days of pile-driving/DTH drilling.

Dates and Duration

The work for which take will be authorized will occur between July 15, 2020 and September 20, 2020. Noise generating activities will not overlap with high densities of marine mammal prey that occur March 1 through May 31. The daily construction window for pile driving would begin no sooner than 30 minutes after sunrise and would end 30 minutes prior to sunset to allow for marine mammal monitoring.

Specific Geographic Region

The project site is located at Sentinel Island at the northern end of Favorite Channel at its convergence with Lynn Canal near Juneau, Alaska (Figure 1). In 2004 the Sentinel Island Lighthouse was transferred to the Gastineau Channel Historical Society from the U.S. Coast Guard. The proposed mooring float is adjacent to the lighthouse on the island. In a similar location to the proposed float there was an old timber dock with a hoist house that was demolished in 2004.

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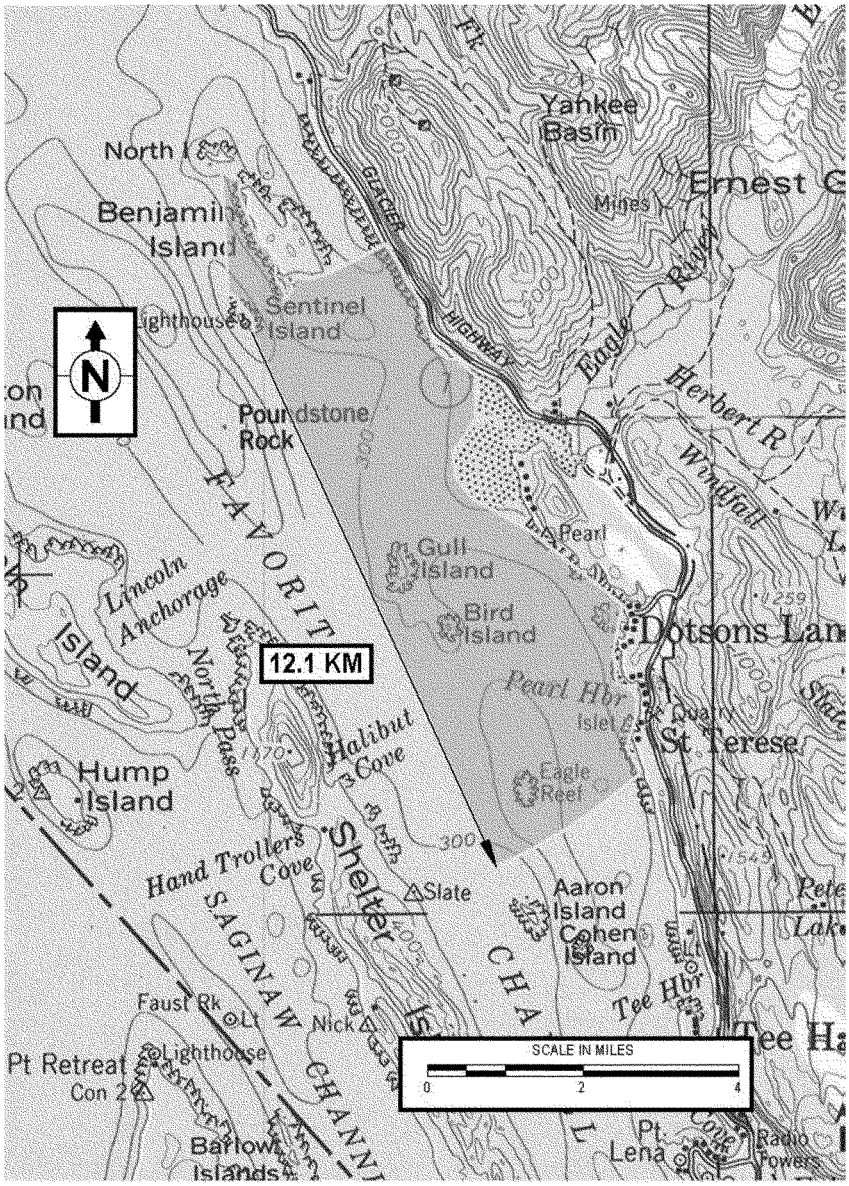

Figure 1. Topographic Map Showing Project Location and Level B Harassment Zone (gray)

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Several seasonally available prey species are abundant within the project area. Herring (*Clupea pallasii*) are abundant in dense aggregations in the spring and fall, coinciding with when Steller sea lion numbers peak at Benjamin Island to the north (Womble 2003). In Southeast Alaska, spawning of eulachon (*Thaleichtys pacificus*) and capelin (*Mallotus villosus*) also occurs in the spring (Womble *et al.* 2009).

The underwater acoustic environment in the project area is dominated by ambient noise from day-to-day vessel activities.

Detailed Description of Specific Activity

The 16 by 60 foot float and 8 by 88 foot gangway will be fabricated and moved to the installation site. To support these structures, six 24-inch diameter steel pipes would be driven into the substrate at the project location. The pipe piles would be installed to a depth of at least 15 feet or more below the surface using a crane-mounted vibratory and/or impact hammer located on a barge. It may take up to about 60 minutes per pile of vibratory driving to set each pile. If impact hammering is used, about 250 strikes would be needed to drive each of the piles to a sufficient depth which may require about 15 minutes of hammering. Installation will begin with use of the vibratory hammer, then drilling will begin at the bedrock interface and at the end the final setting of the pile in the drilled socket will be done with the vibratory hammer. DTH drilling will be used to install the rock sockets. It is estimated that about 6 hours (maximum) would be required to drive each pile and they would be proofed the same day.

Multiple piles would not be concurrently driven. Under the best-case scenario, using solely vibratory and DTH drilling, two piles would be set in

a day. Therefore, the duration of drilling activity for the four piles could be as short as 3 days or as long as 6 days. Thus in the worst case, the entire project would take a total of 6 days of pile driving/drilling.

Proposed mitigation, monitoring, and reporting measures are described in detail later in this document (please see Proposed Mitigation and Proposed Monitoring and Reporting).

Description of Marine Mammals in the Area of Specified Activities

Sections 3 and 4 of the application summarize available information regarding status and trends, distribution and habitat preferences, and behavior and life history, of the potentially affected species. Additional information regarding population trends and threats may be found in NMFS's Stock Assessment Reports (SARs; *https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessments)* and more general information about these species (*e.g.,* physical and behavioral descriptions) may be found on NMFS's website (*https://www.fisheries.noaa.gov/find-species*).

Table 1 lists all species with expected potential for occurrence in Juneau, Alaska and summarizes information related to the population or stock, including regulatory status under the MMPA and ESA and potential biological removal (PBR), where known. For taxonomy, we follow Committee on Taxonomy (2019). PBR is defined by the MMPA as the maximum number of animals, not including natural mortalities, that may be removed from a marine mammal stock while allowing that stock to reach or maintain its optimum sustainable population (as described in NMFS's SARs). While no mortality is anticipated or authorized here, PBR and annual serious injury and mortality from anthropogenic sources are included here as gross indicators of the status of the species and other threats.

Marine mammal abundance estimates presented in this document represent the total number of individuals that make up a given stock or the total number estimated within a particular study or survey area. NMFS's stock abundance estimates for most species represent the total estimate of individuals within the geographic area, if known, that comprises that stock. For some species, this geographic area may extend beyond U.S. waters. All managed stocks in this region are assessed in NMFS's U.S. Alaska SARs (*e.g.,* Muto *et al.,* 2019). All values presented in Table 1 are the most recent available at the time of publication and are available in the draft 2019 SARs (Muto *et al.,* 2019).

TABLE 1—MARINE MAMMALS POTENTIALLY PRESENT IN THE VICINITY OF THE STUDY AREAS

Common name	Scientific name	Stock	ESA/MMPA status; Strategic (Y/N) [1]	Stock abundance (CV, N_{min}, most recent abundance survey) [2]	PBR	Annual M/SI [3]
Order Cetartiodactyla—Cetacea—Superfamily Mysticeti (baleen whales)						
Family Physeteridae						
Sperm whale	*Physeter macrocephalus*	North Pacific	–; N	N/A (see SAR, N/A, 2015), see text.	See SAR	4.4
Family Balaenopteridae (rorquals)						
Humpback Whale	*Megaptera novaeangliae*	Central North Pacific	–; N (Hawaii DPS)	10,103 (0.3, 7,890, 2006).	83	25
		Central North Pacific	T,D,Y (Mexico DPS)	3264	N/A	N/A
Minke whale [4]	*Balaenoptera acutorostrata*	Alaska	–; N	N/A, see text	N/A	0
Superfamily Odontoceti (toothed whales, dolphins, and porpoises)						
Family Delphinidae						
Killer whale [5]	*Orcinus orca*	Alaska Resident	–; Y	2347	24	1
		Northern Resident		261	1.96	0
		West Coast transient		243	2.4	0
Family Phocoenidae (porpoises)						
Dall's porpoise [4]	*Phocoenoides dalli*	Alaska	–; N	83,400 (0.097, N/A, 1991).	N/A	38
Harbor porpoise	*Phocoena phocoena*	Southeast Alaska	–; Y	975 (2012)	8.9	34
Order Carnivora—Superfamily Pinnipedia						
Family Otariidae (eared seals and sea lions)						
Steller sea lion	*Eumetopias jubatus*	Eastern U.S.	–; N	41,638 (n/a; 41,638; 2015).	2,498	108
Steller sea lion	*Eumetopias jubatus*	Western U.S.	E,D,Y	54,268 (see SAR, 54,267, 2017).	326	247
Family Phocidae (earless seals)						
Harbor seal	*Phoca vitulina richardii*	Lynn Canal/Stephens Passage.	–; N	9,478 (see SAR, 8,605, 2011).	155	50

[1] Endangered Species Act (ESA) status: Endangered (E), Threatened (T)/MMPA status: Depleted (D). A dash (–) indicates that the species is not listed under the ESA or designated as depleted under the MMPA. Under the MMPA, a strategic stock is one for which the level of direct human-caused mortality exceeds PBR or which is determined to be declining and likely to be listed under the ESA within the foreseeable future. Any species or stock listed under the ESA is automatically designated under the MMPA as depleted and as a strategic stock.

[2] NMFS marine mammal stock assessment reports online at: *https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessments.* CV is coefficient of variation; N_{min} is the minimum estimate of stock abundance. In some cases, CV is not applicable

[3] These values, found in NMFS's SARs, represent annual levels of human-caused mortality plus serious injury from all sources combined (*e.g.,* commercial fisheries, ship strike). Annual M/SI often cannot be determined precisely and is in some cases presented as a minimum value or range. A CV associated with estimated mortality due to commercial fisheries is presented in some cases.

[4] The most recent abundance estimate is >8 years old, there is no official current estimate of abundance available for this stock.

[5]- NMFS has preliminary genetic information on killer whales in Alaska which indicates that the current stock structure of killer whales in Alaska needs to be reassessed. NMFS is evaluating the new genetic information. A complete revision of the killer whale stock assessments will be postponed until the stock structure evaluation is completed and any new stocks are identified'' (Muto, Helker *et al.* 2018). For the purposes of this IHA application, the existing stocks are used to estimate potential takes.

All species that could potentially occur in the proposed survey areas are included in Table 1. As described below, seven species (with eight managed stocks) temporally and spatially co-occur with the activity to the degree that take is reasonably likely to occur, and we have proposed authorizing it. Sperm whales are considered extra-limital and will not be considered further.

In addition, the northern sea otter may be found in the project vicinity. However, that species is managed by the U.S. Fish and Wildlife Service and is not considered further in this document.

Humpback Whale

Humpback whales (*Megaptera novaeangliae*) in the North Pacific migrate from low-latitude breeding and calving grounds to form geographically distinct aggregations on higher-latitude feeding grounds. They occur in Lynn Canal where they feed on aggregations of herring in lower Lynn Canal.

In 2016 NMFS revised the ESA listing of humpback whales (81 FR 62259; September 8, 2016). NMFS is in the process of reviewing humpback whale stock structure and abundance under the MMPA in light of the ESA revisions. The MMPA stock in Alaska is considered to be the Central North Pacific stock. Humpbacks from 2 of the 14 newly identified Distinct Population Segments (DPSs) occur in the project area: The Mexico DPS, which is a threatened species; and the Hawaii DPS, which is not protected under the ESA. NMFS considers humpback whales in Southeast Alaska to be 94 percent comprised of the Hawaii DPS and 6 percent of the Mexico DPS (Wade *et al.,* 2016). While the range of the Mexico DPS extends up to Southeast Alaska, this DPS has never been reported as far north as Sitka. The likelihood that an individual from the Mexico DPS is part of the relatively few humpback whales that move to Lynn Canal is extremely low; nevertheless, we use the 6 percent estimate to be conservative in this analysis.

On October 9, 2019, NMFS published a proposed rule to designate critical habitat for the humpback whale (84 FR 54354). Areas proposed as critical habitat include specific marine areas off the coasts of California, Oregon, Washington and Alaska, including near the project area. GCHS expects to complete this project before the critical habitat designation is effective, therefore we do not consider it further in this analysis.

Estimates of humpback whale abundance for the Mexico DPS are from the ESA listing process. Some whale researchers, resource managers, and whale watching guides track the presence of individual humpback whales in the Juneau area by unique fluke patterns (Teerlink, 2017). Based on fluke pattern identification from fluke photographs taken between 2006 and 2014, 179 individual humpback whales were identified from the Juneau area (Teerlink, 2017). For Lynn Canal/Favorite Channel and other waters in the project vicinity including Stephens Passage, and Saginaw Channel, researchers have documented 4 to 18 humpback whales in winter (Krieger and Wing, 1986; Moran *et al.,* 2018). Straley *et al.* (2011) surveyed humpback whales in Lynn Canal from September 15–October 14 in 2007/2008 and during the same months in 2000/2009. During both years a total of 55 whale sighting (average of approximately 2 whales per day) were recorded, however in 2007/2008 there were 30 unique whales identified and in 2008/2009 there were 22 unique whales identified in the project vicinity.

Dahlheim *et al.* (2009) found significant difference in the mean group size of humpback whales from year to year and also found that the average group size was largest in the fall (September/October), however no surveys were conducted in August. Information from the fall surveys is thus utilized, and is conservative because humpback numbers were found to peak during the fall in Lynn Canal (Straley *et al.,* 2011).

Minke Whale

There are three stocks of minke whales (*Balaenopera acutorostrata*) recognized in U.S. waters of the Pacific Ocean; only members of the Alaska stock could potentially occur within the project area. This stock has seasonal movements associated with feeding areas that are generally located at the edge of the pack ice (Muto *et al.,* 2019). Minke whales are considered to be rare in Lynn Canal (Dahlheim *et al.,* 2009). However, minke whales forage on schooling fish and may rarely enter the project area. In 2015, one minke whale was sighted in Taiya Inlet, northeast of the Project Area (K. Gross, personal communication, as cited in 84 FR 4777, February 19, 2019).

No comprehensive estimates of abundance have been made for the Alaska stock or near the project area, but a 2010 survey conducted on the eastern Bering Sea shelf produced a provisional abundance estimate of 2,020 whales (Friday *et al.,* 2013).

Killer Whale

NMFS recognizes eight killer whale (*Orcinus orca*) stocks throughout the Pacific Ocean. However, only three of these stocks can be found in Southeast Alaska: (1) the Alaska Resident stock ranges from southeastern Alaska to the Aleutian Islands and Bering Sea; (2) the Northern Resident stock occurs from Washington State through part of southeastern Alaska; and (3) the West Coast Transient stock ranges from California through southeastern Alaska (Muto *et al.,* 2019). Resident and transient killer whales are sporadically and seasonally attracted to Lutak Inlet during the spring to feed on the large aggregations of fishes and pinnipeds.

Killer whale abundance estimates are determined by a direct count of individually identifiable animals. Killer whales are observed within the project area several times annually. Data compiled by Oceanus Alaska found an average of 25 killer whales in the Statter Harbor area of Auke Bay each year. While killer whales occurring in Lynn Canal can belong to one of three stocks, photoidentification studies since 1970 have catalogued most individuals observed in this area as belonging to the Northern Resident stock. The AG resident pod is one pod known to frequent the Juneau area (Dahlheim *et al.,* 2009; B. Lambert personal observation) and has 41 members. This pod is seen in the area intermittently in groups of up to approximately 25 individuals (B. Lambert personal observation). The occurrence of transient killer whales in Lynn Canal increases in summer, with lower numbers observed in spring and fall. Dahlheim *et al.* (2009) found the average group size of resident orcas to be approximately 33 individuals during the summer (June/July) and 20 during the fall (September/October).

Dall's Porpoise

Dall's porpoise (*Phocoenoides dalli*) are widely distributed throughout the region and have been observed in Lynn Canal (Dahlheim *et al.,* 2009). They were observed more frequently in the spring, tapering off in summer and fall

in southeast Alaska (Jefferson *et al.,* 2019). The Alaska stock is the only Dall's porpoise stock found in Alaska waters. Group sizes were generally small, under 5 individuals, and during the summer months the mean group size was 2.6.

Harbor Porpoise

Harbor porpoise (*Phocoena phocoena*) are common in coastal waters of Alaska. There are three harbor porpoise stocks in Alaska, but only the Southeast Alaska stock occurs in the project area (Muto *et al.,* 2019). Individuals from the Southeast Alaska stock of harbor porpoise are infrequently observed in Lynn Canal, though they have been observed as far north as Haines during the summer months (Dahlheim *et al.,* 2015).

Steller Sea Lion

Steller sea lions (*Eumetopias jubatus*) range along the North Pacific Rim from northern Japan to California, with centers of abundance and distribution in the Gulf of Alaska and Aleutian Islands. Large numbers of individuals widely disperse when not breeding (late May to early July) to access seasonally important prey resources (Muto *et al.,* 2019). In 1997 NMFS identified two DPSs of Steller sea lions under the ESA: a Western DPS and an Eastern DPS (62 FR 24345, May 5, 1997). The Eastern DPS is not ESA-listed, the Western DPS is. For MMPA purposes the Eastern DPS is called the Eastern U.S. stock and the Western DPS is called the Western U.S. stock. For simplicity we will refer to them by their DPS name in this analysis. Most of the Steller sea lions in southeastern Alaska have been determined to be part of the Eastern DPS, however, in recent years there has been an increasing trend of the Western DPS animals occurring and breeding in southeastern Alaska (Muto *et al.,* 2019).

Steller sea lions have been observed in the project vicinity throughout the year. Salmon increase in importance as prey for sea lions from late-October and December. The closest haulout to the project area is Benjamin Island, about 1 mile northeast. Typically the sea lions vacate Benjamin Island mid-July through late-September, however some years individuals have remained. In surveys conducted from 2004 to 2018, Steller sea lions were absent from July 17 through September 28 at Benjamin Island with the exception of 2005 and 2013. On July 16, 2005 560 non-pups were observed; on August 9, 2013, 40 non-pups were counted; and on September 24, 2013, 144 non-pups were observed (Jemison, Alaska Fish and Game, personal communication).

Individuals from the Western DPS have been observed in the Lynn Canal area. The percentage of Western DPS animals estimated to occur in the project area in the summer is estimated to be 1.4 percent (Hastings *et al.,* in press); for the rest of this analysis we assume that 1.4 percent of the Steller sea lions in the project area are from the Western DPS.

Harbor Seal

Harbor seals (*Phoca vitulina*) inhabit coastal and estuarine waters off Alaska. They haul out on rocks, reefs, beaches, and drifting glacial ice. Up to 44 percent of their time is spent hauled out, with hauling out occurring more often during the summer (Pitcher and Calkins, 1979; Klinkhart *et al.,* 2008). They are opportunistic feeders and often adjust their distribution to take advantage of locally and seasonally abundant prey (Womble *et al.,* 2009; Allen and Angliss, 2015). Harbor seals occurring in the project area belong to the Lynn Canal/Stephens Passage (LC/SP) stock. NOAA 2018 abundance estimates for the unit in which the action area is located is 42.06 harbor seals at a haulout on the east coast of Sentinel Island with the 95 percent confidence interval for that estimate at 134 seals.

Marine Mammal Hearing

Hearing is the most important sensory modality for marine mammals underwater, and exposure to anthropogenic sound can have deleterious effects. To appropriately assess the potential effects of exposure to sound, it is necessary to understand the frequency ranges marine mammals are able to hear. Current data indicate that not all marine mammal species have equal hearing capabilities (*e.g.,* Richardson *et al.,* 1995; Wartzok and Ketten, 1999; Au and Hastings, 2008). To reflect this, Southall *et al.* (2007) recommended that marine mammals be divided into functional hearing groups based on directly measured or estimated hearing ranges on the basis of available behavioral response data, audiograms derived using auditory evoked potential techniques, anatomical modeling, and other data. Note that no direct measurements of hearing ability have been successfully completed for mysticetes (*i.e.,* low-frequency cetaceans). Subsequently, NMFS (2018) described generalized hearing ranges for these marine mammal hearing groups. Generalized hearing ranges were chosen based on the approximately 65 decibel (dB) threshold from the normalized composite audiograms, with the exception for lower limits for low-frequency cetaceans where the lower bound was deemed to be biologically implausible and the lower bound from Southall *et al.* (2007) retained. Marine mammal hearing groups and their associated hearing ranges are provided in Table 2.

TABLE 2—MARINE MAMMAL HEARING GROUPS (NMFS, 2018)

Hearing group	Generalized hearing range *
Low-frequency (LF) cetaceans (baleen whales)	7 Hz to 35 kHz
Mid-frequency (MF) cetaceans (dolphins, toothed whales, beaked whales, bottlenose whales)	150 Hz to 160 kHz
High-frequency (HF) cetaceans (true porpoises, *Kogia,* river dolphins, cephalorhynchid, *Lagenorhynchus cruciger* & *L. australis*).	275 Hz to 160 kHz
Phocid pinnipeds (PW) (underwater) (true seals)	50 Hz to 86 kHz
Otariid pinnipeds (OW) (underwater) (sea lions and fur seals)	60 Hz to 39 kHz

* Represents the generalized hearing range for the entire group as a composite (*i.e.,* all species within the group), where individual species' hearing ranges are typically not as broad. Generalized hearing range chosen based on ~65 dB threshold from normalized composite audiogram, with the exception for lower limits for LF cetaceans (Southall *et al.* 2007) and PW pinniped (approximation).

The pinniped functional hearing group was modified from Southall *et al.* (2007) on the basis of data indicating that phocid species have consistently demonstrated an extended frequency range of hearing compared to otariids, especially in the higher frequency range (Hemilä *et al.,* 2006; Kastelein *et al.,* 2009; Reichmuth and Holt, 2013).

For more detail concerning these groups and associated frequency ranges,

please see NMFS (2018) for a review of available information. Seven marine mammal species (five cetacean and two pinniped (one otariid and one phocid) species have the reasonable potential to co-occur with the proposed survey activities (see Table 1). Of the cetacean species that may be present, two are classified as low-frequency cetaceans (*i.e.,* all mysticete species), one is classified as a mid-frequency cetacean (*i.e.,* all delphinid and ziphiid species and the sperm whale), and two are classified as high-frequency cetaceans (*i.e.,* harbor porpoise and Dall's porpoise).

Potential Effects of Specified Activities on Marine Mammals and Their Habitat

This section includes a summary and discussion of the ways that components of the specified activity may impact marine mammals and their habitat. The Estimated Take section later in this document includes a quantitative analysis of the number of individuals that are expected to be taken by this activity. The Negligible Impact Analysis and Determination section considers the content of this section, the Estimated Take section, and the Proposed Mitigation section, to draw conclusions regarding the likely impacts of these activities on the reproductive success or survivorship of individuals and how those impacts on individuals are likely to impact marine mammal species or stocks.

Description of Sound Sources

The marine soundscape is comprised of both ambient and anthropogenic sounds. Ambient sound is defined as the all-encompassing sound in a given place and is usually a composite of sound from many sources both near and far (ANSI 1994, 1995). The sound level of an area is defined by the total acoustical energy being generated by known and unknown sources. These sources may include physical (*e.g.,* waves, wind, precipitation, earthquakes, ice, atmospheric sound), biological (*e.g.,* sounds produced by marine mammals, fish, and invertebrates), and anthropogenic sound (*e.g.,* vessels, dredging, aircraft, construction).

The sum of the various natural and anthropogenic sound sources at any given location and time—which comprise ''ambient'' or ''background'' sound—depends not only on the source levels (as determined by current weather conditions and levels of biological and shipping activity) but also on the ability of sound to propagate through the environment. In turn, sound propagation is dependent on the spatially and temporally varying properties of the water column and sea floor, and is frequency-dependent. As a result of the dependence on a large number of varying factors, ambient sound levels can be expected to vary widely over both coarse and fine spatial and temporal scales. Sound levels at a given frequency and location can vary by 10–20 dB from day to day (Richardson *et al.,* 1995). The result is that, depending on the source type and its intensity, sound from the specified activity may be a negligible addition to the local environment or could form a distinctive signal that may affect marine mammals.

In-water construction activities associated with the project would include impact pile driving, vibratory pile driving, and DTH drilling. The sounds produced by these activities fall into one of two general sound types: Impulsive and non-impulsive. Impulsive sounds (*e.g.,* explosions, gunshots, sonic booms, impact pile driving) are typically transient, brief (less than 1 second), broadband, and consist of high peak sound pressure with rapid rise time and rapid decay (ANSI, 1986; NIOSH, 1998; ANSI, 2005; NMFS, 2018). Non-impulsive sounds (*e.g.,* machinery operations such as drilling or dredging, vibratory pile driving, and active sonar systems) can be broadband, narrowband or tonal, brief or prolonged (continuous or intermittent), and typically do not have the high peak sound pressure with raid rise/decay time that impulsive sounds do (ANSI 1995; NIOSH 1998; NMFS 2018). The distinction between these two sound types is important because they have differing potential to cause physical effects, particularly with regard to hearing (*e.g.,* Ward 1997 in Southall *et al.,* 2007).

Two types of pile hammers would be used on this project: Impact and vibratory. Impact hammers operate by repeatedly dropping a heavy piston onto a pile to drive the pile into the substrate. Sound generated by impact hammers is characterized by rapid rise times and high peak levels, a potentially injurious combination (Hastings and Popper, 2005). Vibratory hammers install piles by vibrating them and allowing the weight of the hammer to push them into the sediment. Vibratory hammers produce significantly less sound than impact hammers. Peak Sound pressure Levels (SPLs) may be 180 dB or greater, but are generally 10 to 20 dB lower than SPLs generated during impact pile driving of the same-sized pile (Oestman *et al.,* 2009). Rise time is slower, reducing the probability and severity of injury, and sound energy is distributed over a greater amount of time (Nedwell and Edwards, 2002; Carlson *et al.,* 2005).

DTH drilling would be conducted using a down-the-hole drill inserted through the hollow steel piles. A DTH drill is a drill bit that drills through the bedrock using a pulse mechanism that functions at the bottom of the hole. This pulsing bit breaks up rock to allow removal of debris and insertion of the pile. The head extends so that the drilling takes place just below the pile. The pulsing sounds produced by the DTH drilling method occur in a range of frequencies that depends on the size and type of the bit and the hammering pressure applied. Smaller diameter DTH drilling produces sounds that are generally continuous while larger and ring-type DTH drills produce sounds that can be a combination of continuous and impulsive. The DTH hammering for this project falls in the continuous range. In addition, this method likely increases sound attenuation because the noise is primarily contained within the steel pile and below ground as opposed to impact hammer driving methods which occur at the top of the pile and introduce sound into the water column to a greater degree. See also our detailed discussion of this sound source in the notice of issuance of an IHA for Ferry Berth Improvements in Tongass Narrows, Alaska *https://www.govinfo.gov/content/pkg/FR-2020-01-07/pdf/2020-00038.pdf.*

The likely or possible impacts of GCHS's proposed activity on marine mammals could involve both non-acoustic and acoustic stressors. Potential non-acoustic stressors could result from the physical presence of the equipment and personnel; however, any impacts to marine mammals are expected to primarily be acoustic in nature. Acoustic stressors include effects of heavy equipment operation during pile installation and drilling.

Acoustic Impacts

The introduction of anthropogenic noise into the aquatic environment from pile driving and DTH drilling is the primary means by which marine mammals may be harassed from GCHS's specified activity. In general, animals exposed to natural or anthropogenic sound may experience physical and psychological effects, ranging in magnitude from none to severe (Southall *et al.,* 2007). Generally, exposure to pile driving and drilling noise has the potential to result in auditory threshold shifts and behavioral reactions (*e.g.,* avoidance, temporary cessation of foraging and vocalizing, changes in dive behavior). Exposure to anthropogenic noise can also lead to

non-observable physiological responses such an increase in stress hormones. Additional noise in a marine mammal's habitat can mask acoustic cues used by marine mammals to carry out daily functions such as communication and predator and prey detection. The effects of pile driving and drilling noise on marine mammals are dependent on several factors, including, but not limited to, sound type (*e.g.,* impulsive vs. non-impulsive), the species, age and sex class (*e.g.,* adult male vs. mom with calf), duration of exposure, the distance between the pile and the animal, received levels, behavior at time of exposure, and previous history with exposure (Wartzok *et al.,* 2003; Southall *et al.,* 2007). Here we discuss physical auditory effects (threshold shifts) followed by behavioral effects and potential impacts on habitat.

NMFS defines a noise-induced threshold shift (TS) as a change, usually an increase, in the threshold of audibility at a specified frequency or portion of an individual's hearing range above a previously established reference level (NMFS, 2018). The amount of threshold shift is customarily expressed in dB. A TS can be permanent or temporary. As described in NMFS (2018), there are numerous factors to consider when examining the consequence of TS, including, but not limited to, the signal temporal pattern (*e.g.,* impulsive or non-impulsive), likelihood an individual would be exposed for a long enough duration or to a high enough level to induce a TS, the magnitude of the TS, time to recovery (seconds to minutes or hours to days), the frequency range of the exposure (*i.e.,* spectral content), the hearing and vocalization frequency range of the exposed species relative to the signal's frequency spectrum (*i.e.,* how animal uses sound within the frequency band of the signal; *e.g.,* Kastelein *et al.,* 2014), and the overlap between the animal and the source (*e.g.,* spatial, temporal, and spectral).

Permanent Threshold Shift (PTS)—NMFS defines PTS as a permanent, irreversible increase in the threshold of audibility at a specified frequency or portion of an individual's hearing range above a previously established reference level (NMFS 2018). Available data from humans and other terrestrial mammals indicate that a 40 dB threshold shift approximates PTS onset (see Ward *et al.,* 1958, 1959; Ward, 1960; Kryter *et al.,* 1966; Miller, 1974; Ahroon *et al.,* 1996; Henderson and Hu, 2008). PTS levels for marine mammals are estimates, with the exception of a single study unintentionally inducing PTS in a harbor seal (Kastak *et al.,* 2008), there are no empirical data measuring PTS in marine mammals, largely due to the fact that, for various ethical reasons, experiments involving anthropogenic noise exposure at levels inducing PTS are not typically pursued or authorized (NMFS, 2018).

Temporary Threshold Shift (TTS)—A temporary, reversible increase in the threshold of audibility at a specified frequency or portion of an individual's hearing range above a previously established reference level (NMFS, 2018). Based on data from cetacean TTS measurements (see Southall *et al.,* 2007), a TTS of 6 dB is considered the minimum threshold shift clearly larger than any day-to-day or session-to-session variation in a subject's normal hearing ability (Schlundt *et al.,* 2000; Finneran *et al.,* 2000, 2002). As described in Finneran (2016), marine mammal studies have shown the amount of TTS increases with cumulative sound exposure level (SEL_{cum}) in an accelerating fashion: At low exposures with lower SEL_{cum}, the amount of TTS is typically small and the growth curves have shallow slopes. At exposures with higher SEL_{cum}, the growth curves become steeper and approach linear relationships with the noise SEL.

Depending on the degree (elevation of threshold in dB), duration (*i.e.,* recovery time), and frequency range of TTS, and the context in which it is experienced, TTS can have effects on marine mammals ranging from discountable to serious (similar to those discussed in auditory masking, below). For example, a marine mammal may be able to readily compensate for a brief, relatively small amount of TTS in a non-critical frequency range that takes place during a time when the animal is traveling through the open ocean, where ambient noise is lower and there are not as many competing sounds present. Alternatively, a larger amount and longer duration of TTS sustained during time when communication is critical for successful mother/calf interactions could have more serious impacts. We note that reduced hearing sensitivity as a simple function of aging has been observed in marine mammals, as well as humans and other taxa (Southall *et al.,* 2007), so we can infer that strategies exist for coping with this condition to some degree, though likely not without cost.

Currently, TTS data only exist for four species of cetaceans (bottlenose dolphin (*Tursiops truncatus*), beluga whale (*Delphinapterus leucas*), harbor porpoise, and Yangtze finless porpoise (*Neophocoena asiaeorientalis*)) and five species of pinnipeds exposed to a limited number of sound sources (*i.e.,* mostly tones and octave-band noise) in laboratory settings (Finneran, 2015). TTS was not observed in trained spotted (*Phoca largha*) and ringed (*Pusa hispida*) seals exposed to impulsive noise at levels matching previous predictions of TTS onset (Reichmuth *et al.,* 2016). In general, harbor seals and harbor porpoises have a lower TTS onset than other measured pinniped or cetacean species (Finneran, 2015). The potential for TTS from impact pile driving exists. After exposure to playbacks of impact pile driving sounds (rate 2760 strikes/hour) in captivity, mean TTS increased from 0 dB after 15 minute exposure to 5 dB after 360 minute exposure; recovery occurred within 60 minutes (Kastelein *et al.,* 2016). Additionally, the existing marine mammal TTS data come from a limited number of individuals within these species. No data are available on noise-induced hearing loss for mysticetes. For summaries of data on TTS in marine mammals or for further discussion of TTS onset thresholds, please see Southall *et al.* (2007), Finneran and Jenkins (2012), Finneran (2015), and Table 5 in NMFS (2018).

Installing piles requires a combination of impact pile driving, vibratory pile driving, and DTH drilling. For the project, these activities would not occur at the same time and there would likely be pauses in activities producing the sound during each day. Given these pauses and that many marine mammals are likely moving through the action area and not remaining for extended periods of time, the potential for TS declines.

Behavioral Harassment—Exposure to noise from pile driving and removal and drilling also has the potential to behaviorally disturb marine mammals. Available studies show wide variation in response to underwater sound; therefore, it is difficult to predict specifically how any given sound in a particular instance might affect marine mammals perceiving the signal. If a marine mammal does react briefly to an underwater sound by changing its behavior or moving a small distance, the impacts of the change are unlikely to be significant to the individual, let alone the stock or population. However, if a sound source displaces marine mammals from an important feeding or breeding area for a prolonged period, impacts on individuals and populations could be significant (*e.g.,* Lusseau and Bejder, 2007; Weilgart, 2007; NRC, 2005).

Disturbance may result in changing durations of surfacing and dives, number of blows per surfacing, or

moving direction and/or speed; reduced/increased vocal activities; changing/cessation of certain behavioral activities (such as socializing or feeding); visible startle response or aggressive behavior (such as tail/fluke slapping or jaw clapping); avoidance of areas where sound sources are located. Pinnipeds may increase their haul-out time, possibly to avoid in-water disturbance (Thorson and Reyff, 2006). Behavioral responses to sound are highly variable and context-specific and any reactions depend on numerous intrinsic and extrinsic factors (*e.g.,* species, state of maturity, experience, current activity, reproductive state, auditory sensitivity, time of day), as well as the interplay between factors (*e.g.,* Richardson *et al.,* 1995; Wartzok *et al.,* 2003; Southall *et al.,* 2007; Weilgart, 2007; Archer *et al.,* 2010). Behavioral reactions can vary not only among individuals but also within an individual, depending on previous experience with a sound source, context, and numerous other factors (Ellison *et al.,* 2012), and can vary depending on characteristics associated with the sound source (*e.g.,* whether it is moving or stationary, number of sources, distance from the source). In general, pinnipeds seem more tolerant of, or at least habituate more quickly to, potentially disturbing underwater sound than do cetaceans, and generally seem to be less responsive to exposure to industrial sound than most cetaceans. Please see Appendices B and C of Southall *et al.* (2007) for a review of studies involving marine mammal behavioral responses to sound.

Disruption of feeding behavior can be difficult to correlate with anthropogenic sound exposure, so it is usually inferred by observed displacement from known foraging areas, the appearance of secondary indicators (*e.g.,* bubble nets or sediment plumes), or changes in dive behavior. As for other types of behavioral response, the frequency, duration, and temporal pattern of signal presentation, as well as differences in species sensitivity, are likely contributing factors to differences in response in any given circumstance (*e.g.,* Croll *et al.,* 2001; Nowacek *et al.,* 2004; Madsen *et al.,* 2006; Yazvenko *et al.,* 2007). A determination of whether foraging disruptions incur fitness consequences would require information on or estimates of the energetic requirements of the affected individuals and the relationship between prey availability, foraging effort and success, and the life history stage of the animal.

In 2016, the Alaska Department of Transportation and Public Facilities (ADOT&PF) documented observations of marine mammals during construction activities (*i.e.,* pile driving and down-hole drilling) at the Kodiak Ferry Dock (see 80 FR 60636, October 7, 2015). In the marine mammal monitoring report for that project (ABR 2016), 1,281 Steller sea lions were observed within the Level B disturbance zone during pile driving or drilling (*i.e.,* documented as Level B harassment take). Of these, 19 individuals demonstrated an alert behavior, 7 were fleeing, and 19 swam away from the project site. All other animals (98 percent) were engaged in activities such as milling, foraging, or fighting and did not change their behavior. In addition, two sea lions approached within 20 meters of active vibratory pile driving activities. Three harbor seals were observed within the disturbance zone during pile driving activities; none of them displayed disturbance behaviors. Fifteen killer whales and three harbor porpoise were also observed within the Level B harassment zone during pile driving. The killer whales were travelling or milling while all harbor porpoises were travelling. No signs of disturbance were noted for either of these species. Given the similarities in activities and habitat and the fact the same species are involved, we expect similar behavioral responses of marine mammals to GCHS's specified activity. That is, disturbance, if any, is likely to be temporary and localized (*e.g.,* small area movements). Monitoring reports from other recent pile driving and DTH drilling projects in Alaska have observed similar behaviors (for example, the Biorka Island Dock Replacement Project).

Masking—Sound can disrupt behavior through masking, or interfering with, an animal's ability to detect, recognize, or discriminate between acoustic signals of interest (*e.g.,* those used for intraspecific communication and social interactions, prey detection, predator avoidance, navigation) (Richardson *et al.,* 1995). Masking occurs when the receipt of a sound is interfered with by another coincident sound at similar frequencies and at similar or higher intensity, and may occur whether the sound is natural (*e.g.,* snapping shrimp, wind, waves, precipitation) or anthropogenic (*e.g.,* pile driving, shipping, sonar, seismic exploration) in origin. The ability of a noise source to mask biologically important sounds depends on the characteristics of both the noise source and the signal of interest (*e.g.,* signal-to-noise ratio, temporal variability, direction), in relation to each other and to an animal's hearing abilities (*e.g.,* sensitivity, frequency range, critical ratios, frequency discrimination, directional discrimination, age or TTS hearing loss), and existing ambient noise and propagation conditions. Masking of natural sounds can result when human activities produce high levels of background sound at frequencies important to marine mammals. Conversely, if the background level of underwater sound is high (*e.g.* on a day with strong wind and high waves), an anthropogenic sound source would not be detectable as far away as would be possible under quieter conditions and would itself be masked. The Juneau area contains active commercial shipping and ferry operations as well as numerous recreational and commercial vessels; therefore, background sound levels in the area are already elevated.

Airborne Acoustic Effects—Pinnipeds that occur near the project site could be exposed to airborne sounds associated with pile driving and DTH drilling that have the potential to cause behavioral harassment, depending on their distance from pile driving activities. Cetaceans are not expected to be exposed to airborne sounds that would result in harassment as defined under the MMPA.

Airborne noise would primarily be an issue for pinnipeds that are swimming or hauled out near the project site within the range of noise levels elevated above the acoustic criteria. We recognize that pinnipeds in the water could be exposed to airborne sound that may result in behavioral harassment when looking with their heads above water. Most likely, airborne sound would cause behavioral responses similar to those discussed above in relation to underwater sound. For instance, anthropogenic sound could cause hauled out pinnipeds to exhibit changes in their normal behavior, such as reduction in vocalizations, or cause them to temporarily abandon the area and move further from the source. However, these animals would previously have been 'taken' because of exposure to underwater sound above the behavioral harassment thresholds, which are in all cases larger than those associated with airborne sound. Thus, the behavioral harassment of these animals is already accounted for in these estimates of potential take. Therefore, we do not believe that authorization of incidental take resulting from airborne sound for pinnipeds is warranted, and airborne sound is not discussed further here.

Marine Mammal Habitat Effects

GCHS's construction activities at Sentinel Island could have localized, temporary impacts on marine mammal habitat and their prey by increasing in-water sound pressure levels and slightly decreasing water quality. Increased noise levels may affect acoustic habitat (see masking discussion above) and adversely affect marine mammal prey in the vicinity of the project area (see discussion below). During impact pile driving, elevated levels of underwater noise would ensonify Lynn Canal where both fishes and mammals occur and could affect foraging success. Currently, there are a few dozen annual vessel landings at Sentinel Island. With the new dock there would be up to two tour landings daily during the summer.

Construction activities are of short duration and would likely have temporary impacts on marine mammal habitat through increases in underwater and airborne sound.

In-water pile driving, and drilling activities would also cause short-term effects on water quality due to increased turbidity. Local strong currents are anticipated to disburse suspended sediments produced by project activities at moderate to rapid rates depending on tidal stage. GCHS would employ standard construction best management practices (BMPs; see section 11 in application), thereby reducing any impacts. Therefore, the impact from increased turbidity levels is expected to be discountable.

In-Water Construction Effects on Potential Foraging Habitat

The area likely impacted by the project is relatively small compared to the available habitat in Lynn Canal (*e.g.,* most of the impacted area is limited to the east side of Sentinel Island in the Favorite Channel) and does not include any BIAs. One ESA-designated critical habitat area for Steller sea lions is nearby on Benjamin Island and would be within the Level B harassment zone for sound but there would be no direct effects on the critical habitat. Pile installation and drilling may temporarily increase turbidity resulting from suspended sediments. Any increases would be temporary, localized, and minimal. GCHS must comply with state water quality standards during these operations by limiting the extent of turbidity to the immediate project area. In general, turbidity associated with pile installation is localized to about a 25-foot radius around the pile (Everitt *et al.,* 1980). Cetaceans are not expected to be close enough to the project pile driving areas to experience effects of turbidity, and any pinnipeds would be transiting the area and could avoid localized areas of turbidity. Therefore, the impact from increased turbidity levels is expected to be discountable to marine mammals. Furthermore, pile driving at the project site would not obstruct movements or migration of marine mammals.

Avoidance by potential prey (*i.e.,* fish) of the immediate area due to the temporary loss of this foraging habitat is also possible. The duration of fish avoidance of this area after pile driving stops is unknown, but a rapid return to normal recruitment, distribution and behavior is anticipated. Any behavioral avoidance by fish of the disturbed area would still leave significantly large areas of fish and marine mammal foraging habitat in the nearby vicinity in Lynn Canal and the project would occur outside the peak eulachon, capelin and salmonid runs.

The duration of the construction activities is relatively short. The construction window is for a maximum of 4–5 months with only a maximum of 6 days of pile driving. During each day, construction activities would only occur during daylight hours. Impacts to habitat and prey are expected to be minimal based on the short duration of activities.

In-water Construction Effects on Potential Prey (Fish)—Construction activities would produce continuous (*i.e.,* vibratory pile driving and DTH drilling) and pulsed (*i.e.* impact driving) sounds. Fish react to sounds that are especially strong and/or intermittent low-frequency sounds. Short duration, sharp sounds can cause overt or subtle changes in fish behavior and local distribution. Hastings and Popper (2005) identified several studies that suggest fish may relocate to avoid certain areas of sound energy. Additional studies have documented effects of pile driving on fish, although several are based on studies in support of large, multiyear bridge construction projects (*e.g.,* Scholik and Yan, 2001, 2002; Popper and Hastings, 2009). Sound pulses at received levels of 160 dB may cause subtle changes in fish behavior. SPLs of 180 dB may cause noticeable changes in behavior (Pearson *et al.,* 1992; Skalski *et al.,* 1992). SPLs of sufficient strength have been known to cause injury to fish and fish mortality.

The most likely impact to fish from pile driving and drilling activities at the project area would be temporary behavioral avoidance of the area. The duration of fish avoidance of this area after pile driving stops is unknown, but a rapid return to normal recruitment, distribution and behavior is anticipated. In general, impacts to marine mammal prey species are expected to be minor and temporary due to the short timeframe for the project.

Construction activities, in the form of increased turbidity, have the potential to adversely affect forage fish and juvenile salmonid outmigratory routes in the project area. Both herring and salmon form a significant prey base for Steller sea lions, herring is a primary prey species of humpback whales, and herring, capelin and salmon are components of the diet of many other marine mammal species that occur in the project area. Increased turbidity is expected to occur in the immediate vicinity (on the order of 10 feet or less) of construction activities. However, suspended sediments and particulates are expected to dissipate quickly within a single tidal cycle. Given the limited area affected and high tidal dilution rates any effects on forage fish and salmon are expected to be minor or negligible. In addition, best management practices would be in effect, which would limit the extent of turbidity to the immediate project area. Finally, exposure to turbid waters from construction activities is not expected to be different from the current exposure; fish and marine mammals in the Lynn Canal region are routinely exposed to substantial levels of suspended sediment from glacial sources.

In summary, given the short daily duration of sound associated with individual pile driving and drilling events, the small number of total piles, and the relatively small areas being affected, pile driving and drilling activities associated with the proposed action are not likely to have a permanent, adverse effect on any fish habitat, or populations of fish species. Thus, we conclude that impacts of the specified activity are not likely to have more than short-term adverse effects on any prey habitat or populations of prey species. Further, any impacts to marine mammal habitat are not expected to result in significant or long-term consequences for individual marine mammals, or to contribute to adverse impacts on their populations.

Estimated Take

This section provides an estimate of the number of incidental takes proposed for authorization through this IHA, which will inform both NMFS' consideration of ''small numbers'' and the negligible impact determination.

Harassment is the only type of take expected to result from these activities. Except with respect to certain activities not pertinent here, section 3(18) of the

MMPA defines ''harassment'' as any act of pursuit, torment, or annoyance, which (i) has the potential to injure a marine mammal or marine mammal stock in the wild (Level A harassment); or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering (Level B harassment).

Authorized takes would primarily be by Level B harassment, as use of the acoustic source (*i.e.,* vibratory or impact pile driving or DTH drilling) has the potential to result in disruption of behavioral patterns for individual marine mammals. There is also some potential for auditory injury (Level A harassment) to result, primarily for mysticetes, high frequency species and pinnipeds because predicted auditory injury zones are larger than for mid-frequency species. Auditory injury is unlikely to occur for mid-frequency species and otariids. The proposed mitigation and monitoring measures are expected to minimize the severity of the taking to the extent practicable.

As described previously, no mortality is anticipated or proposed to be authorized for this activity. Below we describe how the take is estimated.

Generally speaking, we estimate take by considering: (1) Acoustic thresholds above which NMFS believes the best available science indicates marine mammals will be behaviorally harassed or incur some degree of permanent hearing impairment; (2) the area or volume of water that will be ensonified above these levels in a day; (3) the density or occurrence of marine mammals within these ensonified areas; and, (4) and the number of days of activities. We note that while these basic factors can contribute to a basic calculation to provide an initial prediction of takes, additional information that can qualitatively inform take estimates is also sometimes available (*e.g.,* previous monitoring results or average group size). Below, we describe the factors considered here in more detail and present the proposed take estimate.

Acoustic Thresholds

Using the best available science, NMFS has developed acoustic thresholds that identify the received level of underwater sound above which exposed marine mammals would be reasonably expected to be behaviorally harassed (equated to Level B harassment) or to incur PTS of some degree (equated to Level A harassment).

Level B Harassment for non-explosive sources—Though significantly driven by received level, the onset of behavioral disturbance from anthropogenic noise exposure is also informed to varying degrees by other factors related to the source (*e.g.,* frequency, predictability, duty cycle), the environment (*e.g.,* bathymetry), and the receiving animals (hearing, motivation, experience, demography, behavioral context) and can be difficult to predict (Southall *et al.,* 2007, Ellison *et al.,* 2012). Based on what the available science indicates and the practical need to use a threshold based on a factor that is both predictable and measurable for most activities, NMFS uses a generalized acoustic threshold based on received level to estimate the onset of behavioral harassment. NMFS predicts that marine mammals are likely to be behaviorally harassed in a manner we consider Level B harassment when exposed to underwater anthropogenic noise above received levels of 120 dB re 1 microPascal (μPa) (root mean square (rms)) for continuous (*e.g.,* vibratory pile-driving, drilling) and above 160 dB re 1 μPa (rms) for non-explosive impulsive (*e.g.,* impact pile driving) or intermittent (*e.g.,* scientific sonar) sources.

GCHS's proposed activity includes the use of continuous (vibratory pile-driving, drilling) and impulsive (impact pile-driving) sources, and therefore the 120 and 160 dB re 1 μPa (rms) thresholds are applicable.

Level A harassment for non-explosive sources—NMFS' Technical Guidance for Assessing the Effects of Anthropogenic Sound on Marine Mammal Hearing (Version 2.0) (Technical Guidance, 2018) identifies dual criteria to assess auditory injury (Level A harassment) to five different marine mammal groups (based on hearing sensitivity) as a result of exposure to noise from two different types of sources (impulsive or non-impulsive). GCHS's activity includes the use of impulsive (impact pile-driving) sources.

These thresholds are provided in Table 3. The references, analysis, and methodology used in the development of the thresholds are described in NMFS 2018 Technical Guidance, which may be accessed at *https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-acoustic-technical-guidance.*

TABLE 3—THRESHOLDS IDENTIFYING THE ONSET OF PERMANENT THRESHOLD SHIFT

Hearing group	PTS onset acoustic thresholds* (received level)	
	Impulsive	Non-impulsive
Low-Frequency (LF) Cetaceans	*Cell 1:* $L_{pk,flat}$: 219 dB; $L_{E,LF,24h}$: 183 dB	*Cell 2:* $L_{E,LF,24h}$: 199 dB
Mid-Frequency (MF) Cetaceans	*Cell 3:* $L_{pk,flat}$: 230 dB; $L_{E,MF,24h}$: 185 dB	*Cell 4:* $L_{E,MF,24h}$: 198 dB
High-Frequency (HF) Cetaceans	*Cell 5:* $L_{pk,flat}$: 202 dB; $L_{E,HF,24h}$: 155 dB	*Cell 6:* $L_{E,HF,24h}$: 173 dB
Phocid Pinnipeds (PW) (Underwater)	*Cell 7:* $L_{pk,flat}$: 218 dB; $L_{E,PW,24h}$: 185 dB	*Cell 8:* $L_{E,PW,24h}$: 201 dB
Otariid Pinnipeds (OW) (Underwater)	*Cell 9:* $L_{pk,flat}$: 232 dB; $L_{E,OW,24h}$: 203 dB	*Cell 10:* $L_{E,OW,24h}$: 219 dB

* Dual metric acoustic thresholds for impulsive sounds: Use whichever results in the largest isopleth for calculating PTS onset. If a non-impulsive sound has the potential of exceeding the peak sound pressure level thresholds associated with impulsive sounds, these thresholds should also be considered.

Note: Peak sound pressure (L_{pk}) has a reference value of 1 μPa, and cumulative sound exposure level (L_E) has a reference value of 1μPa^{2}s. In this Table, thresholds are abbreviated to reflect American National Standards Institute standards (ANSI 2013). However, peak sound pressure is defined by ANSI as incorporating frequency weighting, which is not the intent for this Technical Guidance. Hence, the subscript ''flat'' is being included to indicate peak sound pressure should be flat weighted or unweighted within the generalized hearing range. The subscript associated with cumulative sound exposure level thresholds indicates the designated marine mammal auditory weighting function (LF, MF, and HF cetaceans, and PW and OW pinnipeds) and that the recommended accumulation period is 24 hours. The cumulative sound exposure level thresholds could be exceeded in a multitude of ways (*i.e.,* varying exposure levels and durations, duty cycle). When possible, it is valuable for action proponents to indicate the conditions under which these acoustic thresholds will be exceeded.

Ensonified Area

Here, we describe operational and environmental parameters of the activity that will feed into identifying the area ensonified above the acoustic thresholds, which include source levels and transmission loss coefficient.

For vibratory pile driving we determined a source level of 161 dB (RMS SPL) at 10m was most appropriate. The closest known measurements of sound levels for vibratory pile installation of 16-inch steel piles are from the U.S. Navy Proxy Sound Source Study for projects in Puget Sound (U.S. Navy 2015). Based on the projects analyzed it was determined that 16- to 24-inch piles exhibited similar sound source levels. For DTH drilling we used a source level of 166.2 dB (RMS SPL); this is derived from Denes *et al.* (2016), where they drilled 24-inch piles near Kodiak, AK. To be conservative, since DTH drilling and vibratory pile driving would occur on the same day, the applicant used the higher of the vibratory and DTH source levels (166.2dB) and assumed all drilling/driving time in a day was at this higher level. For impact pile driving of 24-inch piles, sound measurements were used from the literature review in Appendix H of the AKDOT&PF study (Yurk *et al.* 2015) for 24-inch piles driven in the Columbia River with a diesel impact hammer (190 dB RMS, 205 dB Peak, 175 dB SS SEL).

We assumed no more than two piles per day with DTH drilling as the duration per pile was assumed to be 6 hours. For impact pile driving activities we also assumed no more than 2 piles per day and 250 strikes per pile. In all cases we used a propagation loss coefficient of 15 logR as most appropriate for these stationary, in-shore sources.

When the NMFS Technical Guidance (2016) was published, in recognition of the fact that ensonified area/volume could be more technically challenging to predict because of the duration component in the new thresholds, we developed a User Spreadsheet that includes tools to help predict a simple isopleth that can be used in conjunction with marine mammal density or occurrence to help predict takes. We note that because of some of the assumptions included in the methods used for these tools, we anticipate that isopleths produced are typically going to be overestimates of some degree, which may result in some degree of overestimate of Level A harassment take. However, these tools offer the best way to predict appropriate isopleths when more sophisticated 3D modeling methods are not available, and NMFS continues to develop ways to quantitatively refine these tools, and will qualitatively address the output where appropriate. For stationary sources, such as pile driving and drilling in this project, NMFS User Spreadsheet predicts the distance at which, if a marine mammal remained at that distance the whole duration of the activity, it would incur PTS. Inputs used in the User Spreadsheet, and the resulting isopleths are reported below.

NMFS User spreadsheet input scenarios for vibratory pile driving/DTH drilling and impact pile driving are shown in Table 4. These input scenarios lead to PTS isopleth distances (Level A thresholds) of anywhere from 7 to 220 meters (22 to 720 ft), depending on the marine mammal group and scenario (Table 5).

TABLE 4—NMFS USER SPREADSHEET INPUTS

User spreadsheet input	Vibratory pile driving/DTH drilling	Impact pile driving
Spreadsheet Tab Used	A.1) Vibratory pile driving	E.1) Impact pile driving.
Source Level	166.2 dB RMS	175 dB SS SEL.
Weighting Factor Adjustment (kHz)	2.5	2.
(a) Number of strikes per pile	N/A	250.
(a) Activity Duration (h:min) within 24-h period	12:00	N/A.
Propagation (xLogR)	15	15.
Distance of source level measurement (meters)	10	10.
Number of piles per day	2	2.

TABLE 5—NMFS USER SPREADSHEET OUTPUTS: LEVEL B AND LEVEL A (PTS) ISOPLETHS

Activity	Behavioral disturbance (level B) all species	PTS isopleths (meters) (level A)				
		Humpback + minke whales	Killer whales	Harbor + dall's porpoise	Harbor seals	Stellar sea lions
Vibratory Driving/DTH drilling	12.1 km (7.5 miles)*.	80 m (263 feet)	7 m (23 feet)	118 m (387 feet).	48.3 m (159 feet).	4 m (13 feet)
Impact Driving	1 km (3280 ft)	184 m (605 ft)	6.6 m (22 feet)	220 m (720 ft)	99 m (325 ft)	8 m (25 ft)

*Lynn Canal is smaller than this, therefore extent of actual impacts will be constrained by land.

The distances to the Level B harassment threshold of 120 dB RMS are 12.1 km (7.5 miles) miles for vibratory pile driving and 1 km (3280 ft) for impact driving. The enclosed nature of Lutak Inlet restricts the propagation of noise in all directions before noise levels reduce below the Level B harassment threshold for vibratory pile driving/DTH) Therefore, the area ensonified to the Level B harassment threshold is truncated by land in all directions. The ensonified area of the vibratory/drilling Level B harassment zone is 47km^2 (18.15 mi^2). Note that thresholds for behavioral disturbance are unweighted with respect to marine mammal hearing and therefore the thresholds apply to all species.

Marine Mammal Occurrence and Take Calculation and Estimation

In this section we provide the information about the presence, density, or group dynamics of marine mammals that will inform the take calculations.

We have density information for two species: Dall's porpoise and harbor porpoise. For the other five species we have information on presence, group size, and dive durations that we use to derive take estimates.

In this section we then describe for each species how the marine mammal occurrence and/or density information is brought together to produce a quantitative take estimate. Level A harassment takes are requested for Dall's porpoise and harbor porpoise only as they are more cryptic and could enter a Level A harassment zone undetected. For the other species, the Level A harassment zones are small and shutdown measures can be implemented prior to any individual entering the Level A harassment zones. Take estimates for all stocks are shown in Table 6.

Humpback Whale

Based on local information and Dahlheim *et al.* (2009) we estimate that up to eight individuals could be exposed to underwater noise each day. While individual humpback whales can generally be identified, due to the size of the monitoring zone it is possible this won't be the case in some instances. Further, it is possible that different monitors will sight the same whale, given the size of the monitoring zones and the distances humpback whales can move in a day. Thus it is conservatively assumed that there could be up to three interactions with each individual daily. Our take estimate is then the product of the number of individuals per day times the number of interactions per individual per day times the 6 days of the project, or 144 Level B takes.

For purposes of estimating effects and ESA takes of the Mexico DPS of humpback whales, we acknowledge that Mexico DPS whales cannot be readily distinguished from non-listed humpback whales in the project area. Based on Wade *et al.* (2016) we estimate that 9 of the 144 takes will be of the Mexico DPS. However, the average group size in the area during the fall months was two whales (Dahlheim *et al.* 2009) and it is possible that a mother calf pair of the Mexico DPS, or other group of two Mexico DPS whales, may occur within the project area each day. Thus it is conservatively assumed that 12 individuals (2 individuals per day) of the threatened Mexico DPS population may be taken and 132 of the Hawaiian DPS.

Steller Sea Lions

As discussed above Steller sea lions are typically absent in the project area from mid-July through September. On the off chance that Steller sea lions will be present during construction for this project we used an average of the three sightings discussed above from 2005 and 2013 to estimate the possible number of animals in the area. This average was 248 individuals. We assume that no more than 248 individual Steller sea lions will enter the action area on a given day of the project and calculate expected take as 248 times the 6 days of the project, or 1,488 takes. As discussed above, some of these takes will be eastern DPS Steller sea lions and some will be western DPS. We use the estimate from Hastings *et al.* (2020) that 1.4 percent of the animals in the project area are from the western DPS to allot 21 of the 1,488 Level B takes to the western DPS and 1,467 of the takes to the eastern DPS.

Harbor Seal

As discussed above, researchers estimate that they are 95 percent confident the population size of harbor seals in the area is not greater than 134 individuals. We use that estimate as the number of animals expected in the Level B harassment zone daily. We know from Klinkhart *et al.* (2008) that animals dive and resurface every 4 minutes. That translates to potentially 15 sightings per hour. We also use the estimate that they spend 50 percent of their time hauled out. The project involved 36 hours of pile driving/drilling total. Take is estimated to be 134 seals times 7.5 in-water sightings per hour times 36 hours of work, or 36,180 Level B takes.

Dall's Porpoise

Density estimates were determined for Dall's porpoises for areas in Southeast Alaska, however densities specific to the Lynn Canal/Favorite Channel area are not available. However, surveys occurred closest to the project area in 1991, 1992, and 2007. These surveys found densities (porpoises/100km^2) during summer months of 18.5, 14.3, and 17.8 (Dahlheim *et al.,* 2009). We used the average of these densities (16.9 porpoises/100 km^2) to calculate take. As noted above the ensonified area is 47 km^2. Thus estimated take is 16.9/100 km^2 times 47 km^2 times 6 days, or 48 takes.

Due to the size of the Level A harassment zone associated with drilling, and the cryptic nature of Dall's porpoises, it is possible Dall's porpoises may enter the Level A harassment zone undetected. It is conservatively assumed that up to four harbor porpoises (the mean group size from Dahlheim *et al.* 2009) may enter the Level A harassment once during the duration of the project. Thus we allot the 48 takes above to 4 Level A takes and 44 Level B takes.

Harbor Porpoise

Density was estimated for harbor porpoises in Lynn Canal by Dahlhein *et al.* (2015) to be 0.2 individuals/km^2. As noted above the ensonified area is 47 km^2. Thus estimated take is 0.2/km^2 times 47 km^2 times 6 days, or 57 takes.

Due to the size of the Level A harassment zone associated with drilling, and the stealthy nature of harbor porpoises with no visible blow and a low profile, it is possible harbor porpoises may enter the Level A harassment zone undetected. Because they are most commonly observed in pairs (Dahlheim *et al.* 2009), it is conservatively assumed that one pair of harbor porpoises may enter the Level A harassment zone every other day of pile driving. Thus we allot the 57 takes above to 6 Level A takes and 51 Level B takes.

Killer Whale

Based on the information available as discussed above, it is conservatively estimated that 2 interactions with the average group size of residents (33) and 2 interactions with the average group size of transients (5) may be occur during the 6 days of the project. Thus we expect 76 Level B takes of killer whales.

Minke Whale

There are no known occurrences of minke whales within the project area, however since their ranges extend into the project area and they have been observed in southeast Alaska (Dahlheim *et al.,* 2009), it is possible minke whales could occur near the project. It is estimated up to one minke whale could be exposed to elevated noise levels from the project. Therefore, 1 Level B take is proposed to be authorized.

TABLE 6—PROPOSED AUTHORIZED LEVEL A AND B TAKE AND PERCENT OF MMPA STOCK PROPOSED TO BE TAKEN

Species	Proposed authorized take		
	Level B	Level A	% of stock
Humpback Whale [1]	144	0	1.4
Minke Whale	1	0	N/A
Killer Whale	76	0	2.9
Harbor Porpoise	51	6	5.9
Dall's Porpoise	44	4	N/A
Harbor Seal [2]	36,180	0	8.5
Steller Sea Lion (Eastern DPS) [3]	1467	0	3.5
Steller Sea Lion (Western DPS) [3]	21	0	0.04

[1] Distribution of proposed take by ESA status is 88 Level B takes for Hawaii DPS and 8 Level B take for Mexico DPS.
[2] Percent of stock taken is calculated assuming 804 unique individuals exposed, individuals are likely to be repeatedly counted as takes because of dive times of species.
[3] Total estimated take of Steller sea lions was 992. Distribution between the stocks was calculated assuming 1.4% Western DPS and rounding to nearest whole number.

Effects of Specified Activities on Subsistence Uses of Marine Mammals

The availability of the affected marine mammal stocks or species for subsistence uses may be impacted by this activity. The subsistence uses that may be affected and the potential impacts of the activity on those uses are described below. The information from this section is analyzed to determine whether the necessary findings may be made in the Unmitigable Adverse Impact Analysis and Determination section.

Subsistence harvest of harbor seals and Steller sea lions by Alaska Natives is not prohibited by the MMPA. No records exist of subsistence harvests of whales and porpoises in Lynn Canal (Haines, 2007). The ADF&G has regularly conducted surveys of harbor seal and Steller sea lion subsistence harvest in Alaska and the number of Steller sea lions taken for subsistence in this immediate area from 1992–2008, and 2012 is only two (Wolfe *et al.* 2013). Subsequent to the 2012 reporting year through 2017, an estimated one to three Steller sea lions have been taken annually outside Sitka Sound (personal communication with Lauren Sill, ADF&G, 83 FR 52394; October 17, 2018). Based upon data for harbor seal harvests, hunters in Southeast Alaska took from 523 to 719 harbor seals annually in the years 1992–2008. In 2012 an estimated 595 harbor seals were taken for subsistence uses (Wolfe *et al.* 2013). Seals were harvested across the year, with peak harvests in March, May, and October. Most recent reported data for the Juneau area indicates that in 2012, an estimated 26 harbor seal were harvested for food (Wolfe *et al.* 2013). From 2013 through 2019, Juneau area harbor seal hunting has continued, with several cultural heritage programs teaching students how to harvest, cut and store seal meat. However, there is no information on take numbers from 2013–2019 (personal communication with Lauren Sill, ADF&G).

Since there is very little sea lion hunting in the Juneau area, short term displacement of animals from the project area is anticipated to have no effect on abundance or availability of Steller sea lions to subsistence hunters. Further, due to the project timing, Steller sea lions are typically absent from the project area and it is possible none will be displaced. The Douglas Indian Association, Sealaska Heritage Institute, and the Central Council of the Tlingit and Haida Indian Tribes of Alaska (Central Council) were contacted during December 2019 to discuss this project. The Douglas Indian Association responded that they did not see any impacts that may affect their subsistence use. Chuck Smythe, with the Sealaska Heritage Institute, responded indicating that there is known harbor seal hunting in the project area. The other groups have not responded.

Construction activities at the project site would be expected to cause only short term, non-lethal disturbance of marine mammals. Construction activities are localized and temporary, mitigation measures will be implemented to minimize disturbance of marine mammals in the action area, and, the project will not result in significant changes to availability of subsistence resources. Impacts on the abundance or availability of either species to subsistence hunters in the region are thus not anticipated.

Proposed Mitigation

In order to issue an IHA under Section 101(a)(5)(D) of the MMPA, NMFS must set forth the permissible methods of taking pursuant to the activity, and other means of effecting the least practicable impact on the species or stock and its habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of the species or stock for taking for certain subsistence uses. NMFS regulations require applicants for incidental take authorizations to include information about the availability and feasibility (economic and technological) of equipment, methods, and manner of conducting the activity or other means of effecting the least practicable adverse impact upon the affected species or stocks and their habitat (50 CFR 216.104(a)(11)).

In evaluating how mitigation may or may not be appropriate to ensure the least practicable adverse impact on species or stocks and their habitat, as well as subsistence uses where applicable, we carefully consider two primary factors:

(1) The manner in which, and the degree to which, the successful implementation of the measure(s) is expected to reduce impacts to marine mammals, marine mammal species or stocks, and their habitat, as well as subsistence uses. This considers the nature of the potential adverse impact being mitigated (likelihood, scope, range). It further considers the likelihood that the measure will be effective if implemented (probability of accomplishing the mitigating result if implemented as planned), the likelihood of effective implementation (probability implemented as planned), and;

(2) the practicability of the measures for applicant implementation, which may consider such things as cost, impact on operations, and, in the case of a military readiness activity, personnel safety, practicality of implementation, and impact on the effectiveness of the military readiness activity.

The following mitigation measures are proposed in the IHA:

- *Schedule:* Pile driving or removal would occur during daylight hours. If poor environmental conditions restrict visibility (*e.g.,* from excessive wind or fog, high Beaufort state), pile installation would be delayed. No pile driving would occur from March 1 through May 31 to avoid peak marine mammal abundance periods and critical foraging periods;
- *Pile Driving Delay/Shut-Down:* For use of in-water heavy machinery/vessel (*e.g.,* dredge), GCHS will implement a minimum shutdown zone of 10 m radius around the pile/vessel. For vessels, GCHS must cease operations and reduce vessel speed to the minimum required to maintain steerage and safe working conditions. In addition, if an animal comes within the shutdown zone (see Table 7) of a pile being driven or removed, GCHS would shut down. The shutdown zone would only be reopened when a marine mammal has not been observed within the shutdown zone for a 30-minute period. If pile driving is stopped, pile installation would not commence if pile any marine mammals are observed anywhere within the Level A harassment zone. Pile driving activities would only be conducted during daylight hours when it is possible to visually monitor for marine mammals. If a species for which authorization has not been granted, or if a species for which authorization has been granted but the authorized takes are met, GCHS would delay or shut-down pile driving if the marine mammal approaches or is observed within the Level A and/or B harassment zones. In the unanticipated event that the specified activity clearly causes the take of a marine mammal in a manner prohibited by the IHA, such as serious injury or mortality, the protected species observer (PSO) on watch would immediately call for the cessation of the specified activities and immediately report the incident to the Chief of the Permits and Conservation Division, Office of Protected Resources, NMFS, and NMFS Alaska Regional Office;
- *Soft-start:* For all impact pile driving, a ''soft start'' technique will be used at the beginning of each pile installation day, or if pile driving has ceased for more than 30 minutes, to allow any marine mammal that may be in the immediate area to leave before hammering at full energy. The soft start requires GCHS to provide an initial set of three strikes from the impact hammer at reduced energy, followed by a 30 second waiting period, then two subsequent 3-strike sets. If any marine mammal is sighted within the Level A shutdown zone prior to pile-driving, or during the soft start, GCHS will delay pile-driving until the animal is confirmed to have moved outside and is on a path away from the Level A harassment zone or if 15 minutes have elapsed since the last sighting; and
- *Other best management practices:* GCHS will drive all piles with a vibratory hammer to the maximum extent possible (*i.e.,* until a desired depth is achieved or to refusal) prior to using an impact hammer and will use DTH drilling prior to using an impact hammer. GCHS will also use the minimum hammer energy needed to safely install the piles.

Based on our evaluation of the applicant's proposed measures, NMFS has preliminarily determined that the proposed mitigation measures provide the means effecting the least practicable impact on the affected species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of such species or stock for subsistence uses.

TABLE 7—SHUTDOWN ZONES FOR EACH ACTIVITY TYPE AND STOCK

Source	Shutdown zone—permitted species					Level B harassment zone
	Low-frequency cetaceans	Mid-frequency cetaceans	High-frequency cetaceans	Phocids	Otariids	All species
Vibratory/Drilling	80 m (265 ft)	7 m (25 ft)	120 m (395 ft)	50 m (165 ft)	10 m (35 ft)	12.1 km (7.5 miles).
Impact Pile Driving	185 m (605 ft)	10 m (35 ft)	220 m (720 ft)	100 m (325 ft)	10 m (35 ft)	1000 m (3280 ft).

Proposed Monitoring and Reporting

In order to issue an IHA for an activity, Section 101(a)(5)(D) of the MMPA states that NMFS must set forth requirements pertaining to the monitoring and reporting of such taking. The MMPA implementing regulations at 50 CFR 216.104 (a)(13) indicate that requests for authorizations must include the suggested means of accomplishing the necessary monitoring and reporting that will result in increased knowledge of the species and of the level of taking or impacts on populations of marine mammals that are expected to be present in the proposed action area. Effective reporting is critical both to compliance as well as ensuring that the most value is obtained from the required monitoring.

Monitoring and reporting requirements prescribed by NMFS should contribute to improved understanding of one or more of the following:

- Occurrence of marine mammal species or stocks in the area in which take is anticipated (*e.g.,* presence, abundance, distribution, density);
- Nature, scope, or context of likely marine mammal exposure to potential stressors/impacts (individual or cumulative, acute or chronic), through better understanding of: (1) Action or environment (*e.g.,* source characterization, propagation, ambient noise); (2) affected species (*e.g.,* life history, dive patterns); (3) co-occurrence of marine mammal species with the action; or (4) biological or behavioral context of exposure (*e.g.,* age, calving or feeding areas);
- Individual marine mammal responses (behavioral or physiological) to acoustic stressors (acute, chronic, or cumulative), other stressors, or cumulative impacts from multiple stressors;
- How anticipated responses to stressors impact either: (1) Long-term fitness and survival of individual marine mammals; or (2) populations, species, or stocks;
- Effects on marine mammal habitat (*e.g.,* marine mammal prey species, acoustic habitat, or other important physical components of marine mammal habitat); and
- Mitigation and monitoring effectiveness.

Visual Monitoring

Monitoring would be conducted 30 minutes before, during, and 30 minutes after pile driving activities. In addition, observers shall record all incidents of marine mammal occurrence, regardless of distance from activity, and shall document any behavioral reactions in concert with distance from piles being

driven or removed. Pile driving activities include the time to install a single pile or series of piles, as long as the time elapsed between uses of the pile driving equipment is no more than thirty minutes.

A primary PSO would be placed at the project site where pile driving would occur. The primary purpose of this observer is to monitor and implement the Level A shutdown zones. Two additional observers would focus on monitoring large parts of the Level B harassment zone as well as visible parts of the Level A shutdown and harassment zones. The locations are shown in Figure 2 of the monitoring plan. Since not all of the Level B harassment zone will be observable by PSOs, they will calculate take for the project by extrapolating the observable area to the total size of the Level B harassment zone. PSOs would scan the waters using binoculars, and/or spotting scopes, and would use a handheld GPS or range-finder device to verify the distance to each sighting from the project site. All PSOs would be trained in marine mammal identification and behaviors and are required to have no other project-related tasks while conducting monitoring. The following measures also apply to visual monitoring:

(1) Monitoring will be conducted by qualified observers, who will be placed at the best vantage point(s) practicable to monitor for marine mammals and implement shutdown/delay procedures when applicable by calling for the shutdown to the hammer operator. Qualified observers are trained biologists, with the following minimum qualifications:

(a) Visual acuity in both eyes (correction is permissible) sufficient for discernment of moving targets at the water's surface with ability to estimate target size and distance; use of binoculars may be necessary to correctly identify the target;

(b) Advanced education in biological science or related field (undergraduate degree or higher required);

(c) Experience and ability to conduct field observations and collect data according to assigned protocols (this may include academic experience);

(d) Experience or training in the field identification of marine mammals, including the identification of behaviors;

(e) Sufficient training, orientation, or experience with the construction operation to provide for personal safety during observations;

(f) Writing skills sufficient to prepare a report of observations including but not limited to the number and species of marine mammals observed; dates and times when in-water construction activities were conducted; dates and times when in-water construction activities were suspended to avoid potential incidental injury from construction sound of marine mammals observed within a defined shutdown zone; and marine mammal behavior; and

(g) Ability to communicate orally, by radio or in person, with project personnel to provide real-time information on marine mammals observed in the area as necessary; and

(2) GCHS shall submit observer CVs for approval by NMFS.

A draft marine mammal monitoring report would be submitted to NMFS within 90 days after the completion of pile driving activities, or 60 days prior to a requested date of issuance of any future IHAs for projects at the same location, whichever comes first. It will include an overall description of work completed, a narrative regarding marine mammal sightings, and associated marine mammal observation data sheets. Specifically, the report must include:

- Dates and times (begin and end) of all marine mammal monitoring;
- Construction activities occurring during each daily observation period, including how many and what type of piles were driven or removed and by what method (*i.e.,* impact or vibratory);
- Weather parameters and water conditions during each monitoring period (*e.g.,* wind speed, percent cover, visibility, sea state);
- The number of marine mammals observed, by species, relative to the pile location and if pile driving or removal was occurring at time of sighting;
- Age and sex class, if possible, of all marine mammals observed;
- PSO locations during marine mammal monitoring;
- Distances and bearings of each marine mammal observed to the pile being driven or removed for each sighting (if pile driving or removal was occurring at time of sighting);
- Description of any marine mammal behavior patterns during obsevation, including direction of travel and estimated time spent within the Level A and Level B harassment zones while the source was active;
- Number of individuals of each species (differentiated by month as appropriate) detected within the monitoring zone, and estimates of number of marine mammals taken, by species (a correction factor may be applied to total take numbers, as appropriate;
- Detailed information about any implementation of any mitigation triggered (*e.g.,* shutdowns and delays), a description of specific actions that ensued, and resulting behavior of the animal, if any;
- Description of attempts to distinguish between the number of individual animals taken and the number of incidences of take, such as ability to track groups or individuals; and
- Submit all PSO datasheets and/or raw sighting data (in a separate file from the Final Report referenced immediately above).

If no comments are received from NMFS within 30 days, the draft final report will constitute the final report. If comments are received, a final report addressing NMFS comments must be submitted within 30 days after receipt of comments.

In the event that personnel involved in the construction activities discover an injured or dead marine mammal, the IHA-holder shall report the incident to the Office of Protected Resources (OPR) (301–427–8401), NMFS and to the Alaska Regional Stranding Coordinator as soon as feasible. The report must include the following information:

- Time, date, and location (latitude/longitude) of the first discovery (and updated location information if known and applicable);
- Species identification (if known) or description of the animal(s) involved;
- Condition of the animal(s) (including carcass condition if the animal is dead);
- Observed behaviors of the animal(s), if alive;
- If available, photographs or video footage of the animal(s); and
- General circumstances under which the animal was discovered.

Negligible Impact Analysis and Determination

NMFS has defined negligible impact as an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival (50 CFR 216.103). A negligible impact finding is based on the lack of likely adverse effects on annual rates of recruitment or survival (*i.e.,* population-level effects). An estimate of the number of takes alone is not enough information on which to base an impact determination. In addition to considering estimates of the number of marine mammals that might be ''taken'' through harassment, NMFS considers other factors, such as the likely nature

of any responses (*e.g.,* intensity, duration), the context of any responses (*e.g.,* critical reproductive time or location, migration), as well as effects on habitat, and the likely effectiveness of the mitigation. We also assess the number, intensity, and context of estimated takes by evaluating this information relative to population status. Consistent with the 1989 preamble for NMFS's implementing regulations (54 FR 40338; September 29, 1989), the impacts from other past and ongoing anthropogenic activities are incorporated into this analysis via their impacts on the environmental baseline (*e.g.,* as reflected in the regulatory status of the species, population size and growth rate where known, ongoing sources of human-caused mortality, or ambient noise levels).

To avoid repetition, the discussion of our analyses applies to all the species listed in Table 6, given that the anticipated effects of this activity on these different marine mammal stocks are expected to be similar. There is little information about the nature or severity of the impacts, or the size, status, or structure of any of these species or stocks that would lead to a different analysis for this activity. Pile driving and drilling activities have the potential to disturb or displace marine mammals. Specifically, the project activities may result in take, in the form of Level A harassment and Level B harassment from underwater sounds generated from pile driving and DTH drilling. Potential takes could occur if individuals of these species are present in the ensonified zone when these activities are underway.

The takes from Level A and Level B harassment would be due to potential behavioral disturbance, TTS, and PTS. No mortality is anticipated given the nature of the activity and measures designed to minimize the possibility of injury to marine mammals. Level A harassment is only authorized for Dall's porpoise and harbor porpoise. The potential for harassment is minimized through the construction method and the implementation of the planned mitigation measures (see Proposed Mitigation section).

Behavioral responses of marine mammals to pile driving at the project site, if any, are expected to be mild and temporary. Marine mammals within the Level B harassment zone may not show any visual cues they are disturbed by activities (as noted during modification to the Kodiak Ferry Dock) or could become alert, avoid the area, leave the area, or display other mild responses that are not observable such as changes in vocalization patterns. Given the short duration of noise-generating activities per day and that pile driving would occur on no more than 4 days, any harassment would be temporary. In addition, GCHS would not conduct pile driving during the spring eulachon and herring runs, when marine mammals are in greatest abundance and engaging in concentrated foraging behavior. There are no other areas or times of known biological importance for any of the affected species.

In addition, although some affected humpback whales and Steller sea lions may be from a DPS that is listed under the ESA, it is unlikely that minor noise effects in a small, localized area of habitat would have any effect on the stocks' ability to recover. In combination, we believe that these factors, as well as the available body of evidence from other similar activities, demonstrate that the potential effects of the specified activities will have only minor, short-term effects on individuals. The specified activities are not expected to impact rates of recruitment or survival and will therefore not result in population-level impacts.

In summary and as described above, the following factors primarily support our preliminary determination that the impacts resulting from this activity are not expected to adversely affect the species or stock through effects on annual rates of recruitment or survival:

- No mortality is anticipated or authorized;
- Authorized Level A harassment would be very small amounts and of low degree for two cryptic species;
- GCHS would avoid pile driving during peak periods of marine mammal abundance and foraging (*i.e.,* March 1 through May 31 eulachon and herring runs);
- GCHS would implement mitigation measures such as vibratory driving piles to the maximum extent practicable, soft-starts, and shut downs; and
- Monitoring reports from similar work in Alaska have documented little to no effect on individuals of the same species impacted by the specified activities.

Based on the analysis contained herein of the likely effects of the specified activity on marine mammals and their habitat, and taking into consideration the implementation of the proposed monitoring and mitigation measures, NMFS preliminarily finds that the total marine mammal take from the proposed activity will have a negligible impact on all affected marine mammal species or stocks.

Small Numbers

As noted above, only small numbers of incidental take may be authorized under Section 101(a)(5)(D) of the MMPA for specified activities other than military readiness activities. The MMPA does not define small numbers and so, in practice, where estimated numbers are available, NMFS compares the number of individuals taken to the most appropriate estimation of abundance of the relevant species or stock in our determination of whether an authorization is limited to small numbers of marine mammals. Additionally, other qualitative factors may be considered in the analysis, such as the temporal or spatial scale of the activities.

The amount of take NMFS proposes to authorize is less than one-third of any stock's best population estimate. These are all likely conservative estimates because we assume all takes are of different individual animals which is likely not the case, especially for harbor seals which have the largest take. The Alaska stock of Dall's porpoise has no official NMFS abundance estimate as the most recent estimate is greater than eight years old. Nevertheless, the most recent estimate was 83,400 animals and it is highly unlikely this number has drastically declined. Therefore, the 48 authorized takes of this stock clearly represent small numbers of this stock. The Alaska stock of minke whale has no stock-wide abundance estimate. The stock ranges from the Bering and Chukchi seas south through the Gulf of Alaska. Surveys in portions of the range have estimated abundances of 2,020 on the eastern Bering Sea shelf and 1,233 from the Kenai Fjords in the Gulf of Alaska to the central Aleutian Islands. Thus there appears to be thousands of animals at least in the stock and clearly the 1 authorized takes of this stock represent small numbers of this stock.

Based on the analysis contained herein of the proposed activity (including the proposed mitigation and monitoring measures) and the anticipated take of marine mammals, NMFS preliminarily finds that small numbers of marine mammals will be taken relative to the population size of the affected species or stocks.

Unmitigable Adverse Impact Analysis and Determination

In order to issue an IHA, NMFS must find that the specified activity will not have an ''unmitigable adverse impact'' on the subsistence uses of the affected marine mammal species or stocks by Alaskan Natives. NMFS has defined ''unmitigable adverse impact'' in 50 CFR

216.103 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.

As discussed above in the subsistence uses section, subsistence harvest of harbor seals and other marine mammals is rare in the area and local subsistence users have not expressed concern about this project. All project activities will take place within the Favorite Channel area where subsistence activities do not generally occur. The project also will not have an adverse impact on the availability of marine mammals for subsistence use at locations farther away, where these construction activities are not expected to take place. Some minor, short-term harassment of the harbor seals and Steller sea lions could occur, but any effects on subsistence harvest activities in the region will be minimal, and not have an adverse impact.

Based on the effects and location of the specified activity, and the mitigation and monitoring measures, NMFS has preliminarily determined that there will not be an unmitigable adverse impact on subsistence uses from GCHS's planned activities.

Endangered Species Act (ESA)

Section 7(a)(2) of the Endangered Species Act of 1973 (ESA: 16 U.S.C. 1531 *et seq.*) requires that each Federal agency insure that any action it authorizes, funds, or carries out is not likely to jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of designated critical habitat. To ensure ESA compliance for the issuance of IHAs, NMFS consults internally, in this case with the Alaska Region Protected Resources Division Office, whenever we propose to authorize take for endangered or threatened species.

NMFS is proposing to authorize take of Western DPS Steller sea lion (*Eumetopias jubatus*) and Mexico DPS of humpback whales (*Megaptera novaeangliae*), which are listed under the ESA. The Permits and Conservation Division has requested initiation of Section 7 consultation with the Alaska Region for the issuance of this IHA. NMFS will conclude the ESA consultation prior to reaching a determination regarding the proposed issuance of the authorization.

Proposed Authorization

As a result of these preliminary determinations, NMFS proposes to issue an IHA to GCHS for conducting the Sentinel Island Moorage Float project near Juneau, Alaska between July 20, 2020 and July 19, 2021, provided the previously mentioned mitigation, monitoring, and reporting requirements are incorporated. A draft of the proposed IHA can be found at *https://www.fisheries.noaa.gov/permit/incidental-take-authorizations-under-marine-mammal-protection-act.*

Request for Public Comments

We request comment on our analyses, the proposed authorization, and any other aspect of this Notice of Proposed IHA for the proposed Sentinel Island Moorage Float project. We also request at this time comment on the potential renewal of this proposed IHA as described in the paragraph below. Please include with your comments any supporting data or literature citations to help inform decisions on the request for this IHA or a subsequent Renewal IHA.

On a case-by-case basis, NMFS may issue a one-year Renewal IHA following notice to the public providing an additional 15 days for public comments when (1) up to another year of identical, or nearly identical, activities as described in the Detailed Description of Specific Activity section of this notice is planned or (2) the activities as described in the Detailed Description of Specific Activity section of this notice would not be completed by the time the IHA expires and a Renewal would allow for completion of the activities beyond that described in the *Dates and Duration* section of this notice, provided all of the following conditions are met:

- A request for renewal is received no later than 60 days prior to the needed Renewal IHA effective date (recognizing that Renewal IHA expiration date cannot extend beyond one year from expiration of the initial IHA).
- The request for renewal must include the following:

(1) An explanation that the activities to be conducted under the requested Renewal IHA are identical to the activities analyzed under the initial IHA, are a subset of the activities, or include changes so minor (*e.g.,* reduction in pile size) that the changes do not affect the previous analyses, mitigation and monitoring requirements, or take estimates (with the exception of reducing the type or amount of take).

(2) A preliminary monitoring report showing the results of the required monitoring to date and an explanation showing that the monitoring results do not indicate impacts of a scale or nature not previously analyzed or authorized.

- Upon review of the request for Renewal, the status of the affected species or stocks, and any other pertinent information, NMFS determines that there are no more than minor changes in the activities, the mitigation and monitoring measures will remain the same and appropriate, and the findings in the initial IHA remain valid.

Dated: March 27, 2020.

Donna S. Wieting,

Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2020–06787 Filed 3–31–20; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XA097]

South Atlantic Fishery Management Council; Public Meetings

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

ACTION: Notice of public meetings.

SUMMARY: The South Atlantic Fishery Management Council (Council) will hold a meeting of its Habitat Protection and Ecosystem-Based Management Advisory Panel (AP).

DATES: The AP meeting will be conducted via webinar on Wednesday, April 22, 2020, from 9 a.m. to 11 p.m. and from 1 p.m. to 3 p.m.

ADDRESSES:

Meeting address: The meeting will be held via webinar.

Council address: South Atlantic Fishery Management Council, 4055 Faber Place Drive, Suite 201, N Charleston, SC 29405.

FOR FURTHER INFORMATION CONTACT: Kim Iverson, Public Information Officer, SAFMC; phone: (843) 571–4366 or toll free (866) SAFMC–10; fax: (843) 769–4520; email: *kim.iverson@safmc.net.*

SUPPLEMENTARY INFORMATION: The Habitat AP meeting is open to the public and will be available via webinar as it occurs. Registration is required. Webinar registration information and other meeting materials will be posted to the Council's website at: *http://safmc.net/safmc-meetings/current-*

advisory-panel-meetings/ as it becomes available.

The Habitat AP meeting agenda includes the following:

Updates on NOAA Fisheries Ecosystem-Based Fishery Management Activities for the South Atlantic Region including the development of a South Atlantic Ecosystem Status Report and a South Atlantic Climate Vulnerability Analysis; NOAA Mapping and Characterization of South Atlantic Deep Water Ecosystems.

AP members will also receive a status report on the Council action to designate Bullet and Frigate Mackerel as Ecosystem Component Species to the Dolphin Wahoo Fishery Management Plan and a report from Council/NOAA Fisheries Essential Fish Habitat Consultation and Regional Innovations Workshop. The AP will receive updates on the following: The South Atlantic Ecopath with Ecosim Model and Scientific and Statistical Committee (SSC) Workgroup Review and Development of Ecospace; the Kitty Hawk Wind Project; Southeast Coastal Ocean Observing Regional Association (SECOORA) Products associated with extreme events and 2021 IOOS (Integrated Ocean Observing System) proposal: And Fishery Independent Research in the South Atlantic Region through the Southeast Reef Fish Survey (SERFS).

The AP will develop recommendations as necessary for consideration by the Council's Habitat Protection and Ecosystem-Based Management Committee.

Special Accommodations

The meeting is physically accessible to people with disabilities. Requests for auxiliary aids should be directed to the Council office (see **ADDRESSES**) 3 days prior to the meeting.

Note: The times and sequence specified in this agenda are subject to change.

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

Dated: March 27, 2020.

Tracey L. Thompson,

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

[FR Doc. 2020–06801 Filed 3–31–20; 8:45 am]

BILLING CODE 3510–22–P

BUREAU OF CONSUMER FINANCIAL PROTECTION

[Docket No. CFPB–2020–0013]

Request For Information To Assist the Taskforce on Federal Consumer Financial Law

AGENCY: Bureau of Consumer Financial Protection.

ACTION: Notice and request for information.

SUMMARY: The Bureau of Consumer Financial Protection (Bureau) is seeking comments and information from interested parties to assist the Taskforce on Federal Consumer Financial Law (Taskforce). The Taskforce is an independent body within the Bureau and reports to the Bureau's Director. The Taskforce is charged with developing recommendations on harmonizing, modernizing, and updating the Federal consumer financial laws, as well as identifying gaps in knowledge that should be addressed through research, ways to improve consumer understanding of markets and products, and potential conflicts or inconsistencies in existing regulations and guidance.

DATES: Comments must be received by June 1, 2020.

ADDRESSES: You may submit responsive information and other comments, identified by Docket No. CFPB–2020–0013, by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Email: 2020-RFI-Taskforce@cfpb.gov.* Include Docket No. CFPB–2020–0013 in the subject line of the message.
- *Hand Delivery/Courier/Mail:* Comment Intake, Bureau of Consumer Financial Protection, 1700 G Street NW, Washington, DC 20552.

Instructions: The Bureau encourages the early submission of comments. All submissions must include the document title and docket number. Please note the number of the question on which you are commenting at the top of each response (you do not need to answer all questions). Because paper mail in the Washington, DC area and at the Bureau is subject to delay, commenters are encouraged to submit comments electronically. In general, all comments received will be posted without change to *http://www.regulations.gov.* In addition, comments will be available for public inspection and copying at 1700 G St. NW, Washington, DC 20552, on official business days between the hours of 10 a.m. and 5 p.m. eastern standard time. You can make an appointment to inspect the documents by telephoning 202–435–7275.

All submissions in response to this request for information, including attachments and other supporting materials, will become part of the public record and subject to public disclosure. Sensitive personal information, such as account numbers or Social Security numbers, or names of other individuals, should not be included. Submissions will not be edited to remove any identifying or contact information.

FOR FURTHER INFORMATION CONTACT: Nat Weber, Chief of Staff, or Matt Cameron, Staff Director, Taskforce on Federal Consumer Financial Law, at 202–435–7700. If you require this document in an alternative electronic format, please contact *CFPB_accessibility@cfpb.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

The Director of the Bureau established the Taskforce pursuant to the executive and administrative powers conferred on the Bureau by sections 1013(a) and 1021(c) of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act). The Taskforce is charged with (1) examining the existing legal and regulatory environment facing consumers and providers of consumer financial products and services; and (2) reporting its recommendations for ways to improve and strengthen Federal consumer financial laws, including recommendations for resolving conflicting requirements or inconsistencies, reducing unwarranted regulatory burdens in light of market or technological developments, improving consumer understanding of markets and products and services, and identifying gaps in knowledge that the Bureau should address through future research. Where possible and within time constraints, the Taskforce's report may include recommendations relating to the 18 enumerated consumer laws and titles X and XIV of the Dodd-Frank Act, including those provisions relating to unfair, deceptive, or abusive acts or practices. The Taskforce's recommendations may include actions that the Bureau could carry out using its current authorities and actions that would require legislation to implement.

The Taskforce is inspired in part by an earlier commission established in 1968 by the Consumer Credit Protection Act (Act). In addition to various changes to consumer law generally, the Act established a national commission to conduct original research and provide Congress with recommendations relating to the regulation of consumer

credit. The commission's report contained original empirical data, information, and analyses—all of which undergird the report's final recommendations. The data, findings, and recommendations from the commission were all made public and the report led to significant legislative and regulatory developments in consumer finance.

II. Requests for Information

The Taskforce is considering what recommendations might promote the welfare of consumers in connection with the market for consumer financial products and services. The Taskforce seeks input from the public at this time to help identify areas of consumer protection on which it should focus its research and analysis during the balance of its one-year appointment. This Request for Information will be one of multiple opportunities for the public to provide feedback directly to the Taskforce and thus to help inform its recommendations.

Congress created the Bureau to ensure that ''all consumers have access to markets for consumer financial products and services and that markets for consumer financial products and services are fair, transparent, and competitive.'' [1] In general, consumers benefit from markets characterized by robust competition, which can offer attractive choices and fair prices. In addition, the terms of the services must be clear, so that consumers can make informed choices, and must be free of unfair, deceptive, and abusive acts and practices.

The Taskforce is seeking information from interested parties on which areas of the consumer financial services markets are functioning well—that is, which areas are fair, transparent, and competitive—and which might benefit from regulatory changes that could facilitate competition and materially increase consumer welfare. To that end, this Request for Information asks a series of questions about the market for consumer financial products and services, with a special interest in the below markets (though respondents should feel free to suggest others):

- Automobile financing (credit or lease)
- Credit cards
- Credit repair
- Consumer reporting
- Debt collection by third parties (collection agencies)
- Debt collection by creditors (in-house collections)
- Debt settlement
- Deposit accounts (checking or savings)
- Electronic payments
- Money transfers
- Mortgage origination and servicing
- Prepaid cards
- Small-dollar loans (installment, payday, vehicle title loans)
- Student loans and student loan servicing

As articulated more specifically in the questions below, the Taskforce is interested in information about how well financial markets are functioning for consumers. Efficient markets offer consumers a wide selection of products and services that meet their financial needs at competitive prices. Consumers can capture those benefits when they have truthful information about the prices and features of the products and services they seek. By contrast, markets that perform poorly are less likely to deliver products and services or offer them at prices commensurate with cost, risk, and other relevant considerations. Unfair, deceptive, and abusive acts and practices deprive consumers of the benefits that transparent and efficient markets can deliver. The Bureau, through its enforcement of laws and regulations prohibiting such behavior, strives to rid markets of these impediments. It is important, therefore, that the policies, laws, and rules effectively target the problems they are intended to address.

Every statutory or regulatory change creates at least some cost—and often considerable cost—as both consumers and industry adjust to new rules and bear the cost of change. For that reason, the Taskforce is most interested in learning where changes would be most worth the cost. In other words, the Taskforce hopes to hear from interested parties about the markets or services where a change in the rules would provide the greatest marginal benefits relative to the marginal costs.[2]

A. Expanding Access

These questions explore potential obstacles to financial inclusion.

1. Millions of U.S. households lack a bank account.[3] Should the Bureau promote greater access to banking services and, if so, how? Are alternatives to deposit accounts, such as prepaid cards and peer-to-peer electronic payments, sufficient when compared to traditional banking products? What is the evidence regarding consumers' understanding of, and experience and satisfaction with, these products?

2. One important reason for access to a bank account is to facilitate transactions. To what extent is it necessary to tie transaction services to the banking system? To what extent could transaction services and the banking system exist independently, and would independent existence raise new consumer protection risks that regulators should consider? Would reducing clearance times impact the demand for alternative products, such as check cashing, small-dollar loans, and overdraft protection? If so, to what extent?

3. What steps could be taken to promote greater competition among providers of services such as payments, financial advisory services, and savings accounts? How do third-party applications, sometimes referred to as ''open banking,'' affect the competition? To what extent do third-party applications raise new consumer protection risks that regulators should consider?

4. There is consumer demand for short-term, small-dollar credit. What impediments exist for expanding access to short-term, small-dollar loans and ensuring that this market is fair, transparent, and competitive? What has been the impact of State and Federal efforts to regulate such credit? Is the annual percentage rate a meaningful measure for a very short-term loan? If not, what other measures might be more useful to help consumers in understanding and assessing the cost of short-term credit?

5. Some creditors are supplementing or replacing traditional methods of underwriting (which often use income, debts, credit history, and stability factors) by employing ''alternative data.'' Some types of alternative data clearly expand the sources of financial information, such as payment histories for rent, utilities, and other consumer obligations, and other types of alternative data appear to have little in common with traditional underwriting information. What role should the Bureau play in regulating the furnishing, reporting, and use of alternative data, and what should the Bureau consider in developing policy in this area? How should the Bureau consider alternative factors which

[1] 12 U.S.C. 5511(a).

[2] To the extent that a commenter's response to any of the questions below overlaps with its responses to the Bureau's Call for Evidence, the commenter may wish to incorporate by reference or elaborate on its prior submissions. *See* Bureau of Consumer Fin. Prot., *Call for Evidence* (Apr. 17, 2018), *https://www.consumerfinance.gov/policy-compliance/notice-opportunities-comment/archive-closed/call-for-evidence/.*

[3] Bd. of Governors of the Fed. Reserve Sys., *Report on the Economic Well-Being of U.S. Households in 2018–May 2019* (June 5, 2019), *https://www.federalreserve.gov/publications/2019-economic-well-being-of-us-households-in-2018-banking-and-credit.htm.*

creditors find helpful in predicting risk, but which may lack an obvious relationship with creditworthiness or have differential impacts on some consumers or groups of consumers?

6. Should the Bureau clarify its position on disparate impact theory under the Equal Credit Opportunity Act? If so, what should be the Bureau's position?

B. Consumer Data

These questions explore current and future-looking topics regarding the protection and use of consumer data.

7. Both the Fair Credit Reporting Act (FCRA) and its implementing Regulation V and the Gramm-Leach-Bliley Act and its implementing Regulation P contain important protections of consumers' personal information. Are these protections sufficient? Why or why not? If not sufficient, what further protections should the Bureau or Congress consider? Are there obligations in these regulations or statutes that impose a burden not justified by the corresponding consumer benefit?

8. The FCRA requires consumer reporting agencies to ''follow reasonable procedures to assure the maximum possible accuracy''; requires these agencies to disclose to a consumer the contents of the consumer's file; contains procedures for consumers to dispute the accuracy of information in these agencies' files; and requires notifications when information from these agencies' files has contributed to a user's adverse action. In addition, the FCRA's implementing Regulation V requires that data furnishers implement and maintain reasonable written policies and procedures concerning the accuracy of the data they furnish. Are these provisions designed to ensure accuracy sufficient? Why or why not? If not, what further protections should the Bureau or Congress consider? Are there obligations in these laws that impose a burden not justified by the commensurate consumer benefit?

9. Most States have enacted laws that afford consumers certain protections in the event of a data breach. There is considerable variation among these laws, including the triggering events for coverage by the law and the requirements and remedies relating to a breach. Would Federal legislation, regulation, or guidance addressing data breaches be desirable? Why or why not? Would it be desirable to have a uniform national standard for data breach obligations? Why or why not?

10. Financial technology, or FinTech, companies often use consumer data to provide new or enhanced financial products and services, but this can raise concerns about consumers' ability to protect privacy and control the use of their data. With respect to consumer data, how best can the Bureau or Congress balance between facilitating FinTech innovations that increase consumer choice and ensuring consumer protection? Do any existing technologies or practices, such as zero-knowledge proofs, raise fewer consumer protection concerns or have the potential to help regulators resolve the balance between consumer choice and consumer protection?

C. The Regulations

These questions focus on the regulations the Bureau writes and enforces. Commenters are encouraged to include specific examples in their responses.

11. Are there gaps in consumer financial protections that should be filled by strengthening the Bureau's regulations? What type of protections are needed (*e.g.,* additional disclosures, substantive requirements)? How should the costs and benefits of the proposed changes be evaluated?

12. Uncertainty can increase compliance costs and litigation risk without benefitting consumers. Are there areas of significant ambiguity or inconsistency in the regulations? Where would regulations benefit significantly from increased clarity or harmonization—both with respect to the Bureau's regulations and with respect to overlap, duplication, or inconsistency with regulations issued by other Federal agencies? Please explain the lack of clarity and how the regulations should be clarified.

13. Where have regulations failed to keep up with rapid changes in consumer financial services markets? Are regulatory changes needed to address new products and services and the way consumers obtain them? Are there regulations that have outlived their usefulness? Are there new regulations that might be needed? Are there regulatory areas or specific regulations now sufficiently so overlapping as to be redundant?

14. Some stakeholders favor regulations with specific requirements, which draw bright lines for a company's compliance obligations but can apply a one-size-fit-all approach. Others favor ''principle-based'' regulations, which can provide a company with flexibility but can create compliance uncertainty. Federal regulations currently employ both approaches (*e.g.,* Regulation Z's highly specific disclosure rules, and Regulation V's requirement that data furnishers implement and maintain reasonable written policies and procedures concerning the accuracy of the data they furnish). Which approach is preferable, and does this depend on the industry, the statute, or other considerations? Please explain.

D. Federal and State Coordination

The Bureau is one of many Federal agencies with supervision or enforcement responsibilities with respect to financial institutions. Having more than one agency can increase the resources devoted to supervision and enforcement, but it can also increase the burden on the company (and costs to its customers) and may result in conflicting positions among governmental agencies. These questions focus on the costs and benefits of this overlap.

15. With respect to institutions and laws currently within the Bureau's jurisdiction, the Bureau's supervision or enforcement authority may be exclusive or shared with other regulators, depending on the institution or law in question. Have the agencies been cooperating appropriately in areas of shared jurisdiction, and are there ways in which their cooperation could be improved? Is more clarity needed about how the agencies are cooperating in areas of shared jurisdiction? Do the Bureau and other agencies act jointly in appropriate circumstances?

16. Are changes to the shared-jurisdiction framework desirable (*e.g.,* by legislation)? In what way? For instance, would it be beneficial to assign to one agency sole (or primary) responsibility for supervising or enforcing some or all the consumer financial protection laws? Would having a single source of authority enhance or detract from competition and consumer welfare? What are the costs and benefits of overlapping enforcement jurisdiction for nonbank creditors?

17. State financial regulators typically examine a financial institution's compliance with State law, but they can also bring cases under certain Federal consumer financial protection laws. For example, a State may initiate its own action to enforce the Dodd-Frank Act and certain enumerated consumer laws. In addition, once the Bureau has decided to bring an enforcement action, the Bureau may invite States to join in the action. What are the costs and benefits to consumers and financial institutions of overlapping enforcement powers?

18. Given the jurisdictional overlap between State and Federal regulators on consumer financial markets, are there quantifiable examples of whether this overlap has led to disproportionate compliance costs for small financial

institutions, such as community banks or credit unions?

E. Improving Consumer Protection

These questions address overall performance of consumer protection.

19. Which markets for consumer financial products or services are functioning well—that is, which markets are fair, transparent, and competitive? Which markets might benefit from regulatory changes that could facilitate competition and materially increase consumer welfare?

20. What types of disclosures regarding consumer financial products or services are effective and what types are not? Could the content, timing, or other aspects of disclosures be improved and, if so, how?

21. How should the Bureau determine an appropriate remedy for a law violation, considering the need to correct and deter violations without creating adverse effects on competition and other unintended consequences?

22. What is the optimal mix of regulation, enforcement, supervision, and consumer financial education for achieving the Bureau's consumer protection goals?

23. How can we best assess the efficacy of the Federal consumer financial protections in achieving their goals?

Dated: March 27, 2020.

Kathleen L. Kraninger,

Director, Bureau of Consumer Financial Protection.

[FR Doc. 2020–06749 Filed 3–31–20; 8:45 am]

BILLING CODE 4810–AM–P

DEPARTMENT OF DEFENSE

Department of the Air Force

Notice of Intent To Prepare an Environmental Impact Statement and Noise of Cancellation of Scoping Meetings for Proposed Mortar and Artillery Training at Richardson Training Area, Joint Base Elmendorf-Richardson, AK

AGENCY: Department of the Air Force, Department of Defense.

ACTION: Amended Notice of Intent.

SUMMARY: The U.S. Air Force (USAF) and the U.S. Army, acting as a Cooperating Agency, are issuing this Amended Notice of Intent, updating the original notice published on March 16, 2020 (**Federal Register**, Vol. 85., No. 51, 14928) of their continuing intent to prepare an Environmental Impact Statement (EIS) to assess the potential social, economic, and environmental impacts associated with modifying the conditions under which indirect live-fire weapons training can be conducted at Joint Base Elmendorf-Richardson (JBER), in order to meet Army training standards at home station. However, as a direct result of the National Emergency declared by the President on Friday, March 13, 2020, in response to the coronavirus (COVID–19) pandemic in the United States and the Center for Disease Control's recommendations for social distancing and avoiding large public gatherings, the Air Force is now canceling the two public scoping meetings between April 13, 2020 and April 14, 2020. In lieu of the public scoping meetings, the Air Force will use the alternative means set forth below to inform the public and stakeholders and to obtain input for scoping the proposed action.

ADDRESSES: In lieu of scoping meetings, information on the proposal will be available on the project website at: *https://JBER-PMART-EIS.com.* For those who do not have ready access to a computer or the internet, the scoping-related materials posted to the website will be made available upon request by mail. Inquiries, requests for scoping-related materials, and comments regarding the Proposed Mortar and Artillery Training at Richardson Training Area Environmental Impact Statement (EIS) at Joint Base Elmendorf-Richardson (JBER), AK may be submitted by mail to JBER Public Affairs, *JBER.PA@US.AF.MIL,* (907) 552–8151; (US Post Office) JBER Public Affairs c/o Matthew Beattie, 10480 Sijan Ave., Suite 123, Joint Base Elmendorf-Richardson, AK 99506.

Written scoping comments will be accepted at any time during the environmental impact analysis process up until the public release of the Draft EIS. However, to ensure the USAF has sufficient time to consider public input in the preparation of the Draft EIS, scoping comments should be submitted to the website or the address listed above by no later than May 11, 2020.

SUPPLEMENTARY INFORMATION: The EIS will evaluate the potential impacts associated with the proposed action, which includes indirect live-fire training during all-seasons at Eagle River Flats (ERF) Impact Area on JBER, a military base in Alaska, in order to meet Army training standards. The proposed action also includes expansion of ERF impact area by approximately 585 acres. In addition, the EIS will evaluate an action alternative that would marginally meet Army training standards, and would not include expansion of the ERF impact area. The no action alternative will also be evaluated in the EIS, under which the Army would continue to train with the existing seasonal restrictions and which would require JBER home station units to deploy to other Army-controlled training lands to conduct required training. The USAF is the National Environmental Policy Act (NEPA) lead agency and the U.S. Army is a cooperating agency for this EIS process. A Notice of Intent for a similar action was issued in 2007; however, this Notice of Intent supersedes the Notice of Intent that was issued in 2007.

Additional review and consultation which will be incorporated into the preparation of the Draft EIS will include, but are not necessarily limited to consultation under Section 7 of the Endangered Species Act and consultation under Section 106 of the National Historic Preservation Act.

The proposed actions at JBER have the potential to be located in a floodplain and/or wetland. Consistent with the requirements and objectives of Executive Order (E.O.) 11990, ''Protection of Wetlands,'' and E.O. 11988, ''Floodplain Management,'' state and federal regulatory agencies with special expertise in wetlands and floodplains will be contacted to request comment. Consistent with E.O. 11988 and E.O. 11990, this Notice of Intent initiates early public review of the proposed actions and alternatives, which have the potential to be located in a floodplain and/or wetland.

Scoping and Agency Coordination: To define the full range of issues to be evaluated in the EIS, the USAF will determine the scope of the analysis by soliciting comments from interested local, state, and federal elected officials and agencies, Alaska Native organizations, as well as interested members of the public and others. This is being done by providing a website where the public can submit comments and/or by having comments mailed to the mailing address provided above.

Adriane Paris,

Acting Air Force Federal Register Liaison Officer.

[FR Doc. 2020–06741 Filed 3–31–20; 8:45 am]

BILLING CODE 5001–10–P

DEPARTMENT OF DEFENSE

Department of the Air Force

Notice of Availability of Software and Documentation for Licensing

AGENCY: Department of the Air Force, Department of Defense.

ACTION: Notice of availability.

SUMMARY: The U.S. Air Force is issuing this notice of availability of HINDSIGHT™ software and related documentation for enabling event-based tagging, multi-source audio archiving, POV video capturing, and user interface utilization tracking by supporting on-demand, mobile mission recording, and debriefing capability.

ADDRESSES: For information on licensing, contact the Office of Research and Technology Applications, 711 HPW/XPO, 2610 Seventh Street, Wright Patterson AFB, OH 45433; Facsimile: (937) 656–7959. For further information contact Dr. James D. Kearns at 937–255–3765.

SUPPLEMENTARY INFORMATION: The HINDSIGHT™ software suite includes Android source code, external comms diagram, and documentation. The HINDSIGHT™ application is built on an extensible software framework to facilitate ease of integration with new wireless audio/video capturing peripherals and associated wearable devices. HINDSIGHT™ has the unique attribute of being designed, *ab initio,* with the idea of enabling a single operator to capture in real-time customizable inputs sources to archive mission execution. Organizations involved with on-the-move data gathering operations, development, testing, and training could benefit from the use of HINDSIGHT™.

The HINDSIGHT™ software suite has been utilized in thousands of hours of live dismounted missions across a variety of Air Force, Army, Navy, and Marines activities ranging from close air support to medical training objectives.

Adriane Paris,

Acting Air Force Federal Register Liaison Officer.

[FR Doc. 2020–06735 Filed 3–31–20; 8:45 am]

BILLING CODE 5001–10–P

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

Notice of Intent To Prepare a Draft Supplemental Environmental Impact Statement/Environmental Impact Report for the Sacramento Weir Component (Yolo County, California) of the American River Watershed Common Features Project, as Authorized Under the Water Resources Development Act of 2016

AGENCY: Department of the Army, U.S. Army Corps of Engineers, DoD.

ACTION: Notice of intent.

SUMMARY: The U.S. Army Corps of Engineers (USACE), Sacramento District, and the Central Valley Flood Protection Board is preparing a Draft Supplemental Environmental Impact Statement/Environmental Impact Report (Draft Supplemental EIS/EIR) for the Sacramento Weir widening component of the American River Watershed Common Features (ARCF) Levee Improvement Project authorized by the Water Resources Development Act of 2016. This Draft Supplemental EIS/EIR supplements the ARCF General Reevaluation Report (GRR) Final EIS/EIR. The Proposed Action includes constructing a 1,500-foot-long passive weir, with associated levee, roadway, rail bridge, and fish passage improvements adjacent to the existing Sacramento Weir at the junction of the Sacramento River and Sacramento Bypass. Conceptual components of the Proposed Action were analyzed in the ARCF GRR Final EIS/EIR but some elements of the Proposed Action (passive weir design and fish passage structure) were not analyzed in the ARCF GRR Final EIS/EIR because final designs are still in progress. USACE has now developed two alternative project designs in sufficient detail to analyze their environmental effects: A passive weir structure with a crest elevation at 26 feet on the North American Vertical Datum of 1988 (NAVD88) (the Proposed Action), and a passive weir structure with a crest elevation at 26 feet NAVD88, with stop logs to raise the crest elevation to 29.8 feet NAVD88 (the Higher Weir Elevation Alternative). Both design alternatives would reduce the flood risk in and around the cities of Sacramento and West Sacramento by conveying additional Sacramento River flow during flood events into the Sacramento and Yolo Bypasses.

DATES: Written comments regarding the scope of the environmental analysis should be received by April 20, 2020.

ADDRESSES: Please send written comments concerning the Draft Supplemental EIS/EIR to Mr. Robert Chase, U.S. Army Corps of Engineers, Sacramento District, Attn: Planning Division (CESPK–PDR), 1325 J Street, Sacramento, CA 95814. Requests to be added to the mailing list should also be sent to this address.

FOR FURTHER INFORMATION CONTACT: Questions about the Proposed Action and EIS/EIR should be addressed to Robert Chase at (916) 557–7630, *Robert.D.Chase@usace.army.mil,* or by mail (1325 J Street, Sacramento, CA 95814).

SUPPLEMENTARY INFORMATION:

a. *Proposed Action:* USACE is preparing a Supplemental Environmental Impact Statement (SEIS)/Supplemental Environmental Impact Report (SEIR) to analyze environmental impacts of the authorized Sacramento Weir Widening component of the larger ARCF 2016 levee improvement project. The Proposed Action includes a passive weir with a sill elevation of 26 feet above the North American Vertical Datum of 1988 (NAVD88).

b. Alternatives. In addition to the Proposed Action, the supplemental EIS will address two alternatives. One alternative would affix horizontal stop logs to the top of the passive weir sill, with a top elevation of 29.2 feet NAVD88, similar to the elevation of the top of the gates of the existing Sacramento Weir. The other alternative is the required No Action Alternative.

c. Scoping Process.

1. USACE will seek comments on the draft SEIS/SEIR from concerned individuals and local, State, and Federal agencies. A public scoping meeting will be held in the form of a teleconference and/or webinar in April 2020. Exact date, time, registration details, additional information, and any schedule changes will be announced online at: *http://www.sacleveeupgrades.com.*

2. Significant topics analyzed in the SEIS include anticipated project effects on visual resources, air quality, vegetation and wildlife, special-status plants and terrestrial wildlife species, fisheries, climate change, cultural resources, geological resources, hazardous wastes and materials, hydrology and hydraulics, water quality and groundwater resources, noise, recreation, transportation and circulation, and public utilities and service systems; and cumulative effects of related projects in the study area.

3. USACE is consulting with the State Historic Preservation Officer to comply with the National Historic Preservation Act, and the National Marine Fisheries Service and the U.S. Fish and Wildlife Service to comply with the Endangered Species Act.

4. After publication of the draft SEIS a 45-day public review period will be provided for individuals and agencies to review and comment on the draft document. Interested parties are encouraged to respond to this notice and provide a current address if they wish to be notified of the draft SEIS circulation.

d. Availability. The draft SEIS/SEIR is scheduled to be available for public

review and comment by approximately May 12, 2020.

Kimberly M. Colloton,

Brigadier General, U.S. Army, Commanding.

[FR Doc. 2020–06812 Filed 3–31–20; 8:45 am]

BILLING CODE 3720–58–P

DEPARTMENT OF DEFENSE

Department of the Army, Army Corps of Engineers

Notice of Intent To Prepare a Draft Supplemental Joint Environmental Impact Statement/Environmental Impact Report for the 2007 Folsom Dam Safety and Flood Damage Reduction Environmental Impact Statement/Environmental Impact Report

AGENCY: Department of the Army, U.S. Army Corps of Engineers; DOD.

ACTION: Notice of intent.

SUMMARY: The U.S. Army Corps of Engineers, Sacramento District (USACE) intends to prepare a Draft Supplemental Joint Environmental Impact Statement/Environmental Impact Report (EIS/EIR) for the 2007 Folsom Dam Safety and Flood Damage Reduction EIS/EIR (2007 EIS/EIR) and the 2017 Folsom Dam Raise Project Final Supplemental Environmental Impact Statement/Environmental Impact Report (2017 SEIS/EIR). USACE will serve as lead National Environmental Policy Act (NEPA) agency and the Central Valley Flood Protection Board (CVFPB) will serve as lead agency for compliance with the California Environmental Quality Act (CEQA). The Folsom Dam Safety and Flood Damage Reduction Project (hereafter referred to as the Project) was originally authorized in the 2004 Energy and Water Development Appropriations Act (EWDAA) and was later reauthorized in the 2007 Water Resources Development Act (WRDA). The Project is authorized for four components:

(1) Emergency spillway gate modifications.

(2) Raising the right and left wings of the main dam, Mormon Island Auxiliary Dam (MIAD), and the reservoir Dikes 1 through 8 by 3.5 feet.

(3) Temperature control shutter automation and reconfiguration.

(4) Downstream ecosystem restoration of Bushy Lake and Woodlake.

This Draft Supplemental Joint EIS/EIR will address components of the authorized Project not previously addressed in the 2017 Folsom Dam Raise Project Final SEIS/EIR. Specifically, these components include construction of a new Dike 3, use of onsite borrow and multiple disposal locations including MIAD West and South and potential off-site locations, use of a rock crushing plant at MIAD East, use of on-site concrete batch plants for the Right Wing Dam and Left Wing Dam, and a detailed comprehensive plan for mitigation and restoration upon completion of construction. The flood risk management components of the Project will enhance the utilization of the existing surcharge flood storage space (temporary water storage space utilized during low-frequency flood events), and will increase the surcharge flood storage capacity of the reservoir.

DATES: Written comments regarding the scope of the environmental analysis should be received by May 8, 2020.

ADDRESSES: Written comments and suggestions concerning this Project and requests to be included on the Project mailing list may be submitted to Bert Skillen, U.S. Army Corps of Engineers, Sacramento District, Attn: Environmental Analysis Section (CESPK–PDR–A), 1325 J Street, Sacramento, CA 95814.

FOR FURTHER INFORMATION CONTACT: Bert Skillen via telephone at (916) 557–7330, email at *Folsom-Dam_Raise@usace.army.mil,* or mail at (see **ADDRESSES**). Study information will also be posted periodically on the internet at: *https://www.spk.usace.army.mil/Missions/Civil-Works/Folsom-Dam-Raise/.*

SUPPLEMENTARY INFORMATION:

1. *Proposed Action.* The Corps is preparing a Draft Supplemental Joint EIS/EIR to analyze a single Project alternative with multiple measures to improve flood risk management along the American River. The no-action alternative would be to follow the actions outlined in the 2017 Folsom Dam Raise Final SEIS/EIR. The measures of the single alternative proposed include constructing a new Dike 3 approximately 80 feet closer to the lake than the existing Dike 3, onsite borrow and disposal at MIAD West and South, a rock crushing plant at MIAD East, concrete batch plants for the Right Wing Dam and Left Wing Dam, and a comprehensive plan for mitigation and restoration upon completion of construction. The Project would improve flood risk management while also addressing certain dam safety issues associated with passing the probable maximum flood.

2. *Measures.* The following measures may be considered as part of the alternatives analysis:

Dike 3 Raise: Constructing a new Dike 3 approximately 80 feet closer to Folsom Lake would lower risk. This measure also maintains flood protection by leaving the existing Dike 3 in place while the new Dike 3 is constructed.

Borrow and Disposal: Some of the material for raising Dikes 1 through 6 and MIAD would come from onsite sources at MIAD West and South and other possible locations. Disposal materials from construction would be deposited onsite at MIAD West and South and other possible locations once borrow is complete. The remainder of the borrow materials would come from, and any additional disposal would be hauled to, commercial sites up to 30 miles away.

Rock Crushing Plant at MIAD East: Placing a rock crushing plant at MIAD East to utilize the existing riprap stockpile will allow for the crushed material to be used for various portions of the 3.5 foot raise of Dikes 1 through 6, the Left and Right Wing Dams, and MIAD.

Onsite Concrete Batch Plants for the Right and Left Wing Dam Raises: Producing concrete onsite will reduced costs and other impacts for hauling the large quantities of concrete. This will also aid constructability given the limited on-site access for equipment and materials.

Plan for Mitigation and Restoration: Including a comprehensive plan for mitigation and restoration of sites affected by the Folsom Dam Raise in this SEIS/EIR will alleviate the need for an additional SEIS/EIR in the future. Although some information concerning mitigation and restoration was included in the 2017 Folsom Dam Raise Final SEIS/EIR, that document cited the need for additional planning once the design of the Folsom Dam Raise was closer to completion.

3. Scoping Process.

a. A public scoping meeting will be held in the form of a teleconference and/or webinar to present an overview of the Folsom Dam Raise, the proposed alternative, and the EIS/EIR process, and to afford all interested parties an opportunity to comment on the scope of analysis and potential alternatives. The public scoping webinar will be held in April, 2020. Exact date, time, registration details, additional information, and any schedule changes will be announced online at: *https://www.spk.usace.army.mil/Missions/Civil-Works/Folsom-Dam-Raise/.*

b. Potentially significant issues to be analyzed in depth in the Draft Supplemental Joint EIS/EIR will include: impacts to water quality, air quality, climate change, special status species, terrestrial vegetation and wildlife, recreation, traffic and

circulation, noise, aesthetic and visual resources, and cultural resources. The document will also evaluate cumulative effects.

c. USACE will consult with the U.S. Fish and Wildlife Service to comply with the Endangered Species Act and the Fish and Wildlife Coordination Act. USACE will also consult with the State Historic Preservation Officer and Native American Tribes to comply with the National Historic Preservation Act.

d. A 45-day public review period will be provided for individuals, interested parties, and agencies to review and comment on the Draft Supplemental Joint EIS/EIR. All interested parties are encouraged to respond to this notice and provide a current address if they wish to be notified of the Draft Supplemental Joint EIS/EIR circulation.

4. *Availability.* The Draft Supplemental Joint EIS/EIR is scheduled to be available for public review and comment in summer 2020.

Kimberly M. Colloton,

Brigadier General, U.S. Army, Commanding

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[FR Doc. 2020–06811 Filed 3–31–20; 8:45 am]

BILLING CODE 3720–58–P

DEPARTMENT OF EDUCATION

[Docket No. ED–2020–SCC–0008]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Migrant Education Program Regulations and Certificate of Eligibility

AGENCY: Office of Elementary and Secondary Education (OESE), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing an extension of an existing information collection.

DATES: Interested persons are invited to submit comments on or before May 1, 2020.

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 Sarah Martinez, 202–260–1334.

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: Migrant Education Program Regulations and Certificate of Eligibility.

OMB Control Number: 1810–0662.

Type of Review: An extension of an existing information collection.

Respondents/Affected Public: State, Local, and Tribal Governments; Individuals or Households.

Total Estimated Number of Annual Responses: 121,658.

Total Estimated Number of Annual Burden Hours: 228,135.

Abstract: This collection of information is necessary to collect information under the Title I, Part C Migrant Education Program (MEP). The MEP is authorized under sections 1301–1309 of Part C of Title I of the Elementary and Secondary Education Act of 1965, as amended (ESEA). Regulations for the MEP are found at 34 CFR 200.81–200.89. This information collection covers regulations with information collection requirements that State educational agencies (SEAs) must collect in order to properly administer the MEP. Specifically, the regulations in 34 CFR 200.83, 200.84, 200.88, and 200.89(b)–(d). Most provisions do not require SEAs to submit the information collected to the Department, with the exception of the provisions under 34 CFR 200.89(b).

There is one additional MEP regulatory section, 34 CFR 200.85, which contains information collection requirements. Those information collection requirements, which pertain to the Migrant Student Information Exchange (MSIX), are covered by OMB No. 1810–0683.

Dated: March 27, 2020.

Kate Mullan,

PRA Coordinator, Strategic Collections and Clearance, Governance and Strategy Division, Office of Chief Data Officer.

[FR Doc. 2020–06778 Filed 3–31–20; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

National Nuclear Security Administration

Defense Programs Advisory Committee

AGENCY: Office of Defense Programs, National Nuclear Security Administration, Department of Energy.

ACTION: Notice of closed meeting: Cancellation.

SUMMARY: On February 19, 2020, the Department of Energy published a notice of closed meeting announcing a meeting on April 23, 2020 of the Defense Programs Advisory Committee. This notice announces the cancellation of this meeting.

DATES: The meeting scheduled for April 23, 2020, announced in the February 19, 2020, issue of the **Federal Register** (FR Doc. 2020–03228, 85 FR 9465), is cancelled.

FOR FURTHER INFORMATION CONTACT: Rachel Barnhill, Office of RDT&E (NA–11), National Nuclear Security Administration, U.S. Department of Energy, 1000 Independence Avenue SW, Washington, DC 20585; Phone: (202) 586–7183.

Signed in Washington, DC on March 26, 2020.

LaTanya Butler,

Deputy Committee Management Officer.

[FR Doc. 2020–06746 Filed 3–31–20; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP20–53–000]

National Fuel Gas Supply Corporation; Notice of Intent To Prepare an Environmental Assessment for the Amendment to West Side Expansion and Modernization Project and Request for Comments on Environmental Issues

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental assessment (EA) that will discuss the environmental impacts of the Amendment to West Side Expansion and Modernization Project (Project). The EA will discuss facilities that would be operated by National Fuel Gas Supply Corporation (National Fuel) located in Mercer County, Pennsylvania. The Commission will use this EA in its decision-making process to determine whether the project is in the public convenience and necessity.

This notice announces the opening of the scoping process the Commission will use to gather input from the public and interested agencies about issues regarding the project. The National Environmental Policy Act (NEPA) requires the Commission to take into account the environmental impacts that could result from its action whenever it considers the issuance of a Certificate of Public Convenience and Necessity (Certificate). NEPA also requires the Commission to discover concerns the public may have about proposals. This process is referred to as scoping. The main goal of the scoping process is to focus the analysis in the EA on the important environmental issues. By this notice, the Commission requests public comments on the scope of the issues to address in the EA. To ensure that your comments are timely and properly recorded, please submit your comments so that the Commission receives them in Washington, DC on or before 5:00 p.m. Eastern Time on April 27, 2020.

You can make a difference by submitting your specific comments or concerns regarding the project. Your comments should focus on the potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental impacts. Your input will help the Commission staff determine what issues they need to evaluate in the EA. Commission staff will consider all filed comments during the preparation of the EA.

If you sent comments on this project to the Commission before the opening of this docket on February 18, 2020, you will need to file those comments in Docket No. CP20–53–000 to ensure they are considered as part of this proceeding.

This notice is being sent to the Commission's current environmental mailing list for this project. State and local government representatives should notify their constituents of this proposed project and encourage them to comment on their areas of concern.

National Fuel provided landowners with a fact sheet prepared by the FERC entitled An Interstate Natural Gas Facility On My Land? What Do I Need To Know? This fact sheet addresses a number of typically asked questions, including the use of eminent domain and how to participate in the Commission's proceedings. It is also available for viewing on the FERC website (*www.ferc.gov*) at *https://www.ferc.gov/resources/guides/gas/gas.pdf.*

Public Participation

The Commission offers a free service called eSubscription which makes it easy to stay informed of all issuances and submittals regarding the dockets/projects to which you subscribe. These instant email notifications are the fastest way to receive notification and provide a link to the document files which can reduce the amount of time you spend researching proceedings. To sign up go to *www.ferc.gov/docs-filing/esubscription.asp.*

For your convenience, there are three methods you can use to submit your comments to the Commission. The Commission encourages electronic filing of comments and has staff available to assist you at (866) 208–3676 or *FercOnlineSupport@ferc.gov.* Please carefully follow these instructions so that your comments are properly recorded.

(1) You can file your comments electronically using the *eComment* feature, which is located on the Commission's website (*www.ferc.gov*) under the link to *Documents and Filings.* Using *eComment* is an easy method for submitting brief, text-only comments on a project;

(2) You can file your comments electronically by using the *eFiling* feature, which is located on the Commission's website (*www.ferc.gov*) under the link to *Documents and Filings.* With *eFiling*, you can provide comments in a variety of formats by attaching them as a file with your submission. New *eFiling* users must first create an account by clicking on *eRegister.*

(3) You will be asked to select the type of filing you are making; a comment on a particular project is considered a Comment on a Filing; or

(4) You can file a paper copy of your comments by mailing them to the following address. Be sure to reference the project docket number (CP20–53–000) with your submission: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426.

Summary of the Proposed Project

National Fuel is requesting the Certificate for the West Side Expansion Modernization (WSEM) Project issued on March 2, 2015, in Docket No. CP14–70–000 be amended. As part of the West Side Expansion Modernization (WSEM) Project, National Fuel received authorization to designate 1,775 horse power (HP) of compression out of 7,100 HP at the Mercer Compressor Station (CS) as spare compression to ensure National Fuel's ability to meet system pressure requirements and to perform routine and other maintenance when the system is operating at a high load factor. In its Certificate Order, the Commission conditioned the authorization of the ''spare'' compression stating that ''National Fuel cannot, without grant of additional certificate authorization, use any of the spare compression to satisfy intermittent demand for interruptible or secondary firm service or requests for short-term firm service during scheduled maintenance intervals.''

National Fuel is now seeking authorization to remove the spare designation from the 1,775 HP of compression at its Mercer CS to accommodate a subscribing shipper's request to direct a portion of its firm transportation capacity to a different primary delivery point.

The general location of the Mercer CS is shown in appendix 1.[1]

Land Requirements for Construction

The reclassification of the Mercer CS spare compression would not require the use of any new lands. No construction would be required and no areas outside the compressor building would be disturbed.

[1] The appendices referenced in this notice will not appear in the **Federal Register**. Copies of appendices were sent to all those receiving this notice in the mail and are available at *www.ferc.gov* using the link called eLibrary or from the Commission's Public Reference Room, 888 First Street NE, Washington, DC 20426, or call (202) 502–8371. For instructions on connecting to eLibrary, refer to the last page of this notice.

The EA Process

As stated above, the reclassification of the spare HP at the Mercer CS would occur within the existing compressor building and would not involve any land disturbance. The EA will discuss impacts that could occur as a result of the construction and operation of the proposed project.

Commission staff will also evaluate reasonable alternatives to the proposed project or portions of the project and make recommendations on how to lessen or avoid impacts on the various resource areas.

The EA will present Commission staffs' independent analysis of the issues. The EA will be available in electronic format in the public record through eLibrary [2] and the Commission's website (*https://www.ferc.gov/industries/gas/enviro/eis.asp*). If eSubscribed, you will receive instant email notification when the EA is issued. The EA may be issued for an allotted public comment period. Commission staff will consider all comments on the EA before making recommendations to the Commission. To ensure Commission staff have the opportunity to address your comments, please carefully follow the instructions in the Public Participation section, beginning on page 2.

With this notice, the Commission is asking agencies with jurisdiction by law and/or special expertise with respect to the environmental issues of this project to formally cooperate in the preparation of the EA.[3] Agencies that would like to request cooperating agency status should follow the instructions for filing comments provided under the Public Participation section of this notice.

Consultation Under Section 106 of the National Historic Preservation Act

In accordance with the Advisory Council on Historic Preservation's implementing regulations for section 106 of the National Historic Preservation Act, the Commission is using this notice to initiate consultation with the Pennsylvania State Historic Preservation Office, and to solicit their views and those of other government agencies, interested Indian tribes, and the public on the project's potential effects on historic properties.[4]

The EA for this project will document findings on the impacts on historic properties and summarize the status of consultations under section 106.

Currently Identified Environmental Issues

Commission staff has not identified any environmental concerns with the proposal at this time but will use your comments to determine if any exist. This will inform our analysis in the EA.

Environmental Mailing List

The environmental mailing list includes federal, state, and local government representatives and agencies; elected officials; environmental and public interest groups; Native American Tribes; other interested parties; and local libraries and newspapers. This list also includes all affected landowners (as defined in the Commission's regulations) who are potential right-of-way grantors, and anyone who submits comments on the project. Commission staff will update the environmental mailing list as the analysis proceeds to ensure that Commission notices related to this environmental review are sent to all individuals, organizations, and government entities interested in and/or potentially affected by the planned project.

If the Commission issues the EA for an allotted public comment period, a *Notice of Availability* of the EA will be sent to the environmental mailing list and will provide instructions to access the electronic document on the FERC's website (*www.ferc.gov*). If you need to make changes to your name/address, or if you would like to remove your name from the mailing list, please return the attached ''Mailing List Update Form'' (appendix 2).

Additional Information

Additional information about the project is available from the Commission's Office of External Affairs, at (866) 208–FERC, or on the FERC website at *www.ferc.gov* using the eLibrary link. Click on the eLibrary link, click on General Search and enter the docket number in the Docket Number field, excluding the last three digits (*i.e.,* CP20–53). Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at *FercOnlineSupport@ferc.gov* or (866) 208–3676, or for TTY, contact (202) 502–8659. The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

Public sessions or site visits will be posted on the Commission's calendar located at *www.ferc.gov/EventCalendar/EventsList.aspx* along with other related information.

Dated: March 26, 2020.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2020–06763 Filed 3–31–20; 8:45 am]

BILLING CODE 6717–01–P

[2] For instructions on connecting to eLibrary, refer to the last page of this notice.

[3] The Council on Environmental Quality regulations addressing cooperating agency responsibilities are at Title 40, Code of Federal Regulations, Part 1501.6.

[4] The Advisory Council on Historic Preservation's regulations are at Title 36, Code of Federal Regulations, part 800. Those regulations define historic properties as any prehistoric or historic district, site, building, structure, or object included in or eligible for inclusion in the National Register of Historic Places.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER20–1385–000]

Bluestone Farm Solar, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Bluestone Farm Solar, LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is April 15, 2020.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies

of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the website that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov.* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: March 26, 2020.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2020–06758 Filed 3–31–20; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 7189–014]

Green Lake Water Power Company; Notice of Cancellation of Dispute Resolution Panel Meeting and Technical Conference

The technical conference scheduled to occur via teleconference on Monday, March 30, 2020, regarding the dispute resolution panel for the Green Lake Hydroelectric Project (project) is cancelled. On March 26, 2020, the National Marine Fisheries Service filed a letter withdrawing its study dispute that was filed on February 25, 2020. The technical conference is therefore being cancelled due to the withdrawal of the study dispute. The three-person dispute resolution panel formed pursuant to 18 CFR 5.14(d) on March 9, 2020, by Commission staff, in response to the filing of a notice of study dispute is hereby disbanded.

Dated: March 26, 2020.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2020–06764 Filed 3–31–20; 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 Number: CP20–121–000.
Applicants: Transcontinental Gas Pipe Line Company, LLC.
Description: Abbreviated Application for Abandonment of Firm Transportation Service Provided for Various Customers of Transcontinental Gas Pipe Line Company, LLC.
Filed Date: 3/23/2020.
Accession Number: 20200323–5153.
Comments/Protests Due: 5 p.m. ET 4/13/2020.

Docket Number: CP20–122–000.
Applicants: Transcontinental Gas Pipe Line Company, LLC.
Description: Abbreviated Application for Abandonment of Firm Transportation Service of Transcontinental Gas Pipe Line Company, LLC.
Filed Date: 3/23/2020.
Accession Number: 20200323–5162.
Comments/Protests Due: 5 p.m. ET 4/13/2020.

Docket Number: PR20–46–000.
Applicants: AMP Intrastate Pipeline, LLC.
Description: Tariff filing per 284.123(b), (e)/: AMP Intrastate Pipeline, LLC. Baseline SOC Filing to be effective 2/24/2020.
Filed Date: 3/23/2020.
Accession Number: 202003235057.
Comments/Protests Due: 5 p.m. ET 4/13/2020.

Docket Number: PR20–34–001.
Applicants: Interstate Power and Light Company.
Description: Tariff filing per 284.123(b), (e)/: Amendment to IPL Revised Statement of Operating Conditions to be effective 2/7/2020.
Filed Date: 3/24/2020.
Accession Number: 202003245145.
Comments/Protests Due: 5 p.m. ET 4/14/2020.

Docket Numbers: RP20–680–000.
Applicants: WBI Energy Transmission, Inc.
Description: § 4(d) Rate Filing: 2020 Non-conforming & Negotiated Service Agreement—Kentex to be effective 4/1/2020.
Filed Date: 3/25/20.
Accession Number: 20200325–5044.
Comments Due: 5 p.m. ET 4/6/20.

Docket Numbers: RP20–681–000.
Applicants: Cheyenne Connector, LLC.
Description: Compliance filing CC Cheyenne Connector (CP18–102) Implementation, Baseline, and Negotiated Rates to be effective 5/25/2020.
Filed Date: 3/25/20.
Accession Number: 20200325–5118.
Comments Due: 5 p.m. ET 4/6/20.

Docket Numbers: RP20–682–000.
Applicants: Rockies Express Pipeline LLC.
Description: Compliance filing REX Cheyenne Hub Enhancement (CP18–103) Implementation and Negotiated Rates to be effective 5/25/2020.
Filed Date: 3/25/20.
Accession Number: 20200325–5145.
Comments Due: 5 p.m. ET 4/6/20.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified date(s). Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: March 26, 2020.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2020–06757 Filed 3–31–20; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER20–1167–001.
Applicants: Midcontinent Independent System Operator, Inc., Republic Transmission, LLC.
Description: Tariff Amendment: 2020–03–26_Republic Transmission Amendment Filing to be effective 12/31/9998.
Filed Date: 3/26/20.
Accession Number: 20200326–5134.
Comments Due: 5 p.m. ET 4/16/20.

Docket Numbers: ER20–1383–000.
Applicants: PECO Energy Company, PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: PECO submits Revisions to Att. H–7A re: Depreciation and Amortization Rates to be effective 5/29/2020.
Filed Date: 3/25/20.
Accession Number: 20200325–5152.
Comments Due: 5 p.m. ET 4/15/20.

Docket Numbers: ER20–1384–000.
Applicants: Florida Power & Light Company.
Description: Compliance filing: FPL Order No. 845 & 845–A Further Compliance Filing to be effective 5/22/2019.
Filed Date: 3/25/20.
Accession Number: 20200325–5154.
Comments Due: 5 p.m. ET 4/15/20.

Docket Numbers: ER20–1385–000.
Applicants: Bluestone Farm Solar, LLC.
Description: Baseline eTariff Filing: Application for Market-Based Rate Authorization, Request for Related Waivers to be effective 5/25/2020.
Filed Date: 3/25/20.
Accession Number: 20200325–5156.
Comments Due: 5 p.m. ET 4/15/20.

Docket Numbers: ER20–1387–000.
Applicants: Silver Run Electric, LLC, PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Silver Run Electric, LLC submits Revisions to OATT, Att. H–27A and H–27B to be effective 5/25/2020.
Filed Date: 3/25/20.
Accession Number: 20200325–5176.
Comments Due: 5 p.m. ET 4/15/20.

Docket Numbers: ER20–1388–000.
Applicants: Tri-State Generation and Transmission Association, Inc.
Description: § 205(d) Rate Filing: Rate Schedule FERC No. 267 between Tri-State and LPEA to be effective 1/31/2020.
Filed Date: 3/25/20.
Accession Number: 20200325–5187.
Comments Due: 5 p.m. ET 4/15/20.

Docket Numbers: ER20–1389–000.
Applicants: Tri-State Generation and Transmission Association, Inc.
Description: Tariff Cancellation: Notice of Cancellation of Rate Schedule FERC No. 82 to be effective 1/31/2020.
Filed Date: 3/25/20.
Accession Number: 20200325–5194.
Comments Due: 5 p.m. ET 4/15/20.

Docket Numbers: ER20–1390–000.
Applicants: Tri-State Generation and Transmission Association, Inc.
Description: Tariff Cancellation: Notice of Cancellation of Rate Schedule FERC No. 132 to be effective 1/31/2020.
Filed Date: 3/25/20.
Accession Number: 20200325–5198.
Comments Due: 5 p.m. ET 4/15/20.

Docket Numbers: ER20–1391–000.
Applicants: Tri-State Generation and Transmission Association, Inc.
Description: Tariff Cancellation: Notice of Cancellation of Rate Schedules FERC No. 160, No. 161 and No. 162 to be effective 1/31/2020.
Filed Date: 3/25/20.
Accession Number: 20200325–5202.
Comments Due: 5 p.m. ET 4/15/20.

Docket Numbers: ER20–1393–000.
Applicants: Niagara Mohawk Power Corporation, New York Independent System Operator, Inc.
Description: Tariff Cancellation: Notice of cancellation for IA between NMPC and Covanta Niagara LLC to be effective 5/26/2020.
Filed Date: 3/26/20.
Accession Number: 20200326–5086.
Comments Due: 5 p.m. ET 4/16/20.

Docket Numbers: ER20–1394–000.
Applicants: Alliant Energy Corporate Services, Inc.
Description: § 205(d) Rate Filing: AECS Schedule 2 Update to be effective 5/31/2020.
Filed Date: 3/26/20.
Accession Number: 20200326–5122.
Comments Due: 5 p.m. ET 4/16/20.

Docket Numbers: ER20–1395–000.
Applicants: ND OTM LLC.
Description: Baseline eTariff Filing: Application For Market Based Rate Authority to be effective 5/25/2020.
Filed Date: 3/26/20.
Accession Number: 20200326–5128.
Comments Due: 5 p.m. ET 4/16/20.

Docket Numbers: ER20–1396–000.
Applicants: VETCO.
Description: Baseline eTariff Filing: Order No. 864 Compliance Filing to be effective 3/26/2020.
Filed Date: 3/26/20.
Accession Number: 20200326–5148.
Comments Due: 5 p.m. ET 4/16/20.

Docket Numbers: ER20–1397–000.
Applicants: American Transmission Systems, Incorporated, PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Delmarva submits Interconnection Agreement SA No. 5544 to be effective 4/28/2020.
Filed Date: 3/26/20.
Accession Number: 20200326–5182.
Comments Due: 5 p.m. ET 4/16/20.

Docket Numbers: ER20–1398–000.
Applicants: Ocean State BTM, LLC.
Description: Baseline eTariff Filing: Ocean State BTM, LLC MBR Tariff Filing to be effective 5/25/2020.
Filed Date: 3/26/20.
Accession Number: 20200326–5189.
Comments Due: 5 p.m. ET 4/16/20.

Docket Numbers: ER20–1399–000.
Applicants: Rumford ESS, LLC.
Description: Baseline eTariff Filing: Rumford ESS, LLC to be effective 5/25/2020.
Filed Date: 3/26/20.
Accession Number: 20200326–5196.
Comments Due: 5 p.m. ET 4/16/20.

Take notice that the Commission received the following electric reliability filings.

Docket Numbers: RD20–7–000.
Applicants: North American Electric Reliability Corporation.
Description: Petition of the North American Electric Reliability Corporation for Approval of Proposed Reliability Standard PRC–024–3.
Filed Date: 3/20/20.
Accession Number: 20200320–5322.
Comments Due: 5 p.m. ET 4/20/20.

The filings are accessible in the Commission's eLibrary system by clicking on the links or 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: March 26, 2020.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2020–06760 Filed 3–31–20; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP18–90–000]

Transcontinental Gas Pipe Line Company, LLC; Notice of Extension of Time Request

Take notice that on March 23, 2020, Transcontinental Gas Pipe Line Company, LLC (Transco) requested that the Federal Energy Regulatory Commission (Commission) grant an extension of time, until September 30, 2021, to complete the abandonment in place of approximately 26.55 miles of 20-inch-diameter gathering pipeline and

appurtenances in offshore waters of Texas (Project), as authorized in the April 17, 2018 Order Amending Abandonment Authorization [1] (April 17 Order). The April 17 Order required Transco to complete the authorized abandonment within two years of the Order date.

Transco states that the offshore construction window generally runs from May 1st through September 30th of each year allowing for a very limited window to safely complete activities offshore. Transco asserts that it identified and addressed integrity issues downstream of the Project in 2018. Transco affirms that it started the abandonment work in 2019 but did not complete all the required work before the 2019 offshore construction window closed. Transco proposes to finish the remaining work required to abandon the Project facilities, including the cutting and removing of the tube turn at the base of the riser on the Brazos Area 133 A platform, during the 2020 offshore construction window.

This notice establishes a 15-calendar day intervention and comment period deadline. Any person wishing to comment on the extension motion may do so. No reply comments or answers will be considered. If you wish to obtain legal status by becoming a party to the proceedings for this request, you should, on or before the comment date stated below, file a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). However, only motions to intervene from entities that were party to the underlying proceeding will be accepted.

As a matter of practice, the Commission itself generally acts on requests for extensions of time to complete construction for NGA facilities when such requests are contested before order issuance. For those extension requests that are contested,[2] the Commission acting as a whole will aim to issue an order acting on the request within 45 days.[3] The Commission will address all arguments relating to whether the applicant has demonstrated there is good cause to grant the extension. The Commission will not consider arguments that re-litigate the issuance of the abandonment order, including whether the Commission properly found the project to be in the public convenience or necessity and whether the Commission's environmental analysis for the certificate complied with the National Environmental Policy Act.[4] At the time a pipeline requests an extension of time, orders on certificates of public convenience and/or necessity are final and the Commission will not re-litigate their issuance. The OEP Director, or his or her designee, will act on all of those extension requests that are uncontested.

The extension request is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's website 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, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TYY, (202) 502–8659.

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and three copies of the protest or intervention to the Federal Energy regulatory Commission, 888 First Street NE, Washington, DC 20426.

Comment Date: 5:00 p.m. Eastern Time on April 9, 2020.

Dated: March 25, 2020.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2020–06817 Filed 3–31–20; 8:45 am]

BILLING CODE 6717–01–P

[1] *Transcontinental Gas Pipe Line Company, LLC,* 163 FERC ¶ 62,046 (2018).

[2] Contested proceedings are those where an intervenor disputes any material issue of the filing. 18 CFR 385.2201(c)(1) (2019).

[3] *Algonquin Gas Transmission, LLC,* 170 FERC ¶ 61,144, at P 40 (2020).

[4] Similarly, the Commission will not re-litigate the issuance of an NGA section 3 authorization, including whether a proposed project is not inconsistent with the public interest and whether the Commission's environmental analysis for the permit order complied with NEPA.

ENVIRONMENTAL PROTECTION AGENCY

[FRL–10007–25–OA]

Request for Nominations of Candidates to the EPA's Science Advisory Board (SAB) and SAB Standing Committees

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The U.S. Environmental Protection Agency (EPA) invites nominations of scientific experts from a diverse range of disciplines to be considered for appointment to the EPA Science Advisory Board (SAB) and four SAB standing committees described in this notice. Appointments will be announced by the Administrator and are anticipated to be filled by the start of Fiscal Year 2021 (October 2020).

DATES: Nominations should be submitted in time to arrive no later than May 1, 2020.

SUPPLEMENTARY INFORMATION:

Background: The SAB is a chartered Federal Advisory Committee, established in 1978, under the authority of the Environmental Research, Development and Demonstration Authorization Act (ERDDAA), codified at 42 U.S.C. 4365, to provide independent scientific and technical peer review, consultation, advice and recommendations to the EPA Administrator. Members of the SAB constitute distinguished bodies of non-EPA scientists, engineers, and economists who are nationally and internationally recognized experts in their respective fields. Members are appointed by the EPA Administrator for a three-year term and serve as Special Government Employees who provide independent expert advice to the agency. Additional information about the SAB is available at *http://www.epa.gov/sab.*

Expertise Sought for the SAB: The chartered SAB provides scientific advice to the EPA Administrator on a variety of EPA science and research. All the work of SAB standing committees and ad-hoc panels is conducted under the auspices of the chartered SAB. The chartered SAB reviews all SAB standing committee and ad-hoc panel draft reports and determines whether each is of a high enough quality to deliver to the EPA Administrator. The SAB Staff Office invites nominations to serve on the chartered SAB in the following scientific disciplines as they relate to human health and the environment: *Analytical chemistry; benefit-cost analysis; causal inference; complex systems; ecological sciences and ecological assessment; economics; engineering; forestry; geochemistry; health sciences; hydrology; hydrogeology; medicine; microbiology; modeling; pediatrics; public health; risk assessment; social, behavioral and decision sciences; statistics; toxicology; epidemiology; and uncertainty analysis.*

The SAB Staff Office is especially interested in scientists in the disciplines described above who have knowledge and experience in *air quality; agricultural sciences; atmospheric sciences; benefit-cost analysis; complex systems; drinking water; energy and the environment; epidemiology; dose-*

response, exposure, and physiologically based pharmacokinetic (PBPK) modeling; water quality; water quantity and reuse; ecosystem services; community environmental health; sustainability; and waste management. For further information about the chartered SAB membership appointment process and schedule, please contact Dr. Thomas Armitage, DFO, by telephone at (202) 564–2155 or by email at *armitage.thomas@epa.gov.*

The SAB Staff Office is also seeking nominations of experts for possible vacancies on four SAB standing committees: The Agricultural Science Committee, the Chemical Assessment Advisory Committee; the Drinking Water Committee; and the Radiation Advisory Committee.

(1) The SAB Agricultural Science Committee (ASC) provides advice to the chartered SAB on matters that have been determined to have a significant direct impact on farming and agriculture-related industries. The SAB Staff Office invites the nomination of scientists with expertise in one or more of the following disciplines: *Agricultural science; agricultural economics, including the valuation of ecosystem goods and services; agricultural chemistry; agricultural engineering; agronomy and soil science; animal science; aquaculture science; biofuel engineering; biotechnology; crop science and phytopathology; environmental chemistry; forestry; and hydrology.* For further information about the ASC membership appointment process and schedule, please contact Dr. Shaunta Hill-Hammond, DFO, by telephone at (202) 564–3343 or by email at *hill-hammond.shaunta@epa.gov.*

(2) The SAB Chemical Assessment Advisory Committee (CAAC) provides advice through the chartered SAB regarding selected toxicological reviews of environmental chemicals. The SAB Staff Office invites the nomination of scientists with experience in chemical assessments and expertise in one or more of the following disciplines: *Toxicology, including, developmental/reproductive toxicology, and inhalation toxicology; carcinogenesis; dose-response, exposure, and physiologically based pharmacokinetic (PBPK) modeling; biostatistics; uncertainty analysis; epidemiology and risk assessment.* For further information about the CAAC membership appointment process and schedule, please contact Dr. Suhair Shallal, DFO, by telephone at (202) 564–2057 or by email at *shallal.suhair@epa.gov.*

(3) The SAB Drinking Water Committee (DWC) provides advice on the scientific and technical aspects of EPA's national drinking water program. The SAB Staff Office is seeking nominations of experts with experience on drinking water issues. Members should have expertise in one or more of the following disciplines: *Environmental engineering; epidemiology; microbiology; public health; toxicology, including new and emerging contaminants; uncertainty analysis; and risk assessment.* For further information about the DWC membership appointment process and schedule, please contact Dr. Bryan Bloomer, DFO, by telephone at (202) 564–4222 or by email at *bloomer.bryan@epa.gov.*

(4) The Radiation Advisory Committee (RAC) provides advice on radiation protection, radiation science, and radiation risk assessment. The SAB Staff Office invites the nomination of experts to serve on the RAC with demonstrated expertise in the following disciplines: *Radiation carcinogenesis; radiochemistry; radiation dosimetry; radiation epidemiology; radiation exposure; radiation health and safety; radiological risk assessment; uncertainty analysis; and radionuclide fate and transport.* For further information about the RAC membership appointment process and schedule, please contact Dr. Diana Wong, DFO, by telephone at (202) 564–2049 or by email at *wong.diana-m@epa.gov.*

Selection Criteria for the SAB and the SAB Standing Committees includes:

—Demonstrated scientific credentials and disciplinary expertise in relevant fields;
—Willingness to commit time to the committee and demonstrated ability to work constructively and effectively on committees;
—Background and experiences that would help members contribute to the diversity of perspectives on the committee, *e.g.,* geographical, social, cultural, educational backgrounds, professional affiliations; and other considerations; and
—For the committee as a whole, the collective breadth and depth of scientific expertise is considered.

As the SAB and its standing committees and ad-hoc panels undertake specific advisory activities, the SAB Staff Office will consider two additional criteria for each new activity: Absence of financial conflicts of interest and absence of an appearance of a loss of impartiality.

How to Submit Nominations: Any interested person or organization may nominate qualified persons to be considered for appointment to these advisory committees. Individuals may self-nominate. Nominations should be submitted in electronic format (preferred) using the online nomination form under the ''Nomination of Experts'' category at the bottom of the SAB home page at *http://www.epa.gov/sab.* To be considered, all nominations should include the information requested below. EPA values and welcomes diversity. All qualified candidates are encouraged to apply regardless of gender, race, disability or ethnicity.

Nominators are asked to identify the specific committee for which nominee is to be considered. The following information should be provided on the nomination form: Contact information for the person making the nomination; contact information for the nominee; the disciplinary and specific areas of expertise of the nominee; the nominee's *curriculum vitae;* and a biographical sketch of the nominee indicating current position, educational background; research activities; sources of research funding for the last two years; and recent service on other national advisory committees or national professional organizations. To help the agency evaluate the effectiveness of its outreach efforts, please indicate how you learned of this nomination opportunity. Persons having questions about the nomination process or the public comment process described below, or who are unable to submit nominations through the SAB website, should contact the DFO for the committee, as identified above. The DFO will acknowledge receipt of nominations and in that acknowledgement, will invite the nominee to provide any additional information that the nominee feels would be useful in considering the nomination, such as availability to participate as a member of the committee; how the nominee's background, skills and experience would contribute to the diversity of the committee; and any questions the nominee has regarding membership. The names and biosketches of qualified nominees identified by respondents to this **Federal Register** notice, and any additional experts identified by the SAB Staff Office, will be posted in a List of Candidates on the SAB website at *http://www.epa.gov/sab.* Public comments on each List of Candidates will be accepted for 21 days from the date the list is posted. The public will be requested to provide relevant information or other documentation on nominees that the SAB Staff Office should consider in evaluating candidates.

Candidates invited to serve will be asked to submit the ''Confidential

Financial Disclosure Form for Special Government Employees Serving on Federal Advisory Committees at the U.S. Environmental Protection Agency'' (EPA Form 3110–48). This confidential form allows EPA to determine whether there is a statutory conflict between that person's public responsibilities as a Special Government Employee and private interests and activities, or the appearance of a loss of impartiality, as defined by Federal regulation. The form may be viewed and downloaded through the ''Ethics Requirements for Advisors'' link on the SAB home page at *http://www.epa.gov/sab.* This form should not be submitted as part of a nomination.

V. Khanna Johnston,

Deputy Director, EPA Science Advisory Board Staff Office.

[FR Doc. 2020–06660 Filed 3–31–20; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ– OAR–2019–0333; FRL–10007–19–OAR]

Alternative Methods for Calculating Off-Cycle Credits Under the Light-Duty Vehicle Greenhouse Gas Emissions Program: Applications From Toyota Motor North America

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) is requesting comment on applications from Toyota Motor North America (''Toyota'') for off-cycle carbon dioxide (CO_2) credits under EPA's light-duty vehicle greenhouse gas emissions standards. ''Off-cycle'' emission reductions can be achieved by employing technologies that result in real-world benefits, but where that benefit is not adequately captured on the test procedures used by manufacturers to demonstrate compliance with emission standards. EPA's light-duty vehicle greenhouse gas program acknowledges these benefits by giving automobile manufacturers several options for generating ''off-cycle'' CO_2 credits. Under the regulations, a manufacturer may apply for CO_2 credits for off-cycle technologies that result in off-cycle benefits. In these cases, a manufacturer must provide EPA with a proposed methodology for determining the real-world off-cycle benefit. Toyota has submitted applications that describe methodologies for determining off-cycle credits from technologies described in their applications. Pursuant to applicable regulations, EPA is making these off-cycle credit calculation methodologies available for public comment.

DATES: Comments must be received on or before May 1, 2020.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–HQ–OAR–2019–0333, to the Federal eRulemaking Portal: *http://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or withdrawn. The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *https://www2.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Linc Wehrly, Director, Light Duty Vehicle Center, Compliance Division, Office of Transportation and Air Quality, U.S. Environmental Protection Agency, 2000 Traverwood Drive, Ann Arbor, MI 48105. Telephone: (734) 214–4286. Fax: (734) 214–4053. Email address: *wehrly.linc@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

EPA's light-duty vehicle greenhouse gas (GHG) program provides three pathways by which a manufacturer may accrue off-cycle carbon dioxide (CO_2) credits for those technologies that achieve CO_2 reductions in the real world but where those reductions are not adequately captured on the test used to determine compliance with the CO_2 standards, and which are not otherwise reflected in the standards' stringency. The first pathway is a predetermined list of credit values for specific off-cycle technologies that may be used beginning in model year 2014.[1] This pathway allows manufacturers to use conservative credit values established by EPA for a wide range of technologies, with minimal data submittal or testing requirements, if the technologies meet EPA regulatory definitions. In cases where the off-cycle technology is not on the menu but additional laboratory testing can demonstrate emission benefits, a second pathway allows manufacturers to use a broader array of emission tests (known as ''5-cycle'' testing because the methodology uses five different testing procedures) to demonstrate and justify off-cycle CO_2 credits.[2] The additional emission tests allow emission benefits to be demonstrated over some elements of real-world driving not adequately captured by the GHG compliance tests, including high speeds, hard accelerations, and cold temperatures. These first two methodologies were completely defined through notice and comment rulemaking and therefore no additional process is necessary for manufacturers to use these methods. The third and last pathway allows manufacturers to seek EPA approval to use an alternative methodology for determining the off-cycle CO_2 credits.[3] This option is only available if the benefit of the technology cannot be adequately demonstrated using the 5-cycle methodology. Manufacturers may also use this option to demonstrate reductions that exceed those available via use of the predetermined list.

Under the regulations, a manufacturer seeking to demonstrate off-cycle credits with an alternative methodology (*i.e.,* under the third pathway described above) must describe a methodology that meets the following criteria:

- Use modeling, on-road testing, on-road data collection, or other approved analytical or engineering methods;
- Be robust, verifiable, and capable of demonstrating the real-world emissions benefit with strong statistical significance;
- Result in a demonstration of baseline and controlled emissions over a wide range of driving conditions and number of vehicles such that issues of data uncertainty are minimized;
- Result in data on a model type basis unless the manufacturer demonstrates that another basis is appropriate and adequate.

Further, the regulations specify the following requirements regarding an application for off-cycle CO_2 credits:

- A manufacturer requesting off-cycle credits must develop a methodology for demonstrating and determining the benefit of the off-cycle technology and

[1] See 40 CFR 86.1869–12(b).

[2] See 40 CFR 86.1869–12(c).

[3] See 40 CFR 86.1869–12(d).

carry out any necessary testing and analysis required to support that methodology.

- A manufacturer requesting off-cycle credits must conduct testing and/or prepare engineering analyses that demonstrate the in-use durability of the technology for the full useful life of the vehicle.
- The application must contain a detailed description of the off-cycle technology and how it functions to reduce CO_2 emissions under conditions not represented on the compliance tests.
- The application must contain a list of the vehicle model(s) which will be equipped with the technology.
- The application must contain a detailed description of the test vehicles selected and an engineering analysis that supports the selection of those vehicles for testing.
- The application must contain all testing and/or simulation data required under the regulations, plus any other data the manufacturer has considered in the analysis.

Finally, the alternative methodology must be approved by EPA prior to the manufacturer using it to generate credits. As part of the review process defined by regulation, the alternative methodology submitted to EPA for consideration must be made available for public comment.[4] EPA will consider public comments as part of its final decision to approve or deny the request for off-cycle credits.

II. Off-Cycle Credit Applications

A. Denso Electric Scroll Air Conditioning Compressor

Toyota is applying for off-cycle GHG credits for the use of the Denso Electric Scroll Air Conditioning Compressor Variation B (ESB) with pressure adjusting valve technology. This technology improves the efficiency of the electric scroll compressor using a pressure adjusting valve to optimize back pressure on the fixed scroll and reduce mechanical losses. This is similar to the off cycle alternative method technology for the belt driven Denso SES/SAS compressor, for which credits were granted to Toyota in June 2018.[5] The requested credit amount was confirmed by Toyota through bench testing, following the method in the Society of Automotive Engineers (SAE) procedure J2765, to confirm air conditioning system power reduction of the technology resulting from the reduced mechanical losses in the compressor. The SAE J2766 standard (using the GREEN MAC Life Cycle Climate Performance Model) was used to calculate the normalized grams CO_2 per mile improvement of the technology for the U.S. market. The CO_2 grams per mile improvement was derived from the bench test results.

Toyota is applying for a credit of 1.9 grams/mile for 2016 and later model years for vehicles sold in the U.S. and equipped with the Denso ESB air conditioning compressor. EPA considers this compressor technology to be a technology that, if approved, will be subject to the maximum limits for an A/C system of 5.0 g/mi for passenger automobiles and 7.2 g/mi for light trucks specified in the regulations.[6] Details of the testing and analysis can be found in the manufacturer's applications.

B. Dual Layer HVAC Technology

Toyota is applying for off-cycle GHG credits for the use of a dual layer (or 2-layer) HVAC technology. Ventilation and heat transfer losses between the cabin and outside ambient are the key HVAC thermal losses during warmup. Ventilation losses can be reduced by recirculating the cabin air, but this has the adverse effect of building up cabin humidity, which can then become a safety hazard due to increased windshield fogging. Dual layer HVAC uses two separate ''layers'' of airflow within the vehicle and a two-stage fan that can recirculate air through the lower outlets while flowing fresh, low humidity air through the upper ducts (includes the windshield defroster). The module has a door that selects full fresh, full recirculate, or dual layer mode based on logic parameters. Low humidity air is needed to better defog the windshield and recirculated air improves warm up performance. With the use of recirculated air less engine heat is needed to warm the cabin, and both the cabin and the engine warm up faster. Faster engine warmup improves vehicle efficiency.

Toyota is applying for a credit of 0.6 grams/mile for 2016 and later model years for vehicles sold in the U.S. and equipped with the dual layer HVAC technology. Details of the testing and analysis can be found in the manufacturer's applications.

III. EPA Decision Process

EPA has reviewed the applications for completeness and is now making the applications available for public review and comment as required by the regulations. The off-cycle credit applications submitted by the manufacturers (with confidential business information redacted) have been placed in the public docket (see **ADDRESSES** section above) and on EPA's website at *https://www.epa.gov/vehicle-and-engine-certification/compliance-information-light-duty-greenhouse-gas-ghg-standards.*

EPA is providing a 30-day comment period on the applications for off-cycle credits described in this document, as specified by the regulations. The manufacturers may submit a written rebuttal of comments for EPA's consideration, or may revise an application in response to comments. After reviewing any public comments and any rebuttal of comments submitted by manufacturers, EPA will make a final decision regarding the credit requests. EPA will make its decision available to the public by placing a decision document (or multiple decision documents) in the docket and on EPA's website at the same manufacturer-specific pages shown above. While the broad methodologies used by these manufacturers could potentially be used for other vehicles and by other manufacturers, the vehicle specific data needed to demonstrate the off-cycle emissions reductions would likely be different. In such cases, a new application would be required, including an opportunity for public comment.

Dated: March 25, 2020.

Byron J. Bunker,

Director, Compliance Division, Office of Transportation and Air Quality, Office of Air and Radiation.

[FR Doc. 2020–06709 Filed 3–31–20; 8:45 am]

BILLING CODE 6560–50–P

[4] See 40 CFR 86.1869–12(d)(2).

[5] ''EPA Decision Document: Off-cycle Credits for General Motors and Toyota Motor Corporation.'' Compliance Division, Office of Transportation and Air Quality, U.S. Environmental Protection Agency. EPA–420–R–18–014, June 2018.

[6] See 40 CFR 86.1868–12 (b).

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OAR–2007–0478; FRL–10007–18–OAR]

Proposed Information Collection Request; Comment Request; Regulation of Fuels and Fuel Additives: Gasoline Volatility

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) is planning to submit an information collection request (ICR), Regulation of Fuels and Fuel Additives: Gasoline Volatility (EPA ICR No. 1367.13, OMB control No. 2060–0178), to the Office of Management and Budget

(OMB) for review and approval in accordance with the Paperwork Reduction Act (PRA). Before doing so, EPA is soliciting public comments on specific aspects of the proposed information collection as described below. This is a proposed extension of the ICR, which is currently approved through December 31, 2020. 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 June 1, 2020.

ADDRESSES: Submit your comments, referencing Docket ID No. EPA–HQ–OAR–2007–0478, online using *www.regulations.gov* (our preferred method), by email to *a-and-r-docket@epa.gov,* or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460.

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 (CBI) or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: James W. Caldwell, Compliance Division, Office of Transportation and Air Quality, Mail Code 6405A, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: (202) 343–9303; fax number: (202) 343–2802; email address: *caldwell.jim@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 *www.regulations.gov* or in person at the EPA Docket Center, WJC West Building, Room 3334, 1301 Constitution Ave. 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, EPA specifically solicits 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. 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, EPA will issue another **Federal Register** document to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB.

Abstract: Gasoline volatility, as measured by Reid Vapor Pressure (RVP) in pounds per square inch (psi), is controlled during the summer ozone season (June 1 to September 15) in order to minimize evaporative hydrocarbon emissions from motor vehicles. RVP is subject to a federal standard of 7.8 psi or 9.0 psi, depending on location. The addition of ethanol to gasoline increases the RVP by about 1 psi. Gasoline that contains between nine and 15 volume percent ethanol is provided a 1.0 psi waiver such that the RVP may be up to 8.8 psi or 10.0 psi for a federal standard of 7.8 psi or 9.0 psi respectively. As an aid to industry compliance and EPA enforcement, the product transfer document (PTD), which is prepared by the gasoline producer or importer and which accompanies a shipment of gasoline containing ethanol, is required by regulation to contain a legible and conspicuous statement that the gasoline contains ethanol and the percentage concentration of ethanol. This is intended to deter the mixing within the distribution system, particularly in retail storage tanks, of gasoline containing between nine and 15 volume percent ethanol with gasoline which does not contain ethanol in that range. Such mixing would likely result in a gasoline which is in violation of its RVP standard. Also, a party seeking a testing exemption for research on gasoline that is not in compliance with the applicable volatility standard must submit certain information to EPA. EPA has additional PTD requirements for gasoline containing ethanol at 40 CFR 80.1503. Those requirements are covered in a separate ICR.

Form Numbers: None.

Respondents/affected entities: Entities potentially affected by this action are those who produce or import gasoline containing ethanol, or who wish to obtain a testing exemption.

Respondent's obligation to respond: Mandatory per 40 CFR 80.27(d) and (e).

Estimated number of respondents: 2,200.

Frequency of response: On occasion.

Total estimated burden: 1,410 hours per year. Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: $154,030, includes $10 annualized capital or operation & maintenance costs.

Changes in Estimates: With just about all PTDs now computer-generated, the average time to include the regulatory language on each PTD has decreased from one second to 0.1 second. The total annual burden has decreased from 12.330 hours per year to 1,410 hours per year.

Dated: March 25, 2020.

Byron J. Bunker,

Director, Compliance Division, Office of Transportation and Air Quality, Office of Air and Radiation.

[FR Doc. 2020–06708 Filed 3–31–20; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

[IB Docket No. 16–185; DA 20–300]

Announcement of Re-Chartering for the Advisory Committee for the World Radio Conference

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: In accordance with the Federal Advisory Committee Act, the Federal Communications Commission announces that the charter for the Advisory Committee for the World Radio Conference (WRC Advisory Committee) has been renewed by the General Services Administration (GSA) for a two-year period. The WRC Advisory Committee is a federal advisory committee under the Federal Advisory Committee Act.

DATES: Renewed for two years, starting April 2, 2020.

ADDRESSES: Federal Communications Commission, 445 12th Street SW, Room TW–C305, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Dante Ibarra, Designated Federal Officer (DFO), WRC Advisory Committee, FCC International Bureau, Global Strategy and Negotiations Division, at (202) 418–0610. Email: *dante.ibarra@fcc.gov.*

SUPPLEMENTARY INFORMATION: In accordance with the Federal Advisory

Committee Act, Public Law 92–463, as amended, this notice advises interested persons that the GSA renewed the charter of the WRC Advisory Committee for two years, commencing April 2, 2020. Its scope of activities is to address issues contained in the agenda for the 2023 World Radio Conference (WRC–23). The WRC–23 Advisory Committee will continue to provide to the FCC advice, data, and technical analyses, and will formulate recommendations relating to the preparation of U.S. proposals and positions for WRC–23.

Federal Communications Commission.

Troy Tanner,

Deputy Chief, International Bureau.

[FR Doc. 2020–06808 Filed 3–31–20; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL MARITIME COMMISSION

Notice of Agreements Filed

The Commission hereby gives notice of the filing of the following agreements under the Shipping Act of 1984. Interested parties may submit comments, relevant information, or documents regarding the agreements to the Secretary by email at *Secretary@fmc.gov,* or by mail, Federal Maritime Commission, Washington, DC 20573. Comments will be most helpful to the Commission if received within 12 days of the date this notice appears in the **Federal Register**. Copies of agreements are available through the Commission's website (*www.fmc.gov*) or by contacting the Office of Agreements at (202)–523–5793 or *tradeanalysis@fmc.gov.*

Agreement No.: 201288–003.

Agreement Name: Digital Container Shipping Association Agreement.

Parties: CMA CGM S.A.; Evergreen Marine Corporation; Hapag-Lloyd AG; Hyundai Merchant Marine Co., Ltd.; Maersk A/S; Mediterranean Shipping Company S.A.; Ocean Network Express Pte. Ltd.; Yang Ming Marine Transport Corporation; and Zim Integrated Shipping Services Ltd.

Filing Party: Wayne Rohde; Cozen O'Connor.

Synopsis: The amendment revises Article 6.2 and Appendices B, C, E and F to revise the procedure for electing the Chair and Vice Chair of the Supervisory Board, the composition of the Supervisory Board, and how certain financial obligations will be handled in the event of the resignation or voluntary suspension of a member. It also changes the name of the Maersk entity that is party to the Agreement.

Proposed Effective Date: 5/9/2020.

Location: https://www2.fmc.gov/FMC.Agreements.Web/Public/AgreementHistory/21328.

Dated: March 27, 2020.

Rachel E. Dickon,

Secretary.

[FR Doc. 2020–06806 Filed 3–31–20; 8:45 am]

BILLING CODE 6730–02–P

FEDERAL RESERVE SYSTEM

Agency Information Collection Activities: Announcement of Board Approval Under Delegated Authority and Submission to OMB

AGENCY: Board of Governors of the Federal Reserve System.

SUMMARY: The Board of Governors of the Federal Reserve System (Board) is adopting a proposal to extend for three years, with revision, the Financial Statements for Holding Companies (FR Y–9 reports; OMB No. 7100–0128). The revisions are applicable as of March 31, 2020, June 30, 2020, and March 31, 2021.

FOR FURTHER INFORMATION CONTACT: Federal Reserve Board Clearance Officer—Nuha Elmaghrabi—Office of the Chief Data Officer, Board of Governors of the Federal Reserve System, Washington, DC 20551, (202) 452–3829. Office of Management and Budget (OMB) Desk Officer—Alex Goodenough—Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street NW, Washington, DC 20503, or by fax to (202) 395–6974. A copy of the Paperwork Reduction Act (PRA) OMB submission, including the reporting form and instructions, supporting statement, and other documentation will be placed into OMB's public docket files. These documents also are available on the Federal Reserve Board's public website at *https://www.federalreserve.gov/apps/reportforms/review.aspx* or may be requested from the agency clearance officer, whose name appears above.

SUPPLEMENTARY INFORMATION: On June 15, 1984, OMB delegated to the Board authority under the PRA to approve and assign OMB control numbers to collections of information conducted or sponsored by the Board. Board-approved collections of information are incorporated into the official OMB inventory of currently approved collections of information. Copies of the PRA Submission, supporting statements, and approved collection of information instrument(s) are placed into OMB's public docket files.

Final Approval Under OMB Delegated Authority of the Extension for Three Years, With Revision of the Following Information Collection

Report Title: Financial Statements for Holding Companies.

Agency form number: FR Y–9C, FR Y–9LP, FR Y–9SP, FR Y–9ES, and FR Y–9CS.

OMB control number: 7100–0128.

Effective Date: March 31, 2020, June 30, 2020, March 31, 2021.

Frequency: Quarterly, semiannually, and annually.

Respondents: Bank holding companies, savings and loan holding companies,[1] securities holding companies, and U.S. intermediate holding companies (collectively, HCs).

Estimated number of respondents: FR Y–9C (non-advanced approaches HCs CBLR) with less than $5 billion in total assets): 71; FR Y–9C (non-advanced approaches HCs CBLR) with $5 billion or more in total assets): 35; FR Y–9C (non-advanced approaches HCs non-CBLR) with less than $5 billion in total assets): 84; FR Y–9C (non-advanced approaches HCs non-CBLR) with $5 billion or more in total assets): 154; FR Y–9C (advanced approaches HCs): 19; FR Y–9LP: 434; FR Y–9SP: 3,960; FR Y–9ES: 83; FR Y–9CS: 236.

Estimated average hours per response:

Reporting

FR Y–9C (non-advanced approaches HCs CBLR) with less than $5 billion in total assets): 29.14 hours; FR Y–9C (non-advanced approaches HCs CBLR) with $5 billion or more in total assets): 35.11 hours; FR Y–9C (non-advanced approaches HCs non-CBLR) with less than $5 billion in total assets): 40.98 hours; FR Y–9C (non-advanced approaches HCs non-CBLR) with $5 billion or more in total assets): 46.95 hours; FR Y–9C (advanced approaches HCs): 48.59 hours; FR Y–9LP: 5.27 hours; FR Y–9SP: 5.40 hours; FR Y–9ES: 0.50 hours; FR Y–9CS: 0.50 hours.

Recordkeeping

FR Y–9C (non-advanced approaches HCs with less than $5 billion in total assets), FR Y–9C (non-advanced approaches HCs with $5 billion or more in total assets), FR Y–9C (advanced approaches HCs), and FR Y–9LP: 1.00 hour; FR Y–9SP, FR Y–9ES, and FR Y–9CS: 0.50 hours.

[1] An SLHC must file one or more of the FR Y–9 series of reports unless it is: (1) A grandfathered unitary SLHC with primarily commercial assets and thrifts that make up less than 5 percent of its consolidated assets; or (2) a SLHC that primarily holds insurance-related assets and does not otherwise submit financial reports with the SEC pursuant to section 13 or 15(d) of the Securities Exchange Act of 1934.

Estimated annual burden hours:

Reporting

FR Y–9C (non-advanced approaches HCs CBLR) with less than $5 billion in total assets): 8,276 hours; FR Y–9C (non-advanced approaches HCs CBLR) with $5 billion or more in total assets): 4,915 hours; (non-advanced approaches HCs non-CBLR) with less than $5 billion in total assets): 13,769 hours; FR Y–9C (non-advanced approaches HCs non-CBLR) with $5 billion or more in total assets): 28,921 hours; FR Y–9C (advanced approaches HCs): 3,693 hours; FR Y–9LP: 9,149 hours; FR Y–9SP: 42,768 hours; FR Y–9ES: 42 hours; FR Y–9CS: 472 hours.

Recordkeeping

FR Y–9C: 1,452 hours; FR Y–9LP: 1,736 hours; FR Y–9SP: 3,960 hours; FR Y–9ES: 42 hours; FR Y–9CS: 472 hours.

General description of report:

The FR Y–9C consists of standardized financial statements similar to the Call Reports filed by commercial banks.[2] The FR Y–9C collects consolidated data from HCs and is filed quarterly by top-tier HCs with total consolidated assets of $3 billion or more.[3]

The FR Y–9LP, which collects parent company only financial data, must be submitted by each HC that files the FR Y–9C, as well as by each of its subsidiary HCs.[4] The report consists of standardized financial statements.

The FR Y–9SP is a parent company only financial statement filed semiannually by HCs with total consolidated assets of less than $3 billion. In a banking organization with total consolidated assets of less than $3 billion that has tiered HCs, each HC in the organization must submit, or have the top-tier HC submit on its behalf, a separate FR Y–9SP. This report is designed to obtain basic balance sheet and income data for the parent company, and data on its intangible assets and intercompany transactions.

The FR Y–9ES is filed annually by each employee stock ownership plan (ESOP) that is also an HC. The report collects financial data on the ESOP's benefit plan activities. The FR Y–9ES consists of four schedules: A Statement of Changes in Net Assets Available for Benefits, a Statement of Net Assets Available for Benefits, Memoranda, and Notes to the Financial Statements.

The FR Y–9CS is a free-form supplemental report that the Board may utilize to collect critical additional data deemed to be needed in an expedited manner from HCs. The data are used to assess and monitor emerging issues related to HCs, and the report is intended to supplement the other FR Y–9 reports. The data items included on the FR Y–9CS may change as needed.

Legal authorization and confidentiality: The Board has the authority to impose the reporting and recordkeeping requirements associated with the Y–9 family of reports on bank holding companies (''BHCs'') pursuant to section 5 of the Bank Holding Company Act (''BHC Act''), (12 U.S.C. 1844); on savings and loan holding companies pursuant to section 10(b)(2) and (3) of the Home Owners' Loan Act, (12 U.S.C. 1467a(b)(2) and (3)), as amended by sections 369(8) and 604(h)(2) of the Dodd-Frank Wall Street Reform and Consumer Protection Act (''Dodd-Frank Act''); on U.S. intermediate holding companies (''U.S. IHCs'') pursuant to section 5 of the BHC Act, (12 U.S.C. 1844), as well as pursuant to sections 102(a)(1) and 165 of the Dodd-Frank Act, (12 U.S.C. 511(a)(1) and 5365);[5] and on securities holding companies pursuant to section 618 of the Dodd-Frank Act, (12 U.S.C. 1850a(c)(1)(A)). The obligation to submit the FR Y–9 series of reports, and the recordkeeping requirements set forth in the respective instructions to each report, are mandatory.

With respect to the FR Y–9C report, Schedule HI's item 7(g) ''FDIC deposit insurance assessments,'' Schedule HC–P's item 7(a) ''Representation and warranty reserves for 1–4 family residential mortgage loans sold to U.S. government agencies and government sponsored agencies,'' and Schedule HC–P's item 7(b) ''Representation and warranty reserves for 1–4 family residential mortgage loans sold to other parties'' are considered confidential commercial and financial information. Such treatment is appropriate under exemption 4 of the Freedom of Information Act (''FOIA''), (5 U.S.C. 552(b)(4)), because these data items reflect commercial and financial information that is both customarily and actually treated as private by the submitter, and which the Board has previously assured submitters will be treated as confidential. It also appears that disclosing these data items may reveal confidential examination and supervisory information, and in such instances, this information would also be withheld pursuant to exemption 8 of the FOIA, (5 U.S.C. 552(b)(8)), which protects information related to the supervision or examination of a regulated financial institution.

In addition, for both the FR Y–9C report and the FR Y–9SP report, Schedule HC's memorandum item 2.b., the name and email address of the external auditing firm's engagement partner, is considered confidential commercial information and protected by exemption 4 of the FOIA, (5 U.S.C. 552(b)(4)), if the identity of the engagement partner is treated as private information by HCs.

Aside from the data items described above, the remaining data items on the FR Y–9C report and the FR Y–9SP report are generally not accorded confidential treatment. The data items collected on FR Y–9LP, FR Y–9ES, and FR Y–9CS[6] reports, are also generally not accorded confidential treatment. As provided in the Board's Rules Regarding Availability of Information (12 CFR part 261), however, a respondent may request confidential treatment for any data items the respondent believes should be withheld pursuant to a FOIA exemption. The Board will review any such request to determine if confidential treatment is appropriate, and will inform the respondent if the request for confidential treatment has been denied.

To the extent that the instructions, to the FR Y–9C, FR Y–9LP, FR Y–9SP, and FR Y–9ES reports, each respectively direct a financial institution to retain the workpapers and related materials

[2] The Call Reports consist of the Consolidated Reports of Condition and Income for a Bank with Domestic Offices Only and Total Assets Less Than $5 Billion (FFIEC 051), the Consolidated Reports of Condition and Income for a Bank with Domestic Offices Only (FFIEC 041) and the Consolidated Reports of Condition and Income for a Bank with Domestic and Foreign Offices (FFIEC 031).

[3] Under certain circumstances described in the FR Y–9C's General Instructions, HCs with assets under $3 billion may be required to file the FR Y–9C.

[4] A top-tier HC may submit a separate FR Y–9LP on behalf of each of its lower-tier HCs.

[5] Section 165(b)(2) of Title I of the Dodd-Frank Act, (12 U.S.C. 5365(b)(2)), refers to ''foreign-based bank holding company.'' Section 102(a)(1) of the Dodd-Frank Act, (12 U.S.C. 5311(a)(1)), defines ''bank holding company'' for purposes of Title I of the Dodd-Frank Act to include foreign banking organizations that are treated as bank holding companies under section 8(a) of the International Banking Act, (12 U.S.C. 3106(a)). The Board has required, pursuant to section 165(b)(1)(B)(iv) of the Dodd-Frank Act, (12 U.S.C. 5365(b)(1)(B)(iv)), certain foreign banking organizations subject to section 165 of the Dodd-Frank Act to form U.S. intermediate holding companies. Accordingly, the parent foreign-based organization of a U.S. IHC is treated as a BHC for purposes of the BHC Act and section 165 of the Dodd-Frank Act. Because Section 5(c) of the BHC Act authorizes the Board to require reports from subsidiaries of BHCs, section 5(c) provides additional authority to require U.S. IHCs to report the information contained in the FR Y–9 series of reports.

[6] The FR Y–9CS is a supplemental report that may be utilized by the Board to collect additional information that is needed in an expedited manner from HCs. The information collected on this supplemental report is subject to change as needed. Generally, the FR Y–9CS report is treated as public. However, where appropriate, data items on the FR Y–9CS report may be withheld under exemptions 4 and/or 8 of the Freedom of Information Act, (5 U.S.C. 552(b)(4) and (8)).

used in preparation of each report, such material would only be obtained by the Board as part of the examination or supervision of the financial institution. Accordingly, such information may be considered confidential pursuant to exemption 8 of the FOIA (5 U.S.C. 552(b)(8)). In addition, the financial institution's workpapers and related materials may also be protected by exemption 4 of the FOIA, to the extent such financial information is treated as confidential by the respondent (5 U.S.C. 552(b)(4)).

Current Actions

Overview

On December 27, 2019, the Board published an initial notice in the **Federal Register** (84 FR 71414) requesting public comment for 60 days on the extension for three years, with revision, of the FR Y–9 reports. The comment period for this notice expired on February 25, 2020. The Board proposed revisions to the FR Y–9 reports that would have implemented, for regulatory reporting purposes, various recent changes to the Board's regulatory capital rule.[7] The changes to the Board's regulatory capital rule included in the December 2019 notice related to the capital simplifications rule, the community bank leverage ratio (CBLR) rule, the standardized approach for counterparty credit risk (SA–CCR) on derivative contracts, and the high volatility commercial real estate (HVCRE) land development rule, all discussed further below.

The Board also proposed, in the December 2019 notice, instructional revisions for the reporting of operating lease liabilities and home equity lines of credit (HELOCs) that convert from revolving to non-revolving status.

The Board received one comment, from a bankers' association, on the proposed extension, with revision, of the FR Y–9 reports.

In connection with the December 2019 notice, the Board also considered comments submitted regarding a proposal to make similar revisions to the Call Reports[8] in order to promote consistency between the Call Reports and the FR Y–9 reports. The Board, Federal Deposit Insurance Corporation (FDIC), and Office of the Comptroller of the Currency (OCC) (the agencies) received comments on the proposed Call Report changes from four entities: Three bankers' associations and one savings association. These comments are addressed in the following sections of this notice.

After considering the comments received on the December 2019 notice, as well as the comments on the recent proposed changes to the Call Report, the Board is adopting the reporting changes proposed in the December 2019 notice with modifications discussed in the following sections of this notice.

The Board has adopted final rules for all of the regulatory capital rulemakings addressed in the December 2019 notice. The capital-related reporting changes discussed in the December 2019 notice will be effective in the same quarters as the effective dates of the various final capital rules.

Proposed Revisions to the FR Y–9C

Simplifications Rule

The Board proposed to revise the FR Y–9C to implement the Board's final rule to simplify certain aspects of the capital rule (simplifications rule), which made a number of changes to the calculation of common equity tier 1 (CET1) capital, additional tier 1 capital, and tier 2 capital for non-advanced approaches holding companies that do not apply to advanced approaches institutions.[9] [10] The simplifications rule results in different calculations for these tiers of regulatory capital for non-advanced approaches holding companies and advanced approaches HCs. To reflect the effects of the simplifications rule for non-advanced approaches HCs, the Board proposed to adjust the existing regulatory capital calculations reported on Schedule HC–R, Part I. Although the proposed report would have included two sets of calculations (for non-advanced approaches HCs and advanced approaches HCs), a HC would have been required to complete only the set applicable to that holding company.

The simplifications rule provides for certain amendments to the capital rule, associated with the proposed reporting revisions to the FR Y–9C, with an effective date of April 1, 2020. On October 29, 2019, the Board issued a final rule that permits non-advanced approaches banking organizations to implement the simplifications rule on January 1, 2020.[11] As a result, non-advanced approaches HCs have the option to implement the simplifications rule on the revised effective date of January 1, 2020, or wait until the quarter beginning April 1, 2020. The Board proposed revisions to Schedule HC–R, Regulatory Capital, to implement the associated changes to the capital rule effective as of the March 31, 2020, report date, consistent with the simplifications rule's optional effective date.

The Board proposed a number of revisions that would have simplified the capital calculations on Schedule HC–R, Part I and Part II, and thereby reduced burden. As previously mentioned, the proposed FR Y–9C would have included two sets of calculations (one that incorporates the effects of the simplifications rule and another that does not); therefore, a holding company would have been required to complete only the column for the set of calculations applicable to that holding company. For the March 31, 2020, report date, non-advanced approaches HCs that elect to adopt the simplifications rule on January 1, 2020, would have been required to complete the column for the set of calculations that incorporates the effects of the simplifications rule. Non-advanced approaches HCs that elect to wait to adopt the simplifications rule on April 1, 2020, and all advanced approaches holding companies would have been required to complete the column for the set of calculations that does not reflect the effects of this rule (*i.e.,* that reflects the capital calculation in effect for all holding companies before this revision). Beginning with the June 30, 2020, report date, all non-advanced approaches holding companies would have been required to complete the column for the set of calculations that incorporates the effects of the simplifications. The advanced approaches holding companies would have been required to complete the column that does not reflect the effects of the simplifications rule.

Currently, the regulatory capital calculations in FR Y–9C Schedule HC–R provide that a holding company's capital cannot include mortgage servicing assets (MSAs), certain temporary difference deferred tax assets (DTAs), and significant investments in the common stock of unconsolidated financial institutions in an amount greater than 10 percent of CET1 capital, on an individual basis, and that those three data items combined cannot comprise more than 15 percent of CET1 capital. Under the simplifications rule, the Board increased the threshold for MSAs, DTAs that could not be realized

[7] 12 CFR part 217.

[8] 85 FR 4780 (January 27, 2020)

[9] 84 FR 35234 (July 22, 2019).

[10] In general, an advanced approaches HC, as defined in the Board's Regulation Q, has consolidated total assets of $250 billion or more, has consolidated total on-balance sheet foreign exposure of $10 billion or more, has a subsidiary depository institution that uses the advanced approaches to calculate its total risk-weighted assets, or elects to use the advanced approaches to calculate its total risk-weighted assets. See 12 CFR 217.100.

[11] 84 FR 61804 (November 13, 2019).

through net operating loss carrybacks (temporary difference DTAs),[12] and investments in the capital of unconsolidated financial institutions for non-advanced approaches HCs. The Board proposed to revise Schedule HC–R to permit non-advanced approaches HCs to include as capital MSAs and temporary difference DTAs up to 25 percent of CET1 capital, on an individual basis. In addition, the 15 percent aggregate limit would have been be removed, and, the Board would have revised the capital calculation for minority interest included in the various capital categories for non-advanced approaches HCs and the calculation of the capital conservation buffer.

The simplifications rule also combined the current three categories of investments in financial institutions (non-significant investments in the capital of unconsolidated financial institutions, significant investments in the capital of unconsolidated financial institutions that are in the form of common stock, and significant investments in the capital of unconsolidated financial institutions that are not in the form of common stock) into a single category: Investments in the capital of unconsolidated financial institutions. The simplifications rule will apply a limit of 25 percent of CET1 capital on the amount of these investments that can be included in capital. Any investments in excess of the 25 percent limit would be deducted from capital using the corresponding deduction approach.[13] The Board proposed to revise the FR Y–9C to implement this change.

Consistent with the current capital rule, a holding company must risk weight MSAs, temporary difference DTAs, and investments in the capital of unconsolidated financial institutions that are not deducted. As a result of the simplifications rule, non-advanced approaches banking organizations will not be required to differentiate among categories of investments in the capital of unconsolidated financial institutions. The risk weight for such equity exposures generally will be 100 percent, provided the exposures qualify for this risk weight.[14] For non-advanced approaches banking organizations, the simplifications rule eliminates the exclusion of significant investments in the capital of unconsolidated financial institutions in the form of common stock from being eligible for a 100 percent risk weight.[15] The application of the 100 percent risk weight (i) requires a banking organization to follow an enumerated process for calculating the adjusted carrying value, and (ii) mandates the inclusion of equity exposures to determine whether the threshold has been reached. Equity exposures that do not qualify for a preferential risk weight will generally receive risk weights of either 300 percent or 400 percent, depending on whether the equity exposures are publicly traded.[16] The Board proposed to revise the FR Y–9C to implement this change, as discussed below.

In order to implement these regulatory capital changes, a number of revisions were proposed to Schedule HC–R, Part I, for non-advanced approaches HCs. Specifically, the Board proposed to create two columns for existing items 11 through 19 on the FR Y–9C. Column A would have been reported by non-advanced approaches HCs that elect to adopt the simplifications rule on January 1, 2020, in the March 31, 2020, FR Y–9C report and by all non-advanced approaches HCs beginning in the June 30, 2020, FR Y–9C report using the definitions under the simplifications rule. Column A would not have included items 11 or 16, and items 13 through 15 would have been designated as items 13.a, column A through item 15.a, column A to reflect the new calculation methodology. Column B would have been reported by advanced approaches HCs and by non-advanced approaches HCs that elect to wait to adopt the simplifications rule on April 1, 2020, in the March 31, 2020, FR Y–9C report and only by advanced approaches HCs beginning in the June 30, 2020, FR Y–9C report using the existing definitions. Existing items 13 through 15 would have been designated as items 13.b, column B through item 15.b, column B to reflect continued use of the existing calculation methodology.

With respect to the revisions related to the capital calculation for minority interests, the Board proposed to modify the FR Y–9C instructions to reflect the ability of non-advanced approaches HCs to use the revised method under the simplifications rule to calculate minority interest in existing items 4, 22, and 39 (CET1, additional tier 1, and tier 2 minority interest, respectively).

In addition, as a result of certain changes made by the capital simplifications rule, the Board proposal would have clarified when a holding company must report the amount of distributions and discretionary bonus payments in Schedule HC–R, Part I, item 48 (which would have been renumbered as item 52). The Board would have clarified the instructions for renumbered item 52 to explain that an institution must report the amount of distributions and discretionary bonus payments made during the calendar quarter ending on the report date, if the amount of its capital conservation buffer that it reported for the previous calendar quarter-end report date was less than its applicable required buffer percentage on that previous calendar quarter-end report date. This change would have enhanced the Board's ability to monitor compliance with the limitations on distributions and discretionary bonus payments. Holding companies would have been required to comply with this instructional clarification beginning with the March 31, 2020, report date.

The Board received no comments regarding the proposed revisions to the FR Y–9C related to the capital simplifications rule, and the comments received on the Call Reports were not applicable to these proposed revisions. The Board has adopted the proposed revisions to the FR Y–9C related to the simplifications rule without modification.

Community Bank Leverage Ratio

The Board proposed to revise the FR Y–9C to implement a simplified alternative measure of capital adequacy, the community bank leverage ratio (CBLR), for qualifying HCs with less than $10 billion in total consolidated assets. The proposed revisions would have aligned the FR Y–9C with the CBLR final rule,[17] which implemented section 201 of the Economic Growth, Regulatory Relief, and Consumer Protection Act (EGRRCPA).[18] The

[12] The Board notes that the Tax Cuts and Jobs Act, Public Law 115–97, 131 Stat. 2054 (2017), eliminated the concept of net operating loss carrybacks for U.S. federal income tax purposes, although the concept may still exist in particular jurisdictions for state or foreign income tax purposes.

[13] See 84 FR 35234 (July 22, 2019).

[14] Note that for purposes of calculating the 10 percent nonsignificant equity bucket, the capital rule excludes equity exposures that are assigned a risk weight of zero percent or 20 percent and community development equity exposures and the effective portion of hedge pairs, both of which are assigned a 100 percent risk weight. In addition, the 10 percent non-significant bucket excludes equity exposures to an investment firm that would not meet the definition of traditional securitization were it not for the application of criterion 8 of the definition of traditional securitization, and has greater than immaterial leverage.

[15] Equity exposures that exceed, in the aggregate, 10 percent of a non-advanced approaches banking organization's total capital would then be assigned a risk weight based upon the approaches available in sections 217.52 and 217.53 of the capital rule. 12 CFR 217.52 and .53.

[16] *See* 84 FR 35234 (July 22, 2019).

[17] 84 FR 61776 (November 13, 2019).

[18] *See* Public Law 115–174, 132 Stat. 1296 (2018).

proposed revisions to the FR Y–9C would have become effective for the March 31, 2020, report date, the first report date in respect of which a HC could elect to opt into the framework established by the community leverage bank ratio final rule (CBLR framework).

Under the CBLR final rule, HCs that have less than $10 billion in total consolidated assets, meet risk-based qualifying criteria, and have a leverage ratio of greater than 9 percent would be eligible to opt into the CBLR framework. A HC that opts into the CBLR framework, maintains a leverage ratio of greater than 9 percent, and continues to meet the other qualifying criteria will be considered to have satisfied the generally applicable risk-based and leverage capital requirements and any other capital or leverage requirements to which it is subject.[19]

Under the CBLR final rule, a holding company that opts into the CBLR framework (CBLR HC) may opt out of the CBLR framework at any time, without restriction, by reverting to the generally applicable capital requirements in the Board's capital rule and reporting its regulatory capital information in the FR Y–9C Schedule HC–R, ''Regulatory Capital,'' Parts I and II, at the time of opting out.

As described in the CBLR final rule, a CBLR HC that no longer meets the qualifying criteria for the CBLR framework will be required within two consecutive calendar quarters (grace period) either to satisfy once again the qualifying criteria or demonstrate compliance with the generally applicable capital requirements. During the grace period, the HC would continue to be treated as a CBLR HC and would be required to report its leverage ratio and related components in FR Y–9C Schedule HC–R, Part I.[20] A CBLR HC that ceases to meet the qualifying criteria as a result of a business combination (such as a merger) will receive no grace period, and will immediately become subject to the generally applicable capital requirements. Similarly, a CBLR HC that fails to maintain a leverage ratio greater than 8 percent would not be permitted to use the grace period and would immediately become subject to the generally applicable capital requirements.[21]

The Board proposed to incorporate revisions related to the CBLR framework into Schedule HC–R, Part I. As provided in the CBLR final rule, the numerator of the community bank leverage ratio will be tier 1 capital, which is currently reported on Schedule HC–R, Part I, item 26. Therefore, the Board did not propose any changes related to the numerator of the CBLR.

As provided in the planned CBLR final rule, the denominator of the community bank leverage ratio will be average total consolidated assets. Specifically, average total consolidated assets would be calculated in accordance with the existing reporting instructions for Schedule HC–R, Part I, items 36 through 39. The Board did not propose any substantive changes related to the denominator of the community bank leverage ratio. However, the Board proposed to move existing items 36 through 39 of Schedule HC–R, Part I, and renumber them as items 27 through 30 of Schedule HC–R, Part I, to consolidate all of the CBLR-related capital items earlier in Schedule HC–R, Part I.

As provided in the CBLR final rule, an HC will calculate its community bank leverage ratio by dividing tier 1 capital by average total consolidated assets (as adjusted), and the community bank leverage ratio would be reported as a percentage, rounded to four decimal places. Since this calculation is essentially identical to the existing calculation of the tier 1 leverage ratio in Schedule HC–R, Part I, item 44, the Board did not propose a separate item for the community bank leverage ratio in Schedule HC–R, Part I. Instead, the Board proposed to move the tier 1 leverage ratio from item 44 of Part I and renumber it as item 31, and rename the item to the Leverage Ratio, as this ratio would apply to all HCs (as the community bank leverage ratio for qualifying HCs or the tier 1 Leverage Ratio for all other HCs).

As provided in the CBLR final rule, a CBLR bank will need to satisfy certain qualifying criteria in order to be eligible to opt into the CBLR framework. The proposed items identified below would have collected information necessary to ensure that a HC continuously meets the qualifying criteria for using the CBLR framework.

Qualifying Criteria for Using the CBLR Framework

A HC will need to satisfy certain qualifying criteria to be eligible to opt into the CBLR framework. The proposed items below would have collected the information necessary to ensure that an HC continuously meets the qualifying criteria for using the CBLR framework. Specifically, a qualifying HC must not be an advanced approaches HC and must meet the following criteria:

- A leverage ratio of greater than 9 percent;
- Total consolidated assets of less than $10 billion;
- Total trading assets and trading liabilities of 5 percent or less of total consolidated assets; and
- Total off-balance sheet exposures (excluding derivatives other than sold credit derivatives and unconditionally cancelable commitments) of 25 percent or less of total consolidated assets.[22]

Accordingly, the Board proposed to collect the items described below from CBLR HCs only:

- In proposed item 32 of Schedule HC–R, Part I, a CBLR HC would have reported total assets, as reported in Schedule HC, item 12.
- In proposed item 33, a CBLR HC would have reported the sum of trading assets from Schedule HC, item 5, and trading liabilities from Schedule HC, item 15, in Column A. The HC would also have reported that sum divided by total assets from Schedule HC, item 12, and expressed as a percentage in Column B. As provided in the CBLR final rule, trading assets and trading liabilities would have been added together, not netted, for purposes of this calculation. Also as discussed in the CBLR final rule, a HC would not meet the definition of a qualifying community banking organization for purposes of the CBLR framework if the percentage reported in Column B were greater than 5 percent.
- In proposed items 34.a through 34.d, a CBLR HC would have reported information related to commitments, other off-balance sheet exposures, and sold credit derivatives.

—In proposed item 34.a, a CBLR HC would have reported the unused portion of conditionally cancellable commitments. This amount would have been the amount of all unused commitments less the amount of

[19] 84 FR 61776 (November 13, 2019).

[20] For example, if the CBLR HC no longer meets one of the qualifying criteria as of February 15, and still does not meet the criteria as of the end of that quarter, the grace period for such an HC will begin as of the end of the quarter ending March 31. The banking organization may continue to use the CBLR framework as of June 30, but will need to comply fully with the generally applicable rule (including the associated reporting requirements) as of September 30, unless the HC once again meets all qualifying criteria of the CBLR framework, including a leverage ratio of greater than 9 percent, by that date.

[21] 84 FR 61776 (November 13, 2019).

[22] As provided in the CBLR final rule, the Board would reserve the authority to disallow the use of the CBLR framework by an HC based on the risk profile of the HC. This authority derives from the general reservation of authority included in the Board's Regulation Q, in which the CBLR framework is codified. *See* 12 CFR 217.1(d).

unconditionally cancellable commitments, as discussed in the CBLR final rule and defined in the agencies' capital rule.[23] This item would have been calculated consistent with the sum of Schedule HC–R, Part II, items 18.a and 18.b, Column A.

—In proposed item 34.b, a CBLR HC would have reported total securities lent and borrowed, which would have been the sum of Schedule HC–L, items 6.a and 6.b.

—In proposed item 34.c, a CBLR HC would have reported the sum of certain other off-balance sheet exposures and sold credit derivatives. Specifically, a CBLR HC would have reported the sum of self-liquidating, trade-related contingent items that arise from the movement of goods; transaction-related contingent items (performance bonds, bid bonds, warranties, and performance standby letters of credit); sold credit protection in the form of guarantees and credit derivatives; credit-enhancing representations and warranties; financial standby letters of credit; forward agreements that are not derivative contracts; and off-balance sheet securitizations. A CBLR HC would not have included derivatives that are not sold credit derivatives, such as foreign exchange swaps and interest rate swaps, in proposed item 34.c.

—In proposed item 34.d, a CBLR HC would have reported the sum of proposed items 34.a through 34.c in Column A. The HC would also have reported that sum divided by total assets from Schedule HC, item 12, and expressed as a percentage in Column B. As discussed in the CBLR final rule, a HC would not have been eligible to opt into the CBLR framework if this percentage is greater than 25 percent.

• In proposed item 35, a CBLR HC would have reported the total of unconditionally cancellable commitments, which would have been calculated consistent with the instructions for existing Schedule HC–R, Part II, item 19. This item would not have been used specifically to calculate a HC's eligibility for the CBLR framework. However, the Board proposed to collect this information in order to monitor balance sheet exposures that are not reflected in the CBLR framework and to identify any CBLR HCs with elevated concentrations in unconditionally cancellable commitments.

[23] *See* definition of ''unconditionally cancellable'' in 12 CFR 217.2.

• In proposed item 36, a CBLR HC would have reported the amount of investments in the capital instruments of an unconsolidated financial institution that would qualify as tier 2 capital. Since the CBLR framework does not have a total capital requirement, a CBLR HC is neither required to calculate tier 2 capital nor make any deductions that would be taken from tier 2 capital. Therefore, if a CBLR HC has investments in the capital instruments of an unconsolidated financial institution that would qualify as tier 2 capital of the CBLR HC under the generally applicable capital requirements (tier 2 qualifying instruments), and the CBLR HC's total investments in the capital of unconsolidated financial institutions exceed 25 percent of its CET1 capital, the CBLR HC is not required to deduct the tier 2 qualifying instruments. A CBLR HC is required to make a deduction from CET1 capital or T1 capital only if the sum of its investments in the capital of an unconsolidated financial institution is in a form that would qualify as CET1 capital or T1 capital instruments of the CBLR HC and the sum exceeds the 25 percent CET1 threshold. However, the Board believes it is important to continue collecting information on the amount of investments in these capital instruments in order to identify any instances where such activity potentially creates an unsafe or unsound practice or condition.

Because a CBLR HC would not be subject to the generally applicable capital requirements, a CBLR HC would not have been required to complete any of the items in Schedule HC–R, Part I, after proposed item 36, nor would the holding company have been required to complete Schedule HC–R, Part II, Risk-Weighted Assets.

In connection with moving the leverage ratio calculations and inserting items for the CBLR qualifying criteria in Schedule HC–R, Part I, existing items 27 through 35 of Schedule HC–R, Part I, would have been renumbered as items 37 through 45. Existing items 40 through 43 would have been renumbered as items 46 through 49, while existing items 46 through 48 would have been renumbered as items 50 through 52. For advanced approaches HCs, existing item 45 for total leverage exposure and the supplementary leverage ratio, would have been renumbered as item 53.

A CBLR HC would have indicated that it has elected to apply the CBLR framework by completing Schedule HC–R, Part I, items 32 through 36. HCs not subject to the CBLR framework would have been required to report all data items in Schedule HC–R, Part I, except for items 32 through 36.

Comments Received and Final CBLR Rule Reporting Revisions

The Board did not receive any comments on the FR Y–9C report related to the CBLR changes. However, the Board considered comments received on the Call Report proposal, and adopted changes on the FR Y–9C to maintain consistency with the Call Report. Several comments were received on the Call Report proposal related to the CBLR proposed changes. One commenter supported the proposed line item additions to Schedule RC–R, Part I, to support changes to the leverage ratio, but another commenter recommended removing proposed items 35 through 38.c (items 37 through 38.c are not applicable to the FR Y–9C) of Part I because the data to be reported are not qualifying criteria under the CBLR framework. Two commenters did not favor the proposal to move existing items 36 through 39 of Schedule RC–R, Part I, which are used to measure total assets for the leverage ratio, and existing item 44, ''Tier 1 leverage ratio,'' from their present locations in Part I of the schedule to an earlier position in Part I where all of the CBLR-related items would have been reported, with these five items renumbered as items 27 through 31. One of the commenters stated that, although this proposed change in the presentation of Part I of Schedule RC–R would not affect the results of individual items in Part I, the proposed new presentation could be confusing to end users of the schedule. The second commenter expressed concern about inserting the data items for the CBLR framework within existing Schedule RC–R, Part I, rather than in a separate version of the schedule, as had been originally proposed in April 2019, because the insertion of these data items would be confusing and could lead to reporting errors. Thus, this commenter suggested a break-up of the proposed revised structure of Part I of Schedule RC–R into three separate parts, with existing Part II of Schedule RC–R becoming the fourth part of the schedule. In addition, this commenter noted that an institution that is eligible to opt into the CBLR framework may opt into and out of the framework at any time, and that there is a grace period for an institution that no longer meets the qualifying criteria for the CBLR framework.

The Board has considered these comments on the Call Report and will retain proposed FR Y–9C items 35 through 36 for reporting by CBLR

holding companies in Schedule HC–R, Part I, as proposed for the reasons cited in the December 2019 notice. While these items are not used specifically to calculate a holding company's eligibility for the CBLR framework, the Board considers collecting information on unconditionally cancellable commitments or investments in the tier 2 capital instruments important for identifying instances where such activity potentially creates an unsafe or unsound practice or condition.

The Board will also retain the proposed movement of the data items related to the leverage ratio to a position immediately after the calculation of tier 1 capital (designated items 27 through 31 of Schedule HC–R, Part I, as it would be revised) as well as the placement of the proposed data items to be completed only by CBLR holding companies, including those within the grace period (designated items 32 through 36 of Schedule HC–R, Part I, as it would be revised). Because all holding companies are subject to a leverage ratio requirement, all institutions must calculate and report the ratio's numerator, which is tier 1 capital, and its denominator, which is based on average total assets. As a consequence, items 1 through 31 of Part I would be applicable to and completed by all institutions. Moving the leverage ratio data items as proposed would allow CBLR holding companies to avoid completing the remainder of Schedule HC–R after item 36 of Part I. The Board considers this option less confusing for CBLR holding companies than having to complete the leverage ratio items in their current location, which is after numerous items that will not be applicable to CBLR holding companies.

Furthermore, the Board will modify the formatting of Schedule HC–R, Part I, to better distinguish the data items that should be completed only by CBLR holding companies and those that should be completed only by those institutions applying the generally applicable capital requirements. This will be accomplished by improving the captioning before Schedule HC–R, Part I, item 32, which is the first data item to be completed only by CBLR holding companies, and between items 36, which is the final data item only for CBLR holding companies banks, and item 37, which is the first data item applicable only to other institutions subject to the generally applicable capital requirements. The portion of Schedule HC–R, Part I, applicable only to CBLR holding companies also will be marked by bordering. These modifications to the formatting of Part I should functionally achieve an outcome similar to the comment suggesting that Part I be split into Parts 1, 2, and 3 with existing Part II then renumbered as Part 4.

In addition, the Board acknowledges that, under the CBLR final rule, a holding company that is eligible to opt into the CBLR framework may choose to opt into or out of this framework at any time and for any reason. Accordingly, the Board agrees with the commenter's recommendation that an institution should report its status as of the report date regarding the use of the CBLR framework. Therefore, the Board will add a ''yes/no'' item 31.a to Schedule HC–R, Part I, after item 31, ''Leverage ratio,'' in which each holding company would report whether it has a CBLR framework election in effect as of the quarter-end report date. An institution would answer ''yes'' if it qualifies for the CBLR framework (even if it is within the grace period) and has elected to adopt the framework as of that report date. Otherwise, the institution would answer ''no.'' Captioning after the ''yes/no'' response to item 31.a would indicate which of the subsequent data items in Schedule HC–R should be completed based on the response to item 31.a. This ''yes/no'' response should assist a holding company in understanding which specific data items it should complete in the rest of Schedule HC–R. The response also should assist users of Schedule HC–R in understanding the regulatory capital regime an institution is following as of the report date. The Board is not adopting a commenter's recommendation to add additional data items relating to use of the CBLR, for example by differentiating between holding companies that currently meet the CBLR qualifying criteria and those that are within the grace period, as the Board does not need this additional level of detail in the FR Y–9C report.

The Board is adopting modifications to the format and structure of Part I of Schedule HC–R to limit the burden on reporting institutions and lessen possible confusion for both qualifying community institutions that elect to adopt the CBLR framework and other data users.

Aside from these changes, the Board has adopted the proposed revisions to the FR Y–9C related to the CBLR.

Standardized Approach for Counterparty Credit Risk on Derivatives

The Board proposed to revise the FR Y–9C instructions to implement changes to the capital rule regarding how to calculate the exposure amount of derivative contracts (the standardized approach for counterparty credit risk, or ''SA–CCR'') that were implemented by final rule (the ''SA–CCR final rule'').[24]

The SA–CCR final rule amends the capital rule by replacing the current exposure methodology (CEM) with SA–CCR for advanced approaches HCs. The final rule requires holding companies subject to Category I and II standards (Category I and II holding companies) under the Board's tailoring final rule [25] to use SA–CCR to calculate their standardized total risk-weighted assets and permits non-advanced approaches banking organizations the option of using SA–CCR in place of CEM to calculate the exposure amount of their noncleared and cleared derivative contracts.

Category I and II banking organizations will have to choose either SA–CCR or the internal models methodology (IMM) to calculate the exposure amount of their noncleared and cleared derivative contracts in connection with calculating their risk-based capital under the advanced approaches. The SA–CCR final rule provides for the eventual elimination of the current methods for Category I and II banking organizations to determine the risk-weighted asset amount for their default fund contributions to a central counterparty (CCP) or a qualifying central counterparty (QCCP) and implements a new and simpler method that would be based on the banking organization's pro rata share of the CCP's and QCCP's default fund. However, the final rule allows banking organizations that elect to use SA–CCR to continue to use method 1 and method 2 under CEM to calculate the risk-weighted asset amount for default fund contributions until January 1, 2022.

Under the SA–CCR final rule, a non-advanced approaches HC will be able to use either CEM or SA–CCR to calculate the exposure amount of any noncleared and cleared derivative contracts and to determine the risk-weighted asset amount of any default fund contributions under the standardized approach. A HC that meets the criteria for a banking organization subject to Category III standards [26] will also use

[24] 85 FR 4362 (January 24, 2020).

[25] 84 FR 59230 (November 1, 2019).

[26] The Board's final tailoring rule, approved on October 10, 2019, describes a Category III banking organization generally as a banking organization with $250 billion or more in total consolidated assets that is not a global systemically important bank (GSIB) nor has significant international activity, or a banking organization with total consolidated assets of $100 billion or more, but less than $250 billion, that meets or exceeds other specified risk-based indicators. *See* ''Prudential Standards for Large Bank Holding Companies, Savings and Loan Holding Companies, and Foreign

SA–CCR for calculating its supplementary leverage ratio if it chooses to use SA–CCR to calculate its derivative and default fund exposures.

Accordingly, the Board proposed to revise the instructions for HC–R Part II, consistent with the SA–CCR final rule. Generally, the proposed revisions to the reporting of derivatives elements in Schedule HC–R, Part II, were driven by differences in the methodology for determining the exposure amount of a derivative contract under SA–CCR relative to CEM. The General Instructions for Schedule RC–R, Part II, and the instructions for Schedule RC–R, Part II, items 20, 21, and Memorandum items 1 through 3 would have been revised. These proposed revisions would have been effective for the June 30, 2020, report date, the same quarter as the effective date of the SA–CCR final rule, with a mandatory compliance date of January 1, 2022.

Comments Received and Instructions for Reporting Derivatives

The Board received a comment from a bankers' association requesting additional clarification to the FR Y–9C instructions that conform to changes on the Call Report related to certain derivatives reporting issues. The Call Report commenters sought clarification as to whether, for purposes of reporting derivatives referred to as settled-to-market contracts in Memorandum item 3, the remaining maturity of such derivatives should be the remaining maturity used to determine the conversion factor for the calculation of the potential future exposures (PFE) of these contracts or the contractual remaining maturity of these contracts. The derivatives information reported in Memorandum items 1 through 3 of Schedule HC–R, Part II, is collected to assist the Board in understanding, and assessing the reasonableness of, the credit equivalent amounts of the over-the-counter derivatives and the centrally cleared derivatives reported in Schedule HC–R, Part II, items 20 and 21, column B. Accordingly, when reporting settled-to-market centrally cleared derivative contracts in Memorandum item 3, the remaining maturity used to determine the applicable conversion factor should be the basis for reporting. The Board revised the instructions for Schedule HC–R, Part II, Memorandum item 3, to clarify the reporting of settled-to-market centrally cleared derivative contracts.

The commenter on the Call Report proposal also expressed concerns related to the reporting of notional amounts in Schedule HC–R by institutions that use SA–CCR. The commenter recommended that the notional amounts for institutions that use SA–CCR should be based on the contractual notional amount, *i.e.,* the notional amount as defined in U.S. generally accepted accounting principles, consistent with current practice in Schedule HC–R. Institutions report the notional amounts of over-the-counter and centrally cleared derivative contracts by remaining maturity in Schedule HC–R, Part II, Memorandum items 2 and 3. After considering this comment, the Board will clarify the instructions for Schedule HC–R, Part II, Memorandum items 2 and 3, to indicate that all institutions, including those that use SA–CCR to calculate exposure amounts, should report contractual notional amounts. The Board also clarified the reporting instructions to Schedule HC–L that all notional amounts should be based on U.S. GAAP contractual notional amounts.

The commenter recommended that the Board revise the FR Y–9C instructions on reporting of notional amounts in Schedule HC–L, Derivatives and Off-Balance Sheet Items, and Schedule HC–R, Part II, Risk-Weighted Assets, for derivatives that have matured, but have associated unsettled receivables or payables that are reported as assets or liabilities, respectively, on the balance sheet as of the quarter-end report date. In seeking clarification of the reporting requirements for such situations, the commenter recommended not reporting the notional amounts for derivatives that have matured. The Board agrees and has clarified the FR Y–9C, Schedule HC–L and Schedule HC–R, instructions to exclude reporting of the notional amounts of derivatives that have matured. The Board considered another comment received on the Call Report regarding clarification on whether the client facing leg of a derivative cleared through a central counterparty or a qualified central counterparty should be reported as an OTC or centrally cleared derivative. The Board has clarified the FR Y–9C instructions for HC–R, Part II, items 20 and 21 to clarify that such derivatives should be reported in HC–R, Part II, item 20, as an over-the-counter derivative.

Two Call Report commenters addressed the reporting of the fair value of collateral held against over-the-counter (OTC) derivative exposures by type of collateral and type of derivative counterparty in Schedule RC–L, item 16.b, and questioned whether this information is meaningful. One commenter requested clarification of the purpose for collecting this information while the other recommended no longer collecting this information. The data items for reporting the fair value of collateral are applicable to institutions with total assets of $10 billion or more. In general, the Board uses this information collected on the FR Y–9C in its oversight and supervision of holding companies engaging in OTC derivative activities. The breakdown of the fair value of collateral posted for OTC derivative exposures in Schedule HC–L, item 15.b provides the Board with important insights into the extent to which collateral is used as part of the credit risk management practices associated with derivative credit exposures to different types of counterparties and changes over time in the nature and extent of the collateral protection.

Aside from the changes discussed above, the Board has adopted the proposed revisions to the FR Y–9C relating to SA–CCR.

High Volatility Commercial Real Estate (HVCRE)

The Board proposed to revise the FR Y–9C instructions to implement changes to the HVCRE exposure definition in section 2 of the capital rule [27] to conform to the statutory definition of an HVCRE Acquisition, Development, or Construction (ADC) loan (HVCRE final rule).[28] The revisions align the capital rule with section 214 of the EGRRCPA to exclude from the definition of HVCRE exposure credit facilities that finance the acquisition, development, or construction of one- to four-family residential properties.[29]

The HVCRE final rule also clarifies the definition of HVCRE exposure in the capital rule by adding a new paragraph that provides that the exclusion for one-

Banking Organizations,'' 84 FR 59032 (November 1, 2019).

[27] 12 CFR part 217.2.

[28] 84 FR 68019 (December 13, 2019).

[29] Section 214 became effective upon enactment of the EGRRCPA. Accordingly, on July 6, 2018, the Board, along with the Office of the Comptroller of the Currency (OCC) and the Federal Deposit Insurance Corporation (FDIC), issued a statement advising institutions that, when determining which loans should be subject to a heightened risk weight, they may choose to continue to apply the current regulatory definition of HVCRE exposure, or they may choose to apply the heightened risk weight only to those loans they reasonably believe meet the definition of ''HVCRE ADC loan'' set forth in section 214 of the EGRRCPA. *See* Board, FDIC, and OCC, *Interagency statement regarding the impact of the Economic Growth, Regulatory Relief, and Consumer Protection Act (EGRRCPA). https://www.federalreserve.gov/newsevents/pressreleases/files/bcreg20180706a1.pdf.*

The Board temporarily implemented this revision to the FR Y–9C through an emergency PRA clearance that permitted, but did not require, a HC to use the definition of HVCRE ADC loan in place of the existing definition of HVCRE loan.

to four-family residential properties would not include credit facilities that solely finance land development activities, such as the laying of sewers, water pipes, and similar improvements to land, without any construction of one- to four-family residential structures. In order for a loan to be eligible for this exclusion, the credit facility is required to include financing for construction of one- to four-family residential structures.

The Board proposed to make conforming revisions to the instructions for Schedule HC–R, Part II, items 4.b and 5.b in order to implement the HVCRE final rule for all reporting HCs.

The Board received no comments on these proposed revisions for HVCRE and will implement them as proposed.

Operating Lease Liabilities

In February 2016, the FASB issued ASU No. 2016–02, ''Leases,'' which added Topic 842, Leases, to the Accounting Standards Codification (ASC). Once ASU 2016–02 is effective for a holding company, the ASU's accounting requirements, as amended by certain subsequent ASUs, supersede ASC Topic 840, Leases.

The most significant change that ASC Topic 842 makes to the previous lease accounting requirements is to lessee accounting. Under the lease accounting standards in ASC Topic 840, lessees recognize lease assets and lease liabilities on the balance sheet for capital leases, but do not recognize operating leases on the balance sheet. The lessee accounting model under Topic 842 retains the distinction between operating leases and capital leases, which the new standard labels finance leases. However, the new standard requires lessees to record a right-of-use (ROU) asset and a lease liability on the balance sheet for operating leases. (For finance leases, a lessee's lease asset also is designated an ROU asset.) In general, the new standard permits a lessee to make an accounting policy election to exempt leases with a term of one year or less at their commencement date from on-balance sheet recognition.

For HCs that are public business entities, as defined under U.S. GAAP, ASU 2016–02 is effective for fiscal years beginning after December 15, 2018, including interim reporting periods within those fiscal years. For HCs that are not public business entities, at present, the new standard is effective for fiscal years beginning after December 15, 2019, and interim reporting periods within fiscal years beginning after December 15, 2020. Early application of the new standard is permitted for all HCs.

The Board proposed to revise the FR Y–9C instructions to implement changes for operating leases to be reported as other liabilities instead of other borrowings for regulatory reporting purposes. The proposed changes would have better aligned the reporting of the single noninterest expense item for operating leases in the income statement (which is the presentation required by ASC Topic 842) with their balance sheet classification.

The FR Y–9C Report Supplemental Instructions for March 2019 [30] stated that a lessee should report lease liabilities for operating leases and finance leases, including lease liabilities recorded upon adoption of the ASU, in Schedule HC–M, item 14, ''Other borrowings,'' which is consistent with the current FR Y–9C instructions for reporting a lessee's obligations under capital leases under ASC Topic 840. In response to this instructional guidance, the Board received questions from HCs concerning the reporting of a bank lessee's lease liabilities for operating leases. These HCs indicated that reporting operating lease liabilities as other liabilities instead of other borrowings would better align the reporting of the single noninterest expense item for operating leases in the income statement (which is the presentation required by ASC Topic 842) with their balance sheet classification and would be consistent with how these HCs report operating lease liabilities internally.

The Board agrees with the views expressed by these HCs and proposed to require that operating lease liabilities be reported on the FR Y–9C balance sheet in Schedule HC, item 20, ''Other liabilities.'' In Schedule HC–G, Other Liabilities, operating lease liabilities would be reported in item 4, ''Other'' effective March 31, 2020. The Board received no comments on these proposed revisions for operating lease liabilities and will implement them as proposed.

Reporting Home Equity Lines of Credit That Convert From Revolving to Non-Revolving Status

Holding companies report the amount outstanding under revolving, open-end lines of credit secured by 1–4 family residential properties (commonly known as home equity lines of credit or HELOCs) in item 1.c.(1) of Schedule HC–C, Loans and Lease Financing Receivables. The amounts of closed-end loans secured by 1–4 family residential properties are reported in Schedule HC–C, item 1.c.(2)(a) or (b), depending on whether the loan is a first or a junior lien.[31]

A HELOC is a line of credit secured by a lien on a 1–4 family residential property that generally provides a draw period followed by a repayment period. During the draw period, a borrower has revolving access to unused amounts under a specified line of credit. During the repayment period, the borrower can no longer draw on the line of credit, and the outstanding principal is either due immediately in a balloon payment or repaid over the remaining loan term through monthly payments. The FR Y–9C instructions previously did not address the reporting treatment for a home equity line of credit when it reaches its end-of-draw period and converts from revolving to nonrevolving status. This led to inconsistency in how these credits were reported in Schedule HC–C, items 1.c.(1), 1.c.(2)(a), and 1.c.(2)(b), and in other holding company items that use the definitions of these three loan categories.

To address this absence of instructional guidance and promote consistency in reporting, the Board proposed to clarify the instructions for reporting loans secured by 1–4 family residential properties by specifying that after a revolving open-end line of credit has converted to non-revolving closed-end status, the loan should be reported as closed-end in Schedule HC–C, item 1.c.(2)(a) or (b), as appropriate.

The Board believes that it is important to collect accurate data on loans secured by 1–4 family residential properties in the FR Y–9C report. Consistent classification of HELOCs based on the status of the draw period is particularly important for the Board's safety and soundness monitoring. Due to the structure of HELOCs discussed above, borrowers generally are not required to make principal repayments during the draw period, which may create a financial shock for borrowers when they must make a balloon payment or begin regular monthly repayments after the draw period. Some HCs have reported HELOCs past the draw period as revolving, and this practice increases the amounts outstanding, charge-offs, recoveries, past dues, and nonaccruals reported in the open-end category relative to the amounts reported by HCs that treat HELOCs past the draw period

[30] *https://www.federalreserve.gov/reportforms/supplemental/SI_FRY9_201903.pdf.*

[31] Holding companies report additional information on open-end and closed-end loans secured by 1–4 family residential properties in certain other FR Y–9C schedules in accordance with the loan category definitions in Schedule HC–C, items 1.c.(1), 1.c.(2)(a), and 1.c.(2)(b).

as closed-end, which makes the data less useful for analysis and safety and soundness monitoring. In addition, in Accounting Standards Update No. 2019–04,[32] the FASB amended ASC Subtopic 326–20 on credit losses to require that, when presenting credit quality disclosures in notes to financial statements prepared in accordance with U.S. GAAP, an entity must separately disclose line-of-credit arrangements that are converted to term loans from line-of-credit arrangements that remain in revolving status. The Board determined that there would be little or no impact to the regulatory capital calculations or other regulatory reporting requirements as a result of this clarification. Therefore, the Board proposed to clarify the FR Y–9C instructions for Schedule HC–C, items 1.c.(1), 1.c.(2)(a), and 1.c.(2)(b), to state that revolving open-end lines of credit that have converted to non-revolving closed-end status should be reported as closed-end loans. The effect of this clarification would have extended to the instructions for numerous data items elsewhere in the FR Y–9C that reference the Schedule HC–C, Part I, loan category definitions for open-end and closed-end loans secured by 1–4 family residential properties and were identified in the December 2019 notice.

In light of prior comments regarding the time needed for any systems changes, the Board proposed that compliance with the clarified instructions would not have been required until the March 31, 2021, report date. The Board's December 2019 notice further proposed that institutions not currently reporting in accordance with the clarified instructions would have been permitted, but not required, to report in accordance with the clarified instructions before that date.

Comments Received and Final Reporting Revisions

The Board received a comment from a bankers' association requesting that the Board ensure consistency across regulatory reports by modifying the proposed reporting of HELOCs in line with comments on proposed Call Report changes. In connection with the Call Report proposal, three commenters opposed the proposal to require that HELOCs that have converted to non-revolving closed-end status should be reported as closed-end loans. Commenters cited the numerous data items in multiple Call Report schedules that would be affected by this proposed instructional clarification and the reconfiguration of systems that would need to be undertaken as well as a definitional conflict between the Call Report instructions as proposed for clarification and the instructions for the Board's FR Y–14M report filed by holding companies with total consolidated assets of $100 billion or more.[33] In addition, one commenter stated that the proposed Call Report instructional clarification may lead to inconsistencies between the reporting of HELOCs in open-end and closed-end status in the Call Report and disclosures of HELOCs made in filings with the Securities and Exchange Commission under the federal securities laws. Another commenter cited differences in the risk profiles of loans underwritten as HELOCs and those underwritten as closed-end loans at origination and indicated that the proposed instructional clarification could distort performance trends for loans secured by 1–4 family residential properties as HELOCs migrate between the open-end and closed-end loan categories in the Call Report. Two of the commenters opposing the proposed instructional clarification instead recommended the creation of a memorandum item in the Call Report loan schedule (Schedule RC–C, Part I) to identify for supervisory purposes the amount of HELOCs that have converted to non-revolving closed-end status. The other commenter suggested segregating closed-end HELOCs using a separate loan category code, which may also imply separate reporting and disclosure of such HELOCs.

One Call Report commenter also requested that the agencies clarify the reporting treatment for ''drawdowns of a HELOC Flex product that contain 'lock-out' features,'' which was described as the borrower's exercise of an option to convert a draw on the line of credit to ''a fixed rate interest structure with defined payments and term.''

After considering the comments received on the FR Y–9C proposal and the Call Report comments, the Board will not implement the proposed clarification to the instructions for Schedule HC–C, Part I, items 1.c.(1), 1.c.(2)(a), and 1.c.(2)(b) that would have resulted in revolving, open-end lines of credit secured by 1–4 family residential properties that have converted to non-revolving closed-end status being reported as closed-end loans. In light of the guidance in the instructions for the Board's FR Y–14M report that directs reporting entities to continue to report HELOCs that are no longer revolving credits in the Home Equity schedule, the Board will adopt this treatment for FR Y–9C purposes. However, recognizing the existing diversity in practice in which some institutions report HELOCs that have converted from revolving to non-revolving status as closed-end loans in the FR Y–9C while other institutions continue to report such HELOCs as open-end loans, the Board will instruct institutions to report all HELOCs that convert to closed-end status on or after January 1, 2021, as open-end loans in Schedule HC–C, Part I, item 1.c.(1). A holding company that currently reports HELOCs that have converted to non-revolving closed-end status as open-end loans in Schedule HC–C, Part I, item 1.c.(1), should not change its reporting practice for these loans and should continue to report these loans in item 1.c.(1) regardless of their conversion date. A holding company that currently reports HELOCs that convert to non-revolving closed-end status as closed-end loans in Schedule HC–C, Part I, item 1.c.(2)(a) or 1.c.(2)(b), as appropriate, may continue to report HELOCs that convert on or before December 31, 2020, as closed-end loans in FR Y–9C for report dates after that date. Alternatively, the institution may choose to begin reporting some or all of these closed-end HELOCs as open-end loans in item 1.c.(1) as of the March 31, 2020, or any subsequent report date, provided this reporting treatment is consistently applied. With respect to HELOC Flex products, the proposed reporting treatment described above would mean that amounts drawn on a HELOC during its draw period that a borrower converts to a closed-end amount before the end of this period also should be reported as open-end loans in Schedule HC–C, Part I, item 1.c.(1), subject to the transition guidance above.

The Board also agrees with commenter's suggestion to create a memorandum item in Schedule HC–C, Part I, in which institutions would report the amount of HELOCs that have converted to non-revolving closed-end status that are included in item 1.c.(1), ''Revolving, open-end loans secured by 1–4 family residential properties and extended under lines of credit.'' This new Memorandum item 15 in Schedule HC–C, Part I, would enable the Board to monitor the proportion of an institution's home equity credits in revolving and non-revolving status and changes therein and assess whether changes in this proportion in relation to

[32] Accounting Standards Update No. 2019–04, ''Codification Improvements to Topic 326, Financial Instruments—Credit Losses, Topic 815, Derivatives and Hedging, and Topic 825, Financial Instruments,'' issued in April 2019.

[33] Capital Assessments and Stress Testing Report (FR Y–14M), OMB Number 7100–0341.

changes in past due and nonaccrual home equity credits and charge-offs and recoveries of such credits warrant supervisory follow-up. To provide time needed for any systems changes, the Board will implement this new memorandum item as of the March 31, 2021.

Timing

As stated in the December 2019 notice, the Board planned to make the capital-related reporting changes described above to be effective the same quarters as the effective dates of the various final capital rules discussed in this notice. Thus, the reporting revisions to the FR Y–9C, as applicable, will take effect March 31, 2020, for the capital simplifications rule and the community bank leverage ratio rule. Non-advanced approaches institutions may elect to wait to adopt the capital simplifications rule for reporting purposes until the June 30, 2020, report date. The reporting revisions to the FR Y–9C, as applicable, will take effect June 30, 2020, for the standardized approach for counterparty credit risk on derivative contracts final rule and the high volatility commercial real estate exposures final rule. However, the mandatory compliance date for reporting in accordance with the standardized approach for counterparty credit risk final rule is the March 31, 2022, report date.

In addition, the reporting of operating lease liabilities as ''All other liabilities'' in FR Y–9C will take effect March 31, 2020, and the change in the reporting of construction, land development, and other land loans with interest reserves in FR Y–9 Schedule HC–C, Part I, will take effect March 31, 2021. The requirement to continue reporting HELOCs that convert to closed-end status as open-end loans in Schedule HC–C, Part I, will apply to those HELOCs that convert on or after January 1, 2021, with pre-2021 conversions subject to the transition guidance described in Section II.I. above; new Memorandum item 15 in Schedule HC–C, for HELOCs in non-revolving closed-end status that are reported as open-end loans will take effect March 31, 2021.

The specific wording of the captions for the new or revised FR Y–9C data items discussed in this notice and the numbering of these data items should be regarded as preliminary, and may be changed prior to the effective date of these items.

Proposed Revisions to the FR Y–9CS

The Board proposed to revise the FR Y–9CS to clarify that response to the report is voluntary. No comments were received during the comment period.

Board of Governors of the Federal Reserve System, March 27, 2020.

Ann Misback,

Secretary of the Board.

[FR Doc. 2020–06753 Filed 3–31–20; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Notice of Proposals To Engage in or To Acquire Companies Engaged in Permissible Nonbanking Activities

The companies listed in this notice have given notice under section 4 of the Bank Holding Company Act (12 U.S.C. 1843) (BHC Act) and Regulation Y, (12 CFR part 225) to engage de novo, or to acquire or control voting securities or assets of a company, including the companies listed below, that engages either directly or through a subsidiary or other company, in a nonbanking activity that is listed in § 225.28 of Regulation Y (12 CFR 225.28) or that the Board has determined by Order to be closely related to banking and permissible for bank holding companies. Unless otherwise noted, these activities will be conducted throughout the United States.

Each application is available for inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether the proposal complies with the standards of section 4 of the BHC Act.

Unless otherwise noted, comments regarding the 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 May 1, 2020.

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. *Morgan Stanley, New York, New York;* to acquire E*TRADE Financial Corporation, and thereby indirectly acquire E*TRADE Bank and E*TRADE Savings Bank, all of Arlington, Virginia, and thereby operate savings associations, pursuant to Section 4(c)(8) of the BHC Act.

Board of Governors of the Federal Reserve System, March 27, 2020.

Yao-Chin Chao,

Assistant Secretary of the Board.

[FR Doc. 2020–06814 Filed 3–31–20; 8:45 am]

BILLING CODE P

FEDERAL RESERVE SYSTEM

Privacy Act of 1974; System of Records

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Notice of a New System of Records.

SUMMARY: Pursuant to the provisions of the Privacy Act of 1974, notice is given that the Board of Governors of the Federal Reserve System (Board) proposes to establish a new system of records, BGFRS–43, ''FRB—Security Sharing Platform.''

DATES: Comments must be received on or before May 1, 2020. This new system of records will become effective May 1, 2020, without further notice, unless comments dictate otherwise.

The Office of Management and Budget (OMB), which has oversight responsibility under the Privacy Act, requires a 30-day period prior to publication in the **Federal Register** in which to review the system and to provide any comments to the agency. The public is then given a 30-day period in which to comment, in accordance with 5 U.S.C. 552a(e)(4) and (11).

ADDRESSES: You may submit comments, identified by *BGFRS–43 ''FRB—Security Sharing Platform,''* by any of the following methods:

- *Agency Website: https://www.federalreserve.gov.* Follow the instructions for submitting comments at *https://www.federalreserve.gov/apps/foia/proposedregs.aspx.*
- *Email: regs.comments@federalreserve.gov.* Include SORN name and number in the subject line of the message.
- *Fax:* (202) 452–3819 or (202) 452–3102.
- *Mail:* Ann E. Misback, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue NW, Washington, DC 20551.

All public comments will be made available on the Board's website at *https://www.federalreserve.gov/apps/foia/proposedregs.aspx* as submitted, unless modified for technical reasons or to remove sensitive personally identifiable information. Public comments may also be viewed electronically or in paper in Room 146, 1709 New York Avenue NW, Washington, DC 20006, between 9:00 a.m. and 5:00 p.m. on weekdays.

FOR FURTHER INFORMATION CONTACT: David B. Husband, Counsel, (202) 530–6270, or *david.b.husband@frb.gov;* Legal Division, Board of Governors of the Federal Reserve System, 20th Street and

Constitution Avenue NW, Washington, DC 20551.

SUPPLEMENTARY INFORMATION: The new system of records, BGFRS–43, maintains records relating to the Security Sharing Platform that will allow the Board and the twelve Federal Reserve Banks (collectively, ''the Federal Reserve System'') to share information regarding individuals who are involved in incidents or events that may affect the safety and security of the premises, grounds, property, personnel, and operations of the Federal Reserve System.

SYSTEM NAME AND NUMBER:

BGFRS–43, ''FRB—Security Sharing Platform''

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue NW, Washington, DC 20551. Some information is collected and maintained on behalf of the Board by one or more of the Federal Reserve Banks.

SYSTEM MANAGER(S):

Curtis Eldridge, Associate Director and Chief, Law Enforcement Unit, Management Division, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue NW, Washington, DC 20551, 202–912–7835, or *Curtis.b.eldridge@frb.gov.*

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 11 of the Federal Reserve Act (12 U.S.C. 248(q)).

PURPOSE(S) OF THE SYSTEM:

These records are collected and maintained to aid in efforts to protect and safeguard the premises, grounds, property, personnel, and operations of the Federal Reserve System.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who exhibit suspicious behavior, which Federal Reserve System law enforcement personnel have reasonable suspicion to believe may affect the safety and security of the premises, grounds, property, personnel, and operations of the Board or one or more of the Federal Reserve Banks.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records in the system include identifying information relating to incidents or events that may affect the safety and security of the premises, grounds, property, personnel, or operations of the Board or the Federal Reserve Banks, which may include individuals who are the subject of such incidents or events. Information about individuals in the system may include, but is not limited to, name, address, organization, title, telephone number, identification number(s), date of birth, occupation, photographs or videos, physical characteristics, and other information that may be provided by the individual or collected by Board or Federal Reserve Bank personnel.

RECORD SOURCE CATEGORIES:

Information is provided by various sources, including the individual to whom the record pertains; personal identification documents; notes from interviews with the individual and supporting documentation; reports created by the Board or the respective Federal Reserve Bank; law enforcement and other federal, state, local, or foreign government agency records and personnel; social media; or other documents received by the Board or a Federal Reserve Bank.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

General routine uses C, D, G, I, and J apply to this system. These general routine uses are located at *https://www.federalreserve.gov/files/SORN-page-general-routine-uses-of-board-systems-of-records.pdf* and are published in the **Federal Register** at 83 FR 43872 at 43873–74 (August 28, 2018). The system also has a specific routine use, developed in order to permit necessary sharing that is essential to the purpose of the system. Under this use, records may also be disclosed to personnel of federal, state, local, or foreign law enforcement agencies in the following circumstances:

a. For the purpose of developing information regarding individuals, incidents, or events that may affect the safety and security of the premises, grounds, property, personnel, or operations of the Board or one or more of the Federal Reserve Banks;

b. For the purpose of intelligence briefings;

c. If the information may be relevant to a potential violation of a civil or criminal law, rule, regulation, order, policy, or license; or

d. Where there is a reasonable need to accomplish a valid law enforcement purpose.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Records in this system are stored on a secure server as electronic records.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records may be retrieved by name or other identifying aspects.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

The retention for these records is currently under review. Until review is completed, the records in the system will not be destroyed.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

Electronic files are stored on secure servers. The system has the ability to track individual user actions within the system. The audit and accountability controls are based on NIST and Board standards which, in turn, are based on applicable laws and regulations. The controls assist in detecting security violations and performance or other issues in the system. Access to the system is restricted to authorized users within the Federal Reserve System who require access for official business purposes. Users are classified into different roles and common access and usage rights are established for each role. User roles are used to delineate between the different types of access requirements such that users are restricted to data that is required in the performance of their duties. Periodic assessments and reviews are conducted to determine whether users still require access, have the appropriate role, and whether there have been any unauthorized changes.

RECORD ACCESS PROCEDURES:

The Privacy Act allows individuals the right to access records maintained about them in a Board system of records. Your request for access must: (1) Contain a statement that the request is made pursuant to the Privacy Act of 1974; (2) provide either the name of the Board system of records expected to contain the record requested or a concise description of the system of records; (3) provide the information necessary to verify your identity; and (4) provide any other information that may assist in the rapid identification of the record you seek.

Current or former Board employees may make a request for access by contacting the Board office that maintains the record. The Board handles all Privacy Act requests as both a Privacy Act request and as a Freedom of Information Act request. The Board does not charge fees to a requestor seeking to access or amend his/her Privacy Act records.

You may submit your Privacy Act request to the—

Secretary of the Board, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue NW, Washington, DC 20551.

You may also submit your Privacy Act request electronically through the Board's FOIA ''Electronic Request Form'' located here: *https://www.federalreserve.gov/secure/forms/efoiaform.aspx.*

CONTESTING RECORD PROCEDURES:

The Privacy Act allows individuals to seek amendment of information that is erroneous, irrelevant, untimely, or incomplete and is maintained in a system of records that pertains to them. To request an amendment to your record, you should clearly mark the request as a ''Privacy Act Amendment Request.'' You have the burden of proof for demonstrating the appropriateness of the requested amendment and you must provide relevant and convincing evidence in support of your request.

Your request for amendment must: (1) Provide the name of the specific Board system of records containing the record you seek to amend; (2) identify the specific portion of the record you seek to amend; (3) describe the nature of and reasons for each requested amendment; (4) explain why you believe the record is not accurate, relevant, timely, or complete; and (5) unless you have already done so in a related Privacy Act request for access or amendment, provide the necessary information to verify your identity.

NOTIFICATION PROCEDURES:

Same as ''Access procedures'' above. You may also follow this procedure in order to request an accounting of previous disclosures of records pertaining to you as provided for by 5 U.S.C. 552a(c).

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

Certain portions of this system of records may be exempt from 5 U.S.C. 552(a)(c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f) of the Privacy Act pursuant to 5 U.S.C. 552a(k)(2).

HISTORY:

None.

Board of Governors of the Federal Reserve System.

Michele Taylor Fennell,

Assistant Secretary of the Board.

[FR Doc. 2020–06507 Filed 3–31–20; 8:45 am]

BILLING CODE P

GENERAL SERVICES ADMINISTRATION

[Notice–MV–2020–01; Docket No. 2020–0002; Sequence No. 14]

Office of Acquisition Policy; Establishment of Online Portal for GSA Guidance Documents

AGENCY: Office of Government-wide Policy; General Services Administration (GSA).

ACTION: Notice of online portal for agency guidance documents.

SUMMARY: In accordance with Executive Order (E.O.) 13891, ''Promoting the Rule of Law Through Improved Agency Guidance Documents,'' dated October 9, 2019, and Office of Management and Budget (OMB) Memorandum M–20–02, dated October 31, 2019, GSA established an online portal for the public to access GSA guidance documents. Although GSA did not identify agency guidance that falls under the auspices of E.O. 13891 in terms of effecting the behavior of regulated parties, the portal provides links to GSA program web pages, which contain internal GSA guidance documents, in support of the intent of E.O. 13891.

DATES: The portal and associated link will be active as of March 28, 2020.

ADDRESSES: The portal may be found at *gsa.gov/guidance.*

FOR FURTHER INFORMATION CONTACT: Mathias Bustamante, Office of Acquisition Policy, Office of Government-wide Policy, General Services Administration, 1800 F Street NW, Washington, DC 20405, 202–501–2735.

SUPPLEMENTARY INFORMATION:

This **Federal Register** Notice announces that: (a) GSA launched a website at *gsa.gov/guidance,* which includes internal GSA guidance documents, in accordance with E.O. 13891 (84 FR 55235, Oct. 9, 2019); (b) GSA has updated its internal directive for writing external directives (1812.1A CHGE1 OGP) to provide instructions to GSA program components on how to comply with E.O. 13891, which will be available via *gsa.gov/guidance;* and (c) GSA will include additional internal guidance documents to the *gsa.gov/guidance* website when identified. Although GSA has not identified any guidance that falls within the auspices of E.O. 13891, the above actions are in compliance with the intent of E.O. 13891.

While GSA does issue guidance documents such as Federal Travel Regulation bulletins, these are internal guidance issued to Federal agencies, which are specifically excluded from the E.O. GSA has not identified any areas where GSA issues guidance intended to have future effects on the behavior of regulated parties, as defined by E.O. 13891. However, as GSA acknowledges that there is a possibility that it may issue such guidance in the future, it is proactively taking steps to ensure it remains compliant with all requirements of E.O. 13891.

GSA's online guidance portal contains links to GSA program websites containing internal guidance, as that term is defined in E.O. 13891. The portal also reiterates that: (1) The contents of the guidance documents found through the portal do not have the force and effect of law and are not legally binding, except as authorized by law or as incorporated into a contract, and (2) these documents are intended only to provide clarity to the public regarding existing requirements under statutes and regulations administered by GSA.

Jessica Salmoiraghi,

Office of Government-wide Policy, General Services Administration.

[FR Doc. 2020–06700 Filed 3–31–20; 8:45 am]

BILLING CODE 6820–MV–P

GOVERNMENT ACCOUNTABILITY OFFICE

Request for Nominations for the Board of Governors of the Patient-Centered Outcomes Research Institute

AGENCY: Government Accountability Office (GAO).

ACTION: Request for letters of nomination and resumes.

SUMMARY: The Patient Protection and Affordable Care Act gave the Comptroller General of the United States responsibility for appointing up to 21 members to the Board of Governors of the Patient-Centered Outcomes Research Institute (PCORI). In addition, the Directors of the Agency for Healthcare Research and Quality and the National Institutes of Health, or their designees, are members of the Board. As the result of terms ending in September 2020, GAO is accepting nominations in the following categories: A physician, a representative of patients and health care consumers, a representative of pharmaceutical manufacturers or developers, a representative of private payers who represents employers who self-insure employee benefits, and between one and three representatives of private payers who represent health

insurance issuers. Nominations should be sent to the email or mailing address listed below. Acknowledgement of submissions will be provided within a week of submission.

DATES: Letters of nomination and résumés should be submitted no later than May 13, 2020, to ensure adequate opportunity for review and consideration of nominees prior to appointment.

ADDRESSES: Submit letters of nomination and résumés by either of the following methods:

Email: *PCORI@gao.gov.* Include PCORI Nominations in the subject line of the message, or *Mail:* U.S. GAO, Attn: PCORI Nominations, 441 G Street NW, Washington, DC 20548.

FOR FURTHER INFORMATION CONTACT: Ray Sendejas at (202) 512–7113 or *sendejasr@gao.gov* if you do not receive an acknowledgement or need additional information. For general information, contact GAO's Office of Public Affairs, (202) 512–4800.

Authority: Sec. 6301 and Sec. 10602, Pub. L. 111–148, 124 Stat. 119, 727, 1005 (2010); Div. N, Sec. 104, Pub. L. 116–94, 133 Stat. 2534 (2019).

Gene L. Dodaro,

Comptroller General of the United States.

[FR Doc. 2020–06313 Filed 3–31–20; 8:45 am]

BILLING CODE 1610–02–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP) GH20–001, Develop, Implement, and Evaluate Evidence-Based, Innovative Approaches To Prevent, Find, and Cure Tuberculosis in High-Burden Settings; GH20–002, Malaria Operations Research To Improve Malaria Control and Reduce Morbidity and Mortality in Western Kenya; GH20–003, Conducting Public Health Research in Colombia; GH20–004, Conducting Public Health Research in Georgia; and GH20–005, Conducting Public Health Research in South America; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP)—GH20–001, Develop, Implement, and Evaluate Evidence-Based, Innovative Approaches to Prevent, Find, and Cure Tuberculosis in High-Burden Settings; GH20–002, Malaria Operations Research to Improve Malaria Control and Reduce Morbidity and Mortality in Western Kenya; GH20–003, Conducting Public Health Research in Colombia; GH20–004, Conducting Public Health Research in Georgia; and GH20–005, Conducting Public Health Research in South America; April 14–16, 2020, 9:00 a.m.– 2:00 p.m., EDT, in the original FRN.

Teleconference, which was published in the **Federal Register** on March 16, 2020, Vol. 85, No. 51, page 14946.

The meeting is being amended to change the meeting dates and times to: April 14–15, 2020, from 9:00 a.m.–2:00 p.m., EDT; and April 16, 2020, from 9:30 a.m.–2:30 p.m., EDT. The meeting is closed to the public.

FOR FURTHER INFORMATION CONTACT: Hylan Shoob, Ph.D., Scientific Review Officer, Center for Global Health, CDC, 1600 Clifton Road NE, Atlanta, Georgia 30329–4027, Telephone (404) 639–4796; *HShoob@cdc.gov.*

The Director, Strategic Business Initiatives Unit, Office of the Chief Operating Officer, Centers for Disease Control and Prevention, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Kalwant Smagh,

Director, Strategic Business Initiatives Unit, Office of the Chief Operating Officer, Centers for Disease Control and Prevention.

[FR Doc. 2020–06780 Filed 3–31–20; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP)—TS–20–001, Identify and Evaluate Potential Risk Factors for Amyotrophic Lateral Sclerosis; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP)—RFA–TS–20–001, Identify and Evaluate Potential Risk Factors for Amyotrophic Lateral Sclerosis; May 13, 2020, 1:00 p.m.–5:30 p.m., EDT, in the original FRN.

Teleconference, Centers for Disease Control and Prevention, 4770 Buford Highway NE, Atlanta, Georgia 30341, which was published in the **Federal Register** on March 4, 2020, Volume 85, Number 43, pages 12786–12787.

The meeting is being amended to a virtual meeting with a meeting time of 9:30 a.m.–5:30 p.m., EDT. The meeting is closed to the public.

FOR FURTHER INFORMATION CONTACT: Kimberly Leeks, Ph.D., M.P.H., Scientific Review Official, NCIPC, CDC, 4770 Buford Highway NE, Building 106, MS S106–9, Atlanta, Georgia 30341, telephone: (770) 488–6562; *KLeeks@cdc.gov.*

The Director, Strategic Business Initiatives Unit, Office of the Chief Operating Officer, Centers for Disease Control and Prevention, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Kalwant Smagh,

Director, Strategic Business Initiatives Unit, Office of the Chief Operating Officer, Centers for Disease Control and Prevention.

[FR Doc. 2020–06781 Filed 3–31–20; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[CMS–3389–FN]

Medicare Program; Approval of Application by the Utilization Review Accreditation Commission for Initial CMS-Approval of Its Home Infusion Therapy Accreditation Program

AGENCY: Centers for Medicare and Medicaid Services, HHS.

ACTION: Final notice.

SUMMARY: This final notice announces our decision to approve the Utilization Review Accreditation Commission (URAC) for initial recognition as a national accrediting organization for home infusion therapy suppliers that wish to participate in the Medicare program. A home infusion therapy supplier that participates must meet the Medicare conditions for coverage (CfCs).

DATES: The approval announced in this final notice is effective March 27, 2020 through March 27, 2024.

FOR FURTHER INFORMATION CONTACT: Christina Mister-Ward, (410)786–2441. Lillian Williams, (410)786–8636.

I. Background

Infusion therapy is a treatment option for Medicare beneficiaries with a wide range of acute and chronic conditions. Section 5012 of the 21st Century Cures Act added section 1861(iii) to the Social Security Act (the Act), establishing a new Medicare benefit for Home Infusion Therapy (HIT) services. Section 1861(iii)(1) of the Act defines HIT as professional services, including nursing services; training and education not otherwise covered under the Durable Medical Equipment (DME) benefit; remote monitoring; and other monitoring services. HIT must be furnished by a qualified HIT supplier and furnished in the individual's home. The individual must be under—

- The care of an applicable provider (that is, physician, nurse practitioner, or physician assistant); and
- A plan of care established and periodically reviewed by a physician in coordination with the furnishing of home infusion drugs under Part B, that prescribes the type, amount, and duration of infusion therapy services that are to be furnished.

Section 1861(iii)(3)(D)(III) of the Act requires that a qualified HIT supplier be accredited by an accrediting organization (AO) designated by the Secretary in accordance with section 1834(u)(5) of the Act. Section 1834(u)(5)(A) of the Act identifies factors for designating AOs and in reviewing and modifying the list of designated AOs. These statutory factors are as follows:

- The ability of the organization to conduct timely reviews of accreditation applications.
- The ability of the organization take into account the capacities of suppliers located in a rural area (as defined in section 1886(d)(2)(D) of the Act).
- Whether the organization has established reasonable fees to be charged to suppliers applying for accreditation.
- Such other factors as the Secretary determines appropriate.

Section 1834(u)(5)(B) of the Act requires the Secretary to designate AOs to accredit HIT suppliers furnishing HIT not later than January 1, 2021. Section 1861(iii)(3)(D) of the Act defines ''qualified home infusion therapy suppliers'' as being accredited by a CMS-approved AO.

In the March 1, 2019 **Federal Register**, we published a solicitation notice entitled, ''Medicare Program; Solicitation of Independent Accrediting Organizations To Participate in the Home Infusion Therapy Supplier Accreditation Program'' (84 FR 7057). This notice informed national AOs that accredit HIT suppliers of an opportunity to submit applications to participate in the HIT supplier accreditation program. Complete applications will be considered for the January 1, 2021 designation deadline if received by February 1, 2020.

Regulations for the approval and oversight of AOs for HIT organizations are located at 42 CFR part 488, subpart L. The requirements for HIT suppliers are located at 42 CFR part 486, subpart I.

II. Approval of Accreditation Organizations

Section 1834(u)(5) of the Act and the regulations at § 488.1010 require that our findings concerning review and approval of a national AO's requirements consider, among other factors, the applying AO's requirements for accreditation; survey procedures; resources for conducting required surveys; capacity to furnish information for use in enforcement activities; monitoring procedures for provider entities found not in compliance with the conditions or requirements; and ability to provide CMS with the necessary data.

Our regulations at § 488.1020(a) require that we publish, after receipt of an organization's complete application, a notice identifying the national accrediting body making the request, describing the nature of the request, and providing at least a 30-day public comment period. In accordance with § 488.1010(d), we have 210 days from the receipt of a complete application to publish notice of approval or denial of the application.

III. Provisions of the Proposed Notice

In the October 24, 2019 **Federal Register** (84 FR 57021), we published a proposed notice announcing URAC's request for initial approval of its Medicare HIT accreditation program. In the October 24, 2019 proposed notice, we detailed our evaluation criteria. Under section 1834(u)(5) the Act and in our regulations at § 488.1010, we conducted a review of URAC Medicare home infusion accreditation application in accordance with the criteria specified by our regulations, which included, but are not limited to the following:

- An onsite administrative review of URAC's: (1) Corporate policies; (2) financial and human resources available to accomplish the proposed surveys; (3) procedures for training, monitoring, and evaluation of its home infusion therapy surveyors; (4) ability to investigate and respond appropriately to complaints against accredited home infusion therapies; and (5) survey review and decision-making process for accreditation.
- The ability for URAC to conduct timely review of accreditation applications.
- The ability of URAC to take into account the capacities of suppliers located in a rural area.
- The comparison of URAC's Medicare home infusion therapy accreditation program standards to our current Medicare home infusion therapy CfCs.
- A documentation review of URAC's survey process to—

++ Determine the composition of the survey team, surveyor qualifications, and URAC's ability to provide continuing surveyor training.

++ Compare URAC's processes, including periodic resurvey and the ability to investigate and respond appropriately to complaints against accredited home infusion therapies.

++ Evaluate URAC's procedures for monitoring home infusion therapies it has found to be out of compliance with URAC's program requirements.

++ Assess URAC's ability to report deficiencies to the surveyed home infusion therapy and respond to the home infusion therapy's plan of correction in a timely manner.

++ Establish URAC's ability to provide CMS with electronic data and reports necessary for effective validation and assessment of the organization's survey process.

++ Determine the adequacy of URAC's staff and other resources.

++ Confirm URAC's ability to provide adequate funding for performing required surveys.

++ Confirm URAC's policies with respect to surveys being unannounced.

++ URAC's policies and procedures to avoid conflicts of interest, including the appearance of conflicts of interest, involving individuals who conduct surveys or participate in accreditation decisions.

++ Obtain URAC's agreement to provide CMS with a copy of the most current accreditation survey together with any other information related to the survey as we may require, including corrective action plans.

The October 24, 2019 proposed notice also solicited public comments regarding whether URAC's requirements met or exceeded the Medicare CfCs for home infusion therapy. No comments were received in response to our proposed notice.

IV. Provisions of the Final Notice

A. Differences Between URAC's Standards and Requirements for Accreditation and Medicare Conditions and Survey Requirements

We compared URAC's HIT accreditation requirements and survey process with the Medicare CfCs of part 486, subpart I and the survey and certification process requirements of part 488, subpart L. Our review and evaluation of URAC's HIT application, which was conducted as described in section III. of this final notice, yielded the following areas where, as of the date of this notice, URAC has completed revising its standards and certification processes in order to meet the condition at:

- § 486.520(a), to address the requirement stating all patients must be under the care of an applicable provider.
- § 488.1010(a)(5), to provide a detailed crosswalk identifying the exact language of the organization's comparable accreditation requirements and standards.
- § 488.1010(a)(6)(ix), to revise URAC's procedures for ''immediate jeopardy'' situations.
- § 488.1010(a)(6)(iv), to revise URAC's survey procedures for surveys.
- § 488.1010(a)(6)(v), to revise URAC's procedures and timelines for notifying a surveyed or audited home infusion therapy supplier of non-compliance with the home infusion therapy accreditation program's standards.
- § 488.1010(a)(6)(vi), to revise URAC's procedures and timelines for monitoring the home infusion therapy supplier's correction of identified non-compliance with the accreditation program's standards.
- § 489.13, to reflect our policies regarding when the effective period of an accreditation begins and ends

B. Term of Approval

Based on the review and observations described in section III. of this final notice, we have determined that URAC's requirements for HITs meet or exceed our requirements. Therefore, we approve URAC as a national accreditation organization for HITs that request participation in the Medicare program, effective March 27, 2020 through March 27, 2024.

IV. Collection of Information Requirements

This document does not impose information collection and requirements, that is, reporting, recordkeeping or third party disclosure requirements. Consequently, there is no need for review by the Office of Management and Budget under the authority of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35).

The Administrator of the Centers for Medicare & Medicaid Services (CMS), Seema Verma, having reviewed and approved this document, is delegating the authority to electronically sign this document to Evell J. Barco Holland, who is the **Federal Register** Liaison, for purposes of publication in the **Federal Register**.

Dated: March 26, 2020.

Evell J. Barco Holland,

Federal Register Liaison, Department of Health and Human Services.

[FR Doc. 2020–06795 Filed 3–31–20; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[CMS–3384–FN]

Medicare and Medicaid Programs; Application From the Joint Commission (TJC) for Continued Approval of Its Home Health Agency Accreditation Program

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

ACTION: Final notice.

SUMMARY: This final notice announces our decision to approve The Joint Commission (TJC) for continued recognition as a national accrediting organization for home health agencies (HHAs) that wish to participate in the Medicare or Medicaid programs. A HHA that participates in Medicaid must also meet the Medicare conditions of participation (CoPs).

DATES: The decision announced in this final notice is effective March 31, 2020 through March 31, 2026.

FOR FURTHER INFORMATION CONTACT:

Sharon Lash (410) 786–9457.

Caecilia Blondiaux (410) 786–2190.

SUPPLEMENTARY INFORMATION:

I. Background

Under the Medicare program, eligible beneficiaries may receive covered services from a home health agency (HHA), provided that certain requirements are met. Sections 1861(m) and (o), 1891 and 1895 of the Social Security Act (the Act) establish distinct criteria for an entity seeking designation as an HHA. Regulations concerning provider agreements are at 42 CFR part 489 and those pertaining to activities relating to the survey and certification of facilities and other entities are at 42 CFR part 488. The regulations at 42 CFR parts 409 and 484 specify the conditions that an HHA must meet to participate in the Medicare program, the scope of covered services and the conditions for Medicare payment for home health care.

Generally, to enter into a provider agreement with the Medicare program, an HHA must first be certified by a state survey agency as complying with the conditions or requirements set forth in 42 CFR part 484 of our regulations. Thereafter, the HHA is subject to regular surveys by a state survey agency to determine whether it continues to meet these requirements. However, there is an alternative to certification surveys by state agencies. Accreditation by a nationally recognized Medicare accreditation program approved by CMS may substitute for both initial and ongoing state review.

Section 1865(a)(1) of the Act provides that, if a provider entity demonstrates through accreditation by an approved national accrediting organization that all applicable Medicare conditions are met or exceeded, we will deem those provider entities as having met our requirements. Accreditation by an accrediting organization is voluntary and is not required for Medicare participation.

If an accrediting organization is recognized by the Secretary of Health and Human Services as having standards for accreditation that meet or exceed Medicare requirements, any provider entity accredited by the national accrediting body's approved program would be deemed to meet the Medicare conditions. A national accrediting organization applying for CMS approval of their accreditation program under 42 CFR part 488, subpart A must provide CMS with reasonable assurance that the accrediting organization requires the accredited provider entities to meet requirements that are at least as stringent as the Medicare conditions. Our regulations concerning the approval of accrediting organizations are set forth at § 488.5. Section 488.5(e)(2)(i) requires accrediting organizations to reapply for continued approval of its Medicare accreditation program every 6 years or sooner as determined by CMS.

The Joint Commission's (TJC's) term of approval for their HHA accreditation program expires March 31, 2020.

II. Application Approval Process

Section 1865(a)(3)(A) of the Act provides a statutory timetable to ensure that our review of applications for CMS-

approval of an accreditation program is conducted in a timely manner. The Act provides us 210 days after the date of receipt of a complete application, with any documentation necessary to make the determination, to complete our survey activities and application process. Within 60 days after receiving a complete application, we must publish a notice in the **Federal Register** that identifies the national accrediting body making the request, describes the request, and provides no less than a 30-day public comment period. At the end of the 210-day period, we must publish a notice in the **Federal Register** approving or denying the application.

III. Provisions of the Proposed Notice

In the October 24, 2019 **Federal Register** (84 FR 57026), we published a proposed notice announcing TJC's request for continued approval of its Medicare HHA accreditation program. In the October 24, 2019 proposed notice, we detailed our evaluation criteria. Under section 1865(a)(2) of the Act and in our regulations at § 488.5, we conducted a review of TJC's Medicare HHA accreditation application in accordance with the criteria specified by our regulations, which include, but are not limited to the following:

- An onsite administrative review of TJC's: (1) Corporate policies; (2) financial and human resources available to accomplish the proposed surveys; (3) procedures for training, monitoring, and evaluation of its HHA surveyors; (4) ability to investigate and respond appropriately to complaints against accredited HHAs; and (5) survey review and decision-making process for accreditation.
- The comparison of TJC's Medicare HHA accreditation program standards to our current Medicare HHA CoPs.
- A documentation review of TJC's survey process to do the following:

++ Determine the composition of the survey team, surveyor qualifications, and TJC's ability to provide continuing surveyor training.

++ Compare TJC's processes to those we require of state survey agencies, including periodic resurvey and the ability to investigate and respond appropriately to complaints against accredited HHAs.

++ Evaluate TJC's procedures for monitoring HHAs it has found to be out of compliance with TJC's program requirements. (This pertains only to monitoring procedures when TJC identifies non-compliance. If noncompliance is identified by a state survey agency through a validation survey, the state survey agency monitors corrections as specified at § 488.9(c)).

++ Assess TJC's ability to report deficiencies to the surveyed HHAs and respond to the HHAs plan of correction in a timely manner.

++ Establish TJC's ability to provide CMS with electronic data and reports necessary for effective validation and assessment of the organization's survey process.

++ Determine the adequacy of TJC's staff and other resources.

++ Confirm TJC's ability to provide adequate funding for performing required surveys.

++ Confirm TJC's policies with respect to surveys being unannounced.

++ Confirm TJC's policies and procedures to avoid conflicts of interest, including the appearance of conflicts of interest, involving individuals who conduct surveys or participate in accreditation decisions.

++ Obtain TJC's agreement to provide CMS with a copy of the most current accreditation survey together with any other information related to the survey as we may require, including corrective action plans.

In accordance with section 1865(a)(3)(A) of the Act, the October 24, 2019 proposed notice also solicited public comments regarding whether TJC's requirements met or exceeded the Medicare CoPs for HHA. No comments were received in response to our proposed notice.

IV. Provisions of the Final Notice

A. Differences Between TJC's Standards and Requirements for Accreditation and Medicare Conditions and Survey Requirements

We compared TJC's HHA accreditation requirements and survey process with the Medicare CoPs of parts 409 and 484, and the survey and certification process requirements of parts 488 and 489. Our review and evaluation of TJC's HHA application, which were conducted as described in section III. of this final notice, yielded the following areas where, as of the date of this notice, TJC has completed revising its standards and certification processes in order to do all of the following:

- Meet the requirements of all of the following regulations:

++ Section 484.45 to address that HHAs must electronically report all OASIS data collected in accordance with § 484.55.

++ Section 484.50 to include language referencing patient representatives, to be included within the ''Patient Rights'' condition of participation.

++ Section 484.50(a)(1)(i) to incorporate language related to the right of persons who have limited English proficiency and individuals with disabilities to receive understandable, accessible communications.

++ Section 484.50(c)(11) to include the patient's rights to voice grievances to an outside entity.

++ Section 484.50(d)(1) to address safe and appropriate transfer of patients.

++ Section 484.50(e)(2) to include reporting of injuries of unknown source, or misappropriation of patient property.

++ Section 484.60 to address ''individualized'' and ''patient-specific'' plans of care, specifically that the individualized plan of care must specify the care and services necessary to meet the patient-specific needs as identified in the comprehensive assessment, including identification of the responsible discipline(s), and the measurable outcomes that the HHA anticipates will occur as a result of implementing and coordinating the plan of care.

++ Section 484.60(b)(4) to address that stamped signatures are not acceptable unless used in a case of an author with a physical disability that can provide proof to a CMS contractor of his/her inability to sign their signature due to their disability (Rehabilitation Act of 1973).

++ Section 484.80(g)(1) to include professions of physical therapist, speech-language pathologist, or occupational therapist professions in any of their standards where ''appropriate skilled professional'' is found in the regulatory language.

++ Section 484.105(h)(2)(i) and 484.105(h)(2)(ii)(B) to include that transactions that are separated in time, but are components of an overall plan or patient care objective, are viewed in their entirety without regard to their timing and to include section 1122 of the Act (42 U.S.C. 1320a–1) and implementing regulations.

++ Section 484.115(a)(1) to address citable standards to this CoP regarding HHA administrators.

- Provide clarifications and training to surveyors related to the verification of written documentation of the facility's emergency preparedness program as required under § 484.102.
- Provide training to TJC surveyors related to report gathering, specifically the requirements for CASPER and OASIS reports.
- Make changes to the amount of detail provided to the facility during TJC's daily briefing to ensure tracer methodology does not change the integrity of the survey process.
- Remove previous references to the educational and consultative nature of TJC's services when TJC is conducting

surveys, particularly during communications with the facility. Accrediting organization survey processes should emphasize facility compliance with Medicare's health and safety standards, rather than any educational function.

B. Term of Approval

Based on our review and observations described in section III. of this final notice, we approve TJC as a national accreditation organization for HHAs that request participation in the Medicare program. The decision announced in this final notice is effective March 31, 2020 through March 31, 2026.

V. Collection of Information Requirements

This document does not impose information collection requirements, that is, reporting recordkeeping or third-party disclosure requirements. Consequently, there is no need for review by the Office of Management and Budget under the authority of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

The Administrator of the Centers for Medicare & Medicaid Services (CMS), Seema Verma, having reviewed and approved this document, is delegating the authority to electronically sign this document to Evell J. Barco Holland, who is the Federal Register Liaison, for purposes of publication in the **Federal Register**.

Dated: March 26, 2020.

Evell J. Barco Holland,

Federal Register Liaison, Department of Health and Human Services.

[FR Doc. 2020–06792 Filed 3–31–20; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2020–D–1057]

Notifying the Food and Drug Administration of a Permanent Discontinuance or Interruption in Manufacturing Under Section 506C of the Federal Food, Drug, and Cosmetic Act; Guidance for Industry; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing the availability of a guidance for industry entitled ''Notifying FDA of a Permanent Discontinuance or Interruption in Manufacturing Under Section 506C of the FD&C Act.'' Due to the Coronavirus Disease 2019 (COVID–19) pandemic, FDA has been closely monitoring the medical product supply chain with the expectation that it may be impacted by the COVID–19 outbreak, potentially leading to supply disruptions or shortages of drug and biological products in the United States. The guidance is intended to assist applicants and manufacturers in providing FDA timely, informative notifications about changes in the production of certain drugs and biological products that will, in turn, help the Agency in its efforts to prevent or mitigate shortages of such products. Given the public health emergency presented by COVID–19, this guidance document is being implemented without prior public comment because FDA has determined that prior public participation is not feasible or appropriate, but it remains subject to comment in accordance with the Agency's good guidance practices. In addition, this guidance is intended to remain in effect for the duration of the public health emergency related to COVID–19 declared by the Department of Health and Human Services (HHS). However, the recommendations and processes described in the guidance are expected to assist the Agency more broadly in its efforts to prevent and mitigate shortages, including under circumstances outside of the COVID–19 public health emergency and reflect the Agency's current thinking on this issue. Therefore, within 60 days following the termination of the public health emergency, FDA intends to revise and replace this guidance with any appropriate changes following the public health emergency and in consideration of comments received on this guidance and the Agency's experience with implementation.

DATES: The announcement of the guidance is published in the **Federal Register** on April 1, 2020. The guidance document is immediately in effect, but it remains subject to comment in accordance with the Agency's good guidance practices.

ADDRESSES: You may submit comments on any guidance at any time as follows:

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2020–D–1057 for ''Notifying FDA of a Permanent Discontinuance or Interruption in Manufacturing Under Section 506C of the FD&C Act.'' Received comments will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on

https://www.regulations.gov. Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

You may submit comments on any guidance at any time (see 21 CFR 10.115(g)(5)).

Submit written requests for single copies of the guidance to the Division of Drug Information, Center for Drug Evaluation and Research, Food and Drug Administration, 10001 New Hampshire Ave., Hillandale Building, 4th Floor, Silver Spring, MD 20993–0002; or to Office of Communication, Outreach and Development, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 3128, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the guidance document.

FOR FURTHER INFORMATION CONTACT: Jin Ahn, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 22, Rm. 6234, Silver Spring, MD 20993–0002, 301–796–1300; or Stephen Ripley, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 7268, Silver Spring, MD 20993–0002, 240–402–7911.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a guidance for industry entitled ''Notifying FDA of a Permanent Discontinuance or Interruption in Manufacturing Under Section 506C of the FD&C Act.'' This guidance discusses the requirement in section 506C of the FD&C Act (21 U.S.C. 356c) and FDA's implementing regulations for applicants and manufacturers to notify FDA of a permanent discontinuance in the manufacture of certain products or an interruption in the manufacture of certain products that is likely to lead to a meaningful disruption in supply of that product in the United States. The guidance recommends that applicants and manufacturers provide additional details and follow additional procedures to ensure FDA has the specific information it needs to help prevent or mitigate shortages. The guidance also explains how FDA communicates information about products in shortage to the public.

Timely and detailed notifications from applicants and manufacturers play a significant role in decreasing the incidence and duration of supply disruptions and shortages. Early, informative notifications are the best tool FDA has to help prevent a shortage from occurring or to mitigate the impact of an unavoidable shortage. When FDA does not receive timely, informative notifications, the Agency's ability to respond appropriately is limited and a shortage may result. Therefore, FDA is issuing this guidance to assist applicants and manufacturers in providing early, detailed notifications that will allow FDA to evaluate the situation and take appropriate action. Among other things, the guidance explains: (1) Who should notify FDA, (2) when and how such notifications should be submitted; and (3) what details to include in notifications that will ensure FDA has information it needs to help prevent or mitigate shortages.

In light of the public health emergency related to COVID–19 declared by the Secretary of HHS, FDA has determined that prior public participation for this guidance is not feasible or appropriate and is issuing this guidance without prior public comment (see section 701(h)(1)(C)(i) of the FD&C Act (21 U.S.C. 371(h)(1)(C)(i)) and 21 CFR 10.115(g)(2)). This guidance document is being implemented immediately, but it remains subject to comment in accordance with the Agency's good guidance practice statute and regulation.

This guidance is intended to remain in effect for the duration of the public health emergency related to COVID–19 declared by HHS, including any renewals made by the Secretary in accordance with section 319(a)(2) of the Public Health Service Act (42 U.S.C. 247d(a)(2)). However, the recommendations and processes described in the guidance are expected to assist the Agency more broadly in its efforts to prevent and mitigate shortages, including under circumstances outside of the COVID–19 public health emergency, and reflect the Agency's current thinking on this issue. Therefore, within 60 days following the termination of the public health emergency, FDA intends to revise and replace this guidance with any appropriate changes based on comments received on this guidance and the Agency's experience with implementation.

II. Significance of Guidance

This guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The guidance represents the current thinking of FDA on ''Notifying FDA of a Permanent Discontinuance or Interruption in Manufacturing Under Section 506C of the FD&C Act.'' It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations.

III. Paperwork Reduction Act of 1995

The guidance contains information collection provisions that are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3521). Under the PRA, Federal Agencies must obtain approval from OMB for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes Agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Health and Human Services Secretary Alex M. Azar II (Secretary) determined that, as a result of confirmed cases of 2019 Novel Coronavirus (2019-nCoV), a public health emergency (PHE) exists and has existed since January 27, 2020. On March 19, 2020, the Secretary waived, pursuant to section 319(f) of the PHS Act (42 U.S.C. 247d(f)) and the PHE, the requirements of the PRA for information to be collected by FDA pertaining to our guidance documents that relate to the COVID–19 pandemic public health emergency response. The Secretary has posted its determination of the waiver at: *https://aspe.hhs.gov/public-health-emergency-declaration-pra-waivers.* Pursuant to the waiver, the requirements of the PRA are not

applicable with respect to the voluntary collection of information contained in the guidance during the immediate investigation of, and response to, COVID–19. Furthermore, the requirements of the PRA shall not be applicable with respect to the voluntary collection of information contained in the guidance during the immediate post-response review regarding the public health emergency.

As noted above, while the requested information and process described in the guidance are critical during national emergencies, such as the COVID–19 outbreak, the guidance recommends submission of information that is expected to assist the Agency more broadly in its efforts to address shortages. Accordingly, following the termination of the PHE, FDA intends to revise and replace the guidance with any appropriate changes based on comments received on this guidance and our experience with implementation. Upon determining that the circumstances necessitating the COVID–19 PRA waiver no longer exist, the Secretary will promptly update its website to reflect the termination of the waiver. The period of this waiver will not exceed the period of time for the public health emergency related to COVID–19, including any immediate post-response review. The Secretary will ensure that compliance with the requirements of the PRA occurs in as timely a manner as possible based on the applicable circumstances, but not to exceed 30 calendar days after the expiration of the waiver related to COVID–19.

This guidance also refers to previously approved collections of information found in FDA regulations. The guidance describes, among other things, the requirements in §§ 310.306, 314.81(b)(3)(iii), and 600.82 (21 CFR 310.306, 314.81(b)(3)(iii), and 600.82) for applicants or manufacturers of certain drugs and biological products to notify FDA of a permanent discontinuance in the manufacture of certain products or an interruption in manufacture of certain products that is likely to lead to a meaningful disruption in the supply of such products in the United States. These notifications must provide particular information, including the name of the product and a description of the reason for the permanent discontinuance or interruption in manufacturing (see Section II of the guidance). The collections of information in §§ 310.306, 314.81(b)(3)(iii), and 600.82 have been approved under OMB control number 0910–0759.

IV. Electronic Access

Persons with access to the internet may obtain the guidance at *https://www.fda.gov/drugs/guidance-compliance-regulatory-information/guidances-drugs, https://www.fda.gov/vaccines-blood-biologics/guidance-compliance-regulatory-information-biologics/biologics-guidances,* or *https://www.regulations.gov.*

Dated: March 27, 2020.

Lowell J. Schiller,

Principal Associate Commissioner for Policy.

[FR Doc. 2020–06800 Filed 3–31–20; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2020–N–0008]

Ophthalmic Devices Panel of the Medical Devices Advisory Committee; Notice of Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces a forthcoming public advisory committee meeting of the Ophthalmic Devices Panel of the Medical Devices Advisory Committee. The general function of the committee is to provide advice and recommendations to the Agency on FDA's regulatory issues. The meeting will be open to the public.

DATES: The meeting will be held on June 9, 2020, from 8 a.m. to 6 p.m.

ADDRESSES: DoubleTree by Hilton Washington, DC North/Gaithersburg, Salons A, B, and C, 620 Perry Pkwy., Gaithersburg, MD 20877. The hotel's telephone number is 301–977–8900. The hotel's website is *https://doubletree3.hilton.com/en/hotels/maryland/doubletree-by-hilton-washington-dc-north-gaithersburg-GAIGWDT/index.html.* Answers to commonly asked questions including information regarding special accommodations due to a disability, visitor parking, and transportation may be accessed at: *https://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm408555.htm.*

FOR FURTHER INFORMATION CONTACT: Aden Asefa, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 5214, Silver Spring, MD 20993–0002, 301–796–0400, *Aden.Asefa@fda.hhs.gov;* or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area). A notice in the **Federal Register** about last minute modifications that impact a previously announced advisory committee meeting cannot always be published quickly enough to provide timely notice. Therefore, you should always check the Agency's website at *https://www.fda.gov/AdvisoryCommittees/default.htm* and scroll down to the appropriate advisory committee meeting link, or call the advisory committee information line to learn about possible modifications before coming to the meeting.

SUPPLEMENTARY INFORMATION:

Agenda: On June 9, 2020, the committee will discuss, make recommendations, and vote on information regarding the premarket approval application (PMA) for the VisAbility Micro Insert sponsored by Refocus Group, Inc. The proposed Indication for Use for the VisAbility Micro Insert, as stated in the PMA, is as follows:

The VisAbility Micro Insert is indicated for bilateral scleral implantation to improve unaided near vision in phakic, presbyopic patients between the ages of 45 and 60 years of age, who have a manifest spherical equivalent between -0.75D and +0.50D with less than or equal to 1.00D of refractive cylinder in both eyes, and require a minimum near correction of at least +1.25D reading add.

FDA intends to make background material available to the public no later than 2 business days before the meeting. If FDA is unable to post the background material on its website prior to the meeting, the background material will be made publicly available at the location of the advisory committee meeting, and the background material will be posted on FDA's website after the meeting. Background material is available at *https://www.fda.gov/AdvisoryCommittees/Calendar/default.htm.* Scroll down to the appropriate advisory committee meeting link.

Procedure: Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Written submissions may be made to the contact person on or before May 19, 2020. Oral presentations from the public will be scheduled on June 9, 2020, between approximately 1 p.m. and 2 p.m. Those individuals interested in making formal oral presentations should notify the contact person and submit a brief statement of the general nature of the

evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation on or before May 11, 2020. Time allotted for each presentation may be limited. If the number of registrants requesting to speak is greater than can be reasonably accommodated during the scheduled open public hearing session, FDA may conduct a lottery to determine the speakers for the scheduled open public hearing session. The contact person will notify interested persons regarding their request to speak by May 12, 2020.

Persons attending FDA's advisory committee meetings are advised that the Agency is not responsible for providing access to electrical outlets.

FDA welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with disabilities. If you require accommodations due to a disability, please contact AnnMarie Williams at *Annmarie.Williams@fda.hhs.gov* or 301–796–5966 at least 7 days in advance of the meeting.

FDA is committed to the orderly conduct of its advisory committee meetings. Please visit our website at *https://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm111462.htm* for procedures on public conduct during advisory committee meetings.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: March 26, 2020.

Lowell J. Schiller,

Principal Associate Commissioner for Policy.

[FR Doc. 2020–06747 Filed 3–31–20; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Emergency Use Authorization Declaration

AGENCY: Department of Health and Human Services.

ACTION: Notice of Emergency Use Authorization Declaration.

SUMMARY: The Secretary of Health and Human Services (HHS) is issuing this notice pursuant to section 564 of the Federal Food, Drug, and Cosmetic (FD&C) Act. On February 4, 2020, the Secretary determined pursuant to his authority under section 564 of the FD&C Act that there is a public health emergency that has a significant potential to affect national security or the health and security of United States citizens living abroad and that involves a novel (new) coronavirus (nCoV) first detected in Wuhan City, Hubei Province, China in 2019 (2019–nCoV). The virus is now named SARS–CoV–2, which causes the illness COVID–19. On the basis of this determination, he also declared that circumstances exist justifying the authorization of emergency use of drugs and biological products during the COVID–19 pandemic, pursuant to section 564 of the FD&C Act, subject to the terms of any authorization issued under that section.

DATES: The determination was effective February 4, 2020, and this declaration is effective March 27, 2020.

FOR FURTHER INFORMATION CONTACT: Robert P. Kadlec, M.D., MTM&H, MS, Assistant Secretary for Preparedness and Response, Office of the Secretary, Department of Health and Human Services, 200 Independence Avenue SW, Washington, DC 20201, Telephone (202) 205–2882 (this is not a toll free number).

SUPPLEMENTARY INFORMATION:

I. Background

Under Section 564 of the FD&C Act, the Commissioner of the Food and Drug Administration (FDA), acting under delegated authority from the Secretary of HHS, may issue an Emergency Use Authorization (EUA) authorizing (1) the emergency use of an unapproved drug, an unapproved or uncleared device, or an unlicensed biological product; or (2) an unapproved use of an approved drug, approved or cleared device, or licensed biological product. Before an EUA may be issued, the Secretary of HHS must declare that circumstances exist justifying the authorization based on one of four determinations: (1) A determination by the Secretary of Homeland Security that there is a domestic emergency, or a significant potential for a domestic emergency, involving a heightened risk of attack with a, chemical, biological, radiological, or nuclear (''CBRN'') agent or agents; (2) the identification of a material threat by the Secretary of Homeland Security pursuant to section 319F–2 of the Public Health Service (PHS) Act sufficient to affect national security or the health and security of United States citizens living abroad; (3) a determination by the Secretary of Defense that there is a military emergency, or a significant potential for a military emergency, involving a heightened risk to United States military forces, including personnel operating under the authority of title 10 or title 50, of attack with (i) a biological, chemical, radiological, or nuclear agent or agents; or (ii) an agent or agents that may cause, or are otherwise associated with, an imminently life-threatening and specific risk to United States military forces; or (4) a determination by the Secretary that there is a public health emergency, or a significant potential for a public health emergency, that affects, or has a significant potential to affect, national security or the health and security of United States citizens living abroad, and that involves a CBRN agent or agents, or a disease or condition that may be attributable to such agent or agents

Based on any of these four determinations, the Secretary of HHS may then declare that circumstances exist that justify the EUA, at which point the FDA Commissioner may issue an EUA if the criteria for issuance of an authorization under section 564 of the FD&C Act are met. The Office of the Assistant Secretary for Preparedness and Response, HHS, requested that the FDA, HHS, issue an EUA for drugs and biological products to allow the Department to take response measures based on information currently available about the virus that causes COVID–19. The determination of a public health emergency, and the declaration that circumstances exist justifying emergency use of drugs and biological products by the Secretary of HHS, as described below, enable the FDA Commissioner to issue an EUA for drugs and biological products for emergency use under section 564 of the FD&C Act.

II. Determination by the Secretary of Health and Human Services

On February 4, 2020, pursuant to section 564 of the FD&C Act, I determined that there is a public health emergency that has a significant potential to affect national security or the health and security of United States citizens living abroad and that involves a novel (new) coronavirus (nCoV) first detected in Wuhan City, Hubei Province, China in 2019 (2019–nCoV). The virus is now named SARS–CoV–2, which causes the illness COVID–19.

III. Declaration of the Secretary of Health and Human Services

On March 27, 2020, on the basis of my determination of a public health emergency that has a significant potential to affect national security or the health and security of United States citizens living abroad and that involves the novel (new) coronavirus, I declared that circumstances exist justifying the authorization of emergency use of drugs

and biological products during the COVID–19 pandemic, pursuant to section 564 of the FD&C Act, subject to the terms of any authorization issued under that section.

Notice of the EUAs issued by the FDA Commissioner pursuant to this determination and declaration will be provided promptly in the **Federal Register** as required under section 564 of the FD&C Act.

Dated: March 27, 2020.

Alex M. Azar II,

Secretary.

[FR Doc. 2020–06905 Filed 3–30–20; 2:00 pm]

BILLING CODE P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Library of Medicine; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the Board of Regents, May 12–13, 2020, 9:00 a.m. to 4:00 p.m. at the National Institutes of Health, Building 38, Lindberg Room, 8600 Rockville Pike, Bethesda, MD 20892 which was published in the **Federal Register** on February 4, 2020, 85 FR 23, Page 6210.

This notice is being amended to change the meeting location from the National Institutes of Health, Building 38, Lindberg Room, 8600 Rockville Pike, Bethesda, MD 20892 to a virtual meeting. The URL link to this meeting is: *https://videocast.nih.gov.* Any member of the public may submit written comments no later than 15 days after the meeting.

Dated: March 27, 2020.

Ronald J. Livingston, Jr.,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2020–06768 Filed 3–31–20; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; 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: Center for Scientific Review Special Emphasis Panel; Member Conflict: Health Informatics and Health Care Delivery.

Date: April 10, 2020.

Time: 2:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Dr., Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Ping Wu, Ph.D., Scientific Review Officer, HDM IRG, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3166, Bethesda, MD 20892, 301–451–8428, *wup4@csr.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. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: March 26, 2020.

Ronald J. Livingston, Jr.,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2020–06766 Filed 3–31–20; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; NIAID Investigator-Initiated Clinical Trial Planning Grant (R34).

Date: April 23, 2020.

Time: 1:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3G41, Rockville, MD 20892 (Telephone Conference Call).

Contact Person: Kelly L. Hudspeth, Ph.D., Scientific Review Officer, National Institutes of Health, National Institute of Allergy and Infectious Diseases, 5601 Fishers Lane, Room 3G41, Rockville, MD 20852, 240–669–5067, *kelly.hudspeth@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: March 26, 2020.

Tyeshia M. Roberson,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2020–06765 Filed 3–31–20; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; 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: Center for Scientific Review Special Emphasis Panel; PAR 19–059: Global Noncommunicable Diseases and Injury Across the Lifespan (R21).

Date: April 10, 2020.

Time: 10:00 a.m. to 12:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Weijia Ni, Ph.D., Chief/Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3100,

MSC 7808, Bethesda, MD 20892, 301–594–3292, *niw@csr.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. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: March 26, 2020.

Ronald J. Livingston, Jr.,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2020–06767 Filed 3–31–20; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; 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 Heart, Lung, and Blood Institute Special Emphasis Panel; Mentored Clinical and Basic Science Review Committee.

Date: April 24, 2020.

Time: 5:00 p.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6705 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Keith A. Mintzer, Ph.D., Scientific Review Officer, Office of Review Branch/DERA, National Heart, Lung, and Blood Institute, 6705 Rockledge Drive, Bethesda, MD 20892–7924, 301–827–7949, *mintzerk@nhlbi.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: March 27, 2020.

Ronald J. Livingston, Jr.,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2020–06769 Filed 3–31–20; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration (SAMHSA)

Agency Information Collection Activities: Submission for OMB Review; Comment Request

Periodically, the Substance Abuse and Mental Health Services Administration (SAMHSA) will publish a summary of information collection requests under OMB review in compliance with the Paperwork Reduction Act. To request a copy of these documents, call the SAMHSA Reports Clearance Officer at (240) 276–0361.

Project: Protection and Advocacy for Individuals With Mental Illness (PAIMI) Annual Program Performance Report (OMB No. 0930–0169)—Extension

The Protection and Advocacy for Individuals with Mental Illness (PAIMI) Act at 42 U.S.C. 10801 *et seq.,* authorized funds to the same protection and advocacy (P&A) systems created under the Developmental Disabilities Assistance and Bill of Rights Act of 1975, known as the DD Act (as amended in 2000, 42 U.S.C. 15001 *et seq.*]. The DD Act supports the Protection and Advocacy for Developmental Disabilities (PADD) Program administered by the Administration on Intellectual and Developmental Disabilities (AIDD) within the Administration on Community Living. AIDD is the lead federal P&A agency. The PAIMI Program supports the same governor-designated P&A systems established under the DD Act by providing legal-based individual and systemic advocacy services to individuals with significant (severe) mental illness (adults) and significant (severe) emotional impairment (children/youth) who are at risk for abuse, neglect and other rights violations while residing in a care or treatment facility.

In 2000, the PAIMI Act amendments created a 57th P&A system—the American Indian Consortium (the Navajo and Hopi Tribes in the Four Corners region of the Southwest). The Act, at 42 U.S.C. 10804(d), states that a P&A system may use its allotment to provide representation to individuals with mental illness, as defined by section 42 U.S.C. 10802 (4)(B)(iii) residing in the community, including their own home, *only,* if the total allotment under this title for any fiscal year is $30 million or more, *and* in such cases an eligible P&A system *must* give priority to representing PAIMI-eligible individuals, as defined by 42 U.S.C. 10802(4)(A) and (B)(i).

The Children's Health Act of 2000 (CHA) also referenced the state P&A system authority to obtain information on incidents of seclusion, restraint and related deaths [see, CHA, Part H at 42 U.S.C. 290ii-1]. PAIMI Program formula grants awarded by SAMHSA go directly to each of the 57 governor-designated P&A systems. These systems are located in each of the 50 states, the District of Columbia, the American Indian Consortium, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, and the U.S. Virgin Islands.

The PAIMI Act at 42 U.S.C. 10805(7) requires that each P&A system prepare and transmit to the Secretary of The U.S. Department of Health and Human Services (HHS), and to the head of its State mental health agency a report on January 1. This report describes the activities, accomplishments, and expenditures of the system during the most recently completed fiscal year, including a section prepared by the advisory council (the PAIMI Advisory Council or PAC) that describes the activities of the council and its independent assessment of the operations of the system.

SAMHSA proposes minor revisions to its annual PAIMI Program Performance Report (PPR), including the advisory council section, at this time for the following reasons: (1) The revisions revise the PAIMI PPR, as appropriate, for consistency with the annual reporting requirements under the PAIMI Act and Rules [42 CFR part 51]; (2) The revisions simplify the electronic data entered by state P&A systems; (3) SAMHSA will reduce wherever feasible the current reporting burden by removing any information that does not facilitate evaluation of the programmatic and fiscal effectiveness of a state P&A system; (4) The updated electronic version will expedite SAMHSA's ability to prepare the biennial report; (5) The updated electronic version will improve SAMHSA's ability to generate reports, analyze trends and more expeditiously provide feedback to PAIMI programs. This PPR/ACR will be effective for the FY 2021 PPR reports due on January 1, 2022.

The annual burden estimate is as follows:

	Number of respondents	Number of responses per respondent	Hours per response	Total hour burden
Program Performance Report	57	1	20	1,140
Advisory Council Report	57	1	10	570
Total	57			1,710

Written comments and recommendations concerning the proposed information collection should be sent by May 1, 2020 to the SAMHSA Desk Officer at the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB). To ensure timely receipt of comments, and to avoid potential delays in OMB's receipt and processing of mail sent through the U.S. Postal Service, commenters are encouraged to submit their comments to OMB via email to: *OIRA_Submission@omb.eop.gov.* Although commenters are encouraged to send their comments via email, commenters may also fax their comments to: 202–395–7285. Commenters may also mail them to: Office of Management and Budget, Office of Information and Regulatory Affairs, New Executive Office Building, Room 10102, Washington, DC 20503.

Carlos Graham,

Social Science Analyst.

[FR Doc. 2020–06783 Filed 3–31–20; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emrgency Management Agency

[Docket ID: FEMA–2020–0006; OMB No. 1660–0022]

Agency Information Collection Activities: Submission for OMB Review; Comment Request; Community Rating System—Application Letter & Quick Check; Community Recertifications; Environmental & Historic Preservation Certifications

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice and request for comments.

SUMMARY: The Federal Emergency Management Agency (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 May 1, 2020.

ADDRESSES: Submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the Desk Officer for the Department of Homeland Security, Federal Emergency Management Agency, and sent via electronic mail to *dhsdeskofficer@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection should be made to Director, Information Management Division, 500 C Street SW, Washington, DC 20472, email address *FEMA-Information-Collections-Management@fema.dhs.gov* or Bill Lesser, Program Specialist, Federal Insurance and Mitigation Administration, (202) 646–2807.

SUPPLEMENTARY INFORMATION: This proposed information collection previously published in the **Federal Register** on January 28, 2020, at 85 FR 5005 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: Community Rating System—Application Letter & Quick Check; Community Annual Recertifications; Environmental & Historic Preservation Certifications.

Type of information collection: Extension, without change, of a currently approved information collection.

OMB Number: 1660–0022.

Form Titles and Numbers: FEMA Form 086–0–35, Community Rating System Application Letter and Quick Check; FEMA Form 086–0–35A, Community Annual Recertifications, FEMA Form 086–0–35B, Environmental and Historic Preservation Certifications; FEMA Form 086–0–035C, Repetitive Loss Update Form.

Abstract: The CRS Application Letter & Quick Check, the CRS certification and update forms, and accompanying guidance are used by communities that participate in the National Flood Insurance Program's (NFIP) Community Rating System (CRS). The CRS is a voluntary program where flood insurance costs are reduced in communities that implement practices, such as building codes and public awareness activities, that are considered to reduce the risks of flooding and promote the purchase of flood insurance.

Affected Public: State, local, or Tribal government.

Estimated Number of Respondents: 2,170.

Estimated Number of Responses: 4,170.

Estimated Total Annual Burden Hours: 52,292.

Estimated Total Annual Respondent Cost: $3,816,061.

Estimated Respondents' Operation and Maintenance Costs: There are no estimated operation and maintenance costs associated with this collection.

Estimated Respondents' Capital and Start-Up Costs: There are no estimated capital and start-up costs associated with this collection.

Estimated Total Annual Cost to the Federal Government: $6,612,799.

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. 2020–06698 Filed 3–31–20; 8:45 am]

BILLING CODE 9111–52–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615–0121]

Agency Information Collection Activities; Extension, Without Change, of a Currently Approved Collection: Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery

AGENCY: U.S. Citizenship and Immigration Services, Department of Homeland Security.

ACTION: 60-day notice.

SUMMARY: The Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS) invites the general public and other Federal agencies to comment upon this proposed extension of a currently approved collection of information. In accordance with the Paperwork Reduction Act (PRA) of 1995, the information collection notice is published in the **Federal Register** to obtain comments regarding the nature of the information collection, the categories of respondents, the estimated burden (*i.e.* the time, effort, and resources used by the respondents to respond), the estimated cost to the respondent, and the actual information collection instruments.

DATES: Comments are encouraged and will be accepted for 60 days until June 1, 2020.

ADDRESS: All submissions received must include the OMB Control Number 1615–0012 in the body of the letter, the agency name and Docket ID USCIS–2007–0037. Submit comments via the Federal eRulemaking Portal website at *http://www.regulations.gov* under e-Docket ID number USCIS–2007–0037. USCIS is limiting communications for this Notice as a result of USCIS' COVID–19 response actions.

FOR FURTHER INFORMATION CONTACT: USCIS, Office of Policy and Strategy, Regulatory Coordination Division, Samantha Deshommes, Chief, telephone number 202–272–8377 (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

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–2014–0008 in the search box. 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:* Extension, Without Change, of a Currently Approved Collection.

(2) *Title of the Form/Collection:* Generic Clearance of Qualitative Feedback on Agency Service Delivery.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* No Agency Form Number; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Individuals or households; businesses and organizations. This collection of information is necessary to enable the Agency to garner customer and stakeholder feedback in an efficient, timely manner, in accordance with our commitment to improving service delivery. The information collected from our customers and stakeholders will help ensure that users have an effective, efficient, and satisfying experience with the Agency's programs.

(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 1615–0121 is 56,000 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 28,000 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 $0. Respondents to this collection of information are not required to provide documentation or take other actions that might incur a cost.

Dated: March 25, 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. 2020–06711 Filed 3–31–20; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615–0012]

Agency Information Collection Activities; Extension, Without Change, of a Currently Approved Collection: Petition for Alien Relative

AGENCY: U.S. Citizenship and Immigration Services, Department of Homeland Security.

ACTION: 60-day notice.

SUMMARY: The Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS) invites the general public and other Federal agencies to comment upon this proposed extension of a currently approved collection of information or new collection of information. In accordance with the Paperwork Reduction Act (PRA) of 1995, the information collection notice is published in the **Federal Register** to obtain comments regarding the nature of the information collection, the categories of respondents, the estimated burden (*i.e.* the time, effort, and resources used by the respondents to respond), the estimated cost to the respondent, and the actual information collection instruments.

DATES: Comments are encouraged and will be accepted for 60 days until June 1, 2020.

ADDRESS: All submissions received must include the OMB Control Number 1615–0012 in the body of the letter, the agency name and Docket ID USCIS–2007–0037. Submit comments via the Federal eRulemaking Portal website at *http://www.regulations.gov* under e-Docket ID number USCIS–2007–0037. USCIS is limiting communications for this Notice as a result of USCIS' COVID–19 response actions.

FOR FURTHER INFORMATION CONTACT: USCIS, Office of Policy and Strategy, Regulatory Coordination Division, Samantha Deshommes, Chief, telephone number 202–272–8377 (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

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–2007–0037 in the search box. 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:* Extension, Without Change, of a Currently Approved Collection.

(2) *Title of the Form/Collection:* Petition for Alien Relative.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* I–130; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Individuals or households. Form I–130 allows U.S. citizens or lawful permanent residents of the United States to petition on behalf of certain alien relatives who wish to immigrate to the United States. Form I–130A allows for the collection of additional information for spouses of the petitioners necessary to facilitate a decision.

(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–130 is 437,500 and the estimated hour burden per response is 2 hours. The estimated total number of respondents for the information collection I–130A is 40,775 and the estimated hour burden per response is 0.833 hours. The estimated total number of respondents for the information collection I–130 e-file is 437,500 and the estimated hour burden per response is 1.5 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 1,565,216 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 $350,000,000.

Dated: March 25, 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. 2020–06710 Filed 3–31–20; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–6113–N–04]

Announcement of Funding Awards

AGENCY: Office of Strategic Planning and Management, HUD.

ACTION: Notice.

SUMMARY: In accordance with section 102(a)(4)(C) of the Department of Housing and Urban Development Reform Act of 1989, this announcement notifies the public of funding decisions made by the Department in competitions for funding under the Notices of Funding Availability (NOFAs) for the following programs: Fiscal Year (FY) 2017 Homeless Management Information System Capacity Building Project (HMIS); FY 2018 Research and Evaluation,

Demonstrations, and Data Analysis and Utilization Program (HUDRD); FY 2018 Healthy Homes Production Grant Program for Tribal Housing; FY 2019 Housing Opportunities for Persons with AIDS (HOPWA) Permanent Supportive Housing (PSH) Renewal Grants (Notice CPD–19–03); FY 2019 Policy Development and Research Authority to Accept Unsolicited Proposals for Research Partnership Notice; FY 2019 Lead Hazard Reduction Grant Program; FY 2019 Lead, Healthy Homes Technical Studies Grant Program; FY 2019 Comprehensive Housing Counseling Grant Program; FY 2019 Housing Counseling Training Grant and FY 2019 Choice Neighborhoods Planning Grant Program.

FOR ADDITIONAL INFORMATION, CONTACT: Office of Strategic Planning and Management, Grants Management and Oversight Division at *AskGMO@hud.gov* or the contact person listed in each appendix. Hearing- or speech- impaired individuals may access this number via TTY by calling the Federal Information Relay Service, toll-free, at 800–877–8339.

SUPPLEMENTARY INFORMATION: HUD posted its FY 2017 Homeless Management Information System Capacity Building Project (HMIS) NOFA on *grants.gov* on November 19, 2018, (FR–6100–N–40). The competition closed on January 31, 2019. HUD rated and selected applications for funding based on selection criteria contained in the NOFA. This competition awarded $5,000,000 to 37 recipients to improve their Continuum of Care (CoC's)' Homeless Management Information Systems. Activities that improve HMIS include any one or more of Consolidating HMIS software or databases with another CoC's HMIS; Upgrading, customizing, or configuring the functionality of a CoC's existing HMIS; Improving HMIS data quality; or Increasing staff skills through trainings related to HMIS governance, data collection and data quality improvements, and data analysis to support strategic decision-making. The list of awardees under this NOFA is provided at Appendix A of this notice.

HUD posted its FY 2018/2019 Research and Evaluation, Demonstrations and Data Analysis and Utilization Program (HUDRD) NOFA on *grants.gov* on April 10, 2019, (FR–6200–N–29). The competition closed on May 24, 2019. HUD rated and selected applications for funding based on selection criteria contained in the NOFA. This competition awarded $2,623,077 to 6 recipients to further PD&R's mission to inform policy development and implementation to improve life in American communities through conducting, supporting, and sharing research, surveys, demonstrations, program evaluations, and best practices. The list of awardees under this NOFA is provided at Appendix B of this notice.

HUD posted its FY 2018 Heathy Homes Production Grant Program for Tribal Housing on *grants.gov* on June 25, 2019, (FR–6200–N–44). The competition closed on August 9, 2019. HUD rated and selection applications for funding based on selection criteria contained in the NOFA. This competition awarded $5,083,623 to 6 recipients to address multiple childhood diseases and injuries in the home by focusing on housing-related hazards in a coordinated fashion, rather than addressing a single hazard at a time. The program builds upon HUD's experience with Lead Hazard Control programs to expand the Department's efforts to address a variety of high-priority environmental health and safety hazards. The list of awardees under this NOFA is provided at Appendix C of this notice.

HUD posted its FY 2019 Housing Opportunities for Persons with AIDS (HOPWA) Permanent Supportive Housing (PSH) Renewal Grants Notice CPD–19–03 on *grants.gov* on March 4, 2019, (Notice CPD–19–030). The competition closed on April 12, 2019. HUD rated and selected applications for funding based on selection criteria contained in the NOFA. This competition has awarded $24,735,991 to 25 recipients to pursuant to the authority provided by the Consolidated Appropriations Act, 2019, Public Law 116–6, Div. G, Title II. The Department will renew all eligible expiring HOPWA permanent supportive housing (PSH) competitive grants initially funded with appropriated funds from Fiscal Year 2010 or earlier provided they meet applicable program requirements. The list of awardees under this NOFA is provided at Appendix D of this notice.

HUD posted its FY 2018/2019 Policy Development and Research Authority to Accept Unsolicited Proposals for Research Partnership Notice (USP) on *grants.gov* on May 21, 2019, (FR–6300–N–USP). The competition closed on December 31, 2020. HUD rated and selected applications were rated and selected for funding based on selection criteria contained in the NOFA. This competition has awarded $427,288 to 3 recipients to allow greater flexibility in addressing important policy questions and to better utilize external expertise in evaluating the local innovations and effectiveness of programs affecting residents of urban, suburban, rural and tribal area. The list of awardees under this NOFA is provided at Appendix E of this notice.

HUD posted its FY 2019 Lead Hazard Reduction Grant Program on *grants.gov* on June 25, 2019, (FR–6300–N–13). The competition closed on August 9, 2019. HUD rated and selected applications for funding based on selection criteria contained in the NOFA. This competition awarded $313,656,859.14 to 77 recipients to maximize the number of children under the age of six years protected from lead poisoning by assisting states, cities, counties/parishes, Native American Tribes or other units of local government in undertaking comprehensive programs to identify and control lead-based paint hazards in eligible privately-owned rental or owner-occupied housing populations. The list of awardees under this NOFA is provided at Appendix F of this notice.

HUD posted its FY 2019 Healthy Homes Technical Studies Grant Program on *grants.gov* on June 10, 2019, (FR–6300–N–15), with a pre-application due date of July 11, 2019. The competition full application closed on September 3, 2019. HUD rated and selected applications for funding based on selection criteria contained in the NOFA. This competition awarded $6,405,862 to 7 recipients to gain knowledge to improve the efficacy and cost-effectiveness of methods for evaluation and control of residential lead-based paint hazards. The list of awardees under this NOFA is provided at Appendix G of this notice.

HUD posted its FY 2019 Lead Technical Studies Grant Program on *grants.gov* on June 10, 2019, (FR–6300–N–15), with a pre-application due date of July 11, 2019. The competition full application closed on September 3, 2019. HUD rated and selected applications d for funding based on selection criteria contained in the NOFA. This competition awarded $1,982,233 to 3 recipients to advance the recognition and control of priority residential health and safety hazards and more closely examine the link between housing and health. The list of awardees under this NOFA is provided at Appendix H of this notice.

HUD posted its FY 2019 Comprehensive Housing Counseling Grant Program on *grants.gov* on May 24, 2019, (FR–6300–N–33). The competition closed on July 2, 2019. HUD rated and selected applications for funding based on selection criteria contained in the NOFA. This competition awarded $42,841,684 to 207 recipients to provide counseling and advice to tenants and

homeowners with respect to property maintenance, financial management and literacy, and such other matters as may be appropriate to help clients improve their housing conditions, meet financial needs, and fulfill the responsibilities of tenancy or homeownership.

HUD posted FY 2019 Housing Counseling Training Grant on *grants.gov* on August 6, 2019 (FR–6300–N–30). The competition closed on September 5, 2019. HUD rated and selected applications for funding based on selection criteria contained in the NOFA. The competition awarded $2,500,000 to 5 recipients to provide basic housing counseling training and specialized topics to housing counseling agencies to better assist individuals and families. In addition, the grant supports training the agencies on state and local issues and to support the emerging administrative priorities such as HECM default counseling and disaster preparation/recovery classes, both on-line and onsite courses. The list of awardees under this NOFA is provided at Appendix I of this notice.

HUD posted the FY 2019 Choice Neighborhoods Planning Grants competition on *grants.gov* on April 10, 2019 (FR–6300–N–38). The competition closed on June 10, 2019. HUD rated and selected applications for funding based on selection criteria contained in the NOFA. This competition awarded $5,150,000 to 4 recipients to support the development of comprehensive neighborhood revitalization plans which focused on directing resources to address three core goals: Housing, People and Neighborhoods. To achieve these core goals, communities must develop and implement a comprehensive neighborhood revitalization strategy, or Transformation Plan. The Transformation Plan will become the guiding document for the revitalization of the public and/or assisted housing units while simultaneously directing the transformation of the surrounding neighborhood and positive outcomes for families. The list of awardees under this NOFA is provided at Appendix J of this notice.

In accordance with section 102(a)(4)(C) of the Department of Housing and Urban Development Reform Act of 1989 (103 Stat. 1987, 42 U.S.C. 3545(a)(4)(C)), the Department is publishing the awardees and the amounts of the awards in Appendices A through J to this document.

Dated: March 27, 2020.

Dorthera Yorkshire,

Director, Grants Management and Oversight.

Appendix A

FY2017 Homeless Management Information System Capacity Building Project

Contact: Abbilyn Miller, (212) 542–7120

Legal name	Address line 1	Address line 2	City	State	Zip 5	Zip 4	Award amount
Alabama rural Coalition for the Homeless, Inc.	4120 Wall Street ...	.....	Montgomery	AL	36106	2861	$121,380
Broward County, FL	115 S Andrews Avenue.	Room 409	Fort Lauderdale	FL	33301	1801	126,498
CARES of NY, Inc	200 Henry Johnson Boulevard.	Suite 4	Albany	NY	12210	1550	100,000
Changing Homelessness, Inc	660 Park Street	.....	Jacksonville	FL	32204	2933	104,500
City of Amarillo	808 S Buchanan St	Community Development Department.	Amarillo	TX	79105	1971	143,860
City of Boston	26 Court Street	Supportive Housing	Boston	MA	2108	2501	150,000
City of Lowell	50 Arcand Drive	.....	Lowell	MA	1852	1803	150,000
City of Topeka	620 SE Madison, 1st Floor, Unit 8.	Housing Services ..	Topeka	KS	66607	1149	102,685
Commonwealth of Massachusetts.	100 Cambridge Street.	Suite 300	Boston	MA	2114	2531	150,000
Community Action Partnership of Oregon (CAPO).	350 Mission Street SE, Suite 201.	.....	Salem	OR	97302	6302	150,000
Community Council of St. Charles County.	P.O. Box 219	.....	Cottleville	MO	63338	219	149,550
County of Chester	313 W Market St ...	Suite 6202	West Chester	PA	19380	991	150,000
County of Santa Barbara	123 E Anapamu St., Suite 202.	.....	Santa Barbara ..	CA	93101	2025	133,564
County of Shasta	1450 Court Street, Suite 108.	Community Action	Redding	CA	96001	1661	170,300
Homeward	9211 Forest Hill Ave.	Ste. 200	Richmond	VA	23235	0	91,977
Lee County	2115 Second St	.....	Fort Myers	FL	33901	3070	84,900
Little Rock Community Mental Health Center, Inc.	1100 North University Avenue, Suite 201.	.....	Little Rock	AR	72207	6359	136,295
Los Angeles Homeless Services Authority.	811 Wilshire Blvd., 6th Floor.	Data Management	Los Angeles	CA	90017	2606	150,000
Lynn Housing Authority & Neighborhood Development (LHAND).	10 Church Street ..	.....	Lynn	MA	1902	4418	33,383
Mendocino County Health & Human Services Agency.	Mendocino County Health & Human Services Agency.	747 S State Street	Ukiah	CA	95482	5815	150,000
Metropolitan Social Services of Nashville & Davidson County.	P.O. Box 196300 ..	Homeless Impact Division.	Nashville	TN	37219	6300	150,000

Legal name	Address line 1	Address line 2	City	State	Zip 5	Zip 4	Award amount
Mid-America Regional Council Community Services Corporation.	600 Broadway, Suite 200.	.....	Kansas City	MO	64105	1659	150,000
Monroe County Homeless Services Continuum of Care, Inc..	P.O. Box 2410	HMIS	Key West	FL	33045	2410	55,100
Montgomery County Maryland.	101 Monroe Street	SEPH	Rockville	MD	20850	2503	150,000
Murfreesboro, City of	111 W Vine St	.....	Murfreesboro	TN	37130	3573	146,300
North Alabama Coalition for the Homeless, Inc.	1580 Sparkman Dr., Suite 111.	.....	Huntsville	AL	35816	2680	150,000
North Dakota Coalition for Homeless People.	417 Main Ave., #206.	P.O. Box 1483	Fargo	ND	58107	1483	99,435
One Roof, Inc	1515 6th Ave. S	HMIS	Birmingham	AL	35233	1601	135,368
Partners for HOME	55 Trinity Avenue ..	.....	Atlanta	GA	30303	3520	150,000
Project NOW, Inc	418 19th St	Homeless	Rock Island	IL	61201	8123	128,909
Sonoma County Community Development Commission.	1440 Guerneville Road.	.....	Santa Rosa	CA	95403	4107	131,019
South Dakota Housing Development Authority.	3060 East Elizabeth Street.	.....	Pierre	SD	57501	1237	140,150
Suncoast Partnership to End Homelessness, Inc.	1750 17th Street-C1.	.....	Sarasota	FL	34234	8666	257,457
Tarrant County Homeless Coalition.	300 S Beach Street.	.....	Fort Worth	TX	76105	1158	150,000
The Appalachian Regional Coalition on Homelessness.	321 W Walnut St ..	.....	Johnson City	TN	37604	6774	150,000
Rochester/Monroe County Homeless Continuum of Care, Inc.	560 West Main Street.	.....	Rochester	NY	14608	1949	157,370
City of Springfield	36 Court St	.....	Springfield	MA	11030	1602	150,000
Total	.....	.....	.....	.....	.....	.....	5,000,000

Appendix B

FY2018/2019 Research and Evaluation, Demonstrations and Data Analysis and Utilization Program (HUDRD)

Contact: Carol Gilliam, (202) 402–4354.

Organization name	Street address	City	State	Zip code	Award amount
University of Iowa	2 Gilmore Hall	Iowa City	IA	52242–1320	$850,000
Enterprise Community Partners, Inc.	11000 Broken Land Parkway, Suite 700.	Columbia	MD	21044–3535	350,000
Newport Partners LLC	3760 Tanglewood Lane	Davidsonville	MD	21035	373,077
University of Florida	207 Grinter Hall, P.O. Box 115500.	Gainesville	FL	32611	250,000
Home Innovation Research Labs, Inc.	400 Prince Georges Blvd	Upper Marlboro	MD	20774	400,000
Colorado State University	1372 Campus Delivery	Fort Collins	CO	80523	400,000
Total	.....	.....	.....	.....	2,623,077

Appendix C

FY2018 Heathy Homes Production Grant Program for Tribal Housing

Contact: Michelle Miller, (202) 402–5769.

Organization name	Address	City	State/ province	Zip/postal code	Federal ($)
Native Village of Buckland	P.O. Box 67	Buckland	AK	99727	$625,000.00
Tlingit Haida Regional Housing Authority.	5446 Jenkins Drive	Juneau	AK	99803	1,000,000.00
Alaska Native Tribal Health Consortium.	4000 Ambassador Drive	Anchorage	AK	99508–5909	999,827.00
Saint Regis Mohawk Tribe	412 State Route 37	Hogansburg	NY	13655	1,000,000.00
Kenaitze Salamatof Tribal Designated Housing.	P.O. Box 988	Kenai	AK	99611–0988	913,086.00
Sisseton-Wahpeton Oyate	12554 BIA Hwy. 711	Agency Village	SD	57262–0509	545,710.00
Total					5,083,623.00

Appendix D

FY2019 Housing Opportunities for Persons With AIDS (HOPWA) Permanent Supportive Housing (PSH) Renewal Grants

Contact: Claire Donze, (202) 402–2365.

Organization name	Address	City	State	Zip code	Award amount
AIDS Alabama	3529 7th Avenue South	Birmingham	AL	35222–3210	$853,252.00
Alameda County	224 W Winton Ave., Room 108	Hayward	CA	94544–1215	1,483,094.00
Bernal Heights Neighborhood Center	515 Cortland Ave	San Francisco	CA	94110–5611	473,217.00
City and County of San Francisco	1 S Van Ness Ave., 5th Floor	San Francisco	CA	94103–1267	1,430,000.00
City of Baltimore	7 E Redwood Street, 5th Floor	Baltimore	MD	21202–1108	1,405,950.00
City of Dallas	1500 Marilla 4EN	Dallas	TX	75201–6318	746,853.00
City of Key West	1400 Kennedy Drive	Key West	FL	33040–4008	1,430,000.00
City of San Jose	200 East Santa Clara Street	San Jose	CA	95113–1903	1,256,461.00
City of Savannah, Daniel Flagg Villas	1375 Chatham Parkway	Savannah	GA	31405–0304	249,432.00
City of Savannah, Project House Call	1375 Chatham Parkway	Savannah	GA	31405–0304	671,776.00
Clare Housing	929 Central Avenue NE	Minneapolis	MN	55413–2404	951,376.00
Connections Community Support Programs.	3821 Lancaster Pike	Wilmington	DE	19805–1512	757,211.00
Cornerstone Services, Inc	777 Joyce Road	Joliet	IL	60436–1877	856,220.00
Del Norte Neighborhood Development Corp.	3275 W 14th Ave., #202	Denver	CO	80204–2232	612,379.00
Frannie Peabody Center	30 Danforth Street, Suite 311	Portland	ME	04101–4574	1,406,578.00
Health Care for Homeless, Inc	421 Fallsway	Baltimore	MD	21202–4800	1,261,949.00
Health Services Center, Inc	608 Martin Luther King Drive, P.O. Box 1347.	Anniston	AL	36202	855,617.00
I.M. Sulzbacher	611 East Adams Street	Jacksonville	FL	32202–2847	1,215,572.00
Justice Resource Institute	160 Gould Street, Suite 300	Needham	MA	02494–2300	1,377,743.00
Kentucky Housing Corporation	1231 Louisville Rd	Franfort	KY	40601–6156	431,467.00
Oregon Health Authority	800 NE Oregon Street, Suite 1105	Portland	OR	97232–2187	1,214,853.00
Our House of Portland	2727 SE Alder Street	Portland	OR	97214–3015	1,016,409.00
The State of Rhode Island Office of Housing and Community Development (New Transitions).	One Capitol Hill	Providence	RI	02908–5873	741,355.00
The State of Rhode Island Office of Housing and Community Development (Sunrise Project).	One Capitol Hill	Providence	RI	02908–5873	1,240,606.00
Unity of Greater New Orleans	2475 Canal Street, Suite 300	New Orleans	LA	70119–6555	796,621.00
Total					24,735,991.00

Appendix E

FY2018/2019 Policy Development & Research Authority To Accept Unsolicited Proposals for Research Partnership Notice

Contact: Carol Gilliam, (202) 402–4354.

Organization name	Street address	City	State	Zip code	Award amount
German Marshall Fund of the United States.	1744 R Str	Washington	DC	20009	$204,260
Abt Associates	6130 Executive Blvd	Rockville	MD	20852	98,028
New York University Furman Center for Real Estate and Urban Policy.	139 MacDougal Street, 2nd Floor	New York	NY	10012	125,000
Total					427,288

Appendix F

FY2019 Lead Hazard Reduction Grant Program

Contact: Yolanda A. Brown, (202) 402–5769.

Organization name	Address	City	State/ province	Zip/postal code	Federal ($)
City of San Antonio	1400 South Flores	San Antonio	TX	78204	$4,600,000.00
City of New Haven	54 Meadow Street, 9th Floor	New Haven	CT	06519	5,600,000.00
City of Lynn	10 Church Street	Lynn	MA	01902	9,304,184.00
County of Peoria	2116 N Sheridan Road	Peoria	IL	61604–3457	5,600,000.00
Jefferson Parrish	1221 Elmwood Park Boulevard, Suite 605.	Jefferson	LA	70123–2337	3,300,000.00
County of Montgomery	425 Swede Road, P.O. Box 311	Norristown	PA	194040311	1,800,000.00
City of Woonsocket	169 Main Street	Woonsocket	RI	2895	4,000,000.00
City of Elmira	317 E Churst St	Elmira	NY	14901–2718	1,293,388.00
City of East Orange	44 City Hall Plaza	East Orange	NJ	07018–4502	3,300,000.00
City of Cleveland	601 Lakeside Avenue, Room 320	Cleveland	OH	44114–1015	9,700,000.00
County of Bergen	1 Bergen County Plz., Rm 1	Hackensack	NJ	07601–7075	3,300,000.00
Onondaga County	1100 Civic Center	Syracuse	NY	13202	5,600,000.00
County of Tulsa	5051 South 129th E Ave	Tulsa	OK	74134–7004	1,226,891.00
City of Milwaukee	841 N Broadway	Milwaukee	WI	53202	5,600,000.00
State of Georgia	2 Peachtree Street NW	Atlanta	GA	30303	3,300,000.00
County of Delaware	201 W Front Street	Media	PA	19063–2561	1,000,000.00
City of Rochester	30 Church St	Rochester	NY	14614	5,600,000.00
State of Pennsylvania	625 Forster Street, 7th Floor	Harrisburg	PA	17120–0701	2,900,000.00
City of Worcester	455 Main Street—Suite 405	Worcester	MA	01608	5,600,000.00
City of Spartanburg	145 West Broad Street	Spartanburg	SC	29306–3210	1,299,964.00
City of Lewiston	27 Pine Street	Lewiston	ME	04240–7204	5,206,649.00
City of Hialeah	501 Palm Avenue First Floor, Grants Dept.	Hialeah	FL	33010–4719	3,300,000.00
East Central Intergovernmental Association.	7600 Commerce Park	Dubuque	IA	520029673	3,299.996.14
County of McHenry	2200 North Seminary Avenue	Woodstock	IL	600982637	2,247,969.00
City of Biddeford	205 Main Street	Biddeford	ME	04005–0001	3,246,744.00
Hennepin County	701 4th Ave. S, Suite 400	Minneapolis	MN	55415	5,600,000.00
City of Harrisburg	10 North Second Street, Suite 206	Harrisburg	PA	17101	5,600,000.00
State of Louisiana	1450 Poydras Street, Suite 2046	New Orleans	LA	70112–2016	3,300,000.00
County of Fresno	1221 Fulton Mall	Fresno	CA	93721–3604	3,000,000.00
City of Memphis	170 N Main Street, 3rd Fl	Memphis	TN	38103–1877	5,600,000.00
City of Columbus	111 N Front Street, 3rd Floor	Columbus	OH	43215	5,600,000.00
Erie County (NY)	95 Franklin St	Buffalo	NY	14202	5,600,000.00
Mahoning County	21 West Boardman Street	Youngstown	OH	44503	4,600,000.00
Montgomery County (TX)	501 N Thompson, Suite 200	Conroe	TX	77301–2500	1,000,000.00
City of Charlotte	600 East Trade St	Charlotte	NC	28202	3,635,222.00
City of Boston	26 Central Avenue	Hyde Park	MA	2136	4,342,674.00
Maine State Housing Authority	353 Water Street	Augusta	ME	04330	3,818,377.00
City of Tucson	310 N Commerce Park Loop	Tucson	AZ	85745	3,953,630.00
Baltimore City	417 E Fayette Street	Baltimore	MD	21202	9,700,000.00
Winnebago County	401 Division Street	Rockford	IL	61104–2014	3,411,839.00
New Castle County	77 Reads Way	New Castle	DE	19720–1648	3,300,000.00
City of Grand Rapids	300 Monroe Ave. NW	Grand Rapids	MI	49503	4,231,677.00
City of Pomona	505 S Garey Avenue, P.O. Box 660	Pomona	CA	91766–3322	4,600,000.00
City of Wilmington (NC)	305 Chestnut St., Post Office Box 1810.	Wilmington	NC	28402–1810	1,800,000.00
City of Houston	8000 N Stadium Drive, 2nd Fl	Houston	TX	77054	9,700,000.00
County of Erie (OH)	2900 Columbus Avenue	Sandusky	OH	44870	3,828,430.00
City of Detroit	2 Woodward Ave., Suite 908	Detroit	MI	48226	9,700,000.00
Commonwealth of Virginia	501 N Second Street	Richmond	VA	23219	5,600,000.00
Cuyahoga County	5550 Venture Drive	Parma	OH	44130	5,600,000.00

Organization name	Address	City	State/ province	Zip/postal code	Federal ($)
City of Canton	218 Cleveland Ave. SW, P.O. Box 24218.	Canton	OH	44701–4218	3,300,000.00
State of Minnesota	625 Robert Street North, P.O. Box 64975.	St. Paul	MN	55164–0975	3,300,000.00
City of Norwich	23 Union Street	Norwich	CT	06360	2,955,058.00
City of Jackson	219 South President Street	Jackson	MS	39205–0017	1,800,000.00
City of Tuscaloosa	2201 University Blvd	Tuscaloosa	AL	35401–1752	2,999,871.00
City of Portland (ME)	389 Congress Street	Portland	ME	04101–3571	2,541,696.00
Genesee County	3837 West Main St. Rd	Batavia	NY	14020–9404	1,300,000.00
Township of Irvington	One Civic Square Municipal Building	Irvington	NJ	07111–2497	3,300,000.00
Chesterfield County	P.O. Box 40	Chesterfield	VA	23832–0903	1,580,285.00
County of Alameda	2000 Embarcadero, Ste. 300	Oakland	CA	94606	3,600,000.00
County of Niagara	5467 Upper Mountain Road	Lockport	NY	14094–1894	2,750,000.00
City of Warren	One City Square, Suite 210	Warren	MI	48093–5290	1,300,000.00
County of Bucks	1260 Almshouse Rd	Doylestown	PA	18901–2886	1,563,106.00
City of Lancaster	120 North Duke Street	Lancaster	PA	17602–1599	9,700,000.00
Rhode Island Housing and Mortgage Finance Corporation.	44 Washington Street	Providence	RI	02903	8,440,960.00
City of Akron	166 South High Street, Room 100	Akron	OH	44308	4,600,000.00
County of Cerro Gordo	2570 4th Street SW	Mason City	IA	50401–3435	2,975,961.00
Salt Lake County	2001 South State Street	Salt Lake City	UT	84190–2770	5,125,207.00
Maricopa County	234 N Central Ave., Third Floor	Phoenix	AZ	85004–2256	1,782,710.00
City of Oklahoma City	420 W Main Street, Suite 920	Oklahoma City	OK	73102–4437	2,000,000.00
City of Quincy	1305 Hancock Street	Quincy	MA	02169	300,000.00
Summit County	1867 West Market Street	Akron	OH	44313–6901	5,600,000.00
City of Lima	50 Town Square	Lima	OH	45801–4900	2,000,000.00
City of Los Angeles	1200 W 7th Street	Los Angeles	CA	90017	5,600,000.00
Department of Energy and Environment.	1200 First Street NE, 5th Floor	Washington	DC	20002–7957	3,594,371.00
City of Waco	300 Austin Ave	Waco	TX	76702–2209	2,300,000.00
City of Newark (NJ)	110 William Street	Newark	NJ	07102	5,600,000.00
Vermont Housing and Conservation Board.	58 East State Street	Montpelier	VT	05602	4,000,000.00
Total					313,656,859.14

Appendix G

FY2019 Healthy Homes Technical Studies Grant

Contact: Dr. Peter J. Ashley, (202) 402–7595.

Organization name	Address	City	State	Zip	Award
The George Washington University	1922 F Street NW, 4th Floor	Washington	DC	20052	$850,000
Illinois Institute of Technology	10 West 35th Street	Chicago	IL	60616	1,000,000
The Board of Trustees of the University of Illinois.	MB 502, M/C 551, 809 S Marshfield Avenue.	Chicago	IL	60612	999,999
University of Massachusetts, Lowell	One University Avenue	Lowell	MA	01854	999,999
National Center for Healthy Housing Inc.	10320 Little Patuxent Parkway, Suite 500.	Columbia	MD	21044	799,999
North Carolina State University	2701 Sullivan Drive, Admin Services III, Box 7514.	Raleigh	NC	27695	999,295
Virginia Polytechnic Institute and State University.	300 Turner St. NW, Suite 4200	Blacksburg	VA	24061	756,570
Total					6,405,862

Appendix H

FY2019 Lead Technical Studies

Contact: Dr. Peter J. Ashley, (202) 402–7595.

Organization name	Address	City	State	Zip	Award
The Board of Trustees of the University of Illinois.	MB 502, M/C 551, 809 S Marshfield Avenue.	Chicago	IL	60612	$700,000
Trustees of Boston University	85 East Newton Street, M–921	Boston	MA	02118	670,799
QuanTech, Inc	6110 Executive Blvd., Ste. 480	Rockville	MD	20852	611,534
Total					1,982,333

Appendix I

FY2019 Comprehensive Housing Counseling Grant Program

Contact: Joel Schumacher, (212) 542–7311.

Grantee name	Address	City	State	Zip	Amount
UNIDOS US	1126 16th St., NW	Washington	DC	20036	$1,930,487
NEIGHBORHOOD REINVESTMENT CORP. DBA NEIGHBORWORKS AMERICA.	999 North Capitol Street NE, Suite 900.	Washington	DC	20002	3,000,000
RURAL COMMUNITY ASSISTANCE CORPORATION.	3210 Freeboard Drive, Suite 201	West Sacramento.	CA	95691	713,236
NATIONAL CAPACD	1628—16th St. NW, 4th Floor	Washington	DC	20009	421,199
THE HOUSING PARTNERSHIP NETWORK.	One Washington Mall, 12th Floor	Boston	MA	02108	596,921
HOUSING ACTION ILLINOIS	67 E Madison Street, Suite 1603	CHICAGO	IL	60603	1,200,141
NEIGHBORHOOD STABILIZATION CORPORATION (NACA COUNSELING SUBSIDIARY).	225 Centre Street, Suite 100	Boston	MA	02119	2,579,917
HOMEFREE—U S A	6200 Baltimore Avenue	Riverdale	MD	20737	1,918,848
GREENPATH, INC	36500 Corporate Drive	Farmington Hills	MI	48331	2,136,790
MINNESOTA HOMEOWNERSHIP CENTER.	1000 Payne Avenue, Suite 200	Saint Paul	MN	55130	600,696
MISSISSIPPI HOMEBUYER EDUCATION CENTER—INITIATIVE.	350 West Woodrow Wilson Avenue, Suite 3480.	Jackson	MS	39213	294,910
TELAMON CORPORATION	5560 Munford Rd., Suite 201	Raleigh	NC	27612	394,964
GARDEN STATE CONSUMER CREDIT COUNSELING, INC. D/B/A/NAVICORE SOLUTIONS.	200 US Highway 9 North	Manalapan	NJ	07726	556,769
HOUSING & COMMUNITY DEVELOPMENT NETWORK OF NEW JERSEY.	145 W Hanover Street	Trenton	NJ	08618	288,223
NATIONAL URBAN LEAGUE	80 Pine Street, 9th Floor	NY	NY	10005	871,183
NUEVA ESPERANZA, INC	4261 North 5th Street	Philadelphia	PA	19140	633,037
UNITED WAY OF CENTRAL ALABAMA, INC.	3600 8th Avenue South Community Initiatives.	Birmingham	AL	35222	450,446
NATIONAL ASSOCIATION OF REAL ESTATE BROKERS—INVESTMENT DIVISION, INC.	7677 Oakport Street, Suite 1030	Oakland	CA	94621	1,129,222
NORTH CAROLINA HOUSING COALITION.	5800 Faringdon Place	Raleigh	NC	27609	764,695
MON VALLEY INITIATIVE	303–305 E Eighth Avenue Housing Counseling.	Homestead	PA	15120	605,606
CONSUMER CREDIT COUNSELING SERVICES OF SAN FRANCISCO D/B/A BALANCE.	1655 Grant St., Suite #1300	Concord	CA	94520	695,828
WEST TENNESSEE LEGAL SERVICES, INCORPORATED.	210 WEST MAIN STREET	Jackson	TN	38301	789,130
NATIONAL COMMUNITY REINVESTMENT COALITION, INC.	740 15th Street NW, Suite 400	Washington	DC	20005	988,833
CATHOLIC CHARITIES USA	2050 Ballenger Ave., Suite 400	Alexandria	VA	22314	936,211
HOUSING OPTIONS PROVIDED FOR THE ELDERLY (HOPE).	7300 Dartmouth Ave., Suite 100	University City	MO	63130	174,988
NATIONAL FOUNDATION FOR CREDIT COUNSELING, INC.	2000 M Street NW, Suite 505	Washington	DC	20036	876,867
NEW YORK MORTGAGE COALITION.	85 Broad Street, 17th Floor	New York	NY	10004	370,944
CITIZENS' HOUSING AND PLANNING ASSOCIATION, INC.	One Beacon Street, 5th Floor	Boston	MA	02108	628,335
MONEY MANAGEMENT INTERNATIONAL INC.	14141 SW Freeway, Suite 1000	Sugar Land	TX	77478	1,118,715

Grantee name	Address	City	State	Zip	Amount
MONTANA HOMEOWNERSHIP NETWORK DBA NEIGHBORWORKS MONTANA.	509 1st Ave. South	Great Falls	MT	59401	443,184
CREDIT.ORG	4351 Latham Street	Riverside	CA	92501	307,019
CONSUMER CREDIT COUNSELING SERVICE OF MARYLAND AND DELAWARE, INC. (CCCSMD—FORMERLY GUIDEWELL).	6315 Hillside Court, Suite B	Columbia	MD	21046	392,706
PATHSTONE CORPORATION	400 East Ave., Housing Division	Rochester	NY	14607	289,495
HOME PARTNERSHIP, INC. (HPI)	Home Partnership Inc., 626 Towne Centere Dr., Suite 102.	Joppa	MD	21085	29,726
HOUSING AUTHORITY OF MINGO COUNTY.	5026 Helena Avenue	Delbarton	WV	25670	19,226
HOUSING COUNSELING SERVICES, INCORPORATED (HSC, INC.).	2410 17th Street NW, Suite 100	Washington	DC	20009	129,364
HOUSING INITIATIVE PARTNERSHIP, INC. (HIP).	6525 Belcrest Road, Suite 555	Hyattsville	MD	20782	72,628
PRO–HOME, INC	40 Summer Street	Taunton	MA	02780	20,527
SPRINGFIELD PARTNERS FOR COMMUNITY ACTION.	721 State Street	Springfield	MA	01109	16,821
SHORE UP!, INC	520 Snow Hill Road	Salisbury	MD	21804	15,174
SOUTHERN MARYLAND TRI-COUNTY COMMUNITY ACTION.	8371 Old Leonardtown Rd., P.O. Box 280.	Hughesville	MD	20637	29,181
FREDERICK COMMUNITY ACTION AGENCY (FCAA).	100 South Market Street	Frederick	MD	21701	34,530
WASHINGTON COUNTY COMMUNITY ACTION COUNCIL (WCCAC).	117 Summit Ave	Hagerstown	MD	21740	32,535
NORTHWEST MICHIGAN COMMUNITY ACTION AGENCY, INC.	3963 Three Mile Road Financial Management Services.	Traverse City	MI	49686	33,981
OAKLAND LIVINGSTON HUMAN SERVICE AGENCY.	196 Cesar E. Chavez Ave., P.O. Box 430598.	Pontiac	MI	48343	22,314
OAKLAND COUNTY HOUSING COUNSELING.	Oakland County Community & Home Improvement, 250 Elizabeth Lake Rd., Suite 1900.	Pontiac	MI	48341	43,035
NORTH HUDSON COMMUNITY ACTION CORPORATION.	800—31st Street	Union City	NJ	07087	16,272
HOUSING AUTHORITY OF THE CITY OF PATERSON.	60 Van Houten St	Paterson	NJ	07505	16,272
SENIOR CITIZENS UNITED COMMUNITY SERVICES OF CAMDEN COUNTY, INC.	537 Nicholson Road	Audubon	NJ	08106	32,740
ROCKAWAY DEVELOPMENT AND REVITALIZATION CORPORATION.	1920 Mott Avenue, 2nd Floor	Far Rockaway	NY	11691	15,174
STRYCKER'S BAY NEIGHBORHOOD COUNCIL, INC.	696 Amsterdam Ave	New York	NY	10025	11,878
CENTER FOR NEW YORK CITY NEIGHBORHOODS.	55 Broad Street, 10th Floor	New York	NY	10004	34,661
WEST OHIO COMMUNITY ACTION PARTNERSHIP.	540 S Central Ave., Housing Counseling.	Lima	OH	45804	21,626
WORKING IN NEIGHBORHOODS	1814 Dreman Avenue	Cincinnati	OH	45223	24,372
WSOS COMMUNITY ACTION COMMISSION, INC.	127 South Front Street, P.O. Box 590.	Fremont	OH	43420	14,075
YOUNGSTOWN METROPOLITAN HOUSING AUTHORITY.	131 W Boardman Street	Youngstown	OH	44503	19,568
PENNSYLVANIA COMMUNITY REAL ESTATE CORP. D/B/A TENANT UNION REPRESENTATIVE NETWORK (T.U.R.N.).	100 South Broad Street, Suite 800	Philadelphia	PA	19110	33,815
WESTMORELAND COMMUNITY ACTION.	226 South Maple Avenue	Greensburg	PA	15601	20,734
PROVIDENCE HOUSING AUTHORITY.	100 Broad Street, Resident Services	Providence	RI	02903	18,469
YOUNGSTOWN NEIGHBORHOOD DEVELOPMENT CORP.	820 Canfield Road	Youngstown	OH	44511	25,471
HOUSING SERVICES MID MICHIGAN (FORMERLY HOUSING SERVICES FOR EATON COUNTY).	319 S Cochran Ave	Charlotte	MI	48813	30,824

Grantee name	Address	City	State	Zip	Amount
INTERCOMMUNITY ACTION, INC. D/B/A INTERACT, JOURNEY'S WAY.	6012 Ridge Ave., Journey's Way	Philadelphia	PA	19128	15,583
MARSHALL HEIGHTS COMMUNITY DEVELOPMENT ORGANIZATION.	3939 Benning Road NE	Washington	DC	20019	25,471
NIAGARA FALLS NEIGHBORHOOD HOUSING SERVICES.	479 16th Street	Niagara Falls	NY	14303	17,920
ACTION FOR BOSTON COMMUNITY DEVELOPMENT, INC.	178 Tremont Street	Boston	MA	02111	23,134
ALLEGANY COUNTY COMMUNITY OPPORTUNITIES AND RURAL DEVELOPMENT (ACCORD) CORP.	84 Schuyler Street, P.O. Box 573	Belmont	NY	14813	39,334
ARUNDEL COMMUNITY DEVELOPMENT SERVICE INC.	2666 Riva Road, Suite #210	Annapolis	MD	21401	29,587
BAY AREA HOUSING, INC. D/B/A COMMUNITY HOME SOLUTIONS.	114 Washington Avenue, Counseling Division.	Bay City	MI	48708	27,119
ALLEGANY COUNTY HUMAN RESOURCES DEVELOPMENT COMMISSION, INC.	125 Virginia Ave	Cumberland	MD	21502	22,314
BENNINGTON-RUTLAND OPPORTUNITY COUNCIL, INC. (BROC).	45 Union Street	Rutland	VT	05701	40,638
CATHOLIC SOCIAL SERVICES—FALL RIVER.	1600 Bay Street	Fall River	MA	02724	33,432
COUNTYCORP	130 W Second St., Suite 1420	Dayton	OH	45402	37,135
COMMUNITY ACTION AGENCY	1214 Greenwood Avenue	Jackson	MI	49203	27,668
COMMUNITY RENEWAL TEAM, INC.	555 Windsor Street	Hartford	CT	06120	19,568
COMMUNITY SERVICE NETWORK, INC.	Mailing: 52 Broadway Physical: 136 Elm Street, Second Floor.	Stoneham	MA	02180	26,837
COMPREHENSIVE HOUSING ASSISTANCE, INC.	5809 Park Heights Avenue	Baltimore	MD	21215	23,274
COMMUNITY HOUSING SOLUTIONS.	12114 Larchmere Boulevard	Cleveland	OH	44120	23,823
DIVERSIFIED HOUSING DEVELOPMENT, INC.	8025 Liberty Road	Windsor Mill	MD	21244	26,227
FAIR HOUSING CONTACT SERVICE.	441 Wolf Ledges Parkway, Suite 200.	Akron	OH	44311	30,682
FAIR HOUSING RESOURCE CENTER.	1100 Mentor Avenue	Painesville	OH	44077	31,234
GARWYN OAKS NORTHWEST HOUSING RESOURCE CENTER, INC.	2300 Garrison Blvd., Suite 140	Baltimore	MD	21216	23,620
GRAND RAPIDS URBAN LEAGUE	745 Eastern Avenue SE, Center for Housing.	Grand Rapids	MI	49503	27,389
GREATER SHEEPSHEAD BAY DEVELOPMENT CORPORATION.	2107 East 22nd Street	Brooklyn	NY	11229	10,230
HAGERSTOWN NEIGHBORHOOD DEVELOPMENT PARTNERSHIP, INC. (HNDP).	21 East Franklin Street	Hagerstown	MD	21795	27,119
HARFORD COUNTY HOUSING AGENCY.	220 S Main Street Housing Counseling.	Bel Air	MD	21014	41,390
HISPANIC ASSOCIATION OF CONTRACTORS AND ENTERPRISES.	167 W. Allegheny Avenue, Suite 200	Philadelphia	PA	19140	47,444
CONSUMER CREDIT AND BUDGET COUNSELING, DBA NATIONAL FOUNDATION FOR DEBT MANAGEMENT.	299 Shore Road, US Route 9 South	Marmora	NJ	08223	158,547
CENTRO DE APOYO FAMILIAR—CENTER FOR ASSISTANCE FAMILIES.	6801 Kenilworth Avenue, Suite 110, Asset Building.	Riverdale	MD	20737	62,081
MICHIGAN STATE HOUSING DEVELOPMENT AUTHORITY.	735 E. Michigan Avenue, P.O. Box 30044.	Lansing	MI	48912	644,716
NEW JERSEY HOUSING AND MORTGAGE FINANCE AGENCY.	637 South Clinton Avenue	Trenton	NJ	08650	250,530
NEW YORK STATE HOUSING FINANCE AGENCY.	641 Lexington Avenue	New York	NY	10022	953,521
CONNECTICUT HOUSING FINANCE AUTHORITY.	999 West Street	Rocky Hill	CT	06067	140,723
MAINE STATE HOUSING AUTHORITY.	353 Water Street	Augusta	ME	04330	29,021
VIRGINIA HOUSING DEVELOPMENT AUTHORITY.	601 S. Belvidere St	Richmond	VA	23220	1,169,727

Grantee name	Address	City	State	Zip	Amount
NEW HAMPSHIRE HOUSING FINANCE AUTHORITY.	32 Constitution Drive	Bedford	NH	03110	176,256
PENNSYLVANIA HOUSING FINANCE AGENCY.	211 North Front Street	Harrisburg	PA	17101	1,622,362
REFUGEE FAMILY ASSISTANCE PROGRAM.	5405 Memorial Dr., Suite 101	Stone Mountain	GA	30083	25,336
SUMMECH COMMUNITY DEVELOPMENT CORPORATION, INC.	633 Pryor Street SW	Atlanta	GA	30312	17,781
OCALA HOUSING AUTHORITY	P.O. Box 2468,1629 NW 4th ST	Ocala	FL	34478	48,525
HOOSIER UPLANDS ECONOMIC DEVELOPMENT CORPORATION.	500 W. Main St	Mitchell	IN	47446	20,527
HOUSING AUTHORITY OF THE CITY OF GREENSBORO D/B/A GREENSBORO HOUSING AUTHORITY.	450 N. Church Street	Greensboro	NC	27401	28,627
HOUSING AUTHORITY OF THE CITY OF HIGH POINT.	500 E. Russell Ave	High Point	NC	27260	17,576
HOUSING EDUCATION AND ECONOMIC DEVELOPMENT, INC.	3405 Medgar Evers Blvd	Jackson	MS	39213	30,890
OPA–LOCKA COMMUNITY DEVELOPMENT CORPORATION.	490 Opa-locka Boulevard, Suite 20	Opa-locka	FL	33054	29,177
SOLITA'S HOUSE INC	3101 E 7th Ave	Tampa	FL	33605	35,629
ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS.	500 San Sebastian View Housing & Community Development.	St. Augustine	FL	32084	25,610
STEP UP SUNCOAST, INC. F/K/A MANATEE COMMUNITY ACTION AGENCY, INC.	6428 Parkland Dr	Sarasota	FL	34243	16,272
TALLAHASSEE URBAN LEAGUE, INC.	923 Old Bainbridge Road Housing	Tallahassee	FL	32303	18,330
TAMPA BAY COMMUNITY DEVELOPMENT CORPORATION.	2139 NE, Coachman Road, Suite 1	Clearwater	FL	33765	39,334
THE AGRICULTURE AND LABOR PROGRAM, INC.	300 Lynchburg Rd., Community & Economic Develop.	Lake Alfred	FL	33850	12,427
HOUSING AUTHORITY OF THE CITY OF FT. MYERS.	4224 Renaissance Preserve Way	Fort Myers	FL	33916	13,936
WEST PALM BEACH HOUSING AUTHORITY.	3700 Georgia Avenue	West Palm Beach.	FL	33405	18,775
SMART MONEY HOUSING AKA SMART WOMEN SMART MONEY.	3510 W. Franklin Blvd	Chicago	IL	60624	45,698
SPRINGFIELD HOUSING AUTHORITY.	200 North Eleventh Street Homeownership Programs.	Springfield	IL	62703	15,174
WILL COUNTY CENTER FOR COMMUNITY CONCERNS.	2455 Glenwood Ave n/a	Joliet	IL	60435	33,739
TWIN RIVERS OPPORTUNITIES, INC.	318 Craven Street	New Bern	NC	28563	24,921
WESTERN PIEDMONT COUNCIL OF GOVERNMENTS.	1880 2ND AVE NW, POX 9026	HICKORY	NC	28601	40,701
SOUTHEASTERN HOUSING FOUNDATION.	10938 Ellenton Street, P.O. Box 1326.	Barnwell	SC	29812	30,824
JACKSONVILLE AREA LEGAL AID, INC.	126 W. Adams St	Jacksonville	FL	32202	22,929
KCEOC COMMUNITY ACTION PARTNERSHIP, INC.	5448 North US 25E, Suite A	Gray	KY	40734	18,469
LINCOLN HILLS DEVELOPMENT CORPORATION.	302 Main Street, P.O. Box 336	Tell City	IN	47586	19,568
LIVE THE DREAM DEVELOPMENT, INC.	247 Double Spring Road	Bowling Green	KY	42101	14,075
MACOUPIN COUNTY HOUSING AUTHORITY.	760 Anderson Street, P.O. Box 226	Carlinville	IL	62626	20,117
MID-FLORIDA HOUSING PARTNERSHIP, INC.	1834 Mason Avenue	Daytona Beach	FL	32117	32,130
CAMPBELLSVILLE HOUSING AND REDEVELOPMENT AUTHORITY.	400 Ingram Ave	Campbellsville	KY	42718	19,019
ADOPT A HURRICANE FAMILY, INC. DBA CRISIS HOUSING SOLUTIONS.	4700 SW, 64th Avenue—Suite C	Davie	FL	33314	10,230
AFFORDABLE HOMEOWNERSHIP FOUNDATION INC.	5264 Clayton Court, Suite 1	Fort Myers	FL	33907	35,487
AFFORDABLE HOUSING ENTERPRISES, INC.	210 South 13th Street	Griffin	GA	30224	16,133
APPALACHIAN HOUSING AND REDEVELOPMENT CORPORATION.	326 W. 9th Street	Rome	GA	30165	19,568
AREA COMMITTEE TO IMPROVE OPPORTUNITIES NOW, INC.	2440 West Broad Street, Suite 9	Athens	GA	30606	16,272

Grantee name	Address	City	State	Zip	Amount
BROWARD COUNTY HOUSING AUTHORITY.	4780 North State Road 7	Lauderdale Lakes.	FL	33319	12,976
CHARLESTON TRIDENT URBAN LEAGUE, INC.	1064 Gardner Road, Suite 307	Charleston	SC	29407	24,372
CHATHAM COUNTY HOUSING AUTHORITY.	Chatham County Housing Authority, 13450 US Hwy 64 West.	Siler	NC	27344	15,723
CITY OF ALBANY, GEORGIA	230 S. Jackson Street, Suite #118	Albany	GA	31701	17,371
CITY OF BLOOMINGTON-HOUSING AND NEIGHBORHOOD DEVELOPMENT (HAND).	P.O. Box 100, 401 N. Morton Street	Bloomington	IN	47404	10,000
CLINCH–POWELL RESOURCE CONSERVATION AND DEVELOPMENT COUNCIL, INC.	P.O. Box 379, 7995 Rutledge Pike	Rutledge	TN	37861	24,921
COMMUNITY ACTION AGENCY OF NORTHWEST ALABAMA, INC.	745 Thompson St	Florence	AL	35630	26,979
COMMUNITY ACTION PARTNERSHIP, HUNTSVILLE/MADISON & LIMESTONE COUNTIES, INC.	3516 Stringfield Road, P.O. Box 3975.	Huntsville	AL	35810	22,585
COMMUNITY ACTION PARTNERSHIP OF NORTH ALABAMA, INC.	1909 Central Parkway SW, Housing Counseling.	Decatur	AL	35601	28,627
COMMUNITY ENTERPRISE INVESTMENTS, INCORPORATED.	302 North Barcelona St	Pensacola	FL	32502	12,427
LEE COUNTY HOUSING DEVELOPMENT CORPORATION.	3677 Central Ave., Suite F	Fort Myers	FL	33901	21,626
COMMUNITY HOUSING INITIATIVE, INC.	3033 College Wood Drive, P.O. Box 410522, Melbourne, FL 32941–0522.	Melbourne	FL	32934	22,036
COMMUNITY SERVICE PROGRAMS OF WEST ALABAMA, INC.	601 Black Bears Way	Tuscaloosa	AL	35401	32,472
COMPREHENSIVE HOUSING RESOURCES, INC.	21450 Gibralter Drive, Suite 1	Port Charlotte	FL	33952	22,036
CONSOLIDATED CREDIT SOLUTIONS, INC.	5701 West Sunrise Blvd.	Plantation	FL	33313	65,471
EASTERN EIGHT COMMUNITY DEVELOPMENT CORP.	214 East Watauga Avenue	Johnson City	TN	37601	31,784
HABITAT FOR HUMANITY OF JACKSONVILLE, INC.	2404 Hubbard St	Jacksonville	FL	32206	15,583
HOME OWNERSHIP RESOURCE CENTER OF LEE COUNTY.	2915 Colonial Boulevard, Suite 200	Fort Myers	FL	33966	24,921
GREENVILLE COUNTY HUMAN RELATIONS COMMISSION.	301 University Ridge, Suite 1600	Greenville	SC	29601	39,332
OPERATION HOPE, INC	191 Peachtree Street Tower, Suite 3849, HOPE Inside Home Ownership.	Atlanta	GA	30303	412,490
DEBT MANAGEMENT CREDIT COUNSELING CORP.	3310 N. Federal Highway	Lighthouse Point	FL	33064	110,594
CREDIT CARD MGMT SVCS, INC DBA REVERSEMORTGAGEHELPER.ORG AND DEBTHELPER.COM.	1325 N. Congress Ave. 201	West Palm Beach.	FL	33401	185,814
KENTUCKY HOUSING CORPORATION.	1231 Louisville Road Housing Education and Counseli.	Frankfort	KY	40601	206,107
GEORGIA HOUSING AND FINANCE AUTHORITY.	60 Executive Park South NE	Atlanta	GA	30329	721,169
VIRGIN ISLANDS HOUSING FINANCE AUTHORITY.	3202 Demarara Plaza, Suite 200	St. Thomas	VI	00802	49,964
TENNESSEE HOUSING DEVELOPMENT AGENCY.	502 Deaderick Street, Third Floor	Nashville	TN	37243	186,978
MISSISSIPPI HOME CORPORATION.	735 Riverside Drive	Jackson	MS	39202	286,152
INDIANA HOUSING AND COMMUNITY DEVELOPMENT AUTHORITY.	30 South Meridian Street, Suite 900	Indianapolis	IN	46204	113,680
NORTHWEST REGIONAL HOUSING AUTHORITY.	P.O. Box 2568, 114 Sisco Avenue	Harrison	AR	72601	16,272
SOUTHERN BANCORP COMMUNITY PARTNERS.	8924 Kanis Road	Little Rock	AR	72205	27,529
UNIVERSAL HOUSING DEVELOPMENT CORPORATION.	301 E Third Street	Russellville	AR	72801	26,020
SOUTHERN MINNESOTA REGIONAL LEGAL SERVICES, INC.	55 East Fifth Street, Suite 400	St. Paul	MN	55101	36,449
YOUTH EDUCATION AND HEALTH IN SOULARD.	1924 S 12th St	St. Louis	MO	63104	25,329

Grantee name	Address	City	State	Zip	Amount
QUICKCERT, INC	7122 S Sheridan Rd., Ste. 2–533	Tulsa	OK	74133	128,486
WACO COMMUNITY DEVELOPMENT CORPORATION.	1624 Colcord Ave	Waco	TX	76707	23,823
UTAH STATE UNIVERSITY—FAMILY LIFE CENTER—HFC.	1415 Old Main Hill, Main 64	Logan	UT	84322	42,630
HOUSING PARTNERS OF TULSA, INCORPORATED.	415 E Independence Street	Tulsa	OK	74106	30,275
MUSCATINE MUNICIPAL HOUSING AGENCY.	215 Sycamore St., Housing	Muscatine	IA	52761	17,166
MOVIN' OUT, INC	902 Royster Oaks Drive, Ste. 105	Madison	WI	53714	33,022
NEIGHBORHOOD HOUSING SERVICES OF KANSAS CITY, INC.	616 East 63rd Street, Suite 200	Kansas City	MO	64110	15,174
AUSTIN HABITAT FOR HUMANITY	500 West Ben White Boulevard	Austin	TX	78704	22,890
BLUE VALLEY COMMUNITY ACTION PARTNERSHIP.	620 5th Street, P.O. Box 273	Fairbury	NE	68352	23,823
CATHOLIC CHARITIES DIOCESE OF ST. CLOUD.	911 18th Street North Financial & Housing Counseling.	St. Cloud	MN	56303	44,338
CENTER FOR SIOUXLAND	715 Douglas Street	Sioux City	IA	51101	40,640
CITY OF SAN ANTONIO/DEPT OF NEIGHBORHOOD AND HOUSING SERVICES (DNHS).	1400 S Flores Street, Fair Housing	San Antonio	TX	78204	26,430
COMMUNITY ACTION AGENCY OF OKLAHOMA CITY AND OKLAHOMA/CANADIAN COUNTIES, INC.	319 SW 25th St., Special Projects	Oklahoma City	OK	73109	15,000
COMMUNITY ACTION SERVICES	815 S Freedom Blvd., Suite 100 N/A	Provo	UT	84601	21,216
COMMUNITY DEVELOPMENT SUPPORT ASSOCIATION.	114 S Independence St	Enid	OK	73701	15,174
COMMUNITY SERVICES LEAGUE	404 North Noland Road	Independence	MO	64050	32,194
EASTER SEALS OF GREATER HOUSTON, INC.	4888 Loop Central Dr., Ste. 200	Houston	TX	77081	28,488
EASTERN IOWA REGIONAL HOUSING AUTHORITY.	7600 Commerce Park	Dubuque	IA	52002	14,624
FAMILY HOUSING ADVISORY SERVICES, INC.	2401 Lake Street	Omaha	NE	68111	44,000
FAMILY MANAGEMENT FINANCIAL SOLUTIONS, INC.	359 Rock Island Avenue	Waterloo	IA	50701	30,824
HIGH PLAINS COMMUNITY DEVELOPMENT CORPORATION.	803 E. 3rd Street, Suite 4	Chadron	NE	69337	45,092
HOME OPPORTUNITIES MADE EASY, INC. (HOME, INC.).	1618 6th Avenue	Des Moines	IA	50314	21,142
HOUSING AUTHORITY OF THE CHOCTAW NATION OF OKLAHOMA.	207 Jim Monroe Rd	Hugo	OK	74743	44,409
NORTH & EAST LUBBOCK COMMUNITY DEVELOPMENT CORPORATION.	1708 Crickets Ave	Lubbock	TX	79401	11,915
CREDIT ADVISORS FOUNDATION	1818 South 72nd Street	Omaha	NE	68124	127,604
COLORADO HOUSING AND FINANCE AUTHORITY.	1981 Blake St	Denver	CO	80202	532,390
LOUISIANA HOUSING CORPORATION.	2415 Quail Drive Housing Production.	Baton Rouge	LA	70808	580,206
SOUTH DAKOTA HOUSING DEVELOPMENT AUTHORITY.	3060 E. Elizabeth Street	Pierre	SD	57501	213,520
PACIFIC COMMUNITY SERVICES, INC.	329 Railroad Ave., P.O. Box 1397	Pittsburg	CA	94565	17,166
PROJECT SENTINEL	554 Valley Way	Milpitas	CA	95035	67,316
SAN FRANCISCO HOUSING DEVELOPMENT CORPORATION.	4439 Third Street	San Francisco	CA	94124	41,392
OPEN DOOR COUNSELING CENTER.	34420 South West Tualatin Valley Highway.	Hillsboro	OR	97123	41,736
LEGAL AID SOCIETY OF HAWAII	924 Bethel Street	Honolulu	HI	96813	22,934
ASIAN INCORPORATED	1167 Mission Street, 4th Floor	San Francisco	CA	94103	42,491
CITY OF VACAVILLE DEPARTMENT OF HOUSING SERVICES.	40 Eldridge Avenue, Suite 2, Housing Programs.	Vacaville	CA	95688	20,666
COMMUNITY CONNECTION OF NORTHEAST OREGON, INC.	2802 Adams Avenue	La Grande	OR	97850	21,216
EDEN COUNCIL FOR HOPE AND OPPORTUNITY (ECHO).	22551 Second Street, #200	Hayward	CA	94541	25,000
FAIR HOUSING ADVOCATES OF NORTHERN CALIFORNIA.	1314 Lincoln Ave., Suite A	San Rafael	CA	94901	26,430
FAIR HOUSING COUNCIL OF RIVERSIDE COUNTY, INC.	P.O. Box 1068	Riverside	CA	92502	38,646

Grantee name	Address	City	State	Zip	Amount
HABITAT FOR HUMANITY MAUI, INC.	1162 Lower Main St., Housing Counseling.	Wailuku	HI	96793	19,568
HABITAT FOR HUMANITY, STANISLAUS COUNTY.	630 Kearney Avenue, Housing Counseling.	Modesto	CA	95350	22,724
HOUSING AUTHORITY OF YAMHILL COUNTY.	135 NE Dunn Place	McMinnville	OR	97128	23,823
IDAHO HOUSING AND FINANCE ASSOCIATION.	565 W Myrtle Street, P.O. Box 7899	Boise	ID	83707	261,978
WASHINGTON STATE HOUSING FINANCE COMMISSION.	1000 2nd Ave., Suite 2700 Home-ownership.	Seattle	WA	98104	372,314
Total					42,841,684

FY2019 Housing Counseling Training Grant.

Lead grantee	Address	City	State	Zip code	Award amount
Rural Community Assistance Corp	3120 Freeboard Drive, Suite 201	West Sacramento.	CA	95691	$344,373.53
National Community Reinvestment Coalition.	740 15th St. NW, Suite 400	Washington	DC	20005	617,251.26
Neighborworks America	999 North Capital Street NE, Suite 900.	Washington	DC	20002	889,909.10
Neighborhood Stabilization Corp	225 Centre Street, Suite 100	Boston	MA	02119	240,580.84
Total					2,500,000.00

Appendix J

FY2019 Choice Neighborhoods Planning Grants

Contact: Mindy Turbov, (202) 402–4191.

Lead grantee	Address	City	State	Zip code	Award amount
City of Huntsville	308 Fountain Circle	Huntsville	AL	35801–4240	$1,300,000
City of Omaha	1819 Farnam Street, Suite 300	Omaha	NE	68183	1,300,000
Housing Authority of the City of Rome.	326 West 9th Street	Rome	GA	30162–1428	1,250,000
Trenton Housing Authority	875 New Willow Street	Trenton	NJ	08639	1,300,00
Total					5,150,000

[FR Doc. 2020–06807 Filed 3–31–20; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[190A2100DD/AAKC001030/A0A501010.999900253G]

Indian Gaming; Extension of Tribal-State Class III Gaming Compact (Rosebud Sioux Tribe and the State of South Dakota)

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: This notice announces the extension of the Class III gaming compact between the Rosebud Sioux Tribe and the State of South Dakota.

DATES: The extension takes effect on April 1, 2020.

FOR FURTHER INFORMATION CONTACT: Ms. Paula L. Hart, Director, Office of Indian Gaming, Office of the Assistant Secretary—Indian Affairs, Washington, DC 20240, (202) 219–4066.

SUPPLEMENTARY INFORMATION: An extension to an existing Tribal-State Class III gaming compact does not require approval by the Secretary if the extension does not modify any other terms of the compact. 25 CFR 293.5. The Rosebud Sioux Tribe and the State of South Dakota have reached an agreement to extend the expiration date of their existing Tribal-State Class III gaming compact to April 19, 2020. This publication provides notice of the new expiration date of the compact.

Tara Sweeney,

Assistant Secretary—Indian Affairs.

[FR Doc. 2020–06712 Filed 3–31–20; 8:45 am]

BILLING CODE 4337–15–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–463 and 731–TA–1159 (Second Review)]

Oil Country Tubular Goods From China; Institution of Five-Year Reviews

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice that it has instituted reviews pursuant to the Tariff Act of 1930 (''the Act''), as amended, to determine whether revocation of the countervailing and antidumping duty orders on oil country tubular goods (''OCTG'') from China would be likely to lead to continuation or recurrence of material injury. Pursuant to the Act, interested parties are requested to respond to this notice by submitting the information specified below to the Commission.

DATES: Instituted April 1, 2020. To be assured of consideration, the deadline for responses is May 1, 2020. Comments on the adequacy of responses may be filed with the Commission by June 15, 2020.

FOR FURTHER INFORMATION CONTACT: Mary Messer (202–205–3193), 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 this proceeding may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION:

Background.—On January 20, 2010, the Department of Commerce (''Commerce'') issued a countervailing duty order on imports of OCTG from China (75 FR 3203). On May 21, 2010, Commerce issued an antidumping duty order on imports of OCTG from China (75 FR 28551). Following the five-year reviews by Commerce and the Commission, effective May 18, 2015, Commerce issued a continuation of the countervailing and antidumping duty orders on imports of OCTG from China (80 FR 28224). The Commission is now conducting its second reviews pursuant to section 751(c) of the Act, as amended (19 U.S.C. 1675(c)), to determine whether revocation of the orders would be likely to lead to continuation or recurrence of material injury to the domestic industry within a reasonably foreseeable time. Provisions concerning the conduct of this proceeding may be found in the Commission's Rules of Practice and Procedure at 19 CFR part 201, subparts A and B, and 19 CFR part 207, subparts A and F. The Commission will assess the adequacy of interested party responses to this notice of institution to determine whether to conduct full reviews or expedited reviews. The Commission's determinations in any expedited reviews will be based on the facts available, which may include information provided in response to this notice.

Definitions.—The following definitions apply to these reviews:

(1) *Subject Merchandise* is the class or kind of merchandise that is within the scope of the five-year reviews, as defined by Commerce.

(2) The *Subject Country* in these reviews is China.

(3) The *Domestic Like Product* is the domestically produced product or products which are like, or in the absence of like, most similar in characteristics and uses with, the *Subject Merchandise.* In its original determinations and its expedited five-year review determinations, the Commission defined the *Domestic Like Product* as OCTG, coextensive with Commerce's scope.

(4) The *Domestic Industry* is the U.S. producers as a whole of the *Domestic Like Product,* or those producers whose collective output of the *Domestic Like Product* constitutes a major proportion of the total domestic production of the product. In its original determinations and its expedited first five-year review determinations, the Commission defined a single *Domestic Industry* consisting of all domestic producers of OCTG.

(5) An *Importer* is any person or firm engaged, either directly or through a parent company or subsidiary, in importing the *Subject Merchandise* into the United States from a foreign manufacturer or through its selling agent.

Participation in the proceeding 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 proceeding as parties must file an entry of appearance with the Secretary to the Commission, as provided in section 201.11(b)(4) of the Commission's rules, no later than 21 days after publication of this notice in the **Federal Register**. The Secretary will maintain a public service list containing the names and addresses of all persons, or their representatives, who are parties to the proceeding.

Former Commission employees who are seeking to appear in Commission five-year reviews are advised that they may appear in a review even if they participated personally and substantially in the corresponding underlying original investigation or an earlier review of the same underlying investigation. The Commission's designated agency ethics official has advised that a five-year review is not the same particular matter as the underlying original investigation, and a five-year review is not the same particular matter as an earlier review of the same underlying investigation for purposes of 18 U.S.C. 207, the post employment statute for Federal employees, and Commission rule 201.15(b) (19 CFR 201.15(b)), 79 FR 3246 (Jan. 17, 2014), 73 FR 24609 (May 5, 2008). Consequently, former employees are not required to seek Commission approval to appear in a review under Commission rule 19 CFR 201.15, even if the corresponding underlying original investigation or an earlier review of the same underlying investigation was pending when they were Commission employees. For further ethics advice on this matter, contact Charles Smith, Office of the General Counsel, at 202–205–3408.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and APO service list.—Pursuant to section 207.7(a) of the Commission's rules, the Secretary will make BPI submitted in this proceeding available to authorized applicants under the APO issued in the proceeding, provided that the application is made no later than 21 days after publication of this notice in the **Federal Register**. Authorized applicants must represent interested parties, as defined in 19 U.S.C. 1677(9), who are parties to the proceeding. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Certification.—Pursuant to section 207.3 of the Commission's rules, any person submitting information to the Commission in connection with this proceeding must certify that the information is accurate and complete to the best of the submitter's knowledge. In making the certification, the submitter will acknowledge that information submitted in response to this request for information and throughout this proceeding or other proceeding may be disclosed to and used: (i) By the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5

U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel, solely for cybersecurity purposes. All contract personnel will sign appropriate nondisclosure agreements.

Written submissions.—Pursuant to section 207.61 of the Commission's rules, each interested party response to this notice must provide the information specified below. The deadline for filing such responses is May 1, 2020. Pursuant to section 207.62(b) of the Commission's rules, eligible parties (as specified in Commission rule 207.62(b)(1)) may also file comments concerning the adequacy of responses to the notice of institution and whether the Commission should conduct an expedited or full review. The deadline for filing such comments is June 15, 2020. All written submissions must conform with the provisions of section 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of sections 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. Also, in accordance with sections 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the proceeding must be served on all other parties to the proceeding (as identified by either the public or APO service list as appropriate), and a certificate of service must accompany the document (if you are not a party to the proceeding you do not need to serve your response).

Please note the Secretary's Office will accept only electronic filings at 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.

No response to this request for information is required if a currently valid Office of Management and Budget (''OMB'') number is not displayed; the OMB number is 3117 0016/USITC No. 20–5–459, expiration date June 30, 2020. Public reporting burden for the request is estimated to average 15 hours per response. Please send comments regarding the accuracy of this burden estimate to the Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436.

Inability to provide requested information.—Pursuant to section 207.61(c) of the Commission's rules, any interested party that cannot furnish the information requested by this notice in the requested form and manner shall notify the Commission at the earliest possible time, provide a full explanation of why it cannot provide the requested information, and indicate alternative forms in which it can provide equivalent information. If an interested party does not provide this notification (or the Commission finds the explanation provided in the notification inadequate) and fails to provide a complete response to this notice, the Commission may take an adverse inference against the party pursuant to section 776(b) of the Act (19 U.S.C. 1677e(b)) in making its determinations in the reviews.

Information To Be Provided in Response to This Notice of Institution: As used below, the term ''firm'' includes any related firms.

(1) The name and address of your firm or entity (including World Wide Web address) and name, telephone number, fax number, and Email address of the certifying official.

(2) A statement indicating whether your firm/entity is an interested party under 19 U.S.C. 1677(9) and if so, how, including whether your firm/entity is a U.S. producer of the *Domestic Like Product,* a U.S. union or worker group, a U.S. importer of the *Subject Merchandi*se, a foreign producer or exporter of the *Subject Merchandise,* a U.S. or foreign trade or business association (a majority of whose members are interested parties under the statute), or another interested party (including an explanation). If you are a union/worker group or trade/business association, identify the firms in which your workers are employed or which are members of your association.

(3) A statement indicating whether your firm/entity is willing to participate in this proceeding by providing information requested by the Commission.

(4) A statement of the likely effects of the revocation of the countervailing and antidumping duty orders on the *Domestic Industry* in general and/or your firm/entity specifically. In your response, please discuss the various factors specified in section 752(a) of the Act (19 U.S.C. 1675a(a)) including the likely volume of subject imports, likely price effects of subject imports, and likely impact of imports of *Subject Merchandise* on the *Domestic Industry.*

(5) A list of all known and currently operating U.S. producers of the *Domestic Like Product.* Identify any known related parties and the nature of the relationship as defined in section 771(4)(B) of the Act (19 U.S.C. 1677(4)(B)).

(6) A list of all known and currently operating U.S. importers of the *Subject Merchandise* and producers of the *Subject Merchandise* in the *Subject Country* that currently export or have exported *Subject Merchandise* to the United States or other countries after 2013.

(7) A list of 3–5 leading purchasers in the U.S. market for the *Domestic Like Product* and the *Subject Merchandise* (including street address, World Wide Web address, and the name, telephone number, fax number, and Email address of a responsible official at each firm).

(8) A list of known sources of information on national or regional prices for the *Domestic Like Product* or the *Subject Merchandise* in the U.S. or other markets.

(9) If you are a U.S. producer of the *Domestic Like Product,* provide the following information on your firm's operations on that product during calendar year 2019, except as noted (report quantity data in short tons and value data in U.S. dollars, f.o.b. plant). If you are a union/worker group or trade/business association, provide the information, on an aggregate basis, for the firms in which your workers are employed/which are members of your association.

(a) Production (quantity) and, if known, an estimate of the percentage of total U.S. production of the *Domestic Like Product* accounted for by your firm's(s') production;

(b) Capacity (quantity) of your firm to produce the *Domestic Like Product* (that is, the level of production that your establishment(s) could reasonably have expected to attain during the year, assuming normal operating conditions (using equipment and machinery in place and ready to operate), normal operating levels (hours per week/weeks per year), time for downtime, maintenance, repair, and cleanup, and a typical or representative product mix);

(c) the quantity and value of U.S. commercial shipments of the *Domestic Like Product* produced in your U.S. plant(s);

(d) the quantity and value of U.S. internal consumption/company transfers of the *Domestic Like Product* produced in your U.S. plant(s); and

(e) the value of (i) net sales, (ii) cost of goods sold (COGS), (iii) gross profit, (iv) selling, general and administrative (SG&A) expenses, and (v) operating income of the *Domestic Like Product* produced in your U.S. plant(s) (include both U.S. and export commercial sales, internal consumption, and company transfers) for your most recently

completed fiscal year (identify the date on which your fiscal year ends).

(10) If you are a U.S. importer or a trade/business association of U.S. importers of the *Subject Merchandise* from the *Subject Country,* provide the following information on your firm's(s') operations on that product during calendar year 2019 (report quantity data in short tons and value data in U.S. dollars). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.

(a) The quantity and value (landed, duty-paid but not including antidumping or countervailing duties) of U.S. imports and, if known, an estimate of the percentage of total U.S. imports of *Subject Merchandise* from the *Subject Country* accounted for by your firm's(s') imports;

(b) the quantity and value (f.o.b. U.S. port, including antidumping and/or countervailing duties) of U.S. commercial shipments of *Subject Merchandise* imported from the *Subject Country;* and

(c) the quantity and value (f.o.b. U.S. port, including antidumping and/or countervailing duties) of U.S. internal consumption/company transfers of *Subject Merchandise* imported from the *Subject Country.*

(11) If you are a producer, an exporter, or a trade/business association of producers or exporters of the *Subject Merchandise* in the *Subject Country,* provide the following information on your firm's(s') operations on that product during calendar year 2019 (report quantity data in short tons and value data in U.S. dollars, landed and duty-paid at the U.S. port but not including antidumping or countervailing duties). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.

(a) Production (quantity) and, if known, an estimate of the percentage of total production of *Subject Merchandise* in the *Subject Country* accounted for by your firm's production;

(b) Capacity (quantity) of your firm(s) to produce the *Subject Merchandise* in the *Subject Country* (that is, the level of production that your establishment(s) could reasonably have expected to attain during the year, assuming normal operating conditions (using equipment and machinery in place and ready to operate), normal operating levels (hours per week/weeks per year), time for downtime, maintenance, repair, and cleanup, and a typical or representative product mix); and

(c) the quantity and value of your firm's(s') exports to the United States of *Subject Merchandise* and, if known, an estimate of the percentage of total exports to the United States of *Subject Merchandise* from the *Subject Country* accounted for by your firm's(s') exports.

(12) Identify significant changes, if any, in the supply and demand conditions or business cycle for the *Domestic Like Product* that have occurred in the United States or in the market for the *Subject Merchandise* in the *Subject Country* after 2013, and significant changes, if any, that are likely to occur within a reasonably foreseeable time. Supply conditions to consider include technology; production methods; development efforts; ability to increase production (including the shift of production facilities used for other products and the use, cost, or availability of major inputs into production); and factors related to the ability to shift supply among different national markets (including barriers to importation in foreign markets or changes in market demand abroad). Demand conditions to consider include end uses and applications; the existence and availability of substitute products; and the level of competition among the *Domestic Like Product* produced in the United States, *Subject Merchandise* produced in the *Subject Country,* and such merchandise from other countries.

(13) (OPTIONAL) A statement of whether you agree with the above definitions of the *Domestic Like Product* and *Domestic Industry;* if you disagree with either or both of these definitions, please explain why and provide alternative definitions.

Authority: This proceeding is being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.61 of the Commission's rules.

By order of the Commission.

Issued: March 27, 2020.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2020–06761 Filed 3–31–20; 8:45 am]

BILLING CODE 7020–20–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 731–TA–1014 and 1016 (Third Review)]

Polyvinyl Alcohol From China and Japan; Institution of Five-Year Reviews

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice that it has instituted reviews pursuant to the Tariff Act of 1930 (''the Act''), as amended, to determine whether revocation of the antidumping duty orders on polyvinyl alcohol from China and Japan would be likely to lead to continuation or recurrence of material injury. Pursuant to the Act, interested parties are requested to respond to this notice by submitting the information specified below to the Commission.

DATES: Instituted April 1, 2020. To be assured of consideration, the deadline for responses is May 1, 2020. Comments on the adequacy of responses may be filed with the Commission by June 15, 2020.

FOR FURTHER INFORMATION CONTACT: Mary Messer (202–205–3193), 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 this proceeding may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION:

Background.—On July 2, 2003, the Department of Commerce (''Commerce'') issued an antidumping duty order on imports of polyvinyl alcohol from Japan (68 FR 39518). On October 1, 2003, Commerce issued an antidumping duty order on imports of polyvinyl alcohol from China (68 FR 56620). Following the first five-year reviews by Commerce and the Commission, effective April 13, 2009, Commerce issued a continuation of the antidumping duty orders on imports of polyvinyl alcohol from China and Japan (74 FR 16834). Following the second five-year reviews by Commerce and the Commission, effective May 27, 2015, Commerce issued a continuation of the antidumping duty orders on imports of polyvinyl alcohol from China and Japan (80 FR 30208). The Commission is now conducting its third reviews pursuant to section 751(c) of the Act, as amended (19 U.S.C. 1675(c)), to determine whether revocation of the orders would be likely to lead to continuation or recurrence of material injury to the domestic industry within a reasonably foreseeable time. Provisions concerning the conduct of

this proceeding may be found in the Commission's Rules of Practice and Procedure at 19 CFR part 201, subparts A and B, and 19 CFR part 207, subparts A and F. The Commission will assess the adequacy of interested party responses to this notice of institution to determine whether to conduct full or expedited reviews. The Commission's determinations in any expedited reviews will be based on the facts available, which may include information provided in response to this notice.

Definitions.—The following definitions apply to these reviews:

(1) *Subject Merchandise* is the class or kind of merchandise that is within the scope of the five-year reviews, as defined by Commerce.

(2) The *Subject Countries* in these reviews are China and Japan.

(3) The *Domestic Like Product* is the domestically produced product or products which are like, or in the absence of like, most similar in characteristics and uses with, the *Subject Merchandise.* In its original determinations and its full first and second five-year review determinations, the Commission defined the *Domestic Like Product* as all domestically produced polyvinyl alcohol meeting the specifications stated in Commerce's scope definition.

(4) The *Domestic Industry* is the U.S. producers as a whole of the *Domestic Like Product,* or those producers whose collective output of the *Domestic Like Product* constitutes a major proportion of the total domestic production of the product. In its original determinations and its full first and second five-year review determinations, the Commission defined the *Domestic Industry* as all domestic producers of polyvinyl alcohol.

(5) An *Importer* is any person or firm engaged, either directly or through a parent company or subsidiary, in importing the *Subject Merchandise* into the United States from a foreign manufacturer or through its selling agent.

Participation in the proceeding 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 proceeding as parties must file an entry of appearance with the Secretary to the Commission, as provided in section 201.11(b)(4) of the Commission's rules, no later than 21 days after publication of this notice in the **Federal Register**. The Secretary will maintain a public service list containing the names and addresses of all persons, or their representatives, who are parties to the proceeding.

Former Commission employees who are seeking to appear in Commission five-year reviews are advised that they may appear in a review even if they participated personally and substantially in the corresponding underlying original investigation or an earlier review of the same underlying investigation. The Commission's designated agency ethics official has advised that a five-year review is not the same particular matter as the underlying original investigation, and a five-year review is not the same particular matter as an earlier review of the same underlying investigation for purposes of 18 U.S.C. 207, the post employment statute for Federal employees, and Commission rule 201.15(b) (19 CFR 201.15(b)), 79 FR 3246 (Jan. 17, 2014), 73 FR 24609 (May 5, 2008). Consequently, former employees are not required to seek Commission approval to appear in a review under Commission rule 19 CFR 201.15, even if the corresponding underlying original investigation or an earlier review of the same underlying investigation was pending when they were Commission employees. For further ethics advice on this matter, contact Charles Smith, Office of the General Counsel, at 202–205–3408.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and APO service list.—Pursuant to section 207.7(a) of the Commission's rules, the Secretary will make BPI submitted in this proceeding available to authorized applicants under the APO issued in the proceeding, provided that the application is made no later than 21 days after publication of this notice in the **Federal Register**. Authorized applicants must represent interested parties, as defined in 19 U.S.C. 1677(9), who are parties to the proceeding. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Certification.—Pursuant to section 207.3 of the Commission's rules, any person submitting information to the Commission in connection with this proceeding must certify that the information is accurate and complete to the best of the submitter's knowledge. In making the certification, the submitter will acknowledge that information submitted in response to this request for information and throughout this proceeding or other proceeding may be disclosed to and used: (i) By the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel, solely for cybersecurity purposes. All contract personnel will sign appropriate nondisclosure agreements.

Written submissions.—Pursuant to section 207.61 of the Commission's rules, each interested party response to this notice must provide the information specified below. The deadline for filing such responses is May 1, 2020. Pursuant to section 207.62(b) of the Commission's rules, eligible parties (as specified in Commission rule 207.62(b)(1)) may also file comments concerning the adequacy of responses to the notice of institution and whether the Commission should conduct expedited or full reviews. The deadline for filing such comments is June 15, 2020. All written submissions must conform with the provisions of section 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of sections 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. Also, in accordance with sections 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the proceeding must be served on all other parties to the proceeding (as identified by either the public or APO service list as appropriate), and a certificate of service must accompany the document (if you are not a party to the proceeding you do not need to serve your response).

Please note the Secretary's Office will accept only electronic filings at 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.

No response to this request for information is required if a currently valid Office of Management and Budget (''OMB'') number is not displayed; the OMB number is 3117 0016/USITC No. 20–5–460, expiration date June 30, 2020. Public reporting burden for the request is estimated to average 15 hours per response. Please send comments regarding the accuracy of this burden estimate to the Office of Investigations,

U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436.

Inability to provide requested information.—Pursuant to section 207.61(c) of the Commission's rules, any interested party that cannot furnish the information requested by this notice in the requested form and manner shall notify the Commission at the earliest possible time, provide a full explanation of why it cannot provide the requested information, and indicate alternative forms in which it can provide equivalent information. If an interested party does not provide this notification (or the Commission finds the explanation provided in the notification inadequate) and fails to provide a complete response to this notice, the Commission may take an adverse inference against the party pursuant to section 776(b) of the Act (19 U.S.C. 1677e(b)) in making its determinations in the reviews.

Information To be Provided in Response to This Notice of Institution: If you are a domestic producer, union/worker group, or trade/business association; import/export *Subject Merchandise* from more than one *Subject Country;* or produce *Subject Merchandise* in more than one *Subject Country,* you may file a single response. If you do so, please ensure that your response to each question includes the information requested for each pertinent *Subject Country.* As used below, the term ''firm'' includes any related firms.

(1) The name and address of your firm or entity (including World Wide Web address) and name, telephone number, fax number, and Email address of the certifying official.

(2) A statement indicating whether your firm/entity is an interested party under 19 U.S.C. 1677(9) and if so, how, including whether your firm/entity is a U.S. producer of the *Domestic Like Product,* a U.S. union or worker group, a U.S. importer of the *Subject Merchandi*se, a foreign producer or exporter of the *Subject Merchandise,* a U.S. or foreign trade or business association (a majority of whose members are interested parties under the statute), or another interested party (including an explanation). If you are a union/worker group or trade/business association, identify the firms in which your workers are employed or which are members of your association.

(3) A statement indicating whether your firm/entity is willing to participate in this proceeding by providing information requested by the Commission.

(4) A statement of the likely effects of the revocation of the antidumping duty orders on the *Domestic Industry* in general and/or your firm/entity specifically. In your response, please discuss the various factors specified in section 752(a) of the Act (19 U.S.C. 1675a(a)) including the likely volume of subject imports, likely price effects of subject imports, and likely impact of imports of *Subject Merchandise* on the *Domestic Industry.*

(5) A list of all known and currently operating U.S. producers of the *Domestic Like Product.* Identify any known related parties and the nature of the relationship as defined in section 771(4)(B) of the Act (19 U.S.C. 1677(4)(B)).

(6) A list of all known and currently operating U.S. importers of the *Subject Merchandise* and producers of the *Subject Merchandise* in each *Subject Country* that currently export or have exported *Subject Merchandise* to the United States or other countries after 2013.

(7) A list of 3–5 leading purchasers in the U.S. market for the *Domestic Like Product* and the *Subject Merchandise* (including street address, World Wide Web address, and the name, telephone number, fax number, and Email address of a responsible official at each firm).

(8) A list of known sources of information on national or regional prices for the *Domestic Like Product* or the *Subject Merchandise* in the U.S. or other markets.

(9) If you are a U.S. producer of the *Domestic Like Product,* provide the following information on your firm's operations on that product during calendar year 2019, except as noted (report quantity data in pounds and value data in U.S. dollars, f.o.b. plant). If you are a union/worker group or trade/business association, provide the information, on an aggregate basis, for the firms in which your workers are employed/which are members of your association.

(a) Production (quantity) and, if known, an estimate of the percentage of total U.S. production of the *Domestic Like Product* accounted for by your firm's(s') production;

(b) Capacity (quantity) of your firm to produce the *Domestic Like Product* (that is, the level of production that your establishment(s) could reasonably have expected to attain during the year, assuming normal operating conditions (using equipment and machinery in place and ready to operate), normal operating levels (hours per week/weeks per year), time for downtime, maintenance, repair, and cleanup, and a typical or representative product mix);

(c) the quantity and value of U.S. commercial shipments of the *Domestic Like Product* produced in your U.S. plant(s);

(d) the quantity and value of U.S. internal consumption/company transfers of the *Domestic Like Product* produced in your U.S. plant(s); and

(e) the value of (i) net sales, (ii) cost of goods sold (COGS), (iii) gross profit, (iv) selling, general and administrative (SG&A) expenses, and (v) operating income of the *Domestic Like Product* produced in your U.S. plant(s) (include both U.S. and export commercial sales, internal consumption, and company transfers) for your most recently completed fiscal year (identify the date on which your fiscal year ends).

(10) If you are a U.S. importer or a trade/business association of U.S. importers of the *Subject Merchandise* from any *Subject Country,* provide the following information on your firm's(s') operations on that product during calendar year 2019 (report quantity data in pounds and value data in U.S. dollars). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.

(a) The quantity and value (landed, duty-paid but not including antidumping duties) of U.S. imports and, if known, an estimate of the percentage of total U.S. imports of *Subject Merchandise* from each *Subject Country* accounted for by your firm's(s') imports;

(b) the quantity and value (f.o.b. U.S. port, including antidumping duties) of U.S. commercial shipments of *Subject Merchandise* imported from each *Subject Country;* and

(c) the quantity and value (f.o.b. U.S. port, including antidumping duties) of U.S. internal consumption/company transfers of *Subject Merchandise* imported from each *Subject Country.*

(11) If you are a producer, an exporter, or a trade/business association of producers or exporters of the *Subject Merchandise* in any *Subject Country,* provide the following information on your firm's(s') operations on that product during calendar year 2019 (report quantity data in pounds and value data in U.S. dollars, landed and duty-paid at the U.S. port but not including antidumping duties). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.

(a) Production (quantity) and, if known, an estimate of the percentage of total production of *Subject Merchandise* in each *Subject Country* accounted for by your firm's(s') production;

(b) Capacity (quantity) of your firm(s) to produce the *Subject Merchandise* in

each *Subject Country* (that is, the level of production that your establishment(s) could reasonably have expected to attain during the year, assuming normal operating conditions (using equipment and machinery in place and ready to operate), normal operating levels (hours per week/weeks per year), time for downtime, maintenance, repair, and cleanup, and a typical or representative product mix); and

(c) the quantity and value of your firm's(s') exports to the United States of *Subject Merchandise* and, if known, an estimate of the percentage of total exports to the United States of *Subject Merchandise* from each *Subject Country* accounted for by your firm's(s') exports.

(12) Identify significant changes, if any, in the supply and demand conditions or business cycle for the *Domestic Like Product* that have occurred in the United States or in the market for the *Subject Merchandise* in each *Subject Country* after 2013, and significant changes, if any, that are likely to occur within a reasonably foreseeable time. Supply conditions to consider include technology; production methods; development efforts; ability to increase production (including the shift of production facilities used for other products and the use, cost, or availability of major inputs into production); and factors related to the ability to shift supply among different national markets (including barriers to importation in foreign markets or changes in market demand abroad). Demand conditions to consider include end uses and applications; the existence and availability of substitute products; and the level of competition among the *Domestic Like Product* produced in the United States, *Subject Merchandise* produced in each *Subject Country,* and such merchandise from other countries.

(13) (OPTIONAL) A statement of whether you agree with the above definitions of the *Domestic Like Product* and *Domestic Industry;* if you disagree with either or both of these definitions, please explain why and provide alternative definitions.

Authority: This proceeding is being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.61 of the Commission's rules.

By order of the Commission.

Issued: March 26, 2020.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2020–06718 Filed 3–31–20; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1160]

Certain Replacement Automotive Service and Collission Parts and Components Thereof; Commission Determination Not To Review an Initial Determination Terminating Respondent Direct Technologies International, Inc. Based on Consent Order; Issuance of Consent Order; Finding Declaration for Immediate Relief Is Moot; Request for Written Submissions on Remedy, the Public Interest, and Bonding

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission (the ''Commission'') has determined not to review an initial determination (''ID'') (Order No. 36) terminating Direct Technologies International, Inc. on the basis of consent order. The Commission has determined to issue a consent order. The Commission has further determined to find that the complainants' declaration seeking immediate relief against certain respondents previously found to be in default is moot. The Commission also requests written submissions from the complainants, interested government agencies, and interested persons on the issues of remedy, the public interest, and bonding concerning certain respondents found in default.

FOR FURTHER INFORMATION CONTACT: Benjamin S. Richards, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 708–5453. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (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 this investigation may be viewed on the Commission's Electronic Docket Information System (''EDIS'') (*https://edis.usitc.gov*). Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal, telephone (202) 205–1810.

SUPPLEMENTARY INFORMATION: On June 7, 2019, the Commission instituted the above-referenced investigation based on a complaint filed by Hyundai Motor America, Inc. of Fountain Valley, California and Hyundai Motor Company of Seoul, Republic of Korea (collectively, ''Hyundai''). 84 FR 26703–04 (June 7, 2019). The complaint alleges a violation of 19 U.S.C. 1337, as amended (''Section 337''), in the importation, sale for importation, or sale in the United States after importation of certain gray market Hyundai parts in the categories of belts, body exterior and interior parts, brakes, wheel hubs, cooling system parts, drivetrain parts, electrical parts, emission parts, engine parts, exhaust parts, fuel/air pumps, oil/air/cabin air filters and parts, heat and A/C parts, ignition parts, steering parts, suspension parts, transmission parts, wheels and parts, wiper and washer parts, and accessories that infringe one or more of Hyundai's U.S. Trademark Registration Nos. 1,104,727; 3,991,863; 1,569,538; and 4,065,195. *Id.* at 26704. The complaint further alleges that a domestic industry exists in the United States. *Id.*

The Commission's notice of investigation named Direct Technologies International, Inc. (''DTI'') of North Miami Beach, Florida; AJ Auto Spare Parts FZE (''AJ Auto'') and John Auto Spare Parts Co. LLC (''John Auto''), both of Dubai, United Arab Emirates; and Cuong Anh Co. Ltd. (''Cuong Anh'') of Ninh Binh Province, Vietnam as respondents. The Office of Unfair Import Investigations was not named as a party to this investigation.

On November 25, 2019, the Commission determined not to review an initial determination (Order No. 17) granting Hyundai's unopposed motion to find respondents AJ Auto, John Auto, and Cuong Anh (collectively, the ''Defaulting Respondents'') in default. Order No. 17 (Nov. 5, 2019), *not rev'd,* Comm'n Notice (Nov. 25, 2019).

On January 24, 2020, Hyundai filed a declaration seeking immediate entry of a limited exclusion order against the Defaulting Respondents and any of their affiliated companies, parents, subsidiaries, and related business entities, successors or assigns.

On March 5, 2020, the presiding administrative law judge (''ALJ'') issued an initial determination (Order No. 36) granting a joint motion by Hyundai and DTI to terminate the investigation as to DTI on the basis of a consent order. The ALJ found that the consent order stipulation and proposed consent order complied with Commission Rule 210.21(c)(3) and (4) (19 CFR 210.21(c)(3) and (4)). The ALJ also found that

termination of this investigation does not impose any undue burdens on the public health and welfare, competitive conditions in the United States economy, production of like or directly competitive articles in the United States, or United States consumers. No petitions for review of the ID were received.

The Commission has determined not to review the subject ID and has determined to issue a consent order. The Commission has further determined that Hyundai's declaration is now moot given the termination of DTI, the final remaining respondent in this investigation. Finally, the Commission has determined to request briefing on the issues of remedy, bonding, and the public interest.

Section 337(g)(1) (19 U.S.C. 1337(g)(1)) and Commission Rule 210.16(c) (19 CFR 210.16(c)) authorize the Commission, upon request, to issue a limited exclusion order or a cease and desist order or both against a respondent found in default, unless after consideration of the public interest factors in Section 337(g)(1), it finds that such relief should not issue. Accordingly, in connection with the final disposition of this investigation, the Commission is interested in receiving written submissions that address the form of remedy, if any, that should be ordered with respect to the Defaulting Respondents, identified above. If a party seeks exclusion of an article from entry into the United States for purposes other than entry for consumption, the party should so indicate and provide information establishing that activities involving other types of entry either are adversely affecting it or likely to do so. For background, see *Certain Devices for Connecting Computers via Telephone Lines,* Inv. No. 337–TA–360, USITC Pub. No. 2843, Comm'n Op. at 7–10 (December 1994).

The statute requires the Commission to consider the effects of that remedy upon the public interest. The public interest factors the Commission will consider include the effect that an exclusion order and/or cease and desist orders would have on (1) the public health and welfare, (2) competitive conditions in the U.S. economy, (3) U.S. production of articles that are like or directly competitive with those that are subject to investigation, and (4) U.S. consumers. The Commission is therefore interested in receiving written submissions that address the aforementioned public interest factors in the context of this investigation.

If the Commission orders some form of remedy, the U.S. Trade Representative, as delegated by the President, has 60 days to approve, disapprove, or take no action on the Commission's action. *See* Presidential Memorandum of July 21, 2005, 70 FR 43251 (July 26, 2005). During this period, the subject articles would be entitled to enter the United States under bond, in an amount determined by the Commission and prescribed by the Secretary of the Treasury. The Commission is therefore interested in receiving submissions concerning the amount of the bond that should be imposed if a remedy is ordered.

Written Submissions: Complainants, interested government agencies, and any other interested persons are encouraged to file written submissions on the issues of remedy, the public interest, and bonding.

In their initial submission, complainants are requested to identify the form of the remedy sought and to submit proposed remedial orders for the Commission's consideration. Complainants are also requested to state the date that the asserted patents expire, the HTSUS subheadings under which the products at issue are imported, and to supply the identification information for all known importers of the products at issue in this investigation. Initial written submissions regarding remedy, bonding, and the public interest and proposed remedial orders must be filed no later than close of business on April 9, 2020. Reply submissions must be filed no later than the close of business on April 16, 2020. No further submissions on these issues will be permitted unless otherwise ordered by the Commission.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above. The Commission's paper filing requirements are currently waived. Submissions should refer to the investigation number (''Inv. No. 337–TA–1160'') in a prominent place on the cover page and/or the first page. (*See* Handbook on Filing Procedures, *https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf*). Persons with questions regarding filing should contact the Secretary at (202) 205–2000.

Any person desiring to submit a document to the Commission in confidence must request confidential treatment unless the information has already been granted such treatment during the proceedings. All such requests should be directed to the Secretary of the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 CFR 210.6. Documents for which confidential treatment by the Commission is sought will be treated accordingly. A redacted non-confidential version of the document must also be filed simultaneously with any confidential filing. All information, including confidential business information and documents for which confidential treatment is properly sought, submitted to the Commission for purposes of this Investigation may be disclosed to and used: (i) By the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel [1] solely for cybersecurity purposes. All non-confidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS.

The authority for the Commission's determination is contained in Section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.

Issued: March 26, 2020.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2020–06713 Filed 3–31–20; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Bureau of Alcohol, Tobacco, Firearms and Explosives

[OMB Number 1140–0018]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Revision of a Currently Approved Collection Application for Federal Firearms License—ATF Form 7 (5310.12)/7 CR (5310.16)

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

[1] All contract personnel will sign appropriate nondisclosure agreements.

Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed collection OMB 1140–0018 (Application for Federal Firearms License—ATF Form 7 (5310.12)/7 CR (5310.16), is being revised to include modifications to the verbiage used in Part B and the Instructions/Definitions section of the form.

DATES: Comments are encouraged and will be accepted for 60 days until June 1, 2020.

FOR FURTHER INFORMATION CONTACT: If you have additional comments, regarding the estimated public burden, associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions, or additional information, please contact: Tracey Robertson, ATF Federal Firearms Licensing Center, either by mail at 244 Needy Road, Martinsburg, WV 25405, by email at *Tracey.Robertson@atf.gov,* or by telephone at 304–616–4647.

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): Revision of a currently approved collection.

2. *The Title of the Form/Collection:* Application for Federal Firearms License.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* Form number (if applicable): ATF Form 7 (5310.12)/7 CR (5310.16). *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: Business or other for-profit. Other (if applicable): Individuals or households.

Abstract: The Application for Federal Firearms License—ATF Form 7 (5310.12)/7 CR (5310.16) is used by members of the public to apply for all types of federal firearm licenses (FFLs). The information requested on the form is used to determine the eligibility of the applicant to obtain a FFL, and verify the identity of a responsible person (RP).

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* An estimated 13,000 respondents will utilize the form annually, and it will take each respondent approximately one (1) hour 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 13,000 hours, which is equal to 13,000 (# of respondents) * 1(# of responses per respondent) * 1 (60 minutes).

7. *An Explanation of the Change in Estimates:* The adjustments associated with this information collection include a decrease in the total respondents and responses by 2,000, since the last renewal in 2017. However, due to an increase in the postal rate, the total mailing costs for this IC has also risen by $100 since 2017.

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: March 27, 2020.

Melody Braswell,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2020–06805 Filed 3–31–20; 8:45 am]

BILLING CODE 4410–XX–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–612]

Importer of Controlled Substances Application: Wildlife Laboratories, Inc.

ACTION: Notice of application.

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 May 1, 2020. Such persons may also file a written request for a hearing on the application on or before May 1, 2020.

ADDRESSES: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/DPW, 8701 Morrissette Drive, Springfield, Virginia 22152. All requests for a hearing must be sent to: Drug Enforcement Administration, Attn: Administrator, 8701 Morrissette Drive, Springfield, Virginia 22152. All request for a hearing should also be sent to: (1) Drug Enforcement Administration, Attn: Hearing Clerk/OALJ, 8701 Morrissette Drive, Springfield, Virginia 22152; and (2) Drug Enforcement Administration, Attn: DEA Federal Register Representative/DPW, 8701 Morrissette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 1301.34(a), this is notice that on February 11, 2020, Wildlife Laboratories, Inc., 1230 W Ash Street Unit D Windsor, Colorado 80550, applied to be registered as an importer of the following basic class(es) of controlled substances:

Controlled substance	Drug code	Schedule
Etorphine HCL ..	9059	II
Thiafentanil	9729	II

The company plans to import the listed controlled substances for distribution to its customers.

William T. McDermott,

Assistant Administrator.

[FR Doc. 2020–06759 Filed 3–31–20; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–614]

Importer of Controlled Substances Application: Shertech Laboratories, LLC

ACTION: Notice of application.

DATES: Registered bulk manufacturer 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 May 1, 2020. Such persons may also file a written request for a hearing on the application on or before May 1, 2020.

ADDRESSES: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/DPW, 8701 Morrissette Drive, Springfield, Virginia 22152. All requests for a hearing must be sent to: Drug Enforcement Administration, Attn: Administrator, 8701 Morrissette Drive, Springfield, Virginia 22152. All requests for a hearing should also be sent to: (1) Drug Enforcement Administration, Attn: Hearing Clerk/OALJ, 8701 Morrissette Drive, Springfield, Virginia 22152; and (2) Drug Enforcement Administration, Attn: DEA Federal Register Representative/DPW, 8701 Morrissette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 1301.34(a), this is notice that on February 21, 2020, Shertech Laboratories, LLC, 1185 Woods Chapel Road, Duncan, South Carolina 29334 applied to be registered as an importer of the following basic class(es) of a controlled substance:

Controlled substance	Drug code	Schedule
Cocaine	9041	II

The company plans to import synthetic derivatives of the listed controlled substance in bulk form to conduct clinical trials. Approval of permit applications will occur only when the registrant's activity is consistent with what is authorized under to 21 U.S.C. 952(a)(2). Authorization will not extend to the import of FDA approved or non-approved finished dosage forms for commercial sale.

William T. McDermott,

Assistant Administrator.

[FR Doc. 2020–06762 Filed 3–31–20; 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; Cadmium in General Industry Standard

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting this Occupational Safety and Health Administration (OSHA)-sponsored information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before May 1, 2020.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

Comments are invited on: (1) Whether the collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (2) if the information will be processed and used in a timely manner; (3) the accuracy of the agency's estimates of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (4) ways to enhance the quality, utility and clarity of the information collection; and (5) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

FOR FURTHER INFORMATION CONTACT: Frederick Licari by telephone at 202–693–8073, TTY 202–693–8064, (these are not toll-free numbers) or by email at *DOL_PRA_PUBLIC@dol.gov.*

SUPPLEMENTARY INFORMATION: The Occupational Safety and Health Act of 1970 (the OSH Act) (29 U.S.C. 651 *et seq.*) authorizes information collection by employers as necessary or appropriate for enforcement of the OSH Act, or for developing information regarding the causes and prevention of occupational injuries, illnesses, and accidents (see 29 U.S.C. 657). The OSH Act also requires OSHA to obtain such information with a minimum burden upon employers, especially those operating small businesses, and to reduce to the maximum extent feasible unnecessary duplication of effort in obtaining said information (see 29 U.S.C. 657). The collection of information specified in the Cadmium in General Industry Standard (29 CFR 1910.1027) protects workers from the adverse health effects that may result from their exposure to cadmium. The major collection of information of the standard include: Conducting worker exposure monitoring; notifying workers of their cadmium exposures; implementing a written compliance program; implementing medical surveillance of workers; providing examining physicians with specific information; ensuring that workers receive a copy of their medical surveillance results; maintaining workers' exposure monitoring and medical surveillance records for specific periods; and providing access to these records to the workers who are the subject of the records, the worker's representative, and other designated parties. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on November 1, 2019 (84 FR 58747).

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid OMB Control Number. *See* 5 CFR 1320.5(a) and 1320.6.

DOL seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOL notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

Agency: DOL–OSHA.

Title of Collection: Cadmium in General Industry Standard.

OMB Control Number: 1218–0185.

Affected Public: Private Sector: Businesses or other for-profits.

Total Estimated Number of Respondents: 50,679.

Total Estimated Number of Responses: 234,036.

Total Estimated Annual Time Burden: 73,396 hours.

Total Estimated Annual Other Costs Burden: $5,493,656.

Authority: 44 U.S.C. 3507(a)(1)(D).

Dated: March 23, 2020.

Frederick Licari,

Departmental Clearance Officer.

[FR Doc. 2020–06902 Filed 3–30–20; 1:30 pm]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Office of Workers' Compensation Programs

Advisory Board on Toxic Substances and Worker Health

ACTION: Solicitation for Nominations to Serve on the Advisory Board on Toxic Substances and Worker Health (Board) of the Energy Employees Occupational Illness Compensation Program Act (EEOICPA).

SUMMARY: The Secretary of Labor (Secretary) invites interested parties to submit nominations for individuals to serve on the Board of the EEOICPA.

SUPPLEMENTARY INFORMATION: The Board is mandated by Section 3687 of EEOICPA. The Secretary established the Board under this authority and Executive Order 13699 (June 26, 2015) and in accordance with the provisions of the Federal Advisory Committee Act (FACA), as amended, 5 U.S.C. App. 2. The purpose of the Board is to advise the Secretary with respect to: (1) The Site Exposure Matrices of the Department of Labor (DOL); (2) medical guidance for claims examiners for claims with the EEOICPA program, with respect to the weighing of the medical evidence of claimants; (3) evidentiary requirements for claims under Part B of EEOICPA related to lung disease; (4) the work of industrial hygienists and staff physicians and consulting physicians of the DOL and reports of such hygienists and physicians to ensure quality, objectivity, and consistency; (5) the claims adjudication process generally, including review of procedure manual changes prior to incorporation into the manual and claims for medical benefits; and (6) such other matters as the Secretary considers appropriate. In addition, the Board, when necessary, coordinates exchanges of data and findings with the Department of Health and Human Services' Advisory Board on Radiation and Worker Health, which advises the Department of Health and Human Services' National Institute for Occupational Safety and Health on various aspects of causation in radiogenic cancer cases under Part B of the EEOICPA program.

The Board will consist of 12–15 members to be appointed by the Secretary. The Secretary will appoint a Board Chair from among the members. Pursuant to Section 3687(a)(2), the Board will reflect a reasonable balance of scientific, medical, and claimant members, to address the tasks assigned to the Board. Members serve two-year terms. At the discretion of the Secretary, members may be appointed to successive terms or removed at any time. The Board will meet no less than twice per year.

Pursuant to Section 3687(d), no Board member, employee, or contractor can have any financial interest, employment, or contractual relationship (other than a routine consumer transaction) with any person who has provided or sought to provide, within two years of their appointment or during their appointment, goods or services for medical benefits under EEOICPA. A certification that this is true will be required with each nomination.

DOL is committed to equal opportunity in the workplace and seeks broad-based and diverse Board membership. Any interested person or organization may nominate one or more individuals for membership. Interested persons are also invited and encouraged to submit statements in support of nominees.

Nomination Process: Any interested person or organization may nominate one or more qualified individuals for membership. If you would like to nominate an individual or yourself for appointment to the Board, please submit the following information:

- The nominee's contact information (name, title, business address, business phone, fax number, and/or business email address) and current employment or position;
- A copy of the nominee's resume or curriculum vitae;
- Category of membership that the nominee is qualified to represent;
- A summary of the background, experience, and qualifications that addresses the nominee's suitability for the nominated membership category identified above;
- Articles or other documents the nominee has authored that indicate the nominee's knowledge, experience, and expertise in fields related to the EEOICPA program, particularly as pertains to industrial hygiene, toxicology, epidemiology, occupational medicine, lung conditions, or the nuclear facilities covered by the EEOICPA program;
- Documents or other supportive materials that demonstrate the nominee's familiarity, experience, or history of participation with the EEOICPA program or with the administration of a technically complex compensation program such as EEOICPA;
- A signed statement that the nominee does not have any financial interest, employment, or contractual relationship (other than a routine consumer transaction) with any person who has provided or sought to provide, within two years of their appointment or during their appointment, goods or services for medical benefits under EEOICPA; and
- A signed statement that the nominee is aware of the nomination, is willing to regularly attend and participate in Board meetings, and has no conflicts of interest that would preclude membership on the Board.

Nominees will be appointed based on their demonstrated qualifications, professional experience, and knowledge of issues the Board may be asked to consider. Nominees will also be selected in accordance with statutory obligations under FACA and Section 3687 of EEOICPA regarding a balanced membership.

Any member appointed to fill a vacancy occurring prior to the expiration of a resigning Board member's term shall be appointed for the remainder of such term. As specified in Section 3687(i), the Board shall terminate ten (10) years after the date of the enactment of the legislation, which was December 19, 2014. Thus, the Board shall terminate on December 19, 2024.

Members are Special Government Employees (SGEs) and serve without compensation. However, members may each receive reimbursement for travel expenses for attending Board meetings, including per diem in lieu of subsistence, as authorized by the federal travel regulations.

Board activities may necessitate its members obtain security clearance. Pursuant to Section 3687(f), the Secretary of Energy will ensure that the Board members, Board staff, and any contractors performing work in support of the Board are afforded the opportunity to apply for a security clearance for any matter for which such a clearance is appropriate, and should provide a determination on eligibility for clearance within 180 days of receiving a completed application.

ADDRESSES: Nominations may be submitted, including attachments, by any of the following methods:

- *Electronically:* Send to: *EnergyAdvisoryBoard@dol.gov* (specify

in the email subject line, ''Advisory Board on Toxic Substances and Worker Health Nomination'').

• *Mail, express delivery, hand delivery, messenger, or courier service:* Submit one copy of the documents listed above to the following address: U.S. Department of Labor, Office of Workers' Compensation Programs, Advisory Board on Toxic Substances and Worker Health, Room S–3522, 200 Constitution Ave. NW, Washington, DC 20210.

Follow-up communications with nominees may occur as necessary through the process.

DATES: Nominations for individuals to serve on the Board must be submitted (postmarked, if sending by mail; submitted electronically; or received, if hand delivered) within 30 days of the date of this notice.

FOR FURTHER INFORMATION CONTACT: You may contact Michael Chance, Designated Federal Officer (DFO), at *chance.michael@dol.gov,* or Carrie Rhoads, Alternate DFO, at *rhoads.carrie@dol.gov,* U.S. Department of Labor, 200 Constitution Avenue NW, Suite S–3524, Washington, DC 20210, telephone (202) 343–5580.

This is not a toll-free number.

Signed at Washington, DC.

Julia K. Hearthway,

Director, Office of Workers' Compensation Programs.

[FR Doc. 2020–06699 Filed 3–31–20; 8:45 am]

BILLING CODE 4510–24–P

DEPARTMENT OF LABOR

Office of the Workers' Compensation Programs

Agency Information Collection Activities; Comment Request; Request for Information on Earnings, Dual Benefits, Dependents and Third Party Settlement, CA–1032

AGENCY: Division of Federal Employees' Compensation, Office of the Workers' Compensation Programs, Department of Labor.

ACTION: Notice.

SUMMARY: The Department of Labor (DOL) is soliciting comments concerning a proposed revision for the authority to conduct the information collection request (ICR) titled, ''[Request for Information on Earnings, Dual Benefits, Dependents and Third Party Settlement, CA–1032].'' This comment request is part of continuing Departmental efforts to reduce paperwork and respondent burden in accordance with the Paperwork Reduction Act of 1995 (PRA).

DATES: Consideration will be given to all written comments received by June 1, 2020.

ADDRESSES: A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained free by contacting Anjanette Suggs by telephone at 202–354–9660 or by email at *suggs.anjanette@dol.gov.*

Submit written comments about, or requests for a copy of, this ICR by mail or courier to the U.S. Department of Labor, Office of Workers' Compensation Programs, Room S3323, 200 Constitution Avenue NW, Washington, DC 20210; by email: *suggs.anjanette@dol.gov.*

FOR FURTHER INFORMATION CONTACT: Anjanette Suggs by telephone at 202–354–9660 or by email at *suggs.anjanette@dol.gov.*

SUPPLEMENTARY INFORMATION: The DOL, as part of continuing efforts to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies an opportunity to comment on proposed and/or continuing collections of information before submitting them to the OMB for final approval. This program helps to ensure requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements can be properly assessed.

The OWCP uses this collection to obtain information from a Federal Employees' Compensation Act (FECA) claimant receiving workers' compensation benefits over an extended period. The OWCP uses the response to determine whether the claimant is entitled to continue receiving benefits and whether the benefit amount should be adjusted. The collection is necessary to ensure the beneficiary receives correct compensation. Information requested on the CA–1032 is obtained from each claimant receiving continuing compensation on the periodic disability roll. The form requests information on the claimant's earnings, dependents, third party settlements, and other Federal benefits received. The FECA authorizes this information collection. *See* 5 U.S.C. 8124 and 8149.

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 under the PRA approves it and displays a currently valid OMB Control Number. The current approval is scheduled to expire August 31, 2020. 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 Control Number. *See* 5 CFR 1320.5(a) and 1320.6.

Interested parties are encouraged to provide comments to the contact shown in the **ADDRESSES** section. Written comments will receive consideration, and summarized and included in the request for OMB approval of the final ICR. In order to help ensure appropriate consideration, comments should mention [1240–0016].

Submitted comments will also be a matter of public record for this ICR and posted on the internet, without redaction. The DOL encourages commenters not to include personally identifiable information, confidential business data, or other sensitive statements/information in any comments.

The DOL 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 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.

Agency: DOL-Office of Workers' Compensation Programs.

Type of Review: [Revision].

Title of Collection: [Request for Information on Earnings, Dual Benefits, Dependents and Third Party Settlement].

Form: [CA–1032].

OMB Control Number: [1240–0016].

Affected Public: [Individual or Household].

Estimated Number of Respondents: [37,056].

Frequency: [Annually].

Total Estimated Annual Responses: [37,056].

Estimated Average Time per Response: [20 minutes].

Estimated Total Annual Burden Hours: [12,352] hours.

Total Estimated Annual Other Cost Burden: $[294,472].

Authority: 44 U.S.C. 3506(c)(2)(A).

Anjanette Suggs,

Agency Clearance Officer.

[FR Doc. 2020–06748 Filed 3–31–20; 8:45 am]

BILLING CODE 4510–CH–P

NATIONAL CREDIT UNION ADMINISTRATION

Community Development Revolving Loan Fund Access for Credit Unions

ACTION: Notice of Funding Opportunity.

FUNDING OPPORTUNITY TITLE: Community Development Revolving Loan Fund (CDRLF) Grants.

CATALOG OF FEDERAL DOMESTIC ASSISTANCE (CFDA) NUMBER: 44.002.

SUMMARY: The National Credit Union Administration (NCUA) is issuing this Notice of Funding Opportunity (NOFO) to announce the availability of technical assistance grants (awards) for low-income designated credit unions (LICUs) through the CDRLF. The CDRLF serves as a source of financial support in the form of loans and technical assistance grants that better enable LICUs to support the communities in which they operate. All grant awards made under this NOFO are subject to funds availability and are at the NCUA's discretion.

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A. Program Description

The purpose of the CDRLF is to assist LICUs in providing basic financial services to their members to stimulate economic activities in their communities. The CDRLF consists of Congressional appropriations that are administered by the NCUA. Through the CDRLF, the NCUA provides financial support in the form of awards to LICUs. These funds help improve and expand the availability of financial services to these members.

The NCUA will consider requests for various funding initiatives. More detailed information about the purpose of each initiative, amount of funds available, funding priorities, permissible uses of funds, funding limits, deadlines and other pertinent details will be defined in the grant round guidelines. In addition, the NCUA may periodically publish information regarding the CDRLF in Letters to Credit Unions, press releases, and/or on the NCUA website.

1. Funding Initiatives

The list of potential funding initiatives available during 2020 includes the following:

i. COVID–19 Emergency Support;

ii. Digital Services and Cybersecurity;

iii. Training;

iv. Minority Depository Institution (MDI) Mentoring; and

v. Underserved Outreach.

2. Authority and Regulations

i. *Authority:* 12 U.S.C. 1772c–1, 1756, 1757(5)(D), and (7)(I), 1766, 1782, 1784, 1785 and 1786;

ii. *Regulations:* The regulation governing the CDRLF is found at 12 CFR part 705. In general, this regulation is used by the NCUA to govern the CDRLF and set forth the program requirements. Additional regulations related to the low-income designation are found at 12 CFR parts 701.34 and 741.204. For the purposes of this NOFO, an ''Applicant'' is a Participating Credit Union that submits a complete application to the NCUA under the CDRLF. The NCUA encourages Applicants to review the regulations, this NOFO, the grant round guidelines, and other program materials for a complete understanding of the program.

B. Award Information

Approximately $1.5 million in awards will be available through this NOFO. The NCUA reserves the right to: (i) Award more or less than the amounts cited above; (ii) fund, in whole or in part, any, all, or none of the applications submitted in response to this NOFO; and (iii) reallocate funds from the amount that is anticipated to be available under this NOFO to other programs, particularly if the NCUA determines that the number of awards made under this NOFO is fewer than projected. General information about the purpose of each funding initiative and the maximum award amount is provided below.

1. Purpose of Funding Initiatives

i. *COVID–19 Emergency Support:* The COVID–19 Emergency Support initiative is intended to help credit unions assist members experiencing economic hardships due to the coronavirus, particularly members that are most impacted by the situation. Funds may be used to address the financial needs of impacted members, to help credit unions respond to the unexpected and unforeseen challenges of COVID–19, and to alleviate the impact of the crisis on the credit union and its community. Due to the severity of the situation, the NCUA may relax some of the administrative and programmatic requirements for Applicants under this initiative.

ii. *Digital Services and Cybersecurity:* The Digital Services and Cybersecurity initiative helps credit unions implement the infrastructure to build a digital relationship with their members and safeguard credit union information from cybersecurity threats. Access to digital financial services will improve the ability of credit unions to serve their communities. It is crucial for credit unions to expand financial products and services for members through digital channels. Ensuring that the appropriate processes are in place to continually safeguard the credit union's digital assets and activities is equally important. The objective of this initiative is to help credit unions establish a new digital service or strengthen cybersecurity in order to benefit the members. This initiative is not intended to fund continuous projects or cover costs associated with normal maintenance of digital services or cybersecurity.

iii. *Training:* The Training initiative focuses on helping credit unions develop the skills and talents of employees through specialized management programs and advanced training courses. The goal of this initiative is to enhance the operational knowledge of credit union employees and support staff professional development.

iv. *Underserved Outreach:* The Underserved Outreach initiative is designed to help credit unions implement innovative outreach strategies that will improve the financial well-being of individuals living in underserved areas within a credit union's field of membership. This initiative focuses on providing quality financial products and services to underserved population segments such as minority groups, youth & millennials, veterans, and immigrants. The NCUA's priority areas for 2020 Underserved Outreach grants will allow credit unions to fund projects that benefit individuals returning to the community following incarceration, promote first-time homeownership, and improve the access of financial products and services

to people with disabilities. The goal of this initiative is for credit unions to employ outreach strategies that produce positive growth outcomes for the credit union and improve the financial health of individuals.

v. *MDI Mentoring:* The MDI Mentoring initiative is intended to encourage mentoring relationships between LICUs (mentors) and small LICU MDIs (mentees). This initiative was designed to encourage strong and experienced low-income designated credit unions to provide guidance to small low-income designated MDI credit unions to increase their ability to thrive and serve low-income and underserved populations. No more than five awards are expected to be made under this NOFO.

2. Maximum Award Amount

The maximum amount for a CDRLF award is determined by the type of funding initiative. There is no minimum amount for CDRLF awards. The maximum award amount for each funding initiative is provided below.

i. COVID–19 Emergency Support—$10,000

ii. Digital Services and Cybersecurity—$7,000

iii. Training—$4,000

iv. MDI Mentoring—$25,000

v. Underserved Outreach—$25,000

C. Eligibility Information

1. Eligible Applicants

This NOFO is open to credit unions that meet the eligibility requirements defined in 12 CFR part 705. A credit union must have a low-income designation obtained in accordance with 12 CFR 701.34 or 741.204 in order to participate in the CDRLF.

i. *Non-Federally Insured Applicants:* Each Applicant that is a non-federally insured, state-chartered credit union must submit additional application materials. These additional materials are more fully described in 12 CFR 705.7(b)(3) and in the application.

a. Non-federally insured, state-chartered credit unions must agree to be examined by the NCUA. The specific terms and covenants pertaining to this condition will be provided in the award agreement of the Participating Credit Union.

2. Data Universal Numbering System (DUNS) Number

The Data Universal Numbering System (DUNS) number is a unique nine-character number used to identify your organization. The federal government uses the DUNS number to track how federal money is allocated. Registering for a DUNS number is FREE. Applicants can obtain a DUNS number by visiting the Dun & Bradstreet (D&B) website or calling 1–866–705–5711. The NCUA will not consider an application that does not include a valid DUNS number issued by Dun and Bradstreet (D&B). Such an application will be deemed incomplete and will be declined.

3. Employer Identification Number

Each application must include a valid and current Employer Identification Number (EIN) issued by the U.S. Internal Revenue Service (IRS). The NCUA will not consider an application that does not include a valid and current EIN. Such an application will be deemed incomplete and will be declined. Information on how to obtain an EIN may be found on the IRS's website.

4. System for Award Management

All Applicants are required by federal law to have an active registration with the federal government's System for Award Management (SAM) prior to applying for funding. SAM is a web-based, government-wide application that collects, validates, stores, and disseminates business information about the federal government's trading partners in support of the contract awards, grants, and electronic payment processes. *An active SAM account status and CAGE number is required* to apply for a CDRLF award. Credit unions that have an existing registration with SAM must recertify and maintain an active status annually. The SAM registration and recertification process is FREE. First-time SAM users can register by following the instructions in the *Quick Start Guide for New Registrations.* Existing users can recertify or renew their SAM account status by following the instructions in the *Quick Start Guide for Renewing Registrations.* The NCUA will not consider an applicant that does not have an active SAM status. Such an application will be deemed incomplete and will be declined.

5. Other Eligibility Requirements

i. *Financial Viability:* Applicants must meet the underwriting standards established by the NCUA, including those pertaining to financial viability, as set forth in the application and defined in 12 CFR 705.7(c).

ii. *Compliance with Past Agreements:* In evaluating funding requests under this NOFO, the NCUA will consider an Applicant's record of compliance with past agreements. The NCUA, in its sole discretion, will determine whether to consider an application from an Applicant with a past record of noncompliance, including any deobligation (*i.e.,* removal of unused awards) of funds.

a. If an Applicant is in default of a previously executed agreement with the NCUA, the NCUA will not consider an application for funding under this NOFO.

b. If an Applicant is a prior Participating Credit Union under the CDRLF and has unused awards as of the date of application, the NCUA may request a narrative from the Applicant that addresses the reason for its record of noncompliance. The NCUA, in its sole discretion, will determine whether the reason is sufficient to proceed with the review of the application.

D. Application And Submission Information

1. Application

Under this NOFO, all applications must be submitted online in the NCUA's web-based application system, CyberGrants, in order to be considered. Applications must be submitted online at *https://www.cybergrants.com/ncua/applications.* The application and related documents are also located on the NCUA's website at *https://www.ncua.gov/services/Pages/resources-expansion/grants-loans.aspx.*

2. Minimum Application Content

A complete application will consist of similar components for each funding initiative. At a minimum, each initiative requires a narrative response that describes the Applicant's proposed use of the CDRLF award. The NCUA reserves the right to waive this requirement for any funding initiatives with a defined list of allowable project activities. The NCUA will identify the funding initiatives that do not require a narrative response in the grant round guidelines. Other application contents that are specific to a particular funding initiative will be defined in the grant round guidelines found on NCUA's website.

3. Submission Dates and Times

i. *COVID–19 Emergency Support:* The NCUA will accept applications beginning March 27, 2020, at 9:00 a.m. eastern time (ET) for this initiative. Applications must be submitted by May 22, 2020, at 11:59 p.m. ET.

ii. *All Other Initiatives:* The NCUA will accept applications beginning May

1, 2020, at 9:00 a.m. eastern time (ET). Applications must be submitted by June 30, 2020, at 11:59 p.m. ET. Late applications will not be considered.

E. Application Review Information

1. Eligibility and Completeness Review

The NCUA will review each application to determine whether it is complete and that the Applicant meets the eligibility requirements described in the regulations, the grant round guidelines, and in this NOFO. An incomplete application or one that does not meet the eligibility requirements will be declined without further consideration.

2. Evaluation Criteria

Each funding initiative, due to its structure and impact, may have varying degrees of evaluation criteria assigned. The evaluation criteria for each funding initiative is fully described in the grant round guidelines.

3. Application Review

The purpose of the application review is to determine whether an application satisfies the criteria set forth for each particular funding initiative. The NCUA will evaluate each application in accordance with the criteria and procedures described in the grant round guidelines. The NCUA reserves the right to contact the Applicant during its review for the purpose of clarifying or confirming information contained in the application. If so contacted, the Applicant must respond within the time specified by the NCUA or the NCUA, in its sole discretion, may decline the application without further consideration.

4. Scoring and Funding Decision

The NCUA will make its funding decision based on a scoring system that establishes a ranking position for each application. The applications will be ranked according to the scoring criteria set forth for each funding initiative in the grant round guidelines.

F. Federal Award Administration

1. NCUA Award Notice

The NCUA will notify each Applicant of its funding decision by email. In addition, the NCUA will announce the successful applications through a press release that includes a list of the Awardees. Applicants that are approved for funding will also receive instructions on how to proceed with the post-award activities.

2. Administrative and National Policy Requirements

i. *Award Agreement:* The specific terms and conditions will be established in the award agreement each Participating Credit Union must sign prior to formally accepting an award. Each Participating Credit Union under this NOFO must enter into an agreement with the NCUA before the NCUA will disburse the award funds. The agreement includes the terms and conditions of funding, including but not limited to the: (i) Award amount; (ii) grant award details; (iii) roles and responsibilities; (iv) accounting treatment; (v) signature pages; and (vi) reporting requirements.

ii. *Failure to Sign Agreement:* The NCUA, in its sole discretion, may rescind an award if the Applicant fails to sign and return the agreement or any other requested documentation, within the time specified by the NCUA.

3. Reimbursement Process

Applicants that are approved for funding will be responsible for the complete and timely submission of the post-award activities. This includes, but it is not limited to, signing the award agreement and completing a reimbursement request. Successful Applicants must submit a reimbursement request in order to receive the awarded funds. The reimbursement requirements are different depending on the funding initiative. The NCUA will define the reimbursement requirements for each funding initiative in the post-award guidelines.

The reimbursement request may require, all or a combination of, the following items: (i) Evidence of expenses, (ii) project related documentation, (iii) a summary of project accomplishments and outcomes, or (iv) a certification form signed by a credit union official (*e.g.* CEO, manager, or Board Chairperson) authorized to request the reimbursement and make the certifications. The NCUA, in its sole discretion, may modify these requirements. In general, successful Applicants are required to submit the reimbursement request before the expiration date specified in the award agreement.

G. Federal Awarding Agency

1. Methods of Contact

Further information can be found at *https://www.ncua.gov/services/Pages/resources-expansion/grants-loans.aspx.* For questions related to the CDRLF, email the NCUA's Office of Credit Union Resources and Expansion at *CUREAPPS@ncua.gov.*

2. Information Technology Support

People who have visual or mobility impairments that prevent them from using the NCUA's website should call (703) 518–6610 for guidance (this is not a toll free number).

By the National Credit Union Administration Board on March 26, 2020.

Gerard Poliquin,

Secretary of the Board.

[FR Doc. 2020–06715 Filed 3–31–20; 8:45 am]

BILLING CODE P

NATIONAL CREDIT UNION ADMINISTRATION

Community Development Revolving Loan Fund Access for Credit Unions

ACTION: Notice of funding opportunity.

FUNDING OPPORTUNITY TITLE: Community Development Revolving Loan Fund (CDRLF) Loans

CATALOG OF FEDERAL DOMESTIC ASSISTANCE (CFDA) NUMBER: 44.002.

SUMMARY: The National Credit Union Administration (NCUA) is issuing this Notice of Funding Opportunity (NOFO) to announce the availability of loans (awards) for low-income designated credit unions (LICUs) through the CDRLF. The CDRLF serves as a source of financial support in the form of loans and technical assistance grants that better enable LICUs to support the communities in which they operate. All awards made under this NOFO are subject to funds availability and are at the NCUA's discretion.

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A. Program Description
B. Award Information
C. Eligibility Information
D. Application and Submission Information
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A. Program Description

The purpose of the CDRLF is to assist LICUs in providing basic financial services to their members to stimulate economic activities in their communities. The CDRLF consists of Congressional appropriations that are administered by the NCUA. Through the CDRLF, the NCUA provides financial support in the form of awards to LICUs. These funds help improve and expand the availability of financial services to these members. The NCUA accepts loan applications on a continuous basis subject to funding availability.

Since its inception, Congress has appropriated approximately $13.4 million for revolving loans through the CDRLF. The CDRLF's revolving loan component received its last appropriation in fiscal year 2005 for $200,000. Approximately $7 million will be available for loans under this NOFO as of March 27, 2020.

1. Permissible Uses of Loan Funds

The NCUA may consider requests for loan funds for various uses. A non-exhaustive list of examples of permissible uses or projects is defined in 12 CFR 705.4. The NCUA may consider other proposed uses of loan funds that are not listed if it determines the Proposal to be consistent with the purpose of the CDRLF. The list includes the following:

i. Development of new products or services for members, including new or expanded share draft or credit card programs;

ii. Partnership arrangements with community-based service organizations or government agencies;

iii. Loan programs, including, but not limited to, microbusiness loans, payday loan alternatives, education loans, and real estate loans;

iv. Acquisition, expansion, or improvement of office space or equipment, including branch facilities, ATMs, and electronic banking facilities;

v. Operational programs such as security and disaster recovery; and

vi. Responding to emergencies such as pandemics, natural disasters, economic downturns, etc. The NCUA recognizes that these emergencies will impact the credit union industry to varying degrees. The NCUA intends to support the efforts of LICUs through emergency funding needed to respond to unexpected and unplanned events. Specific details will be defined and provided in the applicable guidelines and posted on NCUA's website.

2. Authority and Regulations

i. *Authority:* 12 U.S.C. 1772c–1, 1756, 1757(5)(D), and (7)(I), 1766, 1782, 1784, 1785 and 1786;

ii. *Regulations:* The regulation governing the CDRLF is found at 12 CFR part 705. In general, this regulation is used by the NCUA to govern the CDRLF and set forth the program requirements. Additional regulations related to the low-income designation are found at 12 CFR parts 701.34 and 741.204. For the purposes of this NOFO, an ''Applicant'' is a Participating Credit Union that submits a complete application to the NCUA under the CDRLF. The NCUA encourages Applicants to review the regulations, this NOFO, and other program materials for a complete understanding of the program.

B. Award Information

The NCUA expects to award as many qualified credit unions as possible through this NOFO, subject to funding availability. CDRLF loans are typically made at lower than market interest rates.

Approximately $7 million, derived from prior-year appropriated and earned funds, will be available for qualified credit unions beginning March 27, 2020. The amount of funding available for CDRLF loans fluctuate whenever previously scheduled loans are fully amortized and/or if Congress makes an appropriation to the CDRLF revolving loan component. The NCUA reserves the right to: (i) Award more or less than the amounts cited above; (ii) fund, in whole or in part, any, all, or none of the applications submitted in response to this NOFO; and (iii) reallocate funds from the amount that is anticipated to be available under this NOFO to other programs, particularly if the NCUA determines that the number of awards made under this NOFO is fewer than projected.

The specific terms and conditions governing a CDRLF award will be established in the loan documents that each Participating Credit Union must sign prior to disbursement of funds. The rest of this section contains general award information regarding loans made through the CDRLF.

1. Loan Amount

The NCUA makes loans based on the financial condition of the credit union. The applicable regulation does not provide a maximum limit on loan applications for consideration, but in practice the NCUA discourages loan applications of higher than $500,000 to mitigate risk. There is no minimum loan amount. CDRLF loan awards typically range from $250,000 to $500,000. The amount of the loan will be based on the following factors:

i. Funds availability:

ii. Credit worthiness of the credit union;

iii. Financial need;

iv. Demonstrated capability of the credit union to provide financial and related services to its members; and

v. Concurrence from the credit union's NCUA regional office and/or the applicable the State Supervisory Authority (SSA) for qualifying state-chartered credit unions.

2. Maturity

CDRLF loans will generally mature in five years. The loan period may be shorter at the NCUA's discretion or at the request of the credit union, but in no case will the term exceed five years.

3. Interest Rate

The interest rate on CDRLF loans is governed by the CDRLF Loan Interest Rate Policy. The policy can be found on the NCUA's website at *https://www.ncua.gov/support-services/credit-union-resources-expansion/grants-loans/loans.* CDRLF loans are generally offered at a fixed rate for the full term. The NCUA reserves the right to reduce the interest rate when it benefits the objectives of CDRLF priorities and/or initiatives.

The NCUA may decide to lower the interest rate and change the loan terms during emergency conditions as described under Section A Permissible Use of Loan Funds of this document.

4. Repayment

All loans must be repaid to the NCUA regardless of how they are accounted for by the Participating Credit Union.

i. *Principal:* The entire principal is due at maturity.

ii. *Interest:* Interest is due in semi-annual payments beginning six months after the initial distribution of the loan.

iii. *Principal Prepayment:* There is no penalty for principal prepayment. Principal prepayments may be made as often as monthly.

C. Eligibility Information

1. Eligible Applicants

This NOFO is open to credit unions that meet the eligibility requirements defined in 12 CFR part 705. A credit union must have a low-income designation obtained in accordance with 12 CFR 701.34 or 741.204 in order to participate in the CDRLF.

i. *Non-Federally Insured Applicants:* Each Applicant that is a non-federally insured, state-chartered credit union must submit additional application materials. These additional materials are more fully described in 12 CFR 705.7(b)(3) and in the application.

a. Non-federally insured, state-chartered credit unions must agree to be examined by the NCUA. The specific terms and covenants pertaining to this condition will be provided in the award agreement of the Participating Credit Union.

2. Matching Funds (if Applicable)

At its discretion, the NCUA may require the Applicant to submit a functional plan to meet the matching funds requirement depending on the financial condition of the Applicant. The NCUA anticipates that most Applicants will not be required to

obtain matching funds. 12 CFR 705.5(g) of the NCUA's regulations describe the overall requirements for matching funds.

i. *Matching Funds Requirements:* The specific terms and covenants pertaining to any matching funds requirement will be provided in the loan agreement of the Participating Credit Union. Following, are general matching fund requirements. The NCUA, in its sole discretion, may amend these requirements depending upon its evaluation of the Applicant, but in no case will the amended requirements be greater than the conditions listed below.

a. The amount of matching funds required must generally be in an amount equal to the loan amount.

b. Matching funds must be from non-governmental member or nonmember share deposits.

c. Any loan monies matched by nonmember share deposits are not subject to the 20% limitation on nonmember deposits defined in 12 CFR 701.32.

d. Participating Credit Unions must maintain the outstanding loan amount in the total amount of share deposits for the duration of the loan. Once the loan is repaid, nonmember share deposits accepted to meet the matching requirement are subject to requirements defined in defined in 12 CFR 701.32.

ii. *Criteria for Matching Funds:* The NCUA will use the following criteria to determine whether to require an Applicant to have matching funds as a condition of its loan.

a. CAMEL Composite Rating
b. CAMEL Management Rating
c. CAMEL Asset Quality Rating
d. Regional Director Concurrence
e. Net Worth Ratio

iii. *Documentation of Matching Funds:* The NCUA may contact the matching funds source to discuss the matching funds and the documentation that the Applicant has provided. If the NCUA determines that any portion of the Applicant's matching funds is ineligible under this NOFO, the NCUA, in its sole discretion, may permit the Applicant to offer alternative matching funds as a substitute for the ineligible matching funds. In this case, the Applicant must provide acceptable alternative matching funds documentation within 10 business days of the NCUA's request.

3. Data Universal Numbering System (DUNS) Number

The Data Universal Numbering System (DUNS) number is a unique nine-character number used to identify your organization. The federal government uses the DUNS number to track how federal money is allocated. Registering for a DUNS number is FREE. Applicants can obtain a DUNS number by visiting the Dun & Bradstreet (D&B) website or calling 1–866–705–5711. The NCUA will not consider an application that does not include a valid DUNS number issued by Dun and Bradstreet (D&B). Such an application will be deemed incomplete and will be declined.

4. Employer Identification Number

Each application must include a valid and current Employer Identification Number (EIN) issued by the U.S. Internal Revenue Service (IRS). The NCUA will not consider an application that does not include a valid and current EIN. Such an application will be deemed incomplete and will be declined. Information on how to obtain an EIN may be found on the IRS's website.

5. System for Award Management

All Applicants are required by federal law to have an active registration with the federal government's System for Award Management (SAM) prior to applying for funding. SAM is a web-based, government-wide application that collects, validates, stores, and disseminates business information about the federal government's trading partners in support of the contract awards, grants, and electronic payment processes. *An active SAM account status and CAGE number is required* to apply for a CDRLF award. Credit unions that have an existing registration with SAM must recertify and maintain an active status annually. The SAM registration and recertification process is FREE. First-time SAM users can register by following the instructions in the *Quick Start Guide for New Registrations.* Existing users can recertify or renew their SAM account status by following the instructions in the *Quick Start Guide for Renewing Registrations.* The NCUA will not consider an applicant that does not have an active SAM status. Such an application will be deemed incomplete and will be declined.

6. Other Eligibility Requirements

i. *Financial Viability:* Applicants must meet the underwriting standards established by the NCUA, including those pertaining to financial viability, as set forth in the application and defined in 12 CFR 705.7(c).

ii. *Compliance with Past Agreements:* In evaluating funding requests under this NOFO, the NCUA will consider an Applicant's record of compliance with past agreements. The NCUA, in its sole discretion, will determine whether to consider an application from an Applicant with a past record of noncompliance, including any deobligation (*i.e.* removal of unused awards) of funds.

a. If an Applicant is in default of a previously executed agreement with the NCUA, the NCUA will not consider an application for funding under this NOFO.

b. If an Applicant is a prior Participating Credit Union under the CDRLF and has unused awards as of the date of application, the NCUA may request a narrative from the Applicant that addresses the reason for its record of noncompliance. The NCUA, in its sole discretion, will determine whether the reason is sufficient to proceed with the review of the application.

D. Application and Submission Information

1. Application

Under this NOFO, all applications must be submitted online in the NCUA's web-based application system, CyberGrants, in order to be considered. Applications must be submitted online at *https://www.cybergrants.com/ncua/applications.* The application and related documents are also located on the NCUA's website at *https://www.ncua.gov/services/Pages/resources-expansion/grants-loans.aspx.*

2. Minimum Application Content

At a minimum, the application will require credit unions to provide information about the following core application contents: (i) Project title; (ii) loan amount requested; (iii) total cost of the proposed project; (iv) project activity or objective; and (v) proposed use of the loan funds.

3. Submission Dates and Times

i. *COVID–19 Emergency Support Loan:* The NCUA will accept applications beginning March 27, 2020, at 9:00 a.m. eastern time (ET) for this initiative. Applications must be submitted by May 22, 2020, at 11:59 p.m. ET.

ii. *All Other Loans:* The NCUA accepts applications on a continuous basis subject to funding availability.

E. Application Review Information

1. Eligibility and Completeness Review

The NCUA will review each application to determine whether it is complete and that the Applicant meets the eligibility requirements described in the regulations, program guidelines, and in this NOFO. An incomplete

application or one that does not meet the eligibility requirements will be declined without further consideration.

2. Evaluation Criteria

The evaluation criteria is fully described in 12 CFR 705.7(c). The NCUA will evaluate each application on accordance with the criteria described in the regulation, this NOFO and program guidelines: Financial performance, compatibility, feasibility, and examination information and applicable concurrence. Each initiative, due to its structure and impact, have varying degrees of evaluation criteria assigned which are reflected in the guidelines for credit union's information.

3. Application Review

The purpose of the application review is to determine whether the NCUA should support and fund the loan request. During this phase of the review, the NCUA reviews the credit union's prior financial and operational performance, the collateral offered to securitize the loan (if applicable), and its longevity in operation. The NCUA reserves the right to contact the Applicant during its review for the purpose of clarifying or confirming information contained in the application. If so contacted, the Applicant must respond within the time specified by the NCUA or the NCUA, in its sole discretion, may decline the application without further consideration.

4. Examination Information and Applicable Concurrence

The NCUA will not approve an award to a credit union for which it's NCUA regional examining office or SSA, if applicable, indicates it has safety and soundness concerns. If the NCUA regional office or SSA identifies a safety and soundness concern, the NCUA, in conjunction with the regional office or SSA, will assess whether the condition of the Applicant is adequate to undertake the activities for which funding is requested, and the obligations of the loan and its conditions. The NCUA, in its sole discretion, may defer decision on funding an application until the credit union's safety and soundness conditions improve.

5. Funding Selection

The NCUA will make its funding selections based on a consistent scoring tier for each Applicant. The NCUA will consider the impact of the funding. In addition, the NCUA may consider the geographic diversity of the Applicants in its funding decisions.

F. Federal Award Administration

1. Federal Award Notice

The NCUA will notify each Applicant of its funding decision by email. Applicants that are approved for funding will also receive instructions on how to proceed with disbursement of the award.

2. Administrative and National Policy Requirements

i. *Loan Agreement:* Each Participating Credit Union under this NOFO must enter into an agreement with the NCUA before the NCUA will disburse the award funds. The agreement documents include, for example, a promissory note, loan agreement, repayment schedule, and security agreement (if applicable). The agreement will include the terms and conditions of funding, including but not limited to the: (i) Award amount; (ii) interest rate; (iii) repayment requirements; (iv) accounting treatment; (v) impact measures; and (vi) reporting requirements.

ii. *Failure to Sign Agreement:* The NCUA, in its sole discretion, may rescind an award if the Applicant fails to sign and return the agreement or any other requested documentation, within the time specified by the NCUA.

iii. *Multiple Disbursements:* The NCUA may determine, in its sole discretion, to fund a loan in multiple disbursements. In such cases, the process for disbursement will be specified by the NCUA in the loan agreement.

3. Reporting

The reporting requirements are more fully described in 12 CFR 705.9. Annually, each Participating Credit Union will submit a report to the NCUA. The report will address the Participating Credit Union's use of the loan funds; the impact of funding; and explanation of any failure to meet objectives for use of proceeds, outcome, or impact. The NCUA, in its sole discretion, may modify these requirements. However, such reporting requirements will be modified only after notice to affected credit unions.

i. *Report Form:* Applicable credit unions will be notified regarding the submission of the report form. A Participating Credit Union is responsible for timely and complete submission of the report. The NCUA will use such information to monitor each Participating Credit Union's compliance with the requirements of its loan agreement and to assess the impact of the CDRLF loan.

G. Federal Awarding Agency

1. Methods of Contact

Further information can be found at *https://www.ncua.gov/services/Pages/resources-expansion/grants-loans.aspx.* For questions related to the CDRLF, email the NCUA's Office of Credit Union Resources and Expansion at *CUREAPPS@ncua.gov.*

2. Information Technology Support

People who have visual or mobility impairments that prevent them from using the NCUA's website should call (703) 518–6610 for guidance (this is not a toll free number).

By the National Credit Union Administration Board on March 26, 2020.

Gerard Poliquin,

Secretary of the Board.

[FR Doc. 2020–06714 Filed 3–31–20; 8:45 am]

BILLING CODE 7535–01–P

NATIONAL SCIENCE FOUNDATION

Advisory Committee for Biological Sciences; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation (NSF) announces the following meeting:

Name and Committee Code: Advisory Committee for Biological Sciences (#1110).

Date and Time: April 30, 2020; 1:00 p.m.–3:00 p.m.

Place: National Science Foundation, 2415 Eisenhower Avenue, Alexandria, VA 22314.

Due to ongoing social distancing best practices because of COVID–19 the meeting will be held virtually among the Advisory Committee members. Public visitors will be able to listen telephonically. Public attendees should contact Melody Jenkins at *MJenkins@nsf.gov* to register and receive information to join the meeting.

Type of Meeting: Open.

Contact Person: Brent Miller, National Science Foundation, 2415 Eisenhower Avenue, Room C 12000, Alexandria, VA 22314; Telephone Number: (703) 292–8400.

Purpose of Meeting: The Advisory Committee for the Directorate for Biological Sciences (BIO) provides advice, recommendations, and oversight concerning major program emphases, directions, and goals for the research-related activities of the divisions that make up BIO.

Agenda: Agenda items will include a directorate business update, status update on the standard metrics for BIO

proposal submissions and review, a review of the charge for the Long-Term Ecological Research 40-year review, a review of the BIO's Office of the Assistant Director's response to the Division of Environmental Biology's Committee of Visitor Report, and discussion of the research communities' adaptation to COVID–19 restrictions.

Dated: March 27, 2020.

Crystal Robinson,

Committee Management Officer.

[FR Doc. 2020–06794 Filed 3–31–20; 8:45 am]

BILLING CODE 7555–01–P

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2020–108 and CP2020–114]

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 negotiated service agreements. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* April 3, 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:

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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 3007.301.[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 3010, and 39 CFR part 3020, 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 3015, and 39 CFR part 3020, subpart B. Comment deadline(s) for each request appear in section II.

II. Docketed Proceeding(s)

1. *Docket No(s).:* MC2020–108 and CP2020–114; *Filing Title:* USPS Request to Add Priority Mail Contract 599 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* March 26, 2020; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3020.30 *et seq.,* and 39 CFR 3015.5; *Public Representative:* Christopher C. Mohr; *Comments Due:* April 3, 2020.

This Notice will be published in the **Federal Register**.

Erica A. Barker,

Secretary.

[FR Doc. 2020–06754 Filed 3–31–20; 8:45 am]

BILLING CODE 7710–FW–P

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meetings

TIME AND DATE: Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Public Law 94–409, that the Securities and Exchange Commission Small Business Capital Formation Advisory Committee on Small and Emerging Companies will hold a public meeting on Thursday April 2, 2020, via video conference.

PLACE: The meeting will begin at 12:00 p.m. (ET) and will be open to the public. The meeting will be conducted by remote means (videoconference) and/or at the Commission's headquarters, 100 F Street NE, Washington, DC 20549. Members of the public may watch the webcast of the meeting on the Commission's website at *www.sec.gov.*

STATUS: This Sunshine Act notice is being issued because a majority of the Commission may attend the meeting.

MATTERS TO BE CONSIDERED: The agenda for the meeting includes matters relating to the effects of COVID–19 on small and emerging companies, which may include a recommendation of the Committee.

CONTACT PERSON FOR MORE INFORMATION: For further information and to ascertain what, if any, matters have been added, deleted or postponed; please contact Vanessa A. Countryman from the Office of the Secretary at (202) 551–5400.

Dated: March 30, 2020.

Vanessa A. Countryman,

Secretary.

[FR Doc. 2020–06931 Filed 3–30–20; 4:15 pm]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–88488; File No. SR–NYSE–2020–23]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Rule 7.35A To Allow the Exchange, for a Temporary Period, To Publish Trader Updates With Auction Imbalance Information for IPO Auctions

March 26, 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 March 26, 2020, New York Stock Exchange LLC (''NYSE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit

[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).

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Rule 7.35A relating to IPO Auctions for a temporary period that begins March 26, 2020, and ends on the earlier of the reopening of the Trading Floor facilities or after the Exchange closes on May 15, 2020. The proposed rule change is available on the Exchange's website at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes, for a temporary period that begins on the effective date of this filing and ends on the earlier of the reopening of the Trading Floor facilities or after the Exchange closes on May 15, 2020, that the Exchange would publish Trader Updates with Auction Imbalance Information [4] for IPO Auctions.[5]

Current rules provide that the Exchange does not disseminate Auction Imbalance Information if a security is an IPO and has not had its IPO Auction.[6] The Exchange is proposing to publish specified Auction Imbalance Information via Trader Update email for such auctions for the period when the NYSE Trading Floor has temporarily closed as a precautionary measure to reduce the spread of COVID–19.

Background

Since March 9, 2020, markets worldwide have been experiencing unprecedented market-wide declines and volatility because of the ongoing spread of COVID–19. Beginning on March 16, 2020, to slow the spread of COVID–19 through social-distancing measures, significant limitations were placed on large gatherings throughout the country. For example, in New York City, which is where the NYSE Trading Floor is located, public and private schools, universities, churches, restaurants, bars, movie theaters, and other commercial establishments where large crowds can gather have been closed.

On March 18, 2020, the CEO of the Exchange made a determination under Rule 7.1(c)(3) that beginning March 23, 2020, the Trading Floor facilities located at 11 Wall Street in New York City would close and the Exchange would move, on a temporary basis, to fully electronic trading.[7] Pursuant to Rule 7.1(e), the CEO notified the Board of Directors of the Exchange of this determination.

Because the Trading Floor facilities are now temporarily closed, Designated Market Makers (''DMMs'') are not on the Trading Floor and therefore cannot engage in any manual actions, such as facilitating an Auction manually or publishing pre-opening indications before a Core Open or Trading Halt Auction.[8] The auction process for IPO Auctions is manual; DMMs are not permitted to effect an IPO Auction electronically.[9]

On March 25, 2020, the CEO of the Exchange determined pursuant to Rule 7.1(c) that, for the period while the Trading Floor is temporarily closed as a precautionary measure to prevent the spread of COVID–19, the Trading Floor will be partially reopened on trading days when an IPO Auction is scheduled, to allow a DMM on the Trading Floor for the limited purpose of effecting such IPO Auction manually. During this temporary reopening, the Trading Floor will not be open to Floor brokers or for the DMM to perform any functions other than effecting the IPO Auction manually. Pursuant to Rule 7.1(e), the CEO notified the Board of Directors of the Exchange of this determination.

If the Trading Floor is partially reopened for an IPO Auction, the Exchange would permit entry to the Trading Floor to a single employee from the DMM member organization assigned to such security so that this DMM can access the Floor-based systems used to effect an Auction manually. When effecting an IPO Auction, the DMM would be expected to publish pre-opening indications consistent with the requirements specified in Rule 7.35A(d). The Exchange will arrange for a Floor Governor to be present for such Auctions to approve the publication of any pre-opening indications.[10] In addition, Exchange staff on the Trading Floor will be in communication with the lead underwriter or financial advisor, as applicable, for such IPO Auction and will convey to the DMM information that the underwriter would normally convey to the DMM via a Floor broker, such as when the underwriter has entered all interest for such auction.

Proposed Rule Change

During normal operations, Floor brokers perform a vital role during IPO Auctions to convey information that is available on the Trading Floor about such auctions to their customers. Information available at the point of sale includes imbalance and paired quantity information that the Exchange systems and DMM calculate based on the buy and sell interest in the Book at a given point in time. During any temporary reopening of the Trading Floor to permit a DMM to effect an IPO Auction manually, Floor brokers will not be present and therefore unable to convey this information to their customers.

In the absence of Floor brokers, the Exchange proposes that for the temporary period while the Trading Floor has been closed and a DMM is permitted limited entry to facilitate an IPO Auction, the Exchange would disseminate specified Auction Imbalance Information via Trader Update.

The Exchange recently amended Rule 7.35A to add Commentary .01 that describes changes related to DMM electronically-facilitated Auctions that are in effect beginning March 23, 2020 and ending on the earlier of the

[4] The term ''Auction Imbalance Information'' is defined in Rule 7.35(4) to mean the information that is disseminated by the Exchange for an Auction via a proprietary data feed during the times specified in the Rule 7.35 Series. *See* Rule 7.35(c).

[5] An ''IPO Auction'' is defined in Rule 7.35(a)(1)(D) to mean the Core Open Auction for the first day of trading on the Exchange of a security that is an IPO.

[6] *See* Rule 7.35(c)(3).

[7] The Exchange's current rules establish how the Exchange will function fully-electronically. The CEO also closed the NYSE American Options Trading Floor, which is located at the same 11 Wall Street facilities, and the NYSE Arca Options Trading Floor, which is located in San Francisco, CA. *See* Press Release, dated March 18, 2020, available here: *https://ir.theice.com/press/press-releases/all-categories/2020/03-18-2020-204202110.*

[8] While the Trading Floor is temporarily closed, DMMs participate electronically both intraday and for Auctions.

[9] *See* Rule 7.35A(c)(1)(C).

[10] *See* Rule 7.35A(d)(4)(A) (''Publication of a pre-opening indication requires the supervision and approval of a Floor Governor.'') The Exchange will arrange for a qualified ICE employee that has been designated as a Floor Governor to perform this function. *See* Rule 46(b)(v).

reopening of the Trading Floor facilities or after the Exchange closes on May 15, 2020.[11] The Exchange proposes to amend Rule 7.35A to add new Commentary .02 to specify the Auction Imbalance Information that the Exchange would disseminate relating to an IPO Auction during the period when the Trading Floor is closed, as follows:

> For a temporary period that begins on March 26, 2020 and ends on the earlier of the reopening of the Trading Floor facilities or after the Exchange closes on May 15, 2020, the Exchange will permit a DMM limited entry to the Trading Floor to effect an IPO Auction manually. For such an IPO Auction, the Exchange will disseminate the following Auction Imbalance Information provided by the DMM via Trader Update: the Imbalance Reference Price; the Paired Quantity; the Unpaired Quantity; and the Side of the Unpaired Quantity. The Exchange will publish such Trader Update(s) promptly after each publication by the DMM of a pre-opening indication for such security. The Trader Update will also include the pre-opening indication range.

Because publishing such Trader Updates would be a manual process, the Exchange proposes to disseminate a Trader Update following each publication of a pre-opening indication by the DMM.[12] The Exchange proposes to include in the Trader Update information that a DMM would convey on the Trading Floor during normal operations:

- The Imbalance Reference Price, which is the reference price that is used for the applicable Auction to determine the Auction Imbalance Information.[13] However, unlike the Imbalance Reference Price used for the Core Open Auction, which is a static number, the Imbalance Reference Price that would be included in a Trader Update for an IPO Auction would be a prospective opening price manually selected by the DMM based on the interest in the Book at that time. The Imbalance Reference Price would be updated by the DMM as buy and sell interest in the Book updates.
- The Paired Quantity, which is the volume of better-priced and at-priced buy shares that can be paired with better-priced and at-priced sell shares at the Imbalance Reference Price.[14]
- The Unpaired Quantity, which is the volume of at-priced buy or sell shares that cannot be paired at the Imbalance Reference Price.
- The Side of the Unpaired Quantity, which is the side (buy or sell) that cannot be paired at the Imbalance Reference Price.

The Exchange believes that, in the absence of Floor brokers, this proposed rule change would promote transparency in advance of an IPO Auction that would be manually effected by the DMM while the Trading Floor is closed.

The Exchange would be able to implement the proposed rule change immediately upon effectiveness of this proposed rule change.

2. Statutory Basis

The proposed rule change is consistent with Section 6(b) of the Act,[15] in general, and furthers the objectives of Section 6(b)(5) of the Act,[16] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, and to remove impediments to and perfect the mechanism of a free and open market and a national market system.

As a result of uncertainty related to the ongoing spread of COVID–19, the U.S. equities markets are experiencing unprecedented market volatility. In addition, social-distancing measures have been implemented throughout the country, including in New York City, to reduce the spread of COVID–19. Directly related to such social-distancing measures, the CEO of the Exchange made a determination under Rule 7.1(c)(3) that beginning March 23, 2020, the Trading Floor facilities located at 11 Wall Street in New York City would close and the Exchange would move, on a temporary basis, to fully electronic trading.

The Exchange believes that the proposed rule change would remove impediments to and perfect the mechanism of a free and open market and a national market system because it would promote fair and orderly IPO Auctions on the Exchange by allowing the Exchange to disseminate specified Auction Imbalance Information in advance of such auctions. The proposed rule change would therefore promote transparency in advance of an IPO Auction that would be manually effected by a DMM while the Trading Floor is closed.

The Exchange believes that, by clearly stating that this relief will be in effect through the earlier of the reopening of the Trading Floor facilities or the close of the Exchange on May 15, 2020, market participants will have more certainty regarding what information would be available about IPO Auctions that are conducted during the temporary period while the Trading Floor is closed.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change would impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change is not designed to address any competitive issues but rather is designed to ensure fair and orderly IPO Auctions on the Exchange by allowing the Exchange to disseminate specified Auction Imbalance Information in advance of such auctions during a temporary period when the Exchange Trading Floor has been closed in response to social-distancing measures designed to reduce the spread of the COVID–19 virus.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act[17] and Rule 19b–4(f)(6) thereunder.[18] 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 for 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[19] and Rule 19b–4(f)(6) thereunder.[20]

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[11] *See* Securities Exchange Act Release No. 88444 (March 20, 2020) (SR–NYSE–2020–22) (Notice of filing and immediate effectiveness of proposed rule change).

[12] Pre-opening indications are disseminated on both proprietary and SIP data feeds. *See* Rule 7.35A(d).

[13] *See* Rule 7.35(a)(10).

[14] *See* Rule 7.35(a)(4)(B).

[15] 15 U.S.C. 78f(b).

[16] 15 U.S.C. 78f(b)(5).

[17] 15 U.S.C. 78s(b)(3)(A)(iii).

[18] 17 CFR 240.19b–4(f)(6).

[19] 15 U.S.C. 78s(b)(3)(A).

[20] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires the Exchange to give the Commission written notice of the Exchange's intent to file the proposed rule change, along with a brief

A proposed rule change filed under Rule 19b–4(f)(6) [21] normally does not become operative for 30 days after the date of the filing. However, pursuant to Rule 19b–4(f)(6)(iii),[22] 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 proposed rule change may become operative immediately.

The Exchange represents that the proposed rule change is designed to facilitate fair and orderly IPO Auctions on the Exchange during a temporary period when the Exchange Trading Floor has been closed in response to social-distancing measures designed to reduce the spread of the COVID–19 virus. The Exchange proposes to permit a DMM limited entry to the Trading Floor to facilitate an IPO manually, and, in the absence of Floor brokers, to have the Exchange disseminate specified Auction Imbalance Information via Trader Updates. The Exchange represents that the information it would include in Trader Updates is the same information that a DMM would normally convey on the Trading Floor during regular operations. The Exchange believes that the proposed rule change would promote transparency in advance of an IPO Auction that would be manually effected by a DMM while the Trading Floor is partially reopened for the limited purpose of facilitating an IPO Auction, that could not otherwise be conducted when the Trading Floor is closed. The Exchange also represents that it is able to implement this proposed rule change immediately, that an IPO Auction is currently scheduled for March 27, 2020, and that waiver of the 30-day operative delay would allow the Exchange to disseminate Trader Updates in connection with this planned IPO Auction. The Commission notes that by disclosing that the Exchange will permit a DMM limited entry to the Trading Floor to effect an IPO Auction manually, and by enabling the Exchange to disseminate the information as discussed above, the proposed rule change would promote transparency in advance of an IPO Auction that would be manually effected by a DMM while the Trading Floor is partially reopened for this limited purpose. Further, the Commission notes that by clearly stating that this relief will be in effect through the earlier of the reopening of the Trading Floor facilities or the close of the Exchange on May 15, 2020, market participants will have more certainty regarding what information would be available about IPO Auctions that are conducted during the temporary period while the Trading Floor is partially reopened for the limited purpose of facilitating an IPO Auction. The Commission also notes that the proposal is a temporary measure designed to respond to current, unprecedented market conditions. Finally, the Commission notes that waiving the 30-day operative delay would allow the Exchange to implement the proposed rule change immediately and thereby enable it to enact the proposed procedures for its IPO Auction scheduled on March 27, 2020. For these reasons, the Commission believes that waiver of the 30-day operative delay is consistent with the protection of investors and the public interest. Accordingly, the Commission hereby waives the 30-day operative delay and designates the proposal operative upon filing.[23]

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–NYSE–2020–23 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSE–2020–23. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSE–2020–23, and should be submitted on or before April 22, 2020.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[24]

J. Matthew DeLesDernier,

Assistant Secretary.

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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 Commission has waived that requirement for this proposed rule change.

[21] 17 CFR 240.19b–4(f)(6).

[22] 17 CFR 240.19b–4(f)(6)(iii).

[23] For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[24] 17 CFR 200.30–3(a)(12), (59).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–88487; File No. SR–CboeBZX–2020–027]

Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating To Amend the Fee Schedule To Institute a Fee Code Applicable to the Cboe Market Close

March 26, 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 March 19, 2020, Cboe BZX Exchange, Inc. (''BZX'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Cboe BZX Exchange, Inc. (''BZX'' or the ''Exchange'') is filing with the Securities and Exchange Commission (the ''Commission'') a proposed rule change to amend the fee schedule to institute a fee code applicable to the Cboe Market Close. The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Exchange's website (*http://markets.cboe.com/us/equities/regulation/rule_filings/bzx/*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend the fee schedule applicable to its equities trading platform (''BZX Equities'') to introduce a fee code for orders that participate in the Cboe Market Close.[3] As proposed, orders executed in the Cboe Market Close would yield fee code ''MC.'' There would be no transaction fees associated with such orders.

The Exchange plans to implement the Cboe Market Close on March 6, 2020 as part of its ongoing efforts to improve market structure for the benefit of investors.[4] The Cboe Market Close is an innovative closing match process for non-BZX Listed Securities that is designed to match buy and sell Market-On-Close (''MOC'') orders at the official closing price for such security published by the primary listing market. The Exchange is introducing the Cboe Market Close in response to requests from market participants, particularly buy-side firms, for an alternative to the primary listing exchanges' closing auctions that still provides an execution at a security's official closing price. Cboe Market Close is designed in response to industry persistence and interest in an alternative to the listing market's closing auction.

As noted in the Approval Order, BZX stated that the fees for Cboe Market Close would be set and maintained over time at a rate less than the fee charged by the applicable listing exchange for its own respective closing mechanism. Accordingly, in conjunction with the upcoming implementation of the Cboe Market Close, the Exchange proposes to introduce a new fee code for orders that are executed in the Cboe Market Close, which would yield fee code ''MC.'' As proposed, there would be no fee to participate in the Cboe Market Close, thereby providing cost effective executions at the official closing price on a public exchange, and facilitating the execution of those orders at a lower rate than such orders would be charged in a primary listing markets' closing auction.[5]

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the objectives of Section 6 of the Act,[6] in general, and furthers the objectives of Section 6(b)(4),[7] in particular, as it is designed to provide for the equitable allocation of reasonable dues, fees and other charges among its Members and issuers and other persons using its facilities. The Exchange also notes that it operates in a highly-competitive market in which market participants can readily direct order flow to competing venues if they deem fee levels at a particular venue to be excessive or incentives to be insufficient. The proposed rule change reflects a competitive pricing structure designed to incentivize market participants to direct their MOC orders to the Cboe Market Close, which the Exchange believes would facilitate the execution of those orders at the official closing price.

In particular, the Exchange believes the proposal is reasonable because it provides Members a free alternative for executing MOC orders at the official closing price. Currently, market participants may execute MOC orders on public exchanges at the official closing price only by participating in the primary listing market's closing auction. As noted in the Approval Order, BZX stated that the fees for Cboe Market Close would be set and maintained over time at a rate less than the fee charged by the applicable listing exchange for its own respective closing mechanism. Accordingly, the proposal would allow all Members to participate in the Cboe Market Close without charge, and therefore at a price that is less than the applicable closing auction fees that would be incurred on the primary listing exchanges.[8] The Exchange also believes the proposal is reasonable because fostering price

[3] The Exchange initially filed the proposed fee changes on March 5, 2020 (SR–CboeBZX–2020–022). On March 13, 2020, the Exchange withdrew that filing and re-filed (SR–CboeBZX–2020–024). On March 19, 2020, the Exchange withdrew that filing and submitted this filing.

[4] The Commission approved the Cboe Market Close on January 21, 2020. *See* Securities Exchange Act Release No. 88008 (January 21, 2020) 85 FR 4726 (January 27, 2020) (the ''Approval Order'') (SR–BatsBZX–2017–34).

[5] For example, Nasdaq offers tiered fees for both MOC and Limit-on-Close (''LOC'') order executions in its closing auction process ranging from $0.0008 to $0.0016 per executed share. *See* Nasdaq Crossing Network, Execution Fees for the Nasdaq Closing Cross, Tiers A through G of the Nasdaq Price List. NYSE offers tiered fees for MOC order executions in its closing auction process ranging from $0.0004 to $0.0010. *See* Executions at the Close Equity Per Share Charge—per transaction (both sides)—of the NYSE Price List.

[6] 15 U.S.C. 78f.

[7] 15 U.S.C. 78f(b)(4).

[8] For example, Nasdaq offers tiered fees for executions in its closing auction process ranging from $0.0008 to $0.0016 per executed share. *See* Tiers A through G of the Nasdaq fee schedule *http://nasdaqtrader.com/Trader.aspx?id=PriceListTrading2.*

competition for the execution of MOC orders may facilitate the ability for smaller and mid-size brokers to better compete for investors' MOC order flow. In turn, greater choice among, and participation by, broker-dealers in handling MOC orders should inure to the benefit of end investors. Further, the Exchange believes the proposal may increase execution quality competition for MOC orders by incentivizing other venues, including the primary listing exchanges, to continue to innovate and compete to attract MOC orders to their venues.

Additionally, the Exchange believes the proposal is equitable and not unfairly discriminatory because it would apply equally to all Members who choose to participate in the Cboe Market Close. The proposed fee change is designed to allow broad participation in the Cboe Market Close, and there would be no differentiation in fees charged to Members. Rather, the Exchange's proposal would allow all Members to participate in the Cboe Market Close without charge. In turn, this would allow any interested Member to participate in the Cboe Market Close on an equal and non-discriminatory basis.

Lastly, while the Exchange's proposal offers participation in the Cboe Market Close at no cost to Members, the Exchange will continue to surveil for potentially manipulative activities and will enhance its surveillance procedures and work with other SROs to detect and prevent manipulative activity through the use of Cboe Market Close.

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 intramarket or intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. Rather, as discussed above, the Exchange believes that the proposed change would encourage the submission of MOC orders to a public exchange for execution at the official closing price.

The Exchange believes the proposed rule change does not impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. Particularly, the proposed change allows all Members to participate in the Cboe Market Close without charge. The proposal is designed to encourage Members to participate in the Cboe Market Close, which the Exchange believes will benefit all Members by fostering price competition for the execution of MOC orders at the official closing price, and may facilitate the ability for smaller and mid-size brokers to better compete for investors' MOC order flow. In turn, greater choice among, and participation by, broker-dealers in handling MOC orders should inure to the benefit of end investors.

Next, the Exchange believes the proposed rule change does not impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. The purpose of Cboe Market Close is to increase competition for the execution of MOC orders. Specifically, the Exchange believes the proposal may increase competition for MOC orders by incentivizing other venues, including the primary listing exchanges, to continue to innovate and compete to attract MOC orders to their venues.[9] Further, as previously discussed, the Exchange operates in a highly competitive market. Members have numerous alternative venues that they may participate on and direct their MOC order flow, including primary listing markets and off-exchange venues and alternative trading systems.[10]

Lastly, the proposal is offered in conjunction with the launch of the Cboe Market Close which is designed to enhance competition for the execution of MOC orders at the official closing price. Market participants may only execute at the official closing price on a public exchange is through the primary listing market auction. Generally, more than 70% of execution volume at the official closing price occurs on the primary listing exchange. Therefore, the proposal is designed to enhance competition among exchanges by offering market participants an alternative option to execute MOC orders at the official closing price. Furthermore, market participants can readily choose to send their MOC orders to primary listing markets and off-exchange venues if they deem fee levels at those other venues to be more favorable. For example, recent studies have shown that Trade Reporting Facility (''TRF'') volumes using the primary closing auction price have reached as high as 30% on some occasions.[11]

The Commission has repeatedly expressed its preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. Specifically, in Regulation NMS, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system ''has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies.'' [12] The fact that this market is competitive has also long been recognized by the courts. In NetCoalition v. Securities and Exchange Commission, the D.C. Circuit stated as follows: ''[n]o one disputes that competition for order flow is 'fierce.' . . . As the SEC explained, '[i]n the U.S. national market system, buyers and sellers of securities, and the broker-dealers that act as their order-routing agents, have a wide range of choices of where to route orders for execution'; [and] 'no exchange can afford to take its market share percentages for granted' because 'no exchange possesses a monopoly, regulatory or otherwise, in the execution of order flow from broker dealers'. . . .''.[13] Accordingly, the Exchange does not believe the proposal imposes any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [14] and paragraph (f) of Rule 19b–4 [15] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

[9] *Supra* note 3.

[10] *Id.*

[11] *See* BZX Statement in Support of the Division's Order Approving a Rule to Introduce Cboe Market Close, at 16 (April 12, 2018).

[12] *See* Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005).

[13] NetCoalition v. SEC, 615 F.3d 525, 539 (D.C. Cir. 2010) (quoting Securities Exchange Act Release No. 59039 (December 2, 2008), 73 FR 74770, 74782–83 (December 9, 2008) (SR–NYSEArca–2006–21)).

[14] 15 U.S.C. 78s(b)(3)(A).

[15] 17 CFR 240.19b–4(f).

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–CboeBZX–2020–027 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–CboeBZX–2020–027. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CboeBZX–2020–027, and should be submitted on or before April 22, 2020.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[16]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2020–06740 Filed 3–31–20; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–88485; File No. SR–NYSE–2019–67]

Self-Regulatory Organizations; New York Stock Exchange LLC; Order Instituting Proceedings To Determine Whether To Approve or Disapprove a Proposed Rule Change, as Modified by Amendment No. 1, To Amend Chapter One of the Listed Company Manual To Modify the Provisions Related to Direct Listings

March 26, 2020.

I. Introduction

On December 11, 2019, New York Stock Exchange LLC (''NYSE'' or the ''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Exchange Act'')[1] and Rule 19b–4 thereunder,[2] a proposed rule change to amend Chapter One of the Listed Company Manual (''Manual'') to modify the provisions related to direct listings. On December 13, 2019, the Exchange filed Amendment No. 1 to the proposed rule change, which amended and replaced the proposed rule change in its entirety. The proposed rule change, as modified by Amendment No. 1, was published for comment in the **Federal Register** on December 30, 2019.[3] On February 13, 2020, pursuant to Section 19(b(2) of the Exchange Act,[4] the Commission designated a longer period within which to either approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to disapprove the proposed rule change.[5] The Commission has received twelve comment letters on the proposed rule change, including a response from the Exchange.[6] This order institutes proceedings under Section 19(b)(2)(B) of the Exchange Act[7] to determine whether to approve or disapprove the proposed rule change, as modified by Amendment No. 1.

II. Description of the Proposal

Section 102.01B, Footnote (E) of the Manual states that the Exchange generally expects to list companies in connection with a firm commitment underwritten initial public offering (''IPO''), upon transfer from another market, or pursuant to a spin-off, but also allows for the possibility of using a direct listing, as described below.[8] Currently, Footnote (E) states that the Exchange recognizes that companies that have not previously had their common equity securities registered under the Exchange Act, but which have sold common equity securities in a private placement, may wish to list their common equity securities on the Exchange at the time of effectiveness of a registration statement[9] filed solely for the purpose of allowing existing shareholders to sell their shares.[10] The Exchange has proposed to define this type of direct listing already contemplated by the Exchange's rules as a ''Selling Shareholder Direct Floor Listing.''[11] In addition, the Exchange has proposed to recognize an additional type of direct listing in which a company would sell shares itself in the opening auction on the first day of trading on the Exchange in addition to, or instead of, facilitating sales by selling shareholders (a ''Primary Direct Floor

[16] 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. 87821 (December 20, 2019), 84 FR 72065 (December 30, 2019) (''Notice'').

[4] 15 U.S.C. 78s(b)(2).

[5] *See* Securities Exchange Act Release No. 88190 (February 13, 2020), 85 FR 9891 (February 20, 2020). The Commission designated March 29, 2020, as the date by which it should approve, disapprove, or institute proceedings to determine whether to disapprove the proposed rule change.

[6] Comments received on the Notice are available on the Commission's website at: *https://www.sec.gov/comments/sr-nyse-2019-67/srnyse201967.htm.*

[7] 15 U.S.C. 78s(b)(2)(B).

[8] *See* Section 102.01B, Footnote (E) of the Manual.

[9] The reference to a registration statement refers to a registration statement effective under the Securities Act of 1933 (''Securities Act'').

[10] *See* Section 102.01B, Footnote (E) of the Manual. *See also* Securities Exchange Act Release No. 82627 (February 2, 2018), 3 FR 5650 (February 8, 2018) (SR–NYSE–2017–30) (approving proposed rule change to amend Section 102.01B of the Manual to modify the provisions relating to the qualifications of companies listing without a prior Exchange Act registration in connection with an underwritten IPO and amend the Exchange's rules to address the opening procedures on the first day of trading for such securities).

[11] *See* proposed Section 102.01B, Footnote (E) of the Manual. Under the proposal, the Exchange would remove a description of this type of direct listing as involving a company ''whose stock is not previously registered under the Exchange Act, where such company is listing without a related underwritten offering upon effectiveness of a registration statement registered only the resale of shares sold by the company in earlier private placements.'' *See id.*

Listing'').[12] Under the proposal, the Exchange would, on a case by case basis, exercise discretion to list companies that are listing in connection with a Selling Shareholder Direct Floor Listing or a Primary Direct Floor Listing.[13]

With respect to a Selling Shareholder Direct Floor Listing, the Exchange has proposed to retain the existing standards regarding how the Exchange will determine whether a company has met its market value of publicly-held shares listing requirement. The Exchange will continue to determine that such company has met the $100 million aggregate market value of publicly-held shares requirement based on a combination of both (i) an independent third-party valuation (''Valuation'') of the company; and (ii) the most recent trading price for the company's common stock in a trading system for unregistered securities operated by a national securities exchange or a registered broker-dealer (''Private Placement Market'').[14] The Exchange will attribute a market value of publicly-held shares to the company equal to the lesser of: (i) The value calculable based on the Valuation; and (ii) the value calculable based on the most recent trading price in a Private Placement Market.[15] Alternatively, in the absence of any recent trading in a Private Placement Market, the Exchange will determine that such company has met its market value of publicly-held shares requirement if the company provides a Valuation evidencing a market value of publicly-held shares of at least $250 million.[16]

With respect to a Primary Direct Floor Listing, the Exchange has proposed that it will deem a company to have met the applicable aggregate market value of publicly-held shares requirement if the company sells at least $100 million in market value of the shares in the Exchange's opening auction on the first day of trading on the Exchange.[17] Alternatively, where a company is conducting a Primary Direct Floor Listing and sells shares in the opening auction with a market value of less than $100 million, the Exchange will determine that such company has met its market value of publicly-held shares requirement if the company provides a Valuation evidencing a market value of publicly-held shares of at least $250 million.[18] According to the Exchange, these requirements would provide that any company conducting a Primary Direct Floor Listing would be of a suitable size for Exchange listing and that there would be sufficient liquidity for the security to be suitable for auction market trading.[19]

In addition, the Exchange has proposed to amend Section 102.01A of the Manual to provide certain exceptions to the requirement that a company listing in connection with a Primary Direct Floor Listing or a Selling Shareholder Direct Floor Listing comply with the applicable initial listing distribution requirements, which require at least 400 round lot holders and 1.1 million publicly-held shares, at the time of initial listing.[20] In each of the following cases, the Exchange has proposed to grant the company a grace period of up to 90 trading days from the date of initial listing (''Distribution Standard Compliance Period'') to comply with the applicable initial listing distribution requirements: (i) A company listing in connection with a Primary Direct Floor Listing in which it sells at least $250 million in market value of shares in the Exchange's opening auction on the first day of trading on the Exchange; (ii) a company listing in connection with a Primary Direct Floor Listing in which the aggregate amount of the market value of shares sold by the company in the opening auction and the market value of publicly-held shares demonstrated by the company immediately prior to the time of initial listing (in the manner set forth in Section 102.01B, Footnote (E) of the Manual) is at least $350 million; and (iii) a company listing in connection with a Selling Shareholder Direct Floor Listing in which it demonstrates at the time of initial listing (in the manner set forth in Section 102.01B, Footnote (E) of the Manual) that it has at least $350 million in aggregate market value of publicly held shares.[21]

Under the proposal, any such company that fails to demonstrate its compliance with the applicable requirements of Section 102.01A within the Distribution Standard Compliance Period will be deemed to be below compliance with listing requirements.[22] Any such company will have the right to submit a plan pursuant to the provisions of Sections 802.02 or 802.03 of the Manual, as applicable, demonstrating its ability to gain compliance with the applicable requirements of Section 102.01A of the Manual within a period not to exceed six months from the end of the Distribution Standard Compliance Period.[23]

According to the Exchange, private companies generally do not have as many as 400 round lot holders, but that this typically is not a barrier to listing for a company undertaking an IPO because the underwriters are able to ensure that the shares sold in the IPO are distributed to sufficient accounts to meet the Exchange's distribution standards.[24] However, the Exchange asserts that, in the absence of an underwritten transaction at the time of listing, the initial listing distribution standards may represent more of a challenge for a private company contemplating listing in connection with a Selling Shareholder Direct Floor Listing or a Primary Direct Floor Listing.[25] The Exchange believes that a Primary Direct Floor Listing in which the company sells at least $250 million of its stock in the opening auction on the day of listing would provide an appropriately liquid trading market and make it highly likely that the company would meet the initial listing distribution standards quickly after initial listing.[26] The Exchange notes that the market value of publicly-held shares requirement for initial listings other than direct listings and IPOs is $100 million, and that the proposed $350 million requirement to use the Distribution Compliance Period is far higher than what a newly-listed company would have to demonstrate

[12] *See* proposed Section 102.01B, Footnote (E) of the Manual.

[13] *See* proposed Section 102.01B, Footnote (E) of the Manual.

[14] *See* proposed Section 102.01B, Footnote (E) of the Manual. For specific requirements regarding the Valuation and the independence of the valuation agent conducting such Valuation, *see* Section 102.01B, Footnote (E) of the Manual. Section 102.01B, Footnote (E) of the Manual also sets forth specific factors for relying on a Private Placement Market price. Generally, the Exchange will only rely on a Private Placement Market price if it is consistent with a sustained history over a several month period prior to listing evidencing a market value in excess of the Exchange's market value requirement.

[15] *See* Section 102.01B, Footnote (E) of the Manual.

[16] *See* Section 102.01B, Footnote (E) of the Manual.

[17] *See* proposed Section 102.01B, Footnote (E) of the Manual.

[18] *See* proposed Section 102.01B, Footnote (E) of the Manual.

[19] *See* Notice, *supra* note 3, 84 FR at 72067.

[20] *See* proposed Section 102.01A of the Manual. Section 102.01A requires a company to have 400 holders of 100 shares or more (or of a unit of trading if less than 100 shares) and 1,100,000 publicly-held shares. Shares held by directors, officers, or their immediate families and other concentrated holdings of 10 percent or more are excluded in calculating the number of publicly-held shares. *See* Section 102.01A of the Manual.

[21] *See* proposed Section 102.01A of the Manual.

[22] *See* proposed Section 102.01A of the Manual; Notice, *supra* note 3, 84 FR at 72066.

[23] *See* proposed Section 102.01A of the Manual.

[24] *See* Notice, *supra* note 3, 84 FR at 72066.

[25] *See* Notice, *supra* note 3, 84 FR at 72066.

[26] *See* Notice, *supra* note 3, 84 FR at 72066.

under other circumstances.[27] The Exchange believes that this heightened standard significantly increases the likelihood that a liquid trading market will develop after a Selling Shareholder Direct Floor Listing or Primary Direct Floor Listing, and therefore makes it likely that these companies will meet the initial distribution standards within the Distribution Standard Compliance Period.[28]

III. Summary of Comment Letters Received

The Commission has received twelve comment letters on the proposed rule change, including two letters from one commenter and a letter responding to the comments from the Exchange.[29]

Four commenters generally supported the proposal.[30] One commenter stated that it supports alternative formats for IPOs, including direct listing proposals like the one proposed by the Exchange, and expressed the view that issuers should be offered choices that match their objectives so long as they protect the integrity of the markets and are fair and clear to investors, using transparent processes.[31] Another commenter believed that allowing for multiple pathways for private companies to achieve exchange listing would encourage more companies to participate in public equity markets and provide investors a broader array of attractive investment opportunities.[32] A third commenter stated that it strongly supports proposals designed to facilitate companies accessing the public equity markets, and expressed the view that the proposal appropriately updated the publicly-held shares and distribution requirements associated with direct listings in order to ensure the development of a liquid trading market.[33] Finally, one commenter expressed general support for the proposal, but offered a variety of observations and concerns, including that the historical approach to IPO pricing is not sufficiently transparent, creates the opportunity for dramatic price swings, and is not fair to all qualified investors.[34] In its view, all investors should have the opportunity to participate in a seamless process that also provides transparency.[35]

Other commenters opposed the proposal. One commenter expressed the view that allowing companies to raise primary capital through a direct listing ''would be a complete end run around the traditional underwriting process and . . . create a massive loophole in the regulatory regime that governs the offerings of securities to the public.'' [36] This commenter believed that approval of the proposal would likely increase the number of companies that forego the traditional IPO process, and significantly increase the risks for retail investors, including by circumventing the due diligence process.[37] The commenter expressed concern that direct listings could weaken certain shareholder investor protections, and recommended that the Commission make clear that financial advisors, exchanges, control shareholders, and directors involved in a direct listing automatically incur statutory underwriter liability under the Securities Act and be required to hold the regulatory capital necessary to act as a de facto underwriter.[38]

Another commenter noted that it had generally supported permitting direct listings, based on a belief that a direct listing should be a choice for companies considering a public listing that could be more cost-effective than an IPO while still providing necessary investor protections.[39] However, this commenter expressed concern that shareholder legal rights under Section 11 of the Securities Act may be particularly vulnerable in the case of direct listings, and that investors in direct listing companies may have fewer legal protections than investors in IPOs.[40] The commenter stated that it could not support direct listings as an alternative to IPOs if public companies could limit their liability for damages caused by untrue statements of fact or material omissions of fact within registration statements associated with direct listings.[41] Finally, this commenter specifically opposed the Distribution Standard Compliance Period proposed by the Exchange. The commenter noted that the Exchange had provided no data to support its argument that issuers with at least $350 million in public float would quickly develop a liquid trading market and comply with the initial listing distribution requirements within the 90-day grace period and stated that, without evidence, the $350 million threshold ''appears arbitrary.'' [42]

The Exchange responded to several of the concerns raised by commenters. The Exchange disagrees that the absence of

[27] *See* Notice, *supra* note 3, 84 FR at 72066.

[28] *See* Notice, *supra* note 3, 84 FR at 72066.

[29] *See supra* note 6.

[30] *See* Letter from Stephen John Berger, Managing Director, Global Head of Government & Regulatory Policy, Citadel Securities (February 18, 2020) (''Citadel Letter''), at 1; Letter from Paul Abrahimzadeh and Russell Chong, Co-Heads, U.S. Equity Capital Markets, Citigroup Global Markets Inc. (February 26, 2020) (''Citigroup Letter''); Letter from Matthew B. Venturi, Founder & CEO, ClearingBid, Inc. (January 21, 2020) (''ClearingBid Letter''), at 5; Letter from David Ludwig, Head of Americas Equity Capital Markets, Goldman Sachs Group, Inc. (February 7, 2020) (''Goldman Sachs Letter'').

[31] *See* Citigroup Letter, *supra* note 30. This commenter also believed that the direct listing format would afford broad participation in the capital formation process and help establish a shareholder base that has a long-term interest in partnering with management teams. *See id.*

[32] *See* Goldman Sachs Letter, *supra* note 30. This commenter also referenced the recent direct listings by Spotify Technology S.A. and Slack Technologies, Inc., and expressed the view that the development of a direct listing approach to becoming a public company has been a significant step forward in providing companies greater choice in their path to going public, and that the ability to include a primary capital raise in a direct listing will further enhance this flexibility. *See id.*

[33] *See* Citadel Letter, *supra* note 30, at 1. This commenter also referenced its role as the NYSE Designated Market Maker for both Spotify Technology S.A. and Slack Technologies, Inc., and stated that its experience has demonstrated that a direct listing can be an attractive alternative to the traditional IPO process. *See id.*

[34] *See* ClearingBid Letter, *supra* note 30, at 1.

[35] *See* ClearingBid Letter, *supra* note 30, at 5. This commenter also believed that, coupled with greater transparency for a truer indication of market demand via real-time price discovery, fair and equal market access can be provided to all investors, not just the largest institutions. *See id.*

[36] Letter from Christopher A. Iacovella, Chief Executive Officer, ASA (December 12, 2019) (''ASA Letter I''), at 1.

[37] *See* ASA Letter I, *supra* note 36, at 2. In this commenter's view, two recent high-profile direct listings—Spotify and Slack—did not work out particularly well for retail investors, and a robust underwriting process would have uncovered more of these companies' vulnerabilities before these securities were offered to the public. *See id.*

[38] *See* ASA Letter I, *supra* note 36, at 2; Letter from Christopher A. Iacovella, Chief Executive Officer, American Securities Association (March 5, 2020) (''ASA Letter II''), at 2–3.

[39] *See* Letter from Jeffrey P. Mahoney, General Counsel, Council of Institutional Investors (January 16, 2020) (''CII Letter''), at 1–2.

[40] *See* CII Letter, *supra* note 39, at 2.

[41] *See* CII Letter, *supra* note 39, at 2–3. This commenter was particularly concerned about positions taken by the issuer in a recent lawsuit relating to the direct listing of Slack, and expressed the view that the issuer ''relies on (1) attacking the right of secondary market purchasers to bring a Section 11 claim; and (2) the inability to determine what shares were 'covered' by Slack's registration statement.'' *Id.* at 2. Among other things, the commenter urged the Commission to explore establishing a system of traceable shares before approving a direct listing regime. *See id.* at 2–3.

[42] *See* CII Letter, *supra* note 39, at 4. Several additional commenters raised a variety of concerns with the proposal. For example, one commenter expressed the view that ''bailing out'' private market investors with reduced offering requirements would incent companies to remain private longer, reduce transparency, and impair price discovery. *See* Letter from Anonymous (December 4, 2019). Another commenter took the position that direct listings are a method for insiders to ''rip-off'' IPO investors. *See* Letter from Allan Rosenbalm (December 4, 2019). Yet another commenter was critical of direct listings for a variety of reasons, and expressed the view, among other things, that they are ''an attempt to bypass the independent skilled investment banking and investment management professionals when establishing the initial market value of the company.'' *See* Letter from Anonymous (January 3, 2020).

underwriters creates a loophole in the regulatory regime that governs offerings of securities to the public.[43] According to the Exchange, while underwriter involvement is often necessary to the success of an IPO or other public offering, underwriter participation in the public capital-raising process is not required by the Securities Act, and companies that do not require the services of an underwriter are not required to purchase them.[44] In the Exchange's view, the due diligence process in primary direct listings is the responsibility of the gatekeepers who participate in the transaction, such as the company's board of directors, its senior management, and its independent accountants.[45] The Exchange further stated that a company pursuing a Primary Direct Floor Listing would go through the same process of publicly filing a registration statement as an underwritten offering, and if a company's business model exhibits weaknesses, they will be exposed to the public prior to listing.[46]

IV. Proceedings To Determine Whether To Approve or Disapprove SR–NYSE–2019–67 and Grounds for Disapproval Under Consideration

The Commission is instituting proceedings pursuant to Section 19(b)(2)(B) of the Exchange Act to determine whether the proposal should be approved or disapproved.[47] Institution of such proceedings is appropriate at this time in view of the legal and policy issues raised by the proposed rule change, as discussed below. Institution of disapproval proceedings does not indicate that the Commission has reached any conclusions with respect to any of the issues involved.

Pursuant to Section 19(b)(2)(B) of the Exchange Act, the Commission is providing notice of the grounds for disapproval under consideration. The Commission is instituting proceedings to allow for additional analysis and input concerning the proposed rule change's consistency with the Exchange Act[48] and, in particular, with Section 6(b)(5) of the Exchange Act, which requires, among other things, that the rules of a national securities exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to 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; and are not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.[49]

The Commission has consistently recognized the importance of exchange listing standards. Among other things, such listing standards help ensure that exchange-listed companies will have sufficient public float, investor base, and trading interest to provide the depth and liquidity necessary to promote fair and orderly markets.[50]

The Exchange is proposing to provide new exceptions to its initial listing standards for companies listing in connection with a Primary Direct Floor Listing or a Selling Shareholder Direct Floor Listing. Specifically, such companies would be granted a grace period of up to 90 trading days to comply with the requirements to have at least 400 round lot holders and 1.1 million publicly-held shares (*i.e.,* the Distribution Standard Compliance Period), so long as they meet one of three $250 million or $350 million market value of shares tests. In support of its proposal, the Exchange simply expresses the belief that these heightened market value standards significantly increase the likelihood that a liquid trading market will develop after the listing, which the Exchange believes makes it likely that these companies will meet the initial distribution standards within the 90-trading day period. The Exchange, however, does not offer any further explanation as to why a higher market value of shares would lead to a potentially substantial increase in the number of shareholders in a relatively short time frame. In addition, the Exchange does not provide any data or other evidence to support its belief that companies with the specified market values are likely to have at least 400 round lot holders within 90 trading days of listing, regardless of the number of holders upon listing or other characteristics of the company. Further, the Exchange effectively is proposing not to enforce any minimum number of holders requirements for such companies for 90 trading days, and has not explained why potentially listing an issuer with a very small number of holders, and allowing it to trade for many months, would not risk undermining fair and orderly markets or the protection of investors, or otherwise would be consistent with Section 6(b)(5) and other relevant provisions of the Exchange Act. Finally, by first listing companies and only later enforcing compliance with the specified distribution standards, the Exchange would appear to be increasing the risk of delisting companies relatively soon after their listing, and the Exchange has not offered any assessment of this risk or the impact such delistings may have on investors in those securities or on fair and orderly markets.

The Exchange also has proposed that, with respect to a Primary Direct Floor Listing, a company will be deemed to have met the applicable $100 million aggregate market value of publicly-held shares requirement if the company sells at least $100 million in market value of shares in the Exchange's opening auction on the first day of trading. The Exchange has not explained, however, how it would be assured that a company listing under this provision will actually sell shares valued at $100 million or more at the time the company is approved for listing, which necessarily will be in advance of the Exchange's opening auction. If the company is unable to sell shares with the requisite valuation in the opening auction, then it may not in fact have met the initial listing standards prior to listing and trading. This immediate compliance issue, and the potential for delisting, would appear to raise fair and orderly

[43] *See* Letter from Elizabeth K. King, Chief Regulatory Officer, ICE, General Counsel & Corporate Secretary, NYSE (March 16, 2020) (''NYSE Response Letter''), at 2.

[44] *See* NYSE Response Letter, *supra* note 43, at 2–3.

[45] *See* NYSE Response Letter, *supra* note 43, at 2–3. The Exchange took the position that IPOs carry a certain amount of risk for investors, that an underwritten IPO does not insulate investors from that risk, and that there is no reason to believe that companies with direct listings will perform any better or worse than companies with underwritten IPOs. *See id.* at 3.

[46] *See* NYSE Response Letter, *supra* note 43, at 4. The Exchange also took the position that the absence of lock-up agreements with pre-IPO shareholders in Primary Direct Floor Listings does not create short-term price instability, and at most it shifts the timing of such instability from six months after the offering to closer to the time of listing. *See id.*

[47] 15 U.S.C. 78s(b)(2)(B).

[48] 15 U.S.C. 78f(b)(5).

[49] *Id.*

[50] The Commission has stated in approving exchange listing requirements that the development and enforcement of adequate standards governing the listing of securities on an exchange is an activity of critical importance to the financial markets and the investing public. In addition, once a security has been approved for initial listing, maintenance criteria allow an exchange to monitor the status and trading characteristics of that issue to ensure that it continues to meet the exchange's standards for market depth and liquidity so that fair and orderly markets can be maintained. *See, e.g.,* Securities Exchange Act Release Nos. 81856 (October 11, 2017), 82 FR 48296, 48298 (October 17, 2017) (SR–NYSE–2017–31); 81079 (July 5, 2017), 82 FR 32022, 32023 (July 11, 2017) (SR–NYSE–2017–11). The Commission notes that, in general, adequate listing standards, by promoting fair and orderly markets, are consistent with Section 6(b)(5) of the Exchange Act, in that they are, among other things, designed to prevent fraudulent and manipulative acts and practices, promote just and equitable principles of trade, and protect investors and the public interest.

markets, investor protection, and other issues similar to those discussed above with respect to the Distribution Standard Compliance Period. The Exchange has not explained how this would be consistent with Section 6(b)(5) and other relevant provisions of the Exchange Act.

Finally, the proposal, for the first time, would permit the Exchange to conduct a Primary Direct Floor Listing, either alone or in combination with a Selling Shareholder Direct Floor Listing, where the company being listed would sell shares in the opening auction on the first day of trading. In such a case, the company could be the only seller (or a dominant seller) participating in the opening auction, and thus could be in a position to uniquely influence the price discovery process. The Exchange, however, has not explained how its opening auction rules would apply in a Primary Direct Floor Listing, or how the Exchange would assure that the opening auction and subsequent trading promote fair and orderly markets, prevent manipulative acts and practices, protect investors, and otherwise would be consistent with Section 6(b)(5) and other relevant provisions of the Exchange Act.

The Commission notes that, under the Commission's Rules of Practice, the ''burden to demonstrate that a proposed rule change is consistent with the Exchange Act and the rules and regulations issued thereunder . . . is on the self-regulatory organization ['SRO'] that proposed the rule change.'' [51] The description of a proposed rule change, its purpose and operation, its effect, and a legal analysis of its consistency with applicable requirements must all be sufficiently detailed and specific to support an affirmative Commission finding,[52] and any failure of an SRO to provide this information may result in the Commission not having a sufficient basis to make an affirmative finding that a proposed rule change is consistent with the Exchange Act and the applicable rules and regulations.[53]

For these reasons, the Commission believes it is appropriate to institute proceedings pursuant to Section 19(b)(2)(B) of the Exchange Act [54] to determine whether the proposal should be approved or disapproved.

[51] Rule 700(b)(3), Commission Rules of Practice, 17 CFR 201.700(b)(3).

[52] *See id.*

[53] *See id.*

[54] 15 U.S.C. 78s(b)(2)(B).

V. Commission's Solicitation of Comments

The Commission requests that interested persons provide written submissions of their views, data, and arguments with respect to the issues identified above, as well as any other concerns they may have with the proposal. In particular, the Commission invites the written view of interested persons concerning whether the proposal is consistent with Section 6(b)(5) or any other provision of the Exchange Act, or the rules and regulations thereunder. Although there do not appear to be any issues relevant to approval or disapproval that would be facilitated by an oral presentation of views, data, and arguments, the Commission will consider, pursuant to Rule 19b–4, any request for an opportunity to make an oral presentation.[55]

Interested persons are invited to submit written data, views, and arguments regarding whether the proposal should be approved or disapproved by April 22, 2020. Any person who wishes to file a rebuttal to any other person's submission must file that rebuttal by May 6, 2020.

Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSE–2019–67 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSE–2019–67. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSE–2019–67 and should be submitted on or before April 22, 2020. Rebuttal comments should be submitted by May 6, 2020.

[55] Section 19(b)(2) of the Exchange Act, as amended by the Securities Act Amendments of 1975, Public Law 94–29 (June 4, 1975), grants the Commission flexibility to determine what type of proceeding—either oral or notice and opportunity for written comments—is appropriate for consideration of a particular proposal by a self-regulatory organization. *See* Securities Act Amendments of 1975, Senate Comm. on Banking, Housing & Urban Affairs, S. Rep. No. 75, 94th Cong., 1st Sess. 30 (1975).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[56]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2020–06732 Filed 3–31–20; 8:45 am]

BILLING CODE 8011–01–P

[56] 17 CFR 200.30–3(a)(57).

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meetings

TIME AND DATE: Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Public Law 94–409, that the Securities and Exchange Commission Investor Advisory Committee will hold a public meeting on Thursday April 2, 2020, by remote means and/or at the Commission's headquarters, 100 F St. NE, Washington, DC 20549.

PLACE: The meeting will begin at 4:00 p.m. (ET) and will be open to the public. The meeting will be conducted by remote means and/or at the Commission's headquarters, 100 F St. NE, Washington, DC 20549. Members of the public may watch the webcast of the meeting on the Commission's website at *www.sec.gov.*

STATUS: This Sunshine Act notice is being issued because a majority of the Commission may attend the meeting.

MATTERS TO BE CONSIDERED: The agenda for the meeting includes welcome remarks and a discussion regarding the impact of the COVID–19 Novel Coronavirus on investors and its implications (which may include a recommendation of the Committee).

CONTACT PERSON FOR MORE INFORMATION: For further information and to ascertain what, if any, matters have been added, deleted or postponed; please contact Vanessa A. Countryman from the Office of the Secretary at (202) 551–5400.

Dated: March 30, 2020.

Vanessa A. Countryman,

Secretary.

[FR Doc. 2020–06946 Filed 3–30–20; 4:15 pm]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–88484; File No. SR–ISE–2020–13]

Self-Regulatory Organizations; Nasdaq ISE, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Options 3, Section 8, Opening

March 26, 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 March 24, 2020, Nasdaq ISE, LLC (''ISE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend ISE Rules at Options 3, Section 8, titled ''Opening.''

The text of the proposed rule change is available on the Exchange's website at *http://ise.cchwallstreet.com/,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend ISE Rules at Options 3, Section 8, titled ''Opening.'' The Exchange proposes to rename this rule ''Options Opening Process.'' Specifically, the Exchange is proposing to amend the definition of ''market for the underlying security.''

Today Options 3, Section 8(a)(2) describes ''market for the underlying security'' as ''. . . either the primary listing market or the primary volume market (defined as the market with the most liquidity in that underlying security for the previous two calendar months), as determined by the Exchange by underlying and announced to the membership on the Exchange's website.''

The Exchange proposes to amend this definition by replacing the term ''primary volume market'' with ''an alternative market designated by the primary market.'' The Exchange anticipates that an alternative market would be necessary if the primary listing market were impaired.[3] In the event that a primary market is impaired and utilizes its designated alternative market, the Exchange would utilize that market as the underlying.[4] The Exchange further proposes an additional contingency. In the event that the primary market is unable to open, and an alternative market is not designated (and/or the designated alternative market does not open), the Exchange may utilize a non-primary market to open all underlying securities from the primary market. The Exchange will select the non-primary market with the most liquidity in the aggregate for all underlying securities that trade on the primary market for the previous two calendar months, excluding the primary and alternate markets. The Exchange notes that in order to open an option series it would require an equity market's underlying quote. If another equity market displays opening prices for the underlying security, the Exchange proposes to utilize those quotes. This proposed change to the current System would allow the Exchange to open in situations where the primary market is experiencing an issue and also where an alternative market designated by the primary market may not be designated by the primary market or is unable to open. The Exchange believes that this proposal would effectively provide the Exchange with additional opportunities to open the market and provide its members with a venue in which to transact options trading. The Exchange notes that utilizing a non-primary market with the most liquidity in the aggregate for all underlying securities for the previous two calendar months will ensure that the Exchange opens with quotes which are representative of the volume on that primary market. The Exchange believes that this proposal will enable it to open in the event that there are issues with the primary market or the alternate market assigned by the primary.

The Exchange also proposes to make a corresponding amendment to Options 3, Section 8(c)(2) to replace the reference to ''primary market'' with the defined term ''market for the underlying security.''

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[5] in general, and furthers the objectives of Section 6(b)(5) of the Act,[6] in particular, in that it is designed to promote just and equitable principles of trade and to protect investors and the public interest by providing for alternative processes to determine the market for the underlying. The Exchange's proposal to amend the definition of ''market for the underlying security'' within Options 3, Section 8(a)(2) is consistent with the Act.

First, the Exchange's proposal would remove the concept of a primary volume market and replace that concept with an

[3] The Exchange notes that the primary listing market and the primary volume market as defined in ISE's Rules could be the same market and therefore an alternative market is not available under the current Rule.

[4] For example, in the event that the New York Stock Exchange LLC was unable to open because of an issue with its market and it designated NYSE Arca, Inc. (''NYSE Arca'') as its alternative market, then PHLX [sic] would utilize NYSE Arca as the market for the underlying.

[5] 15 U.S.C. 78f(b).

[6] 15 U.S.C. 78f(b)(5).

alternative market designated by the primary market. The Exchange notes that it is most likely the case that the primary market is the primary volume market, so this term offers no contingency in most cases. The primary market has the ability to designate an alternate primary market when the primary market is experiencing difficulties. In those situations, the Exchange proposes to utilize the alternate primary market to open its market. For example, in the event that the New York Stock Exchange LLC was unable to open because of an issue with its market and it designated NYSE Arca as its alternative market, then ISE would utilize NYSE Arca as the market for the underlying security.

Second, the Exchange proposes another alternative in the event that the primary market does not open and an alternate primary market is not designated and/or is also unable to open. In this situation, the Exchange proposes to utilize a non-primary market to open its market. The Exchange will select the non-primary market with the most liquidity in the aggregate for all underlying securities from the primary market for the previous two calendar months, excluding the primary and alternate markets. For example, in the event that the New York Stock Exchange LLC was unable to open because of an issue with its market and it designated NYSE Arca as its alternative market, and the alternate primary was unable to open or NYSE was unable to designate an alternate market because of system difficulties, then ISE would determine which non-primary market had the most liquidity in the aggregate for all underlying securities for the previous two calendar months, excluding the primary and alternate markets. The Exchange would utilize that market to open all underlying securities from the primary market. The Exchange notes that in order to open an option series it would require an equity market's underlying quote. The Exchange notes that utilizing a non-primary market with the most liquidity in the aggregate for all underlying securities for the previous two calendar months will ensure that the Exchange opens based on the next best alternative to the primary market given the circumstances. This contingency will provide the Exchange with the ability to open in situations where the primary market is experiencing an issue and also where an alternative primary market may also be impacted.

The Exchange believes that this proposal would protect investors and the general public by providing additional venues for ISE to utilize as part of its Opening Process and thereby allow investors to transact on its market. The Exchange desires to open its market despite any issues that may arise with the underlying market. The Exchange is proposing alternate methods to open its market to account for situations which may arise if the primary market is unable to open, and if the proposed alternate designated market is unable to open. The Exchange notes that once the market opens with an underlying price, the options market may continue to trade for the remainder of the trading day. The Exchange believes it benefits investors and the general public to have the options market available to enter new positions, or close open positions.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. Amending the definition of ''market for the underlying security'' within Options 3, Section 8(a)(2) does not burden competition. The Exchange's proposal offers alternative paths to open the Exchange in the event that the primary market or even a designated alternate primary market experiences an issue. The Exchange's proposal is intended to create additional certainty that in the event of an issue with the primary market, the Exchange would have other equity markets to look to with respect to underlying prices on which to open the Exchange. This proposal also does not impact the ability of other options markets to open.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act[7] and Rule 19b–4(f)(6) thereunder.[8]

A proposed rule change filed pursuant to Rule 19b–4(f)(6) under the Act[9] normally does not become operative for 30 days after the date of its filing. However, Rule 19b–4(f)(6)(iii)[10] 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 asked the Commission to waive the 30-day operative delay so that the Exchange may amend its rules to permit the Exchange to utilize additional venues to open its market if the primary market and any designated alternate market for the underlying security are experiencing an issue and unable to open, thereby allowing investors to transact on its market in such a situation. The Exchange believes that having its options market available to enter new positions or close open positions would benefit investors and the general public. For these reasons, the Commission believes that waiver of the 30-day operative delay is consistent with the protection of investors and the public interest. Therefore, the Commission hereby waives the operative delay and designates the proposal as operative upon filing.[11]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act.

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[7] 15 U.S.C. 78s(b)(3)(A).

[8] 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.

[9] 17 CFR 240.19b–4(f)(6).

[10] 17 CFR 240.19b–4(f)(6)(iii).

[11] 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).

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–ISE–2020–13 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–ISE–2020–13. 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–ISE–2020–13 and should be submitted on or beforeApril 22, 2020.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[12]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2020–06739 Filed 3–31–20; 8:45 am]

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[12] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–88491]

Order Under Section 15b of The Securities Exchange Act of 1934 Granting an Exemption for Municipal Advisors From Specified Provisions of The Securities Exchange Act and Rule 15ba1–5(A)(1) Thereunder

March 26, 2020.

The Commission has been monitoring the effects of the current outbreak of coronavirus disease 19 (''COVID–19''). In light of the current situation, we are issuing this Order providing a temporary conditional exemption from certain requirements of the Exchange Act for municipal advisors. In particular, the Commission recognizes that municipal advisors may face challenges in timely satisfying the provisions of Section 15B of the Securities Exchange Act of 1934 (''Exchange Act'') and Rule 15Ba1–5(a)(1) thereunder concerning the filing of a municipal advisor's annual update to Form MA as a result of COVID–19.

Section 15B(a)(4) of the Exchange Act provides that the Commission, by rule or order, upon its own motion or upon application, may conditionally or unconditionally exempt any broker, dealer, municipal securities dealer, or municipal advisor, or class of brokers, dealers, municipal securities dealers, or municipal advisors from any provision of Section 15B or the rules or regulations thereunder, if the Commission finds that such exemption is consistent with the public interest, the protection of investors, and the purposes of Section 15B.

I. Time Period for the Relief

The relief specified in this Order is limited to filing obligations for which the original due date for an annual update to Form MA is on or after the date of this Order but on or prior to June 30, 2020. The Commission intends to continue to monitor the current situation. The time period for the relief may, if necessary, be extended with any additional conditions that are deemed appropriate, and the Commission may issue other relief consistent with Section 15B(a)(4).

II. Form MA Annual Update Filing Requirement for Registered Municipal Advisors

The disruptions resulting from COVID–19 mentioned above could hamper the efforts of municipal advisors to timely meet filing deadlines for annual updates to Form MA. In light of the current and potential effects of COVID–19, the Commission finds that the exemption set forth below is consistent with the public interest, the protection of investors and the purposes of Section 15B of the Exchange Act.

Accordingly, it is *ordered*, pursuant to Section 15B(a)(4) of the Exchange Act:

For time period specified in Section I, a registered municipal advisor is exempt from the requirements under Exchange Act Rule 15Ba1–(a)(5) to file an annual update to Form MA within 90 days of the end of its fiscal year, where the conditions below are satisfied.

Conditions

(a) The municipal advisor is unable to meet the filing deadline for its annual update to Form MA due to circumstances related to current or potential effects of COVID–19.

(b) The municipal advisor relying on this Order promptly notifies the Commission staff via email at *munis@sec.gov* stating:

i. That it is relying on this Order; and

ii. A brief description of the reasons why it could not file its annual update to Form MA on a timely basis.

(c) The municipal advisor relying on this Order must promptly disclose on its public website (or if it does not have a public website, promptly disclose to its clients) the information required in condition (b) above.

(d) The municipal advisor files the annual update to Form MA required by Rule 15Ba1–5(a)(1) under the Exchange Act, as soon as practicable but not later than 45 days after the original due date for filing.

By the Commission.

Vanessa A. Countryman,

Secretary.

[FR Doc. 2020–06742 Filed 3–31–20; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–88482; File No. SR–FINRA–2019–030]

Self-Regulatory Organizations; Financial Industry Regulatory Authority, Inc.; Order Approving a Proposed Rule Change, as Modified by Amendment No. 1, To Amend the Membership Application Program (''MAP'') Rules To Address the Issue of Pending Arbitration Claims

March 26, 2020.

I. Introduction

On December 13, 2019, Financial Industry Regulatory Authority, Inc. (''FINRA'') filed with the Securities and

Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Exchange Act'')[1] and Rule 19b–4 thereunder,[2] a proposed rule change to amend FINRA's Membership Application Program (''MAP'') rules to help further address the issue of pending arbitration claims, as well as arbitration awards and settlement agreements related to arbitrations that have not been paid in full in accordance with their terms.

The proposed rule change was published for comment in the **Federal Register** on December 30, 2019.[3] The public comment period closed on January 21, 2020. The Commission received two comment letters in response to the Notice, both generally supporting the proposed rule change.[4] On January 31, 2020, FINRA responded to the comment letters received in response to the Notice.[5] On February 6, 2020, FINRA filed an amendment to the proposal (''Amendment No. 1'').[6] On February 10, 2020, FINRA extended the time period in which the Commission must approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to approve or disapprove the proposed rule change to March 27, 2020. This order approves the proposed rule change, as modified by Amendment No. 1.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Exchange Act Release No. 87810 (Dec. 20, 2019), 84 FR 72088 (Dec. 30, 2019) (File No. SR–FINRA–2019–030) (''Notice'').

[4] *See* Letter from Steven B. Caruso, Maddox Hargett Caruso, P.C., dated January 7, 2020 (''Caruso Letter''); and letter from Christine Lazaro, Director of the Securities Arbitration Clinic and Professor of Clinical Legal Education, St. John's University School of Law, dated January 21, 2020 (''SJU Letter''). Comment letters are available on the Commission's website at *https://www.sec.gov.*

[5] *See* Letter from Victoria Crane, Vice President and Associate General Counsel, FINRA, to Vanessa Countryman, Secretary, U.S. Securities and Exchange Commission, dated January 31, 2020 (''FINRA Letter''). The FINRA Letter is available on FINRA's website at *http://www.finra.org,* at the principal office of FINRA, on the Commission's website at *https://www.sec.gov/comments/sr-finra-2019-030/srfinra2019030-6730822-207419.pdf,* and at the Commission's Public Reference Room.

[6] Amendment No. 1 is available at *https://www.finra.org/sites/default/files/2020-02/SR-FINRA-2019-030_Amendment1.pdf.* With Amendment No. 1, FINRA made a technical change to the text of the proposal reflecting a cross-reference to FINRA Rule 1017(a)(5). Specifically, FINRA's initial proposal did not amend Rule 1017(a)(5), which currently cross-references Rule 1011(k) defining ''material change in business operations.'' Amendment No. 1 changes that cross-reference to ''Rule 1011(l)'' to reflect the renumbered paragraphs as proposed in amended Rule 1011.

II. Description of the Proposed Rule Change[7]

Background

The MAP Rules govern the way in which FINRA reviews a new membership application (''NMA'') and a continuing membership application (''CMA'').[8] They are currently found under the FINRA Rule 1000 Series as FINRA Rules 1011 through 1019. These rules require an applicant to demonstrate its ability to comply with applicable securities laws and FINRA rules, including observing high standards of commercial honor and just and equitable principles of trade. The MAP rules require FINRA to evaluate an applicant's financial, operational, and supervisory and compliance systems to ensure that the applicant meets the standards set forth in the rules.

FINRA's proposed rule changes would: (1) Amend Rule 1014 (Department Decision) to: (a) Create a rebuttable presumption that an application for new membership would be denied if the applicant or its associated persons are subject to a pending arbitration claim, and (b) permit an applicant to overcome a presumption of denial by demonstrating its ability to satisfy an unpaid arbitration award, other adjudicated customer award, unpaid arbitration settlement, or pending arbitration claim; (2) create a new requirement for a member, that is not otherwise required to submit an application for continuing membership for a specified change in ownership, control or business operations, including a business expansion, to seek a materiality consultation if the member or its associated persons have a defined ''covered pending arbitration claim,'' unpaid arbitration award, or an unpaid arbitration settlement; (3) amend Rule 1017 (Application for Approval of Change in Ownership, Control, or Business Operations) to require a member to demonstrate its ability to satisfy an unpaid arbitration award or unpaid settlement related to an arbitration before effecting the proposed change thereunder; and (4) amend Rule 1013 (New Member Application and Interview) and Rule 1017 to require an applicant to provide prompt written notification of any pending arbitration claim that is filed, awarded, settled, or becomes unpaid before a decision on an application constituting final action on FINRA is served on the applicant.[9] Additionally, FINRA is proposing non-substantive changes in specified MAP rules.[10]

Proposed Rule Change for Presumption To Deny an Application

FINRA is proposing an amendment to the standard for admission and the corresponding factors therein relating to the presumption to deny an application for new or continuing membership.[11] Currently, FINRA Rule 1014 sets forth standards for admission FINRA must consider in determining whether to approve an application. Under Rule 1014(a)(3), FINRA is required to determine whether an applicant for new or continuing membership and its associated persons are capable of complying with the federal securities laws, the rules and regulations thereunder, and FINRA Rules. Rule 1014(a)(3) sets forth six factors that FINRA must consider in making that determination. Additionally, FINRA notes that under Rule 1014(b)(1), where an applicant or its associated persons are subject to certain regulatory events enumerated in Rule 1014(a)(3), a presumption exists that the application should be denied.[12] However, FINRA notes that ''the existence of a record of a pending arbitration, as set forth in Rule 1014(a)(3)(B), is currently not among the enumerated factors that trigger the presumption to deny an application.''[13]

The proposed amendment to Rule 1014 would create the rebuttable presumption to deny an application in cases where the prospective applicant or its associated persons are the subject of pending arbitration claims.[14] This presumption of denial for a pending arbitration claim would not apply to an existing member firm filing a CMA.[15] Instead, consistent with today's practice, FINRA would continue to consider whether an applicant or its associated persons are the subject of a pending arbitration claim in determining whether the applicant for continuing membership is capable of complying with applicable federal securities laws and FINRA rules.[16]

[7] The subsequent description of the proposed rule change is substantially excerpted from FINRA's description in the Notice. *See* Notice, 83 FR at 72088–72093.

[8] Unless otherwise specified, the term ''application'' refers to either an NMA (or Form NMA) or CMA (or Form CMA), depending on context.

[9] *See* Notice at 72088.

[10] *See id.*

[11] *See id.*

[12] Notice at 72089.

[13] *Id.*

[14] *Id.*

[15] *Id.*

[16] *Id.*

Proposed Rule Change To Demonstrate Ability To Satisfy Unpaid Arbitration Awards, Other Adjudicated Customer Awards, Unpaid Arbitration Settlements, or for New Member Applications, Pending Arbitration Claims

FINRA is also proposing to clarify the various ways in which an applicant for new or continuing membership may demonstrate its ability to satisfy an unpaid arbitration award, other adjudicated customer award, unpaid arbitration settlement, or a pending arbitration claim during the application review process, and to preclude an applicant from effecting any contemplated change in ownership, control, or business operations until such demonstration is made and FINRA approves the application.[17] For example, proposed IM–1014–1 would allow applicants to demonstrate the ability to satisfy an unpaid arbitration award, other adjudicated customer award, unpaid arbitration settlement, or a pending arbitration claim, through an escrow agreement, insurance coverage, a clearing deposit, a guarantee, a reserve fund, or the retention of proceeds from an asset transfer or such other forms of documentation that FINRA may determine to be acceptable.[18] Proposed IM–1014–1 would also allow an applicant to overcome the presumption to deny the application by guaranteeing that any funds used to evidence the applicant's ability to satisfy any awards, settlements, or claims will be used for that purpose.[19]

Any demonstration by an applicant of its ability to satisfy these outstanding obligations would be subject to a reasonableness assessment by FINRA.[20]

Proposed Rule Change To Mandate Materiality Consultations

To further incentivize members to pay arbitration awards and settlements, FINRA is proposing to mandate that a member seek a materiality consultation in two situations in which specified pending arbitration claims, unpaid arbitration awards, or unpaid arbitration settlements are involved.[21] Currently, the materiality consultation process is voluntary, and exists to provide a member with the option of seeking guidance, or a materiality consultation, from FINRA on whether certain proposed events (*e.g.,* acquisition or transfer of the member's assets, or a business expansion) would be material and thus require the member to file a CMA when it plans to undergo an event specified under Rule 1017.[22] According to FINRA, ''[t]he characterization of a contemplated change as material depends on an assessment of all the relevant facts and circumstances, including, among others, the nature of the contemplated change, the effect the contemplated change may have on the firm's capital, the qualifications and experience of the firm's personnel, and the degree to which the firm's existing financial, operational, supervisory, and compliance systems can accommodate the contemplated change.'' [23] Where FINRA determines that a contemplated change is material, FINRA instructs the member to file a CMA if it intends to proceed with the change.[24]

Mandatory Materiality Consultation for Business Expansion To Add One or More Associated Persons Involved in Sales (Proposed IM–1011–2 and Proposed Rules 1011(c)(1) and 1017(a)(6)(B))

Current Rule 1017 specifies the changes in a member's ownership, control, or business operations that require a CMA and FINRA's approval.[25] However, current IM–1011–1 creates a safe harbor for incremental increases in certain business expansions that are presumed not to be material changes in business operations.[26] Under this safe harbor, a member, subject to specified conditions and thresholds, may undergo such business expansions without filing a CMA.[27]

Proposed IM–1011–2 (Business Expansions and Covered Pending Arbitration Claims) would provide that if a member is contemplating to add one or more associated persons involved in sales and one or more of those associated persons: (1) Has a ''covered pending arbitration claim'' [28] (as that term is defined in proposed Rule 1011(c)(1) described below), an unpaid arbitration award or an unpaid settlement related to an arbitration, and (2) the member is not otherwise required to file a CMA, the member may not effect the contemplated business expansion unless the member complies with the proposed new requirements in Rule 1017(a)(6)(B).[29] Proposed Rule 1017(a)(6)(B) would require a member firm to file a CMA for approval of the business expansion described in proposed IM–1011–2 unless the member first submits a written request to FINRA seeking a materiality consultation for the contemplated business expansion. As part of the materiality consultation, FINRA would determine whether: (1) The member is not required to file a CMA in accordance with Rule 1017 and may effect the contemplated business expansion; or (2) the member is required to file a CMA in accordance with Rule 1017 and the member may not effect the contemplated business expansion unless FINRA approves the CMA.[30]

Mandatory Materiality Consultation for Any Acquisition or Transfer of Member's Assets (Proposed Rule 1011(c)(2) and Proposed Rule 1017(a)(6)(A))

Currently, Rule 1017(a) requires a member to file a CMA for direct or indirect acquisitions or transfers of 25 percent or more in the aggregate of the member's assets or any asset, business, or line of operation that generates revenues composing 25 percent or more in the aggregate of the member's earnings measured on a rolling 36-month basis, unless both the seller and acquirer are NYSE members.[31]

FINRA is proposing to add a new subparagraph (6)(A) to Rule 1017(a) to provide that if a member is contemplating any direct or indirect

[17] *See* Notice at 72088.

[18] *Id.* at 72089. Proposed IM–1014–1 would also allow an applicant to provide a written opinion of an independent, reputable U.S. licensed counsel knowledgeable in the area as to the value of the arbitration claims.

[19] Notice at 72090.

[20] *Id.*

[21] *See id.* at 72089.

[22] *See* Notice at 72090. A request for a materiality consultation, for which there is no fee, is a written request from a member firm for FINRA's determination on whether a contemplated change in business operations or activities is material and would therefore require a CMA or whether the contemplated change can fit within the framework of the firm's current activities and structure without the need to file a CMA. *Id.*

[23] Notice at 72090 (citing Notice to Members 00–73 (October 2000) (FINRA Requests Comment on a Proposal Regarding the Rules Governing the New and Continuing Membership Application Process)).

[24] *See id.* As FINRA explains in the Notice, the member is responsible for compliance with Rule 1017. If FINRA determines during the materiality consultation that the contemplated business change is material, then the member potentially could be subject to disciplinary action for failure to file a CMA under Rule 1017. *Id.*

[25] *See id.*

[26] *See* Notice at 72090.

[27] *See id.*

[28] Proposed Rule 1011(c)(1) would define a ''covered pending arbitration claim'' as an investment-related, consumer-initiated claim filed against the associated person in any arbitration forum that is unresolved; and whose claim amount (individually or, if there is more than one claim, in the aggregate) exceeds the hiring member's excess net capital. *See id.* at 72091.

For purposes of this definition, FINRA explains that the claim would only include claimed compensatory loss amounts, not requests for pain and suffering, punitive damages, or attorney's fees, and shall be the maximum amount for which the associated person is potentially liable regardless of whether the claim was brought against additional persons or the associated person reasonably expects to be indemnified, share liability, or otherwise lawfully avoid being held responsible for all or part of such maximum amount.

[29] *See id.* at 72091.

[30] *See* Notice at 72091.

[31] *See id.*

acquisition or transfer of a member's assets or any asset, business, or line of operations where the transferring member or an associated person of the transferring member: (1) Has a ''covered pending arbitration claim,'' [32] an unpaid arbitration award or an unpaid settlement related to an arbitration, and (2) the member is not otherwise required to file a CMA, the member may not effect the contemplated transaction unless the member first submits a written request to FINRA seeking a materiality consultation for the contemplated acquisition or transfer.[33] As part of the materiality consultation, FINRA would determine whether: (1) The member is not required to file a CMA in accordance with Rule 1017 and may effect the contemplated acquisition of transfer; or (2) the member is required to file a CMA in accordance with Rule 1017 and the member may not effect the contemplated acquisition or transfer unless FINRA approves the CMA.[34]

Proposed Rule Change Requiring Notification of Unpaid Arbitration Awards

The proposal would require an applicant for new or continuing membership to notify FINRA of any pending arbitration claims that are filed, awarded, settled, or become unpaid before FINRA renders a decision on the application.[35] Current Rule 1013(a) lists items that must be submitted with an NMA and Rule 1017(b) sets forth the documents and other information required to accompany a CMA, depending on the nature of the CMA.[36] FINRA is proposing to add Rules 1013(c) and 1017(h) to require an applicant to provide prompt notification, in writing, of any pending arbitration claim involving the applicant or its associated persons that is filed, awarded, settled, or becomes unpaid before a decision on the application constituting final action of FINRA is served on the applicant.[37] FINRA indicated that any such unpaid arbitration award, other adjudicated customer award, unpaid arbitration settlement, or pending arbitration claim (for a new member applicant only) that comes to light in this manner during the application review process would result in FINRA being able to presumptively deny the application under the applicable factors set forth in Rule 1014(a)(3), and the ability of the applicant to overcome such presumption by demonstrating its ability to satisfy the obligation.[38]

Current Rule 1017(c) describes the timing and conditions for effecting a change under Rule 1017.[39] Rule 1017(c)(1) requires a member to file a CMA for approval of a change in ownership or control at least 30 days before the change is expected to occur.[40] A member may effect the change prior to the conclusion of FINRA's review of the CMA, however, FINRA may place interim restrictions on the member based upon the standards in Rule 1014 pending a final determination. Under Rule 1017(c)(2), a member may file a CMA to remove or modify a membership agreement restriction at any time, but any such existing restriction shall remain in effect during the pendency of the proceeding.[41] Finally, Rule 1017(c)(3) permits a member to file a CMA for approval of a material change in business operations at any time, but the member may not effect such change until the conclusion of the proceeding, unless FINRA and the member otherwise agree.[42] FINRA is proposing to add subparagraph (4) to Rule 1017(c), providing that, notwithstanding the existing timing and conditions for effecting a change as described under Rule 1017(c)(1) through (3), where a member or an associated person has an unpaid arbitration award or unpaid settlement related to an arbitration at the time of filing a CMA, the member may not effect such change until demonstrating that it has the ability to satisfy such obligations in accordance with Rule 1014 and proposed IM–1014–1, as discussed above, and obtaining FINRA's approval of the CMA.[43]

Additional Proposed Changes

The proposal would also make non-substantive changes in the MAP rules by renumbering paragraphs in Rules 1011, 1014, and 1017, as well as updating cross-references.[44]

III. Comment Summary

As noted above, the Commission received two comment letters on the proposed rule change supporting the proposal.[45] While both commenters were generally supportive of the proposal, they believed that further action was necessary to address the issue of unpaid financial obligations that broker-dealers and their associated persons owe to their customers.[46]

Supportive Comments

In one commenter's view, the proposed rule changes represented a ''fair, equitable and reasonable approach that would expedite and facilitate the efficiency of the arbitration process'' and recommended that they should be ''approved by the SEC on an expedited basis.'' [47] The second commenter noted the proposed rules changes would provide FINRA with ''another tool with which it may scrutinize the business of its members and new member applicants to ensure they can comply with the relevant rules and regulations, and that investors are protected.'' [48]

Proposal Is Insufficient

As stated above, both commenters believed that FINRA needed to take further action to address unpaid financial obligations that broker-dealers and their associated persons owe to their customers.[49] One commenter stated ''it is clear that these rule amendments . . . will not completely solve the large number of customer awards that remain unpaid each year.'' [50] The second commenter suggested that either in this rulemaking or a subsequent rulemaking, FINRA should consider addressing all investor settlements that have not been fully paid, such as a settled mediation claim or a settlement resulting from a written or oral complaint.[51] The commenter believes that the proposal should cover these settlements because these types of settlements also may never be fully satisfied by a firm.[52]

[32] Proposed Rule 1011(c)(2) would define a ''covered pending arbitration claim'' as an investment-related, consumer-initiated claim filed against the transferring member or its associated persons in any arbitration forum that is unresolved; and whose claim amount (individually or, if there is more than one claim, in the aggregate) exceeds the transferring member's excess net capital. *See id.* at 72092.

For purposes of this definition, FINRA explains that the claim would only include claimed compensatory loss amounts, not requests for pain and suffering, punitive damages or attorney's fees, and shall be the maximum amount for which the associated person is potentially liable regardless of whether the claim was brought against additional persons or the associated person reasonably expects to be indemnified, share liability or otherwise lawfully avoid being held responsible for all or part of such maximum amount.

[33] *See* Notice at 72091.

[34] *See id.*

[35] *See id.* at 72089.

[36] *See id.* at 72092.

[37] *See id.*

[38] *See id.* at 72092.

[39] *See id.*

[40] *See id.*

[41] *See id.*

[42] *See id.*

[43] *See* Notice at 72092.

[44] *See id.* at 72088. FINRA will also make conforming changes to Forms NMA and CMA.

[45] *See supra* note 4.

[46] *Id.*

[47] Caruso Letter.

[48] SJU Letter.

[49] *See* Caruso Letter and SJU Letter.

[50] Caruso Letter.

[51] *See* SJU Letter.

[52] *See id.*

In response, FINRA recognizes that the issue of unpaid financial obligations that broker-dealers and their associated persons owe to their customers is not unique to the FINRA arbitration forum or the broker-dealer industry and that investors may have claims that arise outside of FINRA arbitration.[53] But FINRA also believes this particular rule filing is only one of the ways it is proceeding to implement additional steps to strengthen its rules on this topic.[54] In addition, FINRA noted that it has ''encouraged a continuing dialogue about addressing the challenges of customer recovery across the financial services industry while directly informing the further enhancement of recovery in FINRA's forum[.]'' [55] For example, FINRA cited to its 2018 White Paper and ''additional data regarding the circumstances under which awards may be unpaid, along with a discussion of potential regulatory and legislative responses.'' [56] For these reasons, FINRA declined to amend this proposal in response to commenters.[57]

IV. Discussion and Commission Findings

After careful review of the proposed rule change and the comment letters, the Commission finds that the proposal is consistent with the requirements of the Exchange Act and the rules and regulations thereunder that are applicable to a national securities association. [58] Specifically, the Commission finds that the proposed rule change is consistent with Section 15A(b)(6) of the Exchange Act,[59] which requires, among other things, that FINRA rules be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest.

Presumption To Deny an Application

The Commission agrees with FINRA that this proposal to add a presumption to deny an NMA helps to address concerns related to prospective applicants for new membership planning to hire principals and registered persons with pending arbitration claims without being able to adequately demonstrate: (1) How those claims would be paid if they go to award or result in a settlement; and (2) how the new member applicant would be able to effectively supervise such individuals who may have a history of noncompliance. In particular, the Commission agrees with FINRA that creating a presumption of denial in connection with a pending arbitration claim for an NMA would appropriately shift the burden to the new member applicant to demonstrate how its pending arbitration claim would be paid should it go to award or result in a settlement. As FINRA notes, this proposed amendment promotes investor protection by requiring more thorough scrutiny of certain prospective member firms to help protect the potential customers of those firms.[60]

Demonstration of Ability To Pay

The Commission agrees with FINRA that it would improve the efficiency of the MAP process to institute the proposal requiring evidence of an applicant's ability to satisfy unpaid arbitration awards, other adjudicated customer awards, unpaid arbitration settlements, or, in the case of NMAs, pending arbitration claims. Specifically, the Commission agrees with FINRA that this rule will increase the ability of applicants to anticipate the information necessary to demonstrate their ability to satisfy outstanding obligations or potential obligations, and reduce the need for applicants to submit additional information after the initial filing. The Commission also believes the proposal could help reduce the number of unpaid arbitration awards by permitting an applicant to overcome the presumption to deny an application by guaranteeing that any funds used to evidence the applicant's ability to satisfy any awards, settlements, or claims will be used specifically for that purpose.

Materiality Consultation

FINRA has expressed concern that, under current Rule 1017 and the existing safe harbor for business expansions to increase the number of associated persons involved in sales,[61] a member could hire principals and registered representatives with substantial pending arbitration claims without considering how the firm would supervise such individuals or the potential financial impact on the firm if the individual, while employed at the hiring firm, engages in potential misconduct that results in a customer arbitration.[62] The Commission agrees with FINRA that requiring a materiality consultation for this type of business expansion would allow FINRA to, among other things, assess the nature of the anticipated activities of the principals and registered representatives with pending arbitration claims, unpaid arbitration awards, or arbitration settlements; the impact on the firm's supervisory and compliance systems, personnel, and finances; and any other impact on investor protection raised by adding such individuals.

Additionally, the Commission agrees that FINRA is better able to assess, among other things, the adequacy of any plan a member firm has in place to satisfy pending arbitration claims, unpaid arbitration awards, or unpaid arbitration settlements, by requiring a materiality consultation when a member firm is contemplating any direct or indirect acquisition or transfer of assets involving a ''covered pending arbitration claim.'' The Commission further agrees that this proposal helps reduce the risk that a firm with pending arbitration claims that ultimately produce awards or settlements could avoid satisfying those awards or settlements by transferring assets without encumbrance and then closing down. The Commission agrees with FINRA that a decrease in the ability of firms to avoid satisfying their arbitration awards or settlements in this manner may result in a higher likelihood that they are paid in full in accordance with their terms.

Notification of Unpaid Arbitration Awards

The Commission agrees with FINRA that requiring applicants to provide prompt notification to FINRA of a pending arbitration claim that is filed,

[53] *See* FINRA Letter.

[54] *Id. See e.g.,* Exchange Act Release No. 88254 (Feb. 20, 2020), 85 FR 11157 (Feb 26, 2020) (File No. SR–FINRA–2019–027) (amending FINRA rules to expand customers' options in arbitration with respect to claims brought against inactive member firms and associated persons).

[55] FINRA Letter.

[56] *Id.* In FINRA Perspectives on Customer Recovery, available at *https://www.finra.org/sites/default/files/finra_perspectives_on_customer_recovery.pdf.* FINRA also makes available additional data on unpaid arbitration awards arising in the forum for the past five years, available at *https://www.finra.org/arbitration-mediation/statistics-unpaid-customer-awardsfinra-arbitration* (''White Paper''). In addition, FINRA has published a list of firms and associated persons responsible for unpaid arbitration awards, available at *https://www.finra.org/arbitration-mediation/member-firms-and-associated-personsunpaid-customer-arbitration-awards. See* FINRA Letter at note 3.

[57] *See* FINRA Letter.

[58] In approving this rule change, the Commission has considered the rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[59] 15 U.S.C. 78*o*–3(b)(6).

[60] *See* Notice at 72093. FINRA noted that the majority of new member applicants are unlikely to be effected by the proposed amendments. FINRA reviewed the 317 NMAs that it received from January 2015 through December 2017 and found that of those 317 NMAs only 13 NMAs included a new member applicant or its associated persons that had a pending arbitration claim at the time of FINRA's receipt of the NMA. Under the proposed amendments, FINRA could have presumptively denied those NMAs. *See id.* at 72093, 72094.

[61] *See* FINRA IM–1011–1 (Safe Harbor for Business Expansions).

[62] *See* Notice at 72090.

awarded, settled, or becomes unpaid before a decision on the application is served will improve FINRA's ability to oversee and review the pending arbitrations of applicants to help ensure that arbitration awards and settlements are paid in full in accordance with their terms.

In sum, the Commission agrees with FINRA and the commenters who supported the proposed rule change that it would help address the issue of unpaid arbitration awards. Specifically, the proposal would link a firm's or associated person's unpaid arbitration awards, unpaid arbitration settlement, or specified pending arbitration claims (collectively, ''unpaid and potential financial obligations related to arbitration'') to FINRA's membership application review process, in certain instances, to provide FINRA greater oversight.[63] These changes will enable FINRA to more directly address concerns over unpaid and potential financial obligations related to arbitration, as well as the adequacy of the supervision of individuals with unpaid and potential financial obligations related to arbitration in situations where, for example: (1) A FINRA member firm hires individuals with pending arbitration claims, where there are concerns about: (a) The payment of those claims should they go to award or result in settlement, and (b) the supervision of those individuals; and (2) a member firm with pending arbitration claims seeks to avoid payment of the claims should they go to award or result in a settlement by shifting its assets, or its managers and owners, to another firm and closing down. Additionally, the Commission agrees with FINRA that amendments adopted here will enable FINRA to place greater emphasis on the adequacy of the supervision of individuals with pending arbitration claims given their history of noncompliance. While the Commission acknowledges the concerns of commenters regarding the potential for further action to address unpaid claims that arise outside of FINRA arbitration, as FINRA noted, this proposal represents one step in the ongoing process of addressing these issues and FINRA continues to evaluate further action.[64]

V. Conclusion

It is therefore ordered pursuant to Section 19(b)(2) of the Exchange Act[65] that the proposal (SR–FINRA–2019–030), as modified by Amendment No. 1, be, and hereby is,approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[66]

J. Matthew DeLesDernier,

Assistant Secretary.

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[63] *See* Notice at 72089.

[64] *See* FINRA Letter.

[65] 15 U.S.C. 78s(b)(2).

[66] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–88483; File No. SR–MIAX–2020–02]

Self-Regulatory Organizations; Miami International Securities Exchange, LLC; Notice of Withdrawal of a Proposed Rule Change To Amend MIAX Chapter XVII, Consolidated Audit Trail Compliance Rule

March 27, 2020.

On January 24, 2020, Miami International Securities Exchange, LLC (''MIAX Options'') 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 MIAX Options Chapter XVII, Consolidated Audit Trail Compliance Rule. The proposed rule change was published for comment in the **Federal Register** on February 5, 2020.[3] On March 16, 2020, MIAX Options withdrew the proposed rule change (SR–MIAX–2020–02).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[4]

J. Matthew DeLesDernier,

Assistant Secretary.

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[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 88096 (January 30, 2020), 85 FR 6613.

[4] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–88481; File No. SR–CboeBZX–2019–107]

Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Notice of Filing of Amendment No. 1 and Order Instituting Proceedings To Determine Whether To Approve or Disapprove a Proposed Rule Change, as Modified by Amendment No. 1, To Adopt Rule 14.11(m), Tracking Fund Shares, and To List and Trade Shares of the Fidelity Blue Chip Value ETF, Fidelity Blue Chip Growth ETF, and Fidelity New Millennium ETF

March 26, 2020.

On December 12, 2019, Cboe BZX Exchange, Inc. (''Exchange'' or ''BZX'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'' or ''Exchange Act'')[1] and Rule 19b–4 thereunder,[2] a proposed rule change to adopt BZX Rule 14.11(m), and to list and trade shares (''Shares'') of the Fidelity Value ETF, Fidelity Growth ETF, and Fidelity Opportunistic ETF (individually, ''Fund,'' and, collectively, ''Funds''),[3] each a series of the Fidelity Beach Street Trust (''Trust''), under proposed BZX Rule 14.11(m). The proposed rule change was published for comment in the **Federal Register** on December 31, 2019.[4]

On February 12, 2020, the Exchange filed Amendment No. 1 to the proposed rule change, which amended and replaced the proposed rule change in its entirety.[5] On February 13, 2020, pursuant to Section 19(b)(2) of the Exchange Act,[6] 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.[7] The Commission has

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] In Amendment No. 1, the names of the Funds were changed to Fidelity Blue Chip Value ETF, Fidelity Blue Chip Growth ETF, and Fidelity New Millennium ETF. *See infra* note 5.

[4] *See* Securities Exchange Act Release No. 87856 (Dec. 23, 2019), 84 FR 72414 (''Notice'').

[5] Amendment No. 1 is available at: *https://www.sec.gov/comments/sr-cboebzx-2019-107/srcboebzx2019107.htm.*

[6] 15 U.S.C. 78s(b)(2).

[7] *See* Securities Exchange Act Release No. 88195, 85 FR 9888 (Feb. 20, 2020). The Commission designated March 30, 2020, as the date by which the Commission shall approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change.

received no comment letters on the proposed rule change.

The Commission is publishing this notice and order to solicit comments on the proposed rule change, as modified by Amendment No. 1, from interested persons and to institute proceedings pursuant to Section 19(b)(2)(B) of the Act[8] to determine whether to approve or disapprove the proposed rule change, as modified by Amendment No. 1.

I. Exchange's Description of the Proposed Rule Change, as Modified by Amendment No. 1

The Exchange proposes a rule change to adopt Rule 14.11(m), Tracking Fund Shares, and to list and trade shares of the Fidelity Blue Chip Value ETF, Fidelity Blue Chip Growth ETF, and Fidelity New Millennium ETF, each a series of the Fidelity Beach Street Trust, under such proposed Rule 14.11(m).

The text of the proposed rule change is also available on the Exchange's website (*http://markets.cboe.com/us/equities/regulation/rule_filings/bzx/*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

This Amendment No. 1 to SR–CboeBZX–2019–107 amends and replaces in its entirety the proposal as originally submitted on December 12, 2019. The Exchange submits this Amendment No. 1 in order to clarify certain points and add additional details to the proposal.

The Exchange proposes to add new Rule 14.11(m)[9] for the purpose of permitting the listing and trading, or trading pursuant to unlisted trading privileges, of Tracking Fund Shares, which are securities issued by an actively managed open-end management investment company.[10]

Proposed Rule 14.11(m)

Proposed Rule 14.11(m)(3)(A) provides that the term ''Tracking Fund Share'' means a security that: (i) Represents an interest in an investment company registered under the Investment Company Act of 1940 (''Investment Company'') organized as an open-end management investment company, that invests in a portfolio of securities selected by the Investment Company's investment adviser consistent with the Investment Company's investment objectives and policies; (ii) is issued in a specified aggregate minimum number in return for a deposit of specified Proxy Basket securities and/or a cash amount with a value equal to the next determined net asset value; (iii) when aggregated in the same specified minimum number, may be redeemed at a holder's request, which holder will be paid specified Proxy Basket securities and/or a cash amount with a value equal to the next determined net asset value; and (iv) the portfolio holdings for which are disclosed within at least 60 days following the end of every fiscal quarter.

Proposed Rule 14.11(m)(1) provides that the Exchange will consider for trading, whether by listing or pursuant to unlisted trading privileges, Tracking Fund Shares that meet the criteria of this Rule.

Proposed Rule 14.11(m)(2) provides that this proposed Rule is applicable only to Tracking Fund Shares. Except to the extent inconsistent with this Rule, or unless the context otherwise requires, the rules and procedures of the Board of Directors shall be applicable to the trading on the Exchange of such securities. Tracking Fund Shares are included within the definition of ''security'' or ''securities'' as such terms are used in the Rules of the Exchange.

Proposed Rule 14.11(m)(2)(A)–(C) provide that the Exchange will file separate proposals under Section 19(b) of the Act before the listing of Tracking Fund Shares; and that transactions in Tracking Fund Shares will occur throughout the Exchange's trading hours; the minimum price variation for quoting and entry of orders in Tracking Fund Shares is $0.01.

Proposed Rule 14.11(m)(2)(D) provides that the Exchange will implement and maintain written surveillance procedures for Tracking Fund Shares and as part of these surveillance procedures, the Investment Company's investment adviser will upon request by the Exchange or FINRA, on behalf of the Exchange, make available to the Exchange or FINRA the daily Fund Portfolio of each series of Tracking Fund Shares.

Proposed Rule 14.11(m)(2)(E) provides that if the investment adviser to the Investment Company issuing Tracking Fund Shares is registered as a broker-dealer or is affiliated with a broker-dealer, such investment adviser will erect and maintain a ''fire wall'' between the investment adviser and personnel of the broker-dealer or broker-dealer affiliate, as applicable, with respect to access to information concerning the composition of and/or changes to the Fund Portfolio and/or the Proxy Basket. Any person related to the investment adviser or Investment Company who makes decisions pertaining to the Investment Company's Fund Portfolio or has access to information regarding the Fund Portfolio or changes thereto or the Proxy Basket must be subject to procedures designed to prevent the use and dissemination of material nonpublic

[8] 15 U.S.C. 78s(b)(2)(B).

[9] The Exchange notes that it is proposing new Rule 14.11(m) because it has also proposed a new Rule 14.11(k) and new Rule 14.11(l) under two separate proposals. *See* Securities Exchange Act Release Nos. 87062 (September 23, 2019), 84 FR 51193 (September 27, 2019) (SR–CboeBZX–2019–047) and 87560 (November 18, 2019), 84 FR 64607 (November 22, 2019) (CboeBZX–2019–097).

[10] The basis of this proposal are several applications for exemptive relief that were filed with the Commission and for which public notice was issued on November 14, 2019 and subsequent order granting certain exemptive relief to, among others, Fidelity Management & Research Company and FMR Co., Inc., Fidelity Beach Street Trust, and Fidelity Distributors Corporation (File No. 812–14364), issued on December 10, 2019 (the ''Application,'' ''Notice,'' and ''Order,'' respectively, and, collectively, the ''Exemptive Order''). *See* Investment Company Act Release Nos. 33683 and 33712. The Order specifically notes that ''granting the requested exemptions is appropriate in and consistent with the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. It is further found that the terms of the proposed transactions, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned, and that the proposed transactions are consistent with the policy of each registered investment company concerned and with the general purposes of the Act.'' The Exchange notes that it also referred to the application for exemptive relief orders (collectively, with the Application, the ''Applications'') and notices thereof (collectively, with the Notice, the ''Notices'') for T. Rowe Price Associates, Inc. and T. Rowe Price Equity Series, Inc. (File No. 812–14214 and Investment Company Act Release Nos. 33685 and 33713), Natixis ETF Trust II, et al. (File No. 812–14870 and Investment Company Act Release Nos. 33684 and 33711), Blue Tractor ETF Trust and Blue Tractor Group, LLC (File No. 812–14625 and Investment Company Act Release Nos. 33682 and 33710), and Gabelli ETFs Trust, et al. (File No. 812–15036 and Investment Company Act Release Nos. 33681 and 33708). While there are certain differences between the applications, the Exchange believes that each would qualify as Tracking Fund Shares under proposed Rule 14.11(m).

information regarding the Fund Portfolio or changes thereto or the Proxy Basket.

Proposed Rule 14.11(m)(2)(F) provides that a person or entity, including a custodian, Reporting Authority, distributor, or administrator, who has access to information regarding the Fund Portfolio or changes thereto or the Proxy Basket, must be subject to procedures designed to prevent the use and dissemination of material nonpublic information regarding the applicable Fund Portfolio or changes thereto or the Proxy Basket. Moreover, if any such person or entity is registered as a broker-dealer or affiliated with a broker-dealer, such person or entity will erect and maintain a ''fire wall'' between the person or entity and the broker-dealer with respect to access to information concerning the composition and/or changes to such Fund Portfolio or Proxy Basket.

Proposed Rule 14.11(m)(3)(B) provides that the term ''Fund Portfolio'' means the identities and quantities of the securities and other assets held by the Investment Company that will form the basis for the Investment Company's calculation of net asset value at the end of the business day.

Proposed Rule 14.11(m)(3)(C) provides that the term ''Reporting Authority'' in respect of a particular series of Tracking Fund Shares means the Exchange, an institution, or a reporting service designated by the Exchange or by the exchange that lists a particular series of Tracking Fund Shares (if the Exchange is trading such series pursuant to unlisted trading privileges) as the official source for calculating and reporting information relating to such series, including, but not limited to, the Proxy Basket; the Fund Portfolio; the amount of any cash distribution to holders of Tracking Fund Shares, net asset value, or other information relating to the issuance, redemption or trading of Tracking Fund Shares. A series of Tracking Fund Shares may have more than one Reporting Authority, each having different functions.

Proposed Rule 14.11(m)(3)(D) provides that the term ''Normal Market Conditions'' includes, but is not limited to, the absence of trading halts in the applicable financial markets generally; operational issues (*e.g.,* systems failure) causing dissemination of inaccurate market information; or force majeure type events such as natural or manmade disaster, act of God, armed conflict, act of terrorism, riot or labor disruption or any similar intervening circumstance.

Proposed Rule 14.11(m)(3)(E) provides that the term ''Proxy Basket'' means the identities and quantities of the securities and other assets included in a basket that is designed to closely track the daily performance of the Fund Portfolio, as provided in the exemptive relief under the 1940 Act applicable to a series of Tracking Fund Shares. The Proxy Basket also serves as the creation and redemption basket for a series of Tracking Fund Shares. The Proxy Basket will be constructed as provided in the applicable exemptive relief under the 1940 Act and will be fully described in the proposal required under Rule 14.11(m)(2)(A). The website for each series of Tracking Fund Shares shall disclose the following information regarding the Proxy Basket as required under this Rule 14.11(m), to the extent applicable: (i) Ticker symbol; (ii) CUSIP or other identifier; (iii) Description of the holding; (iv) Identity of the security, commodity, index, or other asset upon which the derivative is based; (v) The strike price for any options; (vi) The quantity of each security or other asset held as measured by: (a) Par value; (b) Notional value; (c) Number of shares; (d) Number of contracts; (e) Number of units; (vii) Maturity date; (viii) Coupon rate; (ix) Effective date; (x) Market value; and (xi) Percentage weighting of the holding in the portfolio.

Proposed Rule 14.11(m)(4)(A) provides the initial listing criteria for a series of Tracking Fund Shares, which include the following: (A) Each series of Tracking Fund Shares will be listed and traded on the Exchange subject to application of the following initial listing criteria: (i) For each series, the Exchange will establish a minimum number of Tracking Fund Shares required to be outstanding at the time of commencement of trading on the Exchange; (ii) the Exchange will obtain a representation from the issuer of each series of Tracking Fund Shares that the net asset value per share for the series will be calculated daily and that each of the following will be made available to all market participants at the same time when disclosed: The net asset value, the Proxy Basket, and the Fund Portfolio; and (iii) all Tracking Fund Shares shall have a stated investment objective, which shall be adhered to under Normal Market Conditions.

Proposed Rule 14.11(m)(4)(B) provides that each series of Tracking Fund Shares will be listed and traded on the Exchange subject to application of the following continued listing criteria: (i)(a) The Proxy Basket will be disseminated at least once daily and will be made available to all market participants at the same time; and (b) the Reporting Authority that provides the Proxy Basket must implement and maintain, or be subject to, procedures designed to prevent the use and dissemination of material non-public information regarding the actual components of the Proxy Basket; (ii)(a) the Fund Portfolio will at a minimum be publicly disclosed within at least 60 days following the end of every fiscal quarter and will be made available to all market participants at the same time; and (b) the Reporting Authority that provides the Fund Portfolio must implement and maintain, or be subject to, procedures designed to prevent the use and dissemination of material non-public information regarding the actual components of the Fund Portfolio; (iii) upon termination of an Investment Company, the Exchange requires that Tracking Fund Shares issued in connection with such entity be removed from listing on the Exchange; and (iv) voting rights shall be as set forth in the applicable Investment Company prospectus or Statement of Additional Information.

Additionally, proposed Rule 14.11(m)(4)(B)(iii) provides that the Exchange will consider the suspension of trading in and will commence delisting proceedings for a series of Tracking Fund Shares pursuant to Rule 14.12 under any of the following circumstances: (a) If, following the initial twelve-month period after commencement of trading on the Exchange of a series of Tracking Fund Shares, there are fewer than 50 beneficial holders of the series of Tracking Fund Shares for 30 or more consecutive trading days; (b) if either the Proxy Basket or Fund Portfolio is not made available to all market participants at the same time; (c) if the Investment Company issuing the Tracking Fund Shares has failed to file any filings required by the Commission or if the Exchange is aware that the Investment Company is not in compliance with the conditions of any exemptive order or no-action relief granted by the Commission or the Commission Staff under the 1940 Act to the Investment Company with respect to the series of Tracking Fund Shares; (d) if any of the requirements set forth in this rule are not continuously maintained; (e) if any of the applicable Continued Listing Representations for the issue of Tracking Fund Shares are not continuously met; or (f) if such other event shall occur or condition exists which, in the opinion of the Exchange, makes further dealings on the Exchange inadvisable.

Proposed Rule 14.11(m)(5) provides that Neither the Exchange, the Reporting Authority, when the Exchange is acting in the capacity of a Reporting Authority,

nor any agent of the Exchange shall have any liability for damages, claims, losses or expenses caused by any errors, omissions, or delays in calculating or disseminating any current portfolio value; the current value of the portfolio of securities required to be deposited to the open-end management investment company in connection with issuance of Tracking Fund Shares; the amount of any dividend equivalent payment or cash distribution to holders of Tracking Fund Shares; net asset value; or other information relating to the purchase, redemption, or trading of Tracking Fund Shares, resulting from any negligent act or omission by the Exchange, the Reporting Authority when the Exchange is acting in the capacity of a Reporting Authority, or any agent of the Exchange, or any act, condition, or cause beyond the reasonable control of the Exchange, its agent, or the Reporting Authority, when the Exchange is acting in the capacity of a Reporting Authority, including, but not limited to, an act of God; fire; flood; extraordinary weather conditions; war; insurrection; riot; strike; accident; action of government; communications or power failure; equipment or software malfunction; or any error, omission, or delay in the reports of transactions in one or more underlying securities.

Proposed Rule 14.11(m)(6) provides that the provisions of this subparagraph apply only to series of Tracking Fund Shares that are the subject of an order by the Commission exempting such series from certain prospectus delivery requirements under Section 24(d) of the Investment Company Act of 1940 (the ''1940 Act'') and are not otherwise subject to prospectus delivery requirements under the Securities Act of 1933. The Exchange will inform its members regarding application of these provisions of this subparagraph to a particular series of Tracking Fund Shares by means of an information circular prior to commencement of trading in such series. The Exchange requires that members provide to all purchasers of a series of Tracking Fund Shares a written description of the terms and characteristics of those securities, in a form prepared by the open-end management investment company issuing such securities, not later than the time a confirmation of the first transaction in such series is delivered to such purchaser. In addition, members shall include such a written description with any sales material relating to a series of Tracking Fund Shares that is provided to customers or the public. Any other written materials provided by a member to customers or the public making specific reference to a series of Tracking Fund Shares as an investment vehicle must include a statement in substantially the following form: ''A circular describing the terms and characteristics of (the series of Tracking Fund Shares) has been prepared by the (open-end management investment company name) and is available from your broker. It is recommended that you obtain and review such circular before purchasing (the series of Tracking Fund Shares).'' A member carrying an omnibus account for a non-member broker-dealer is required to inform such non-member that execution of an order to purchase a series of Tracking Fund Shares for such omnibus account will be deemed to constitute agreement by the non-member to make such written description available to its customers on the same terms as are directly applicable to members under this rule. Upon request of a customer, a member shall also provide a prospectus for the particular series of Tracking Fund Shares.

Proposed Rule 14.11(m)(7) provides that if the investment adviser to the Investment Company issuing Tracking Fund Shares is affiliated with a broker-dealer, such investment adviser shall erect and maintain a ''fire wall'' between the investment adviser and the broker-dealer with respect to access to information concerning the composition and/or changes to such Investment Company portfolio and Proxy Basket. Personnel who make decisions on the Investment Company's portfolio composition and/or Proxy Basket must be subject to procedures designed to prevent the use and dissemination of material nonpublic information regarding the applicable Investment Company portfolio and/or Proxy Basket.

Policy Discussion—Proposed Rule 14.11(m)

The purpose of the structure of Tracking Fund Shares is to provide investors with the traditional benefits of ETFs[11] while protecting funds from the potential for front running or free riding of portfolio transactions, which could adversely impact the performance of a fund. While each series of Tracking Fund Shares will be actively managed and, to that extent, similar to Managed Fund Shares (as defined in Rule 14.11(i)), Tracking Fund Shares differ from Managed Fund Shares in one key way.[12] A series of Tracking Fund Shares will disclose the Proxy Basket on a daily basis which, as described above, is designed *to closely track* the performance of the holdings of the Investment Company, instead of the *actual holdings* of the Investment Company, as provided by a series of Managed Fund Shares.[13]

For the arbitrage mechanism for any ETF to function effectively, authorized participants, arbitrageurs, and other market participants (collectively, ''Market Makers'') need sufficient information to accurately value shares of a fund to transact in both the primary and secondary market. The Proxy Basket, constructed as provided in the applicable exemptive relief, is designed to closely track the daily performance of the Fund Portfolio.

Given the correlation between the Proxy Basket and the Fund Portfolio,[14]

[11] For purposes of this filing, the term ETF will include only Portfolio Depositary Receipts as defined in Rule 14.11(b), Index Fund Shares as defined in Rule 14.11(c), and Managed Fund Shares as defined in Rule 14.11(i), along with the equivalent products defined in the rules of other national securities exchanges.

[12] The Exchange notes that there are two additional differences between proposed Rule 14.11(m) and Rule 14.11(i): (i) Proposed Rule 14.11(m) would require a rule filing under Section 19(b) prior to listing any product on the Exchange meaning that no series of Tracking Fund Shares could be listed on the Exchange pursuant to Rule 19b–4(e) and there are no proposed rules comparable to the quantitative portfolio holdings standards from Rule 14.11(i); and (ii) proposed Rule 14.11(m) would not require the dissemination of an intraday indicative value. The Exchange has submitted a proposal to eliminate the requirement for series of Managed Fund Shares and generally agrees with the Commission's sentiment that the intraday indicative value is not necessary to support the arbitrage mechanism. *See* SR–CboeBZX–2019–104 and Investment Company Act Release No. 10695 (October 24, 2019) (84 FR 57162).

[13] Proposed Rule 14.11(m)(4)(B)(iii) will, however, require each series of Tracking Fund Shares to at a minimum disclose the entirety of its portfolio holdings within at least 60 days following the end of every fiscal quarter in accordance with normal disclosure requirements otherwise applicable to open-end investment companies registered under the 1940 Act.

Form N–PORT requires reporting of a fund's complete portfolio holdings on a position-by-position basis on a quarterly basis within 60 days after fiscal quarter end. Investors can obtain a fund's Statement of Additional Information, its Shareholder Reports, its Form N–CSR, filed twice a year, and its Form N–CEN, filed annually. A fund's SAI and Shareholder Reports are available free upon request from the Investment Company, and those documents and the Form N–PORT, Form N–CSR, and Form N–CEN may be viewed on-screen or downloaded from the Commission's website at *www.sec.gov*.

[14] As provided in the Notices, funds and their respective advisers will take remedial actions as necessary if the funds do not function as anticipated. For the first three years after a launch, a fund will establish certain thresholds for its level of tracking error, premiums/discounts, and spreads, so that, upon the fund's crossing a threshold, the adviser will promptly call a meeting of the fund's board of directors and will present the board or committee with recommendations for appropriate remedial measures. The board would then consider the continuing viability of the fund, whether shareholders are being harmed, and what, if any,

Continued

the Exchange believes that the Proxy Basket would serve as a pricing signal to identify arbitrage opportunities when its value and the secondary market price of the shares of a series of Tracking Fund Shares diverge. If shares began trading at a discount to the Proxy Basket, an authorized participant could purchase the shares in secondary market transactions and, after accumulating enough shares to comprise a creation unit,[15] redeem them in exchange for a redemption basket reflecting the Net Asset Value (''NAV'') per share of the Fund Portfolio. The purchases of shares would reduce the supply of shares in the market, and thus tend to drive up the shares' market price closer to the fund's NAV. Alternatively, if shares are trading at a premium, the transactions in the arbitrage process are reversed. Market Makers also can engage in arbitrage without using the creation or redemption processes. For example, if a fund is trading at a premium to the Proxy Basket, Market Makers may sell shares short and take a long position in the Proxy Basket securities, wait for the trading prices to move toward parity, and then close out the positions in both the shares and the securities, to realize a profit from the relative movement of their trading prices. Similarly, a Market Maker could buy shares and take a short position in the Proxy Basket securities in an attempt to profit when shares are trading at a discount to the Proxy Basket.

Overall, the Exchange believes that the arbitrage process would operate similarly to the arbitrage process in place today for existing ETFs that use in-kind baskets for creations and redemptions that do not reflect the ETF's complete holdings but nonetheless produce performance that is highly correlated to the performance of the ETF's actual portfolio. The Exchange has observed highly efficient trading of ETFs that invest in markets where security values are not fully known at the time of ETF trading, and where a perfect hedge is not possible, such as international equity and fixed-income ETFs. While the ability to value and hedge many of these existing ETFs in the market may be limited, such ETFs have generally maintained an effective arbitrage mechanism and traded efficiently.

As provided in the Notice, the Commission believes that an arbitrage mechanism based largely on the combination of a daily disclosed Proxy Basket and at a minimum quarterly disclosure of the Fund Portfolio can work in an efficient manner to maintain a fund's secondary market prices close to its NAV.[16] Consistent with the Commission's view, the Exchange believes that because the arbitrage mechanism for Tracking Fund Shares will be sufficient to keep secondary market prices in line with NAV and because the proposed rules are except as described above nearly identical to the generic listing standards for Managed Fund Shares, proposed Rule 14.11(m) is consistent with the Act.

The Exchange notes that a significant amount of information about each fund and its Fund Portfolio is publicly available at all times. Each series will disclose the Proxy Basket, which is designed to closely track the daily performance of the Fund Portfolio, on a daily basis. Each series of Tracking Fund Shares will at a minimum publicly disclose the entirety of its portfolio holdings, including the name, identifier, market value and weight of each security and instrument in the portfolio within at least 60 days following the end of every fiscal quarter in a manner consistent with normal disclosure requirements otherwise applicable to open-end investment companies registered under the 1940 Act. The website will include additional quantitative information updated on a daily basis, including, on a per Share basis for each Fund, the prior Business Day's NAV and the Closing Price or Bid/Ask Price at the time of calculation of such NAV, and a calculation of the premium or discount of the Closing Price or Bid/Ask Price against such NAV. The website will also disclose any information regarding the bid/ask spread for each Fund as may be required for other ETFs under Rule 6c–11 under the 1940 Act, as amended.

While not providing daily disclosure of the Fund Portfolio could open the door to potential information leakage and misuse of material non-public information, the Exchange believes that proposed Rules 14.11(m)(2)(E) and (F) provide sufficient safeguards to prevent such leakage and misuse of information. The Exchange believes that these proposed rules are designed to prevent fraudulent and manipulative acts and practices related to the listing and trading of Tracking Fund Shares because they provide meaningful requirements about both the data that will be made publicly available about the Shares as well as the information that will only be available to certain parties and the controls on such information. Specifically, the Exchange believes that the requirements related to information protection enumerated under proposed Rule 14.11(m)(2)(F) will act as a strong safeguard against any misuse and improper dissemination of information related to a Fund Portfolio, the Proxy Basket, or changes thereto. The requirement that any person or entity implement procedures to prevent the use and dissemination of material nonpublic information regarding the Fund Portfolio or Proxy Basket will act to prevent any individual or entity from sharing such information externally and the internal ''fire wall'' requirements applicable where an entity is a registered broker-dealer or affiliated with a broker-dealer will act to make sure that no entity will be able to misuse the data for their own purposes. As such, the Exchange believes that this proposal is designed to prevent fraudulent and manipulative acts and practices.

Surveillance

The Exchange believes that its surveillance procedures are adequate to properly monitor the trading of Tracking Fund Shares on the Exchange during all trading sessions and to deter and detect violations of Exchange rules and the applicable federal securities laws. Trading of Tracking Fund Shares through the Exchange will be subject to the Exchange's surveillance procedures for derivative products. The Exchange will require the issuer of each series of Tracking Fund Shares listed on the Exchange to represent to the Exchange that it will advise the Exchange of any failure by a Fund to comply with the continued listing requirements, and, pursuant to its obligations under Section 19(g)(1) of the Exchange Act, the Exchange will surveil for compliance with the continued listing requirements. If a Fund is not in compliance with the applicable listing requirements, the Exchange will commence delisting procedures under Exchange Rule 14.12. In addition, the Exchange also has a general policy prohibiting the distribution of material, non-public information by its employees.

action would be appropriate. Specifically, the Applications and Notices provide that such a meeting would occur: (1) If the tracking error exceeds 1%; or (2) if, for 30 or more days in any quarter or 15 days in a row (a) the absolute difference between either the market closing price or bid/ask price, on one hand, and NAV, on the other, exceeds 2%, or (b) the bid/ask spread exceeds 2%.

[15] Tracking Fund Shares will be purchased or redeemed only in large aggregations, or ''creation units,'' and the Proxy Basket will constitute the names and quantities of instruments for both purchases and redemptions of Creation Units.

[16] *See* Notice at 17. The Commission also notes that as long as arbitrage continues to keep the Fund's secondary market price and NAV close, and does so efficiently so that spreads remain narrow, that investors would benefit from the opportunity to invest in active strategies through a vehicle that offers the traditional benefits of ETFs.

As noted in proposed Rule 14.11(m)(2)(D), the Investment Company's investment adviser will upon request make available to the Exchange and/or FINRA, on behalf of the Exchange, the daily portfolio holdings of each series of Managed Portfolio Shares. The Exchange believes that this is appropriate because it will provide the Exchange or FINRA, on behalf of the Exchange, with access to the daily Fund Portfolio of any series of Tracking Fund Shares upon request on an as needed basis. The Exchange believes that the ability to access the information on an as needed basis will provide it with sufficient information to perform the necessary regulatory functions associated with listing and trading series of Tracking Fund Shares on the Exchange, including the ability to monitor compliance with the initial and continued listing requirements as well as the ability to surveil for manipulation of the shares.

Trading Halts

As described above, proposed Rule 14.11(m)(4)(B)(iv) provides that if the Exchange becomes aware that one of the following is not being made available to all market participants at the same time, respectively: The net asset value, the Proxy Basket, or the Fund Portfolio with respect to a series of Tracking Fund Shares; then the Exchange will halt trading in such series until such time as the net asset value, the Proxy Basket, or the Fund Portfolio is available to all market participants, as applicable.

Availability of Information

As noted above, Form N–PORT requires reporting of a fund's complete portfolio holdings on a position-by-position basis on a quarterly basis within 60 days after fiscal quarter end. Investors can obtain a fund's Statement of Additional Information, its Shareholder Reports, its Form N–CSR, filed twice a year, and its Form N–CEN, filed annually. A fund's SAI and Shareholder Reports are available free upon request from the Investment Company, and those documents and the Form N–PORT, Form N–CSR, and Form N–CEN may be viewed on-screen or downloaded from the Commission's website at *www.sec.gov.*

Information regarding market price and trading volume of the Shares will be continually available on a real-time basis throughout the day on brokers' computer screens and other electronic services. Information regarding the previous day's closing price and trading volume information for the Shares will be published daily in the financial section of newspapers. Quotation and last sale information for the Shares will be available via the Consolidated Tape Association (''CTA'') high-speed line.

Trading Rules

The Exchange deems Tracking Fund Shares to be equity securities, thus rendering trading in the Shares subject to the Exchange's existing rules governing the trading of equity securities. As provided in proposed Rule 14.11(m)(2)(C), the minimum price variation for quoting and entry of orders in securities traded on the Exchange is $0.01.

Information Circular

Prior to the commencement of trading of a series of Tracking Fund Shares, the Exchange will inform its members in an Information Circular (''Circular'') of the special characteristics and risks associated with trading the Shares. Specifically, the Circular will discuss the following: (1) The procedures for purchases and redemptions of Shares; (2) BZX Rule 3.7, which imposes suitability obligations on Exchange members with respect to recommending transactions in the Shares to customers; (3) how information regarding the Proxy Basket is disseminated; (4) the requirement that members deliver a prospectus to investors purchasing newly issued Shares prior to or concurrently with the confirmation of a transaction; (5) trading information; and (6) that the Fund Portfolio of the Shares are not disclosed on a daily basis.

In addition, the Circular will reference that Funds are subject to various fees and expenses described in the Registration Statement. The Circular will discuss any exemptive, no-action, and interpretive relief granted by the Commission from any rules under the Act. The Circular will also disclose that the NAV for the Shares will be calculated after 4:00 p.m., E.T. each trading day.

The Shares

The Shares are offered by the Trust, which is organized as a business trust under the laws of The Commonwealth of Massachusetts. The Trust is registered with the Commission as an open-end investment company and will file a registration statement on behalf of the Funds on Form N–1A (''Registration Statement'') with the Commission.[17]

Fidelity Management & Research Company or FMR Co., Inc. (the ''Adviser'') will be the investment adviser to the Funds. The Adviser is not registered as a broker-dealer, but is affiliated with numerous broker-dealers. The Adviser represents that a fire wall exists and will be maintained between the respective personnel at the Adviser and affiliated broker-dealers with respect to access to information concerning the composition and/or changes to each Fund's portfolio and Proxy Basket. Personnel who make decisions on a Fund's portfolio composition and/or Proxy Basket shall be subject to procedures designed to prevent the use and dissemination of material non-public information regarding such portfolio and/or Proxy Basket. The Funds' sub-advisers, FMR Investment Management (UK) Limited, Fidelity Management & Research (Hong Kong) Limited, and Fidelity Management & Research (Japan) Limited (each a ''Sub-Adviser'' and, collectively, the ''Sub-Advisers''), are not registered as a broker-dealer but are affiliated with numerous broker-dealers. Sub-Adviser personnel who make decisions regarding a Fund's portfolio and/or Proxy Basket are subject to procedures designed to prevent the use and dissemination of material nonpublic information regarding the Fund's portfolio and/or Proxy Basket. In the event that (a) the Adviser or a Sub-Adviser becomes registered as a broker-dealer or newly affiliated with a broker-dealer; or (b) any new adviser or sub-adviser is a registered broker-dealer or becomes newly affiliated with a broker-dealer; it will implement and maintain a fire wall with respect to its relevant personnel or such broker-dealer affiliate, as applicable, regarding access to information concerning the composition and/or changes to the portfolio and/or Proxy Basket, and will be subject to procedures designed to prevent the use and dissemination of material non-public information regarding such portfolio and/or Proxy Basket. Each Fund intends to qualify each year as a regulated investment company under Subchapter M of the Internal Revenue Code of 1986, as amended.

The Shares will conform to the initial and continued listing criteria under Rule 14.11(l) as well as all terms in the Exemptive Order. The Exchange represents that, for initial and/or continued listing, each Fund will be in compliance with Rule 10A–3 under the Act.[18] A minimum of 100,000 Shares of each Fund will be outstanding at the commencement of trading on the

[17] The Trust intends to file a post-effective amendment to the Registration Statement in the near future. The descriptions of the Funds and the Shares contained herein are based, in part, on information that will be included in the Registration Statement. The Commission has issued an order granting certain exemptive relief to the Trust under the Investment Company Act of 1940 (15 U.S.C. 80a–1).

[18] *See* 17 CFR 240.10A–3.

Exchange. The Exchange will obtain a representation from the issuer of the Shares of each Fund that the NAV per share of each Fund will be calculated daily and will be made available to all market participants at the same time.

Fidelity Blue Chip Value ETF

Notwithstanding the following description, the Fund's holdings will conform to the permissible investments as set forth in the Application and Order. The Fund seeks long-term growth of capital. In order to achieve its investment objective, under Normal Market Conditions, the Fund will invest at least 80% of its assets in: (i) Blue chip companies (companies whose stock is included in the S&P 500® Index or the Dow Jones Industrial Average$_{SM}$ (DJIA$_{SM}$), and companies with market capitalizations of at least $1 billion if not included in either index); (ii) companies that the Adviser believes are undervalued in the marketplace in relation to factors such as assets, sales, earnings, growth potential, or cash flow, or in relation to securities of other companies in the same industry (stocks of these companies are often called ''value'' stocks) listed on a U.S. national securities exchange or a foreign exchange that trade on such exchange contemporaneously with the Fund's Shares; and (ii) cash and Cash Equivalents.[19]

The Fund may also invest the Fund's assets in other securities and financial instruments, as summarized below. Under Normal Market Conditions, the Fund may invest up to 5% of its assets in U.S. exchange-traded index futures. The Fund may invest in ETFs to facilitate creations and redemptions using the Proxy Basket, as defined above.[20] Except as described above, the Fund will not invest in derivative instruments or enter into short positions.[21]

The Exchange notes that the Fund's holdings will meet the generic listing standards applicable to series of Managed Fund Shares under Rule 14.11(i)(4)(C). While such standards do not apply directly to series of Tracking Fund Shares, the Exchange believes that the overarching policy issues related to liquidity, market cap, diversity, and concentration of portfolio holdings that Rule 14.11(i)(4)(C) is intended to address are equally applicable to series of Tracking Fund Shares.

Fidelity Blue Chip Growth ETF

Notwithstanding the following description, the Fund's holdings will conform to the permissible investments as set forth in the Application and Order. The Fund seeks long-term growth of capital. In order to achieve its investment objective, under Normal Market Conditions, the Fund will invest at least 80% of its assets in: (i) Blue chip companies (companies whose stock is included in the S&P 500® Index or the Dow Jones Industrial Average^{SM} (DJIA^{SM}), and companies with market capitalizations of at least $1 billion if not included in either index) (ii) companies that the Adviser believes have above-average growth potential (stocks of these companies are often called ''growth'' stocks) that are listed on a U.S. national securities exchange or a foreign exchange that trade on such exchange contemporaneously with the Fund's Shares; and (iii) cash and Cash Equivalents.

The Fund may also invest the Fund's assets in other securities and financial instruments, as summarized below. Under Normal Market Conditions, the Fund may invest up to 5% of its assets in U.S. exchange-traded index futures The Fund may invest in ETFs to facilitate creations and redemptions using the Proxy Basket, as defined above. Except as described above, the Fund will not invest in derivative instruments or enter into short positions.[22]

The Exchange notes that the Fund's holdings will meet the generic listing standards applicable to series of Managed Fund Shares under Rule 14.11(i)(4)(C). While such standards do not apply directly to series of Tracking Fund Shares, the Exchange believes that the overarching policy issues related to liquidity, market cap, diversity, and concentration of portfolio holdings that Rule 14.11(i)(4)(C) is intended to address are equally applicable to series of Tracking Fund Shares.

Fidelity New Millennium ETF

Notwithstanding the following description, the Fund's holdings will conform to the permissible investments as set forth in the Application and Order. The Fund seeks long-term growth of capital. In order to achieve its investment objective, under Normal Market Conditions, the Fund will primarily invest in (i) companies that may benefit from opportunities created by long-term changes in the marketplace by examining technological advances, product innovation, economic plans, demographics, social attitudes, and other factors, which can lead to investments in small and medium-sized companies; (ii) both ''growth'' and ''value'' stocks based on fundamental analysis of factors such as each issuer's financial condition and industry position, as well as market and economic conditions that are listed on a U.S. national securities exchange or a foreign exchange that trade on such exchange contemporaneously with the Fund's Shares; and (iii) cash and Cash Equivalents.

The Fund may also invest the Fund's assets in other securities and financial instruments, as summarized below. Under Normal Market Conditions, the Fund may invest up to 5% of its assets in U.S. exchange-traded index futures. The Fund may invest in ETFs to facilitate creations and redemptions using the Proxy Basket, as defined above. Except as described above, the Fund will not invest in derivative instruments or enter into short positions.[23]

The Exchange notes that the Fund's holdings will meet the generic listing standards applicable to series of Managed Fund Shares under Rule 14.11(i)(4)(C). While such standards do not apply directly to series of Tracking Fund Shares, the Exchange believes that the overarching policy issues related to liquidity, market cap, diversity, and

[19] For purposes of this proposal and as defined in Rule 14.11(i)(4)(C)(iii), Cash Equivalents are short-term instruments with maturities of less than three months that are: (i) U.S. Government securities, including bills, notes, and bonds differing as to maturity and rates of interest, which are either issued or guaranteed by the U.S. Treasury or by U.S. Government agencies or instrumentalities; (ii) certificates of deposit issued against funds deposited in a bank or savings and loan association; (iii) bankers acceptances, which are short-term credit instruments used to finance commercial transactions; (iv) repurchase agreements and reverse repurchase agreements; (v) bank time deposits, which are monies kept on deposit with banks or savings and loan associations for a stated period of time at a fixed rate of interest; (vi) commercial paper, which are short-term unsecured promissory notes; and (vii) money market funds.

[20] Given that the Tracking Basket would normally serve as a Fund's Creation Basket, a Fund may acquire Representative ETFs to create or redeem Shares. A Fund would not hold Representative ETFs for investment purposes. While the Adviser will not hold Representative ETFs in a Fund's portfolio for investment purposes, Representative ETFs will nonetheless convey accurate information about the types of instruments in which the Fund invests given that Representative ETFs will themselves invest in the types of securities included in the Fund's portfolio.

[21] The Adviser notes that the Fund may by virtue of its holdings be issued warrants and rights. The Fund will not purchase such instruments and will dispose of such holdings as the Adviser determines is in the best interest of the Fund's shareholders.

[22] The Adviser notes that the Fund may by virtue of its holdings be issued warrants and rights. The Fund will not purchase such instruments and will dispose of such holdings as the Adviser determines is in the best interest of the Fund's shareholders.

[23] The Adviser notes that the Fund may by virtue of its holdings be issued warrants and rights. The Fund will not purchase such instruments and will dispose of such holdings as the Adviser determines is in the best interest of the Fund's shareholders.

concentration of portfolio holdings that Rule 14.11(i)(4)(C) is intended to address are equally applicable to series of Tracking Fund Shares.

Proxy Basket for the Proposed Funds

For the Funds, the Proxy Basket will consist of a combination of the Fund's recently disclosed portfolio holdings and representative ETFs. ETFs selected for inclusion in the Proxy Basket will be consistent with the Fund's objective and selected based on certain criteria, including, but not limited to, liquidity, assets under management, holding limits and compliance considerations. Representative ETFs can provide a useful mechanism to reflect a Fund's holdings' exposures within the Proxy Basket without revealing a Fund's exact positions.[24] The Exchange notes that each Fund's NAV will form the basis for creations and redemptions for the Funds and creations and redemptions will work in a manner substantively identical to that of series of Managed Fund Shares. The Adviser expects that the Shares of the Funds will generally be created and redeemed in-kind, with limited exceptions. The names and quantities of the instruments that constitute the basket of securities for creations and redemptions will be the same as a Fund's Proxy Basket, except to the extent purchases and redemptions are made entirely or in part on a cash basis. In the event that the value of the Proxy Basket is not the same as a Fund's NAV, the creation and redemption baskets will consist of the securities included in the Proxy Basket plus or minus an amount of cash equal to the difference between the NAV and the value of the Proxy Basket, as further described below.

The Proxy Basket will be constructed utilizing a covariance matrix based on an optimization process to minimize deviations in the return of the Proxy Basket relative to the Fund. The proprietary optimization process mathematically seeks to minimize three key parameters that the Adviser believes are important to the effectiveness of the Proxy Basket as a hedge: tracking error (standard deviation of return differentials between the Proxy Basket and the Fund), turnover cost, and basket creation cost.[25] Typically, the Proxy Basket is expected to be rebalanced on schedule with the public disclosure of the Fund's holdings; however, a new optimized Proxy Basket may be generated as frequently as daily, and therefore, rebalancing may occur more frequently at the Adviser's discretion. In determining whether to rebalance a new optimized Proxy Basket, the Adviser will consider various factors, including liquidity of the securities in the Proxy Basket, tracking error, and the cost to create and trade the Proxy Basket.[26] For example, if the Adviser determines that a new Proxy Basket would reduce the variability of return differentials between the Proxy Basket and the Fund when balanced against the cost to trade the new Proxy Basket, rebalancing may be appropriate. The Adviser will periodically review the Proxy Basket parameters and Proxy Basket performance and process.

As noted above, each Fund will also disclose the entirety of its portfolio holdings, including the name, identifier, market value and weight of each security and instrument in the portfolio, at a minimum within at least 60 days following the end of every fiscal quarter. As described above, the Exchange notes that the concept of the Proxy Basket employed under this structure is designed to provide investors with the traditional benefits of ETFs while protecting the Funds from the potential for front running or free riding of portfolio transactions, which could adversely impact the performance of a Fund.

Policy Discussion—Proposed Funds

As discussed above, each Fund's holdings will meet the generic listing standards applicable to series of Managed Fund Shares under Rule 14.11(i)(4)(C). While such standards do not apply directly to series of Tracking Fund Shares, the Exchange believes that the overarching policy issues related to liquidity, market cap, diversity, and concentration of portfolio holdings that Rule 14.11(i)(4)(C) is intended to address are equally applicable to series of Tracking Fund Shares and, as such, any such concerns related to the portfolio are mitigated.

Separately and in addition to the rationale supporting the arbitrage mechanism for Tracking Fund Shares more broadly above, the Exchange also believes that the particular instruments that may be included in each Fund's portfolio and Proxy Basket do not raise any concerns related to the Proxy Baskets being able to closely track the NAV of the Funds because such instruments include only instruments that trade on an exchange contemporaneously with the Shares. In addition, a Fund's Proxy Basket will be optimized so that it reliably and consistently correlates to the performance of the Fund. The Notice specifically states that ''in order to facilitate arbitrage, each Fund's portfolio and Tracking Basket will only include certain securities that trade on an exchange contemporaneously with the Fund's Shares. Because the securities would be exchange traded, market participants would be able to accurately price and readily trade the securities in the Tracking Basket for purposes of assessing the intraday value of the Fund's portfolio holdings and to hedge their positions in the Fund's Shares.'' [27] The Exchange and Adviser agree with the Commission's conclusion.

The Adviser anticipates that the returns between a Fund and its respective Proxy Basket will have a consistent relationship and that the deviation in the returns between a Fund and its Proxy Basket will be sufficiently small such that the Proxy Basket will provide Market Makers with a reliable hedging vehicle that they can use to effectuate low-risk arbitrage trades in Fund Shares. The Exchange believes that the disclosures provided by the Funds will allow Market Makers to understand the relationship between the performance of a Fund and its Proxy

[24] The set of ETFs that are ''representative'' to be used in the Proxy Basket will depend on certain factors, including the Fund's investment objective, past holdings, and benchmark, and may change from time to time. For example, a U.S. diversified fund benchmarked to a diversified U.S. index would use liquid U.S. exchange-traded ETFs to capture size (large, mid or small capitalization), style (growth or value) and/or sector exposures in the Fund's portfolio. Leveraged and inverse ETFs will not be included in the Proxy Basket. ETFs may constitute no more than 50% of the Proxy Basket's assets.

[25] Tracking error measures the deviations between the Proxy Basket and Fund. Turnover cost and basket creation cost are measures of the cost to create and maintain the Proxy Basket as a hedge.

[26] The Adviser uses a trading cost model to develop estimates of costs to trade a new Proxy Basket. There are essentially two elements to this cost: (1) The cost to purchase securities constituting the Proxy Basket, *i.e.,* the cost to put on the hedge for the Authorized Participant, and (2) the cost of any adjustments that need to be made to the composition of the Proxy Basket, *i.e.,* the cost to the Authorized Participant to change or maintain the hedge position. The inclusion of the trading cost model in the optimization process is intended to result in a Proxy Basket that is cost effective and liquid without compromising its tracking ability.

[27] The Exchange notes that the instruments enumerated herein are consistent with the investable universe contemplated in the Notice. Specifically, the Notice provides that ''Each Fund may invest only in ETFs, Exchange-traded notes, Exchange-traded common stocks, common stocks listed on a foreign exchange that trade on such exchange contemporaneously with the Shares, Exchange-traded preferred stocks, Exchange-traded American depositary receipts, Exchange-traded real estate investment trusts, Exchange-traded commodity pools, Exchange-traded metals trusts, Exchange-traded currency trusts, and exchange-traded futures that trade contemporaneously with the Shares, as well as cash and cash equivalents . . . All futures contracts that a Fund may invest in will be traded on a U.S. futures exchange. For these purposes, an ''Exchange'' is a national securities exchange as defined in section 2(a)(26) of the [1940] Act.'' *See* Notice at 10.

Basket. Market Makers will be able to estimate the value of and hedge positions in a Fund's Shares, which the Exchange believes will facilitate the arbitrage process and help ensure that the Fund's Shares normally will trade at market prices close to their NAV. The Exchange also believes that competitive market making, where traders are looking to take advantage of differences in bid-ask spread, will aid in keeping spreads tight.

The Exchange notes that a significant amount of information about each fund and its Fund Portfolio is publicly available at all times. Each series will disclose the Proxy Basket, which is designed to closely track the daily performance of the Fund Portfolio, on a daily basis. Each series of Tracking Fund Shares will at a minimum publicly disclose the entirety of its portfolio holdings, including the name, identifier, market value and weight of each security and instrument in the portfolio within at least 60 days following the end of every fiscal quarter in a manner consistent with normal disclosure requirements otherwise applicable to open-end investment companies registered under the 1940 Act. The website will include additional quantitative information updated on a daily basis, including, on a per Share basis for each Fund, the prior Business Day's NAV and the Closing Price or Bid/Ask Price at the time of calculation of such NAV, and a calculation of the premium or discount of the Closing Price or Bid/Ask Price against such NAV. The website will also disclose any information regarding the bid/ask spread for each Fund as may be required for other ETFs under Rule 6c–11 under the 1940 Act, as amended.

Additional Information

The Exchange represents that the Shares of the Funds will continue to comply with all other proposed requirements applicable to Tracking Fund Shares, including the dissemination of key information such as the Proxy Basket, the Fund Portfolio, and Net Asset Value, suspension of trading or removal, trading halts, surveillance, minimum price variation for quoting and order entry, the information circular, and firewalls as set forth in the proposed Exchange rules applicable to Tracking Fund Shares and the orders approving such rules.

Price information for the exchange-listed instruments held by the Funds, including both U.S. and non-U.S. listed equity securities and U.S. exchange-listed futures will be available through major market data vendors or securities exchanges listing and trading such securities. Moreover, U.S.-listed equity securities held by the Funds will trade on markets that are a member of Intermarket Surveillance Group (''ISG'') or affiliated with a member of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement.[28] All futures contracts that the Funds may invest in will be traded on a U.S. futures exchange. The Exchange or the Financial Industry Regulatory Authority (''FINRA''), on behalf of the Exchange, or both, will communicate as needed regarding trading in the Shares, underlying U.S. exchange-listed equity securities, and U.S. exchange-listed futures with other markets and other entities that are members of the Intermarket Surveillance Group (''ISG''), and the Exchange or FINRA, on behalf of the Exchange, or both, may obtain trading information regarding trading such instruments from such markets and other entities. In addition, the Exchange may obtain information regarding trading in the Shares, underlying equity securities, and U.S. exchange-listed futures from markets and other entities that are members of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement.

All statements and representations made in this filing regarding the description of the portfolio or reference assets, limitations on portfolio holdings or reference assets, dissemination and availability of reference asset and intraday indicative values (as applicable), or the applicability of Exchange listing rules specified in this filing shall constitute continued listing requirements for the Shares. The issuer has represented to the Exchange that it will advise the Exchange of any failure by the Funds or Shares to comply with the continued listing requirements, and, pursuant to its obligations under Section 19(g)(1) of the Act, the Exchange will surveil for compliance with the continued listing requirements. FINRA conducts certain cross-market surveillances on behalf of the Exchange pursuant to a regulatory services agreement. The Exchange is responsible for FINRA's performance under this regulatory services agreement. If a Fund is not in compliance with the applicable listing requirements, the Exchange will commence delisting procedures with respect to such Fund under Exchange Rule 14.12.

[28] For a list of the current members of ISG, *see www.isgportal.com.* The Exchange notes that not all components of the Funds may trade on markets that are members of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement.

2. Statutory Basis

The Exchange believes that the proposal is consistent with Section 6(b) of the Act[29] in general and Section 6(b)(5) of the Act[30] in particular in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest.

The Exchange believes that proposed Rule 14.11(m) is designed to prevent fraudulent and manipulative acts and practices in that the proposed rules relating to listing and trading of Tracking Fund Shares provide specific initial and continued listing criteria required to be met by such securities. Proposed Rule 14.11(m)(4)(A) provides the initial listing criteria for a series of Tracking Fund Shares, which include the following: (A) Each series of Tracking Fund Shares will be listed and traded on the Exchange subject to application of the following initial listing criteria: (i) For each series, the Exchange will establish a minimum number of Tracking Fund Shares required to be outstanding at the time of commencement of trading on the Exchange; (ii) the Exchange will obtain a representation from the issuer of each series of Tracking Fund Shares that the net asset value per share for the series will be calculated daily and that each of the following will be made available to all market participants at the same time when disclosed: The net asset value, the Proxy Basket, and the Fund Portfolio.

Proposed Rule 14.11(m)(4)(B) provides that each series of Tracking Fund Shares will be listed and traded on the Exchange subject to application of the following continued listing criteria: (i)(a) The Proxy Basket will be disseminated at least once daily and will be made available to all market participants at the same time; and (b) the Reporting Authority that provides the Proxy Basket must implement and maintain, or be subject to, procedures designed to prevent the use and dissemination of material non-public information regarding the actual components of the Proxy Basket; (ii)(a) the Fund Portfolio will at a minimum be publicly disclosed within at least 60 days following the end of every fiscal quarter and will be made available to all

[29] 15 U.S.C. 78f.

[30] 15 U.S.C. 78f(b)(5).

market participants at the same time; and (b) the Reporting Authority that provides the Fund Portfolio must implement and maintain, or be subject to, procedures designed to prevent the use and dissemination of material non-public information regarding the actual components of the Fund Portfolio; (iii) upon termination of an Investment Company, the Exchange requires that Tracking Fund Shares issued in connection with such entity be removed from listing on the Exchange; and (iv) voting rights shall be as set forth in the applicable Investment Company prospectus or Statement of Additional Information.

Additionally, proposed Rule 14.11(m)(4)(B)(iii) provides that the Exchange will consider the suspension of trading in and will commence delisting proceedings for a series of Tracking Fund Shares pursuant to Rule 14.12 under any of the following circumstances: (a) If, following the initial twelve-month period after commencement of trading on the Exchange of a series of Tracking Fund Shares, there are fewer than 50 beneficial holders of the series of Tracking Fund Shares for 30 or more consecutive trading days; (b) if either the Proxy Basket or Fund Portfolio is not made available to all market participants at the same time; (c) if the Investment Company issuing the Tracking Fund Shares has failed to file any filings required by the Commission or if the Exchange is aware that the Investment Company is not in compliance with the conditions of any exemptive order or no-action relief granted by the Commission to the Investment Company with respect to the series of Tracking Fund Shares; (d) if any of the requirements set forth in this rule are not continuously maintained; (e) if any of the applicable Continued Listing Representations for the issue of Tracking Fund Shares are not continuously met; or (f) if such other event shall occur or condition exists which, in the opinion of the Exchange, makes further dealings on the Exchange inadvisable.

Proposed Rule 14.11(m)(4)(B)(iv) provides that if the Exchange becomes aware that one of the following is not being made available to all market participants at the same time: the net asset value, the Proxy Basket, or the Fund Portfolio with respect to a series of Tracking Fund Shares; then the Exchange will halt trading in such series until such time as the NAV, the Proxy Basket, or the Fund Portfolio is available to all market participants, as applicable.

Proposed Rule 14.11(m)(7) provides that if the investment adviser to the Investment Company issuing Tracking Fund Shares is affiliated with a broker-dealer, such investment adviser shall erect and maintain a ''fire wall'' between the investment adviser and the broker-dealer with respect to access to information concerning the composition and/or changes to such Investment Company portfolio and Proxy Basket. Personnel who make decisions on the Investment Company's portfolio composition and/or Proxy Basket must be subject to procedures designed to prevent the use and dissemination of material nonpublic information regarding the applicable Investment Company portfolio and/or Proxy Basket.

The Exchange believes that these proposed rules are designed to prevent fraudulent and manipulative acts and practices related to the listing and trading of Tracking Fund Shares because they provide meaningful requirements about both the data that will be made publicly available about the Shares (the Proxy Basket) as well as the information that will only be available to certain parties and the controls on such information. Specifically, the Exchange believes that the requirements related to information protection enumerated under proposed Rule 14.11(m)(7) will act as a strong safeguard against any misuse and improper dissemination of information related to the securities included in or changes made to the Fund Portfolio and/or the Proxy Basket. As such, the Exchange believes that this proposal is designed to prevent fraudulent and manipulative acts and practices.

As noted above, the purpose of the structure of Tracking Fund Shares is to provide investors with the traditional benefits of ETFs while protecting funds from the potential for front running or free riding of portfolio transactions, which could adversely impact the performance of a fund. While each series of Tracking Fund Shares will be actively managed and, to that extent, similar to Managed Fund Shares (as defined in Rule 14.11(i)), Tracking Fund Shares differ from Managed Fund Shares in one key way.[31] A series of Tracking Fund Shares will disclose the Proxy Basket on a daily basis which, as described above, is designed *to closely track* the performance of the holdings of the Investment Company, instead of the *actual holdings* of the Investment Company, as provided by a series of Managed Fund Shares.[32]

For the arbitrage mechanism for any ETF to function effectively, Market Makers need sufficient information to accurately value shares of a fund to transact in both the primary and secondary market. The Proxy Basket, constructed as provided in the applicable exemptive relief, is designed to closely track the daily performance of the holdings of a series of Tracking Fund Shares.

Given the correlation between the Proxy Basket and the Fund Portfolio,[33] the Exchange believes that the Proxy Basket would serve as a pricing signal to identify arbitrage opportunities when its value and the secondary market price of the shares of a series of Tracking Fund Shares diverge. If shares began trading at a discount to the Proxy Basket, an authorized participant could purchase the shares in secondary market

[31] The Exchange notes that there are two additional substantive differences between proposed Rule 14.11(m) and Rule 14.11(i): (i) Proposed Rule 14.11(m) would require a rule filing under Section 19(b) prior to listing any product on the Exchange meaning that no series of Tracking Fund Shares could be listed on the Exchange pursuant to Rule 19b–4(e) and there are no proposed rules comparable to the quantitative portfolio holdings standards from Rule 14.11(i); and (ii) proposed Rule 14.11(m) would not require the dissemination of an intraday indicative value. The Exchange has submitted a proposal to eliminate the requirement for series of Managed Fund Shares and generally agrees with the Commission's sentiment that the intraday indicative value is not necessary to support the arbitrage mechanism. *See* SR–CboeBZX–2019–104 and Investment Company Act Release No. 10695 (October 24, 2019) (84 FR 57162).

[32] Proposed Rule 14.11(m)(4)(B)(ii) will, however, require each series of Tracking Fund Shares to at a minimum disclose the entirety of its portfolio holdings within at least 60 days following the end of every fiscal quarter in accordance with normal disclosure requirements otherwise applicable to open-end investment companies registered under the 1940 Act.

Form N–PORT requires reporting of a fund's complete portfolio holdings on a position-by-position basis on a quarterly basis within 60 days after fiscal quarter end. Investors can obtain a fund's Statement of Additional Information, its Shareholder Reports, its Form N–CSR, filed twice a year, and its Form N–CEN, filed annually. A fund's SAI and Shareholder Reports are available free upon request from the Investment Company, and those documents and the Form N–PORT, Form N–CSR, and Form N–CEN may be viewed on-screen or downloaded from the Commission's website at *www.sec.gov*.

[33] As provided in the Notices, funds and their respective advisers will take remedial actions as necessary if the funds do not function as anticipated. For the first three years after a launch, a fund will establish certain thresholds for its level of tracking error, premiums/discounts, and spreads, so that, upon the fund's crossing a threshold, the adviser will promptly call a meeting of the fund's board of directors and will present the board or committee with recommendations for appropriate remedial measures. The board would then consider the continuing viability of the fund, whether shareholders are being harmed, and what, if any, action would be appropriate. Specifically, the Applications and Notices provide that such a meeting would occur: (1) If the tracking error exceeds 1%; or (2) if, for 30 or more days in any quarter or 15 days in a row (a) the absolute difference between either the market closing price or bid/ask price, on one hand, and NAV, on the other, exceeds 2%, or (b) the bid/ask spread exceeds 2%.

transactions and, after accumulating enough shares to comprise a creation unit,[34] redeem them in exchange for a redemption basket reflecting the NAV per share of the fund's portfolio holdings. The purchases of shares would reduce the supply of shares in the market, and thus tend to drive up the shares' market price closer to the fund's NAV. Alternatively, if shares are trading at a premium, the transactions in the arbitrage process are reversed. Market Makers also can engage in arbitrage without using the creation or redemption processes. For example, if a fund is trading at a premium to the Proxy Basket, Market Makers may sell shares short and take a long position in the Proxy Basket securities, wait for the trading prices to move toward parity, and then close out the positions in both the shares and the securities, to realize a profit from the relative movement of their trading prices. Similarly, a Market Maker could buy shares and take a short position in the Proxy Basket securities in an attempt to profit when shares are trading at a discount to the Proxy Basket.

Overall, the Exchange believes that the arbitrage process would operate similarly to the arbitrage process in place today for existing ETFs that use in-kind baskets for creations and redemptions that do not reflect the ETF's complete holdings but nonetheless produce performance that is highly correlated to the performance of the ETF's actual portfolio. The Exchange has observed highly efficient trading of ETFs that invest in markets where security values are not fully known at the time of ETF trading, and where a perfect hedge is not possible, such as international equity and fixed-income ETFs. While the ability to value and hedge many of these existing ETFs in the market may be limited, such ETFs have generally maintained an effective arbitrage mechanism and traded efficiently.

As provided in the Notice, the Commission believes that an arbitrage mechanism based largely on the combination of a daily disclosed Proxy Basket and at a minimum quarterly disclosure of the Fund Portfolio can work in an efficient manner to maintain a fund's secondary market prices close to its NAV.[35] Consistent with the Commission's view, the Exchange believes that the arbitrage mechanism for Tracking Fund Shares will be sufficient to keep secondary market prices in line with NAV. This, combined with the fact that the proposed rules are, except as described above, nearly identical to the generic listing standards for Managed Fund Shares, leads the Exchange to believe that the proposed Rule 14.11(m) is consistent with the Act.

The Exchange notes that a significant amount of information about each fund and its Fund Portfolio is publicly available at all times. Each series will disclose the Proxy Basket, which is designed to closely track the daily performance of the Fund Portfolio, on a daily basis. Each series of Tracking Fund Shares will at a minimum publicly disclose the entirety of its portfolio holdings, including the name, identifier, market value and weight of each security and instrument in the portfolio within at least 60 days following the end of every fiscal quarter in a manner consistent with normal disclosure requirements otherwise applicable to open-end investment companies registered under the 1940 Act. The website will include additional quantitative information updated on a daily basis, including, on a per Share basis for each Fund, the prior Business Day's NAV and the Closing Price or Bid/Ask Price at the time of calculation of such NAV, and a calculation of the premium or discount of the Closing Price or Bid/Ask Price against such NAV. The website will also disclose any information regarding the bid/ask spread for each Fund as may be required for other ETFs under Rule 6c–11 under the 1940 Act, as amended.

The Exchange believes that its surveillance procedures are adequate to properly monitor the trading of Tracking Fund Shares on the Exchange during all trading sessions and to deter and detect violations of Exchange rules and the applicable federal securities laws. Trading of Tracking Fund Shares through the Exchange will be subject to the Exchange's surveillance procedures for derivative products. The Exchange will require the issuer of each series of Tracking Fund Shares listed on the Exchange to represent to the Exchange that it will advise the Exchange of any failure by a Fund to comply with the continued listing requirements, and, pursuant to its obligations under Section 19(g)(1) of the Exchange Act, the Exchange will surveil for compliance with the continued listing requirements. If a Fund is not in compliance with the applicable listing requirements, the Exchange will commence delisting procedures under Exchange Rule 14.12. In addition, the Exchange also has a general policy prohibiting the distribution of material, non-public information by its employees.

As noted in proposed Rule 14.11(m)(2)(D), the Investment Company's investment adviser will upon request make available to the Exchange and/or FINRA, on behalf of the Exchange, the daily portfolio holdings of each series of Managed Portfolio Shares. The Exchange believes that this is appropriate because it will provide the Exchange or FINRA, on behalf of the Exchange, with access to the daily Fund Portfolio of any series of Tracking Fund Shares upon request on an as needed basis. The Exchange believes that the ability to access the information on an as needed basis will provide it with sufficient information to perform the necessary regulatory functions associated with listing and trading series of Tracking Fund Shares on the Exchange, including the ability to monitor compliance with the initial and continued listing requirements as well as the ability to surveil for manipulation of the shares.

As noted above, Form N–PORT requires reporting of a fund's complete portfolio holdings on a position-by-position basis on a quarterly basis within 60 days after fiscal quarter end. Investors can obtain a fund's Statement of Additional Information, its Shareholder Reports, its Form N–CSR, filed twice a year, and its Form N–CEN, filed annually. A fund's SAI and Shareholder Reports are available free upon request from the Investment Company, and those documents and the Form N–PORT, Form N–CSR, and Form N–CEN may be viewed on-screen or downloaded from the Commission's website at *www.sec.gov*.

Information regarding market price and trading volume of the Shares will be continually available on a real-time basis throughout the day on brokers' computer screens and other electronic services. Information regarding the previous day's closing price and trading volume information for the Shares will be published daily in the financial section of newspapers. Quotation and last sale information for the Shares will be available via the CTA high-speed line. The Exchange deems Tracking Fund Shares to be equity securities, thus rendering trading in the Shares subject to the Exchange's existing rules governing the trading of equity securities. As provided in proposed

[34] Tracking Fund Shares will be purchased or redeemed only in large aggregations, or ''creation units,'' and the Proxy Basket will constitute the names and quantities of instruments for both purchases and redemptions of Creation Units.

[35] *See* Fidelity Notice at 17. The Commission also notes that as long as arbitrage continues to keep the Fund's secondary market price and NAV close, and does so efficiently so that spreads remain narrow, that investors would benefit from the opportunity to invest in active strategies through a vehicle that offers the traditional benefits of ETFs.

Rule 14.11(m)(2)(C), the minimum price variation for quoting and entry of orders in securities traded on the Exchange is $0.01.

The Funds

As discussed above, each Fund's holdings will meet the generic listing standards applicable to series of Managed Fund Shares under Rule 14.11(i)(4)(C). While such standards do not apply directly to series of Tracking Fund Shares, the Exchange believes that the overarching policy issues related to liquidity, market cap, diversity, and concentration of portfolio holdings that Rule 14.11(i)(4)(C) is intended to address are equally applicable to series of Tracking Fund Shares and, as such, any such concerns related to the portfolio are mitigated.

Separately and in addition to the rationale supporting the arbitrage mechanism for Tracking Fund Shares more broadly above, the Exchange also believes that the particular instruments that may be included in each Fund's portfolio and Proxy Basket do not raise any concerns related to the Proxy Baskets being able to closely track the NAV of the Funds because such instruments include only instruments that trade on an exchange contemporaneously with the Shares. In addition, a Fund's Proxy Basket will be optimized so that it reliably and consistently correlates to the performance of the Fund. The Notice specifically states that ''in order to facilitate arbitrage, each Fund's portfolio and Tracking Basket, which is the Proxy Basket under proposed Rule 14.11(m)(3)(E) for the purpose of the Funds, will only include certain securities that trade on an exchange contemporaneously with the Fund's Shares. Because the securities would be exchange traded, market participants would be able to accurately price and readily trade the securities in the Tracking Basket for purposes of assessing the intraday value of the Fund's portfolio holdings and to hedge their positions in the Fund's Shares.'' [36] The Exchange and Adviser agree with the Commission's conclusion.

The Adviser anticipates that the returns between a Fund and its respective Proxy Basket will have a consistent relationship and that the deviation in the returns between a Fund and its Proxy Basket will be sufficiently small such that the Proxy Basket will provide Market Makers with a reliable hedging vehicle that they can use to effectuate low-risk arbitrage trades in Fund Shares. The Exchange believes that the disclosures provided by the Funds will allow Market Makers to understand the relationship between the performance of a Fund and its Proxy Basket. Market Makers will be able to estimate the value of and hedge positions in a Fund's Shares, which the Exchange believes will facilitate the arbitrage process and help ensure that the Fund's Shares normally will trade at market prices close to their NAV. The Exchange also believes that competitive market making, where traders are looking to take advantage of differences in bid-ask spread, will aid in keeping spreads tight.

The Exchange notes that a significant amount of information about each fund and its Fund Portfolio is publicly available at all times. Each series will disclose the Proxy Basket, which is designed to closely track the daily performance of the Fund Portfolio, on a daily basis. Each series of Tracking Fund Shares will at a minimum publicly disclose the entirety of its portfolio holdings, including the name, identifier, market value and weight of each security and instrument in the portfolio within at least 60 days following the end of every fiscal quarter in a manner consistent with normal disclosure requirements otherwise applicable to open-end investment companies registered under the 1940 Act. The website will include additional quantitative information updated on a daily basis, including, on a per Share basis for each Fund, the prior Business Day's NAV and the Closing Price or Bid/Ask Price at the time of calculation of such NAV, and a calculation of the premium or discount of the Closing Price or Bid/Ask Price against such NAV. The website will also disclose any information regarding the bid/ask spread for each Fund as may be required for other ETFs under Rule 6c–11 under the 1940 Act, as amended.

The Exchange represents that the Shares of the Funds will continue to comply with all other proposed requirements applicable to Tracking Fund Shares, which also generally correspond to the requirements for Managed Fund Shares, including the dissemination of key information such as the Proxy Basket, the Fund Portfolio, and Net Asset Value, suspension of trading or removal, trading halts, surveillance, minimum price variation for quoting and order entry, the information circular, and firewalls as set forth in the proposed Exchange rules applicable to Tracking Fund Shares and the orders approving such rules. Moreover, U.S.-listed equity securities held by the Funds will trade on markets that are a member of ISG or affiliated with a member of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement.[37] All statements and representations made in this filing regarding the description of the portfolio or reference assets, limitations on portfolio holdings or reference assets, dissemination and availability of reference asset and intraday indicative values (as applicable), or the applicability of Exchange listing rules specified in this filing shall constitute continued listing requirements for the Shares. The issuer has represented to the Exchange that it will advise the Exchange of any failure by a Fund or Shares to comply with the continued listing requirements, and, pursuant to its obligations under Section 19(g)(1) of the Act, the Exchange will surveil for compliance with the continued listing requirements. FINRA conducts certain cross-market surveillances on behalf of the Exchange pursuant to a regulatory services agreement. The Exchange is responsible for FINRA's performance under this regulatory services agreement. If a Fund is not in compliance with the applicable listing requirements, the Exchange will commence delisting procedures with respect to such Fund under Exchange Rule 14.12.

For the above reasons, the Exchange believes that the proposed rule change is consistent with the requirements of Section 6(b)(5) of the Act.

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. Rather, the Exchange notes that the proposed rule

[36] The Exchange notes that the instruments enumerated herein are consistent with the investable universe contemplated in the Notice. Specifically, the Notice provides that ''Each Fund may invest only in ETFs, Exchange-traded notes, Exchange-traded common stocks, common stocks listed on a foreign exchange that trade on such exchange contemporaneously with the Shares, Exchange-traded preferred stocks, Exchange-traded American depositary receipts, Exchange-traded real estate investment trusts, Exchange-traded commodity pools, Exchange-traded metals trusts, Exchange-traded currency trusts, and exchange-traded futures that trade contemporaneously with the Shares, as well as cash and cash equivalents . . . All futures contracts that a Fund may invest in will be traded on a U.S. futures exchange. For these purposes, an ''Exchange'' is a national securities exchange as defined in section 2(a)(26) of the [1940] Act.'' *See* Notice at 10.

[37] For a list of the current members of ISG, *see www.isgportal.com*. The Exchange notes that not all components of the Funds may trade on markets that are members of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement.

change will facilitate the listing of a new type of actively-managed exchange-traded products, thus enhancing competition among both market participants and listing venues, 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

The Exchange has neither solicited nor received written comments on the proposed rule change.

III. Proceedings To Determine Whether To Approve or Disapprove SR–CboeBZX–2019–107, as Modified by Amendment No. 1, and Grounds for Disapproval Under Consideration

The Commission is instituting proceedings pursuant to Section 19(b)(2)(B) of the Exchange Act [38] to determine whether the proposed rule change, as modified by Amendment No. 1, should be approved or disapproved. Institution of such proceedings is appropriate at this time in view of the legal and policy issues raised by the proposed rule change. Institution of proceedings does not indicate that the Commission has reached any conclusions with respect to any of the issues involved. Rather, as described below, the Commission seeks and encourages interested persons to provide comments on the proposed rule change.

Pursuant to Section 19(b)(2)(B) of the Exchange Act,[39] the Commission is providing notice of the grounds for disapproval under consideration. The Commission is instituting proceedings to allow for additional analysis of the proposed rule change's consistency with Section 6(b)(5) of the Exchange Act, which requires, among other things, that the rules of a national securities exchange be ''designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, . . . to 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.'' [40]

IV. Procedure: Request for Written Comments

The Commission requests that interested persons provide written submissions of their views, data, and arguments with respect to the issues identified above, as well as any other concerns they may have with the proposal. In particular, the Commission invites the written views of interested persons concerning whether the proposed rule change, as modified by Amendment No. 1, is consistent with Section 6(b)(5) or any other provision of the Exchange Act, or the rules and regulations thereunder. Although there do not appear to be any issues relevant to approval or disapproval that would be facilitated by an oral presentation of views, data, and arguments, the Commission will consider, pursuant to Rule 19b–4, any request for an opportunity to make an oral presentation.[41]

Interested persons are invited to submit written data, views, and arguments regarding whether the proposed rule change, as modified by Amendment No. 1, should be approved or disapproved by April 22, 2020. Any person who wishes to file a rebuttal to any other person's submission must file that rebuttal by May 6, 2020.

The Commission asks that commenters address the sufficiency of the Exchange's statements in support of the proposal, which are set forth in Amendment No. 1,[42] and any other issues raised by the proposed rule change, as modified by Amendment No. 1, under the Exchange Act. The Commission seeks commenters' views regarding whether the Exchange's proposal to list and trade the Funds under proposed BZX Rule 14.11(m) (Tracking Fund Shares), which would be actively managed exchange-traded products for which the Proxy Basket, rather than the actual portfolio holdings, would be disclosed on a daily basis, and for which the actual portfolio holdings would be disclosed on a quarterly basis, is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and to protect investors and the public interest, and is consistent with the maintenance of a fair and orderly market under the Exchange Act. In particular, the Commission seeks commenters' views regarding whether the Exchange's proposed listing rule provisions as they relate to foreign securities are adequate to prevent fraud and manipulation.

Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–CboeBZX–2019–107 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–CboeBZX–2019–107. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CboeBZX–2019–107 and should be submitted on or before April 22, 2020. Rebuttal comments should be submitted by May 6, 2020.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[43]

[38] 15 U.S.C. 78s(b)(2)(B).

[39] *Id.*

[40] 15 U.S.C. 78f(b)(5).

[41] Section 19(b)(2) of the Exchange Act, as amended by the Securities Act Amendments of 1975, Public Law 94–29 (June 4, 1975), grants the Commission flexibility to determine what type of proceeding—either oral or notice and opportunity for written comments—is appropriate for consideration of a particular proposal by a self-regulatory organization. *See* Securities Act Amendments of 1975, Senate Comm. on Banking, Housing & Urban Affairs, S. Rep. No. 75, 94th Cong., 1st Sess. 30 (1975).

[42] *See supra* note 5.

[43] 17 CFR 200.30–3(a)(12) & 17 CFR 200.30–3(a)(57).

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2020–06719 Filed 3–31–20; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–88486; File No. SR–CBOE–2020–022]

Self-Regulatory Organizations; Cboe Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating To Amend Its Fees Schedule

March 26, 2020.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on March 17, 2020, Cboe Exchange, Inc. (the ''Exchange'' or ''Cboe Options'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Cboe Exchange, Inc. (the ''Exchange'' or ''Cboe Options'') proposes to amend its Fees Schedule. The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Exchange's website (*http://www.cboe.com/AboutCBOE/CBOELegalRegulatoryHome.aspx*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of this filing is to adopt the Flex Surcharge Fee for NDX and NDXP Orders, effective, March 17, 2020.

Currently, the Exchange assesses a FLEX Surcharge Fee of $0.10-per-contract credit for DJX, MXEA, MXEF and XSP FLEX Options orders (all capacity codes) executed electronically. The FLEX Surcharge Fee is only charged up to the first 2,500 contracts per trade ($250 per trade). The Exchange proposes to assess the FLEX Surcharge Fee to NDX and NDXP. The FLEX Surcharge Fee assists the Exchange in recouping the cost of developing and maintaining the FLEX system.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act. Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in 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. Additionally, the Exchange believes the proposed rule change is consistent with Section 6(b)(4) of the Act, which requires that Exchange rules provide for the equitable allocation of reasonable dues, fees, and other charges among its Trading Permit Holders and other persons using its facilities.

The Exchange believes assessing a FLEX Surcharge Fee of $0.10 per contract for all NDX and NDXP orders executed electronically on FLEX and capping it at $250 (*i.e.,* first 2,500 contracts per trade) is reasonable because it is the same amount currently charged to other index products for the same transactions. The proposed Surcharge is also equitable and not unfairly discriminatory because the amount will be assessed to all market participants to whom the FLEX Surcharge applies.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Cboe Options 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 believes that the proposed rule change will not impose any burden on intramarket competition because the proposed rule changes applies to market participants. The Exchange does not believe that the proposed rule changes will impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because the proposed change applies only to a product currently only listed on Cboe Options. To the extent that the proposed changes make Cboe Options a more attractive marketplace for market participants at other exchanges, such market participants are welcome to become Cboe Options market participants.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act[3] and paragraph (f) of Rule 19b–4[4] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule 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.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A).

[4] 17 CFR 240.19b–4(f).

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–CBOE–2020–022 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–CBOE–2020–022. 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–CBOE–2020–022 and should be submitted on or before April 22, 2020.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[5]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2020–06737 Filed 3–31–20; 8:45 am]

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[5] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–88490; File No. SR–CBOE–2020–026]

Self-Regulatory Organizations; Cboe Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating To Amend Rule 5.24

March 26, 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 March 26, 2020, Cboe Exchange, Inc. (the ''Exchange'' or ''Cboe Options'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Cboe Exchange, Inc. (the ''Exchange'' or ''Cboe Options'') proposes to amend Rule 5.24. The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Exchange's website (*http://www.cboe.com/AboutCBOE/CBOELegalRegulatoryHome.aspx*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Rule 5.24 regarding the Exchange's business continuity and disaster recovery plans. Rule 5.24 describes which Trading Permit Holders (''TPHs'') are required to connect to the Exchange's backup systems as well as certain actions the Exchange may take as part of its business continuity plans so that it may maintain fair and orderly markets if unusual circumstances occurred that could impact the Exchange's ability to conduct business. This includes what actions the Exchange would take if its trading floor became inoperable. Specifically, Rule 5.24(e) states if the Exchange trading floor becomes inoperable, the Exchange will continue to operate in a screen-based only environment using a floorless configuration of the System that is operational while the trading floor facility is inoperable. The Exchange would operate using that configuration only until the Exchange's trading floor facility became operational. Open outcry trading would not be available in the event the trading floor becomes inoperable.[3] Rule 5.24(e)(1) also currently states in the event that the trading floor becomes inoperable, trading will be conducted pursuant to all applicable System Rules, except that open outcry Rules would not be in force, including but not limited to the Rules (or applicable portions) in Chapter 5, Section G,[4] and that all non-trading rules of the Exchange would continue to apply. The Exchange recently proposed additional exceptions to Rules that would not apply during a time in which the trading floor in inoperable.[5]

As of March 16, 2020, the Exchange suspended open outcry trading to help prevent the spread of the novel coronavirus and is currently operating in an all-electronic configuration. While the trading floor was open, the

[3] Pursuant to Rule 5.26, the Exchange may enter into a back-up trading arrangement with another exchange, which could allow the Exchange to use the facilities of a back-up exchange to conduct trading of certain of its products. The Exchange currently has no back-up trading arrangement in place with another exchange.

[4] Chapter 5, Section G of the Exchange's rulebook sets forth the rules and procedures for manual order handling and open outcry trading on the Exchange.

[5] *See* Securities Exchange Act Release Nos. 88386 (March 13, 2020), 85 FR 15823 (March 19, 2020) (SR–CBOE–2020–019); and 88447 (March 20, 2020) (SR–CBOE–2020–023). The rule changes adopted in that filing are effective until May 15, 2020, unless extended. *See* Rule 5.24(e)(1).

Exchange facilitated compression forums on the trading floor at the end of each calendar week, month, and quarter in which Trading Permit Holders reduce open positions in series of SPX options in order to mitigate the effects of capital constraints on market participants and help ensure continued depth of liquidity in the SPX options market. Given the recent suspension of open outcry trading, the Exchange proposes to facilitate an electronic process that would permit TPHs to continue to efficiently reduce their open SPX positions and free up capital while the Exchange operates in an all-electronic environment, which is particularly important given current volatile market conditions.

SEC Rule 15c3–1 (Net Capital Requirements for Brokers or Dealers) (''Net Capital Rules'') requires that every registered broker-dealer maintain certain specified minimum levels of capital.[6] The Net Capital Rules are designed to protect securities customers, counterparties, and creditors by requiring that broker-dealers have sufficient liquid resources on hand, at all times, to meet their financial obligations. Notably, hedged positions, including offsetting futures and options contract positions, result in certain net capital requirement reductions under the Net Capital Rules.[7]

All Options Clearing Corporation (''OCC'') clearing members are subject to the Net Capital Rules. However, a subset of clearing members are subsidiaries of U.S. bank holding companies, which, due to their affiliations with their parent U.S. bank holding companies, must comply with additional bank regulatory capital requirements pursuant to rulemaking required under the Dodd–Frank Wall Street Reform and Consumer Protection Act.[8] Pursuant to this mandate, the Board of Governors of the Federal Reserve System, the Office of the Comptroller of the Currency, and the Federal Deposit Insurance Corporation approved a comprehensive regulatory capital framework for subsidiaries of U.S. bank holding company clearing firms.[9] Generally, these rules imposed higher minimum capital requirements, more restrictive capital eligibility standards, and higher asset risk weights than were previously mandated for clearing members that are subsidiaries of U.S. bank holding companies under the Net Capital Rules. Furthermore, these rules do not permit deductions for hedged securities or offsetting options positions.[10] Rather, capital charges under these standards are based on the aggregate notional value of short positions regardless of offsets. As a result, Clearing Trading Permit Holders (''CTPHs'') generally must hold substantially more bank regulatory capital than would otherwise be required under the Net Capital Rules.[11] The impact of these regulatory capital rules are compounded in the SPX options market due to the large notional value of SPX contracts.

The Exchange believes these regulatory capital requirements could impede efficient use of capital and undermine the critical liquidity role that Market-Makers play in the SPX options market by limiting the amount of capital CTPHs can allocate to clearing member transactions. Specifically, these rules may cause CTPHs to impose stricter position limits on their clearing members. These stricter position limits may impact the liquidity Market-Makers might supply in the SPX market,[12] which impact may be heightened when markets are volatile, and this impact may be compounded when a CTPH has multiple Market-Maker client accounts, each having largely risk-neutral portfolio holdings.[13]

The Exchange believes that permitting TPHs to reduce open interest in offsetting SPX options positions in open outcry compression forums has had a beneficial effect on the bank regulatory capital requirements of CTPHs' parent companies without adversely affecting the quality of the SPX options market. Accordingly, while the Exchange operates in an all-electronic environment, the Exchange proposes to adopt a similar process to occur electronically to encourage the compression of open interest in SPX. The Exchange believes lack of a method to reduce open interest in SPX options in an all-electronic environment may reduce liquidity in the market, which recently has experienced historic levels of volatility and is when the market needs this liquidity the most.

Without an electronic compression forum, TPHs seeking to reduce open interest in SPX options for regulatory capital purposes could trade out of positions as they would trade any open positions. However, the Exchange understands that wide-scale reduction of open interest in SPX options in such a manner is burdensome. First, the range of positions held by different TPHs in SPX varies greatly. In some cases, a TPH may hold positions in thousands of series of SPX. The Exchange believes providing a forum for TPHs to periodically reduce open interest in SPX options would likely contribute additional liquidity and continued competitiveness to the SPX market. In addition, the Exchange believes that the proposed rule change will promote more efficient capital deployment in light of the regulatory capital requirements rules and help ensure continued depth of liquidity in the SPX options market during continued market volatility.

The proposed rule change adopts Rule 5.24(e)(1)(E) to permit electronic compression trades during times when the trading floor is inoperable.[14] The proposed electronic compression forum will function in a substantially similar manner as the open outcry compression forum functions pursuant to Rule 5.88. In general, the process would permit TPHs to submit lists of open positions to the Exchange that they wish to close against opposing (long/short) positions of other TPHs, which the Exchange would then aggregate into a single list

[6] 17 CFR 240.15c3–1.

[7] In addition, the Net Capital Rules permit various offsets under which a percentage of an option position's gain at any one valuation point is allowed to offset another position's loss at the same valuation point (*e.g.* vertical spreads).

[8] H.R. 4173 (amending section 3(a) of the Securities Exchange Act of 1934 (the ''Act'') (15 U.S.C. 78c(a))).

[9] 12 CFR 50; 79 FR 61440 (Liquidity Coverage Ratio: Liquidity Risk Measurement Standards).

[10] Many options strategies, including relatively simple strategies often used by retail customers and more sophisticated strategies used by market-makers and institutions, are risk-limited strategies or options spread strategies that employ offsets or hedges to achieve certain investment outcomes. Such strategies typically involve the purchase and sale of multiple options (and may be coupled with purchases or sales of the underlying assets), executed simultaneously as part of the same strategy. In many cases, the potential market exposure of these strategies is limited and defined. Whereas regulatory capital requirements have historically reflected the risk-limited nature of carrying offsetting positions, these positions may now be subject to large regulatory capital requirements. Various factors, including administration costs; transaction fees; and limited market demand or counterparty interest, however, discourage market participants from closing these positions even though many market participants likely would prefer to close the positions rather than carry them to expiration.

[11] *See* Letter from Cboe, New York Stock Exchange, and Nasdaq, Inc., to the Honorable Randal Quarles, Vice Chair for Supervision of the Board of Governors of the Federal Reserve System, March 18, 2020.

[12] The Exchange notes Market-Makers participate on approximately 98% of SPX option trades on the Exchange.

[13] Several TPHs have indicated to the Exchange that these rules could hamper their ability to provide consistent liquidity in the current SPX market, and have inquired about the ability engage in compression trading prior to the end of the current quarter.

[14] Like the other exceptions recently added to Rule 5.24(e)(1), the proposed rule change would apply until May 15, 2020. The Exchange will monitor these transactions while the trading floor is inoperable. If the trading floor is inoperable beyond May 15, 2020, based on that review, the Exchange may submit a separate rule filing to extend the effectiveness of this rule.

that would allow TPHs to more easily identify those positions with counterparty interest on the Exchange. Unlike open outcry compression forums, for which Rule 5.88 specifies the times at which TPHs may submit these lists, the Exchange will determine when electronic compression forums may occur.[15] The Exchange will provide TPHs with reasonable, sufficient notice of the timing of electronic compression forums, and the associated times at which lists must be submitted. While the Exchange intends to offer electronic compression forums in connection with the upcoming end-of-quarter, the Exchange believes flexibility regarding when to offer electronic compression forums will permit it to react to market conditions and facilitate TPHs' reduction of SPX open interest in response to volatility as necessary.

As is the case with open outcry compression forums, all TPHs (or their CTPHs on their behalf) may submit position lists for participation in electronic compression forums, and receive lists of positions submitted to the Exchange. Additionally, a TPH may request to have its name withheld from the list the Exchange makes available to the TPHs that submit a position list, and the list will not indicate which TPHs hold which positions. TPHs that do not want to be listed as having contributed compression-list positions may inform the Exchange and will not be included in the listed TPHs. The Exchange believes this process to identify TPHs that seek to close compression-list positions in advance of a compression forum will increase opportunities for TPHs to ultimately close compression-list positions during a compression forum while, at the same time, providing the opportunity for anonymity.

Proposed Rule 5.24(e)(1)(E)(ii) provides that in addition to the information set forth in Rule 5.88(a)(4) with respect to multi-leg positions, the Exchange will, for informational purposes, electronically distribute series positions within a strike range determined by the Exchange to each Trading Permit Holder that submitted compression-list positions to the Exchange.[16] The Exchange believes this additional information will provide the Exchange with sufficient information to create larger packages of positions that may be compressed while operating in an all-electronic environment.

Proposed Rule 5.24(e)(1)(E)(iii) describes how trades may be executed in electronic compression forums. Specifically, the proposed rule change provides that in lieu of Rule 5.88(a)(6) (which provides that trades executed in an open outcry compression forum occur in accordance with regular open outcry trading rules, subject to certain exceptions), a Trading Permit Holder may submit an order in SPX option contracts coupled with a contra-side order or orders totaling an equal number of option contracts, which will execute automatically on entry without exposure. For purposes of proposed subparagraph (iii):

- A Trading Permit Holder must identify these orders as being part of an electronic compression forum. This is currently required in open outcry compression forums.[17]
- A Trading Permit Holder may execute a simple order as part of an electronic compression forum only if the execution price: (1) Is not at the same price as a Priority Customer order resting in the Book; and (2) is at or between the national best bid or offer (''NBBO''). Rule 5.9 (related to exposure of orders on the Exchange) does not apply to executions of SPX orders submitted into electronic compression forums. This provision provides that orders submitted into electronic compression forums must execute in accordance with the same priority principles that apply to all other simple orders on the Exchange, which protects Priority Customer orders in the simple book and prohibits trades through prices available in the book.
- A Trading Permit Holder may execute a complex order as part of an electronic compression forum only if: (1) Each option leg executes at a price that complies with Rule 5.33(f)(2),[18] provided that no option leg executes at the same price as a Priority Customer Order in the Simple Book; (2) each option leg executes at a price at or between the NBBO for the applicable series; and (3) the execution price is better than the price of any complex order resting in the COB, unless the submitted complex order is a Priority Customer Order and the resting complex order is a non-Priority Customer Order, in which case the execution price may be the same as or better than the price of the resting complex order. Rule 5.9 (related to exposure of orders on the Exchange) does not apply to executions of SPX orders submitted into electronic compression forums. This provision provides that orders submitted into an electronic compression forum must execute in accordance with the same priority principles that apply to all other complex orders on the Exchange, which protects Priority Customer orders in the simple book and COB and prohibits trades through prices available in the book.
- The System cancels an order submitted for execution in an electronic compression forum if it cannot execute. Therefore, if an order cannot execute in accordance with the execution price and priority requirements in the prior two bulleted paragraphs, it will be cancelled.
- Orders may only be submitted for execution in an electronic compression forum only if entered in the standard increment applicable to SPX options pursuant to Rule 5.4. Unlike in open outcry compression forums, in which closing transactions may be executed in pennies, the proposed rule change will require standard increments in order to take advantage of the proposed unexposed execution.
- Only closing orders may be executed in electronic compression forums. While open outcry compression forums contemplate that opening orders are permissible in certain circumstances, those orders are generally permitted by responded in the trading crowd. As orders submitted into an electronic compression forum will be done so without exposure, there will be no responses. The primary purpose of compression forum is to permit the closing of open SPX interest, the Exchange believes restricting electronic compression forums is appropriate.

The Exchange understands from customers, and SPX Market-Makers in particular, that there is significant need to reduce open interest based on current market conditions. These market participants regularly avail themselves of open outcry compression forums, in which they use the information provided in the Exchange-provided

[15] *See* proposed Rule 5.24(e)(1)(E)(i). Pursuant to Rule 1.5, the Exchange will announce the times when TPHs may submit these position lists.

[16] For purposes of proposed Rule 5.24(e)(1)(E), the term ''multi-leg position file'' as used in Rule 5.88 will be replaced with ''position file.'' The position file will include the information set forth in Rule 5.88(a)(4) for both multi-leg positions and series positions within that Exchange-determined strike range.

[17] *See* Rule 5.88

[18] Rule 5.33(f)(2) requires complex orders to execute only if the execution price: at a net price: (1) That would cause any component of the complex strategy to be executed at a price of zero; (2) worse than the synthetic best bid or offer (''SBBO'') or equal to the SBBO when there is a Priority Customer Order at the SBBO, except all-or-none complex orders may only execute at prices better than the SBBO; (3) that would cause any component of the complex strategy to be executed at a price worse than the individual component prices on the Simple Book; (4) worse than the price that would be available if the complex order Legged into the Simple Book; or (5) that would cause any component of the complex strategy to be executed at a price ahead of a Priority Customer Order on the Simple Book without improving the BBO of at least one component of the complex strategy.

position lists to identify potential counterparties that similarly need to close SPX open interest. In accordance with standard open outcry trading rules, a floor broker would represent a cross of orders representing this interest to the trading crowd. While other in-crowd market participants have the opportunity to respond and participate in the transaction, generally the orders represented in the cross execute cleanly against each other. The proposed rule will require that the executing TPH identify these crosses as being submitted as part of an electronic compression forum. As a result, the Exchange's Regulatory Division intends to put in place a regulatory review plan that will permit it to ensure any SPX orders that are executed pursuant to the proposed rule change are done in accordance with the proposed rule.

Providing TPHs, and Market-Makers in particular, with an electronic compression forum would replicate functionality that was previously available while Cboe was operating with an open outcry environment and would provide them with needed relief from the effect of the current exposure method (''CEM'') on the options market. As noted above, because some CTPHs carrying these are bank-owned broker/dealers, those CTPHs are subject to further bank regulatory capital requirements pursuant to CEM, which result in these additional punitive capital requirements being passed on to their market-maker clients.[19] Additionally, as noted above, the Exchange's necessary response to the novel coronavirus global pandemic caused the Exchange to suspend open outcry trading, which has temporarily eliminated the primary method used by market participants to execute necessary position-reducing trades in SPX options on the trading floor. Finally, the historic levels of market volatility has made providing liquidity in SPX options immensely more challenging. The execution of options trades through electronic trading to close this open SPX interest, as noted above, may be inefficient and ineffective.

The Exchange believes the proposed rule change to make available functionality that will allow liquidity providers to execute trades to reduce SPX open interest in a substantially similar manner as they were able to do on the trading floor. These closing transactions will help reduce any potential negative impact on the market-making community that may result from Net Capital Rules, which could reduce liquidity available in an extremely volatile market when the market needs this liquidity the most. The Exchange believes the proposed rule change will temporarily reduce existing inefficiencies that have resulted from closure of the trading floor, which the Exchange expects will free up liquidity providers' much needed capital, which will benefit the entire market and all investors.

Generally, in SPX options (and other classes), the Exchange lists series with narrower strike intervals that are closer to the at-the-money value, and with wider strike intervals that are further from the at-the-money value. The Exchange's internal listing procedures are intended to balance the need to list sufficient strikes to provide market participants with flexibility to manage their risk with Market-Makers' quoting obligations. The Exchange understands from Market-Makers that the need to quote in a significant number of series may contribute in part to their challenges in providing liquidity to the market. The Exchange represents it will review its internal listing procedures for SPX options and develop a plan to modify these procedures in an effort to reduce the number of listed strikes in a manner that may permit Market-Makers to further reduce SPX open interest (and thus free up capital to continue to provide liquidity).[20]

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[21] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[22] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in 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.

Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[23] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, the Exchange believes the proposed rule change will remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, protect investors and the public interest. The proposed rule change will temporarily provide liquidity providers and other market participants with the ability to reduce open interest in SPX options electronically in a substantially similar manner as they were able to do when the trading floor was open. The proposed flexibility with respect to when the Exchange will facilitate electronic compression forums will permit the Exchange to react to market conditions and facilitate TPHs' reduction of SPX open interest in response to volatility as necessary. Electronic compression forums will allow market participants to reduce options positions in order to reduce the necessary capital associated with those positions and permit them to provide more liquidity in the market. This additional liquidity may result in tighter spreads and more execution opportunities, which benefits all investors, particularly in the current volatile markets.

The Exchange believes that its proposal is also consistent with the Act in that it seeks to mitigate the potentially negative effects of the bank capital requirements on liquidity in the SPX markets. As described above, current regulatory capital requirements could potentially impede efficient use of capital and undermine the critical liquidity role that Market-Makers and other liquidity providers play in the SPX options market by limiting the amount of capital CTPHs allocate to clearing member transactions. Specifically, the rules may cause CTPHs to impose stricter position limits on their clearing members. In turn, this could force Market-Makers to reduce the size of their quotes and result in reduced liquidity in the market. The Exchange believes that permitting TPHs to reduce options positions in SPX options will permit to contribute to the availability of liquidity in the SPX options market and help ensure that these markets retain their competitive balance. The Exchange believes that the proposed rule would serve to protect investors by helping to ensure consistent continued depth of liquidity,

[19] *See* Letter from Cboe, New York Stock Exchange, and Nasdaq, Inc., to the Honorable Randal Quarles, Vice Chair for Supervision of the Board of Governors of the Federal Reserve System, March 18, 2020.

[20] While SPX options are listed for trading exclusively on Cboe Options, it competes with other listed options, such as options on the SPDR S&P 500 exchange-traded fund.

[21] 15 U.S.C. 78f(b).

[22] 15 U.S.C. 78f(b)(5).

[23] *Id.*

particularly given current market conditions when liquidity is needed the most by investors.

The Exchange also believes the proposed rule change is consistent with the Act, because the proposed procedure is consistent with transactions that were otherwise permitted on the trading floor. The proposed rule would provide an electronic mechanism to replicate a process that was used on the trading floor. The proposed rule change imposes similar priority requirements to those in open outcry, which will protect Priority Customer orders and orders on top of the book that comprise the BBO. Additionally, the proposed rule change requires orders submitted into electronic compression forums to execute in the same increments as all other orders in an electronic environment. While these orders were exposed on the trading floor, the Exchange observed that market participants generally deferred their allocations to permit a clean cross, as that is necessary for these transactions to achieve their intended effect. Because these orders were generally not broken up on the trading floor, and because the purpose of these trades is unrelated to profits and losses (making the price at which the transaction is executed relatively unimportant like competitive trades), but rather to reduce open interest, the Exchange believes it is appropriate to not expose these orders in an electronic setting. The Exchange believes the proposed rule change, which is limited to one class the Exchange believes is being significantly impacted by the inability to execute these crosses (and the one class in which open outcry compression forums occurred), is narrowly tailored for the specific purpose of facilitating the ability of liquidity providers to reduce positions requiring significant capital as a result of current bank regulatory capital requirements and the current historic levels of market volatility. The Exchange believes the proposed rule change will protect investors by helping to ensure continued depth of liquidity in the SPX options market.

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, as electronic compression forums will be available to all market participants with SPX open interest. As discussed above, while the proposed rule change is directed at market-makers, all market participants may participate in these forums in the same manner as long as all criteria of the proposed rule are satisfied. The Exchange does not believe the proposed rule change will impose any burden on intermarket competition, as it will apply only to SPX options, which are currently listed for trading only on the Exchange. Additionally, open outcry compression forums were limited to SPX options. In addition, the proposed rule change is intended to reduce open interest are not seeking price improvement, but rather looking to reduce open interest to free up capital that will permit those parties to continue to provide liquidity to the market, and thus is not intended to have a competitive impact.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act[24] and Rule 19b–4(f)(6) thereunder.[25] 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 for 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[26] and Rule 19b–4(f)(6) thereunder.[27]

A proposed rule change filed under Rule 19b–4(f)(6)[28] normally does not become operative for 30 days after the date of the filing. However, pursuant to Rule 19b–4(f)(6)(iii),[29] 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 proposed rule change may become operative immediately. Given current market conditions that have created historic levels of volatility, the Exchange believes the proposed rule change will help it maintain fair and orderly markets by providing an electronic avenue for market participants, particularly liquidity providers, to continue to provide liquidity to the SPX markets. The Exchange states its belief that market participants generally engage in the above-explained attempts to reduce their options positions at the end of calendar quarters, when the Exchange understands CTPHs recalculate their leverage ratios in connection with bank capital regulatory requirements, which could result in their need to add capital based on their clients' positions and further reduce availability liquidity. Waiver of the operative delay would permit TPHs to engage in these transactions in connection with the expected first quarter CTPH capital recalculation, which could permit continued liquidity and a fair and orderly market. As discussed above, the proposed rule change would apply temporarily, and only to one exclusively listed index option class, during the time the trading floor is unavailable for open outcry trading. Waiver of the operative delay would allow the proposed changes, which are designed to help maintain fair and orderly markets, to be in effect immediately. For these reasons, the Commission believes that waiver of the 30-day operative delay is consistent with the protection of investors and the public interest. Accordingly, the Commission hereby waives the 30-day operative delay and designates the proposal operative upon filing.[30]

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

[24] 15 U.S.C. 78s(b)(3)(A)(iii).

[25] 17 CFR 240.19b–4(f)(6).

[26] 15 U.S.C. 78s(b)(3)(A).

[27] 17 CFR 240.19b–4(f)(6). Pursuant to Rule 19b–4(f)(6)(iii) under the Act, the Exchange is required 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.

[28] 17 CFR 240.19b–4(f)(6).

[29] 17 CFR 240.19b–4(f)(6)(iii).

[30] For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

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–CBOE–2020–026 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–CBOE–2020–026. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal offices of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CBOE–2020–026, and should be submitted on or before April 22, 2020.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[31]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2020–06723 Filed 3–31–20; 8:45 am]

BILLING CODE 8011–01–P

[31] 17 CFR 200.30–3(a)(12), (59).

DEPARTMENT OF STATE

[Public Notice 11047]

60-Day Notice of Proposed Information Collection: Request for Advisory Opinion

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 June 1, 2020.

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–2020–0007'' in the Search field. Then click the ''Comment Now'' button and complete the comment form.
- *Email: DDTCPublicComments@state.gov,* ATTN: Advisory Opinion Form.
- *Regular Mail:* Send written comments to: Directorate of Defense Trade Controls, Department of State; 2401 E St. NW, Suite H1205, Washington, DC 20522.

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 copies of the proposed collection instrument and supporting documents, to Andrea Battista, Directorate of Defense Trade Controls, Department of State, who may be reached at *BattistaAl@state.gov* or 202–663–3136 (please include subject line ''ATTN: Advisory Opinion Form'').

SUPPLEMENTARY INFORMATION:

- *Title of Information Collection:* Request for Advisory Opinion.
- *OMB Control Number:* 1405–0174.
- *Type of Request:* Revision of a Currently Approved Collection.
- *Originating Office:* T/PM/DDTC.
- *Form Number:* DS–7786.
- *Respondents:* Individuals and companies engaged in the business of exporting or temporarily importing defense articles or defense services.
- *Estimated Number of Respondents:* 125.
- *Estimated Number of Responses:* 125.
- *Average Time Per Response:* 2 hours.
- *Total Estimated Burden Time:* 250 hours.
- *Frequency:* On occasion.
- *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 Directorate of Defense Trade Controls (DDTC), located in the Political-Military Affairs Bureau of the Department of State, has the principal mission of licensing the export and temporary import of defense articles or defense services as enumerated in the United States Munitions List (USML), and to ensure that the sale, transfer, or brokering of such items are in the interest of United States national security and foreign policy.

Sections 126.9 and 129.9 of the International Traffic in Arms Regulations (ITAR, 22 CFR 120–130) may be used by entities and individuals involved in the brokering, manufacture, export, and temporary import of defense

articles and defense services to request an advisory opinion as to whether DDTC would be likely to grant a license or other approval for the export of a particular defense article or defense service to a particular country; for general or regulatory guidance; or whether certain activity constitutes brokering under the meaning of the ITAR. Except for determinations made with reference to ITAR § 129.9(b), advisory opinions are not binding on the Department of State and may not be used in future matters before the Department.

Users electronically submit requests for advisory opinions to DDTC via The Defense Export Control and Compliance System (DECCS) portal; users are able to retrieve responses using the same system. DDTC staff members have defined the data fields which are most relevant and necessary for requests for advisory opinions and developed the means to accept this information from the industry in a secure system. The revision of this information collection is meant to conform the current OMB-approved data collection to DDTC's new case management system.

Methodology

This information will be collected by electronic submission to the Directorate of Defense Trade Controls.

Neal Kringel,

Director of Management, DDTC.

[FR Doc. 2020–06705 Filed 3–31–20; 8:45 am]

BILLING CODE 4710–25–P

DEPARTMENT OF STATE

[Public Notice 11049]

60 Day Notice of Proposed Information Collection: Statement of Material Change, Merger, Acquisition, or Divestiture of a Registered Party

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 June 1, 2020.

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–2020–0008'' in the Search field. Then click the ''Comment Now'' button and complete the comment form.
- *Email: DDTCPublicComments@state.gov*.
- *Regular Mail:* Send written comments to: Directorate of Defense Trade Controls, Attn: Managing Director, 2401 E St. NW, Suite H–1205, Washington, DC 20522–0112.

You must include the DS form number (if applicable), information collection title, and 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 copies of the proposed collection instrument and supporting documents, to Andrea Battista, who may be reached at *BattistaAL@state.gov* or 202–663–3136.

SUPPLEMENTARY INFORMATION:

- *Title of Information Collection:* Statement of Material Change, Merger, Acquisition, or Divestiture of a Registered Party.
- *OMB Control Number:* 1405–0227.
- *Type of Request:* Revision.
- *Originating Office:* Directorate of Defense Trade Controls, Bureau of Political Military Affairs, Department of State (T/PM/DDTC).
- *Form Number:* DS–7789.
- *Respondents:* Individuals and companies registered with DDTC and engaged in the business of manufacturing, brokering, exporting, or temporarily importing defense hardware or defense technology data.
- *Estimated Number of Respondents:* 400.
- *Estimated Number of Responses:* 400.
- *Average Time per Response:* 2 hours.
- *Total Estimated Burden Time:* 800 hours.
- *Frequency:* On occasion.
- *Obligation to Respond:* Mandatory.

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 Directorate of Defense Trade Controls (DDTC), Bureau of Political-Military Affairs, U.S. Department of State, in accordance with the Arms Export Control Act (AECA) (22 U.S.C. 2751 *et seq.*) and the International Traffic in Arms Regulations (ITAR) (22 CFR parts 120–130), has the principal missions of taking final action on license applications and other requests for defense trade transactions via commercial channels, ensuring compliance with the statute and regulations, and collecting various types of reports. By statute, Executive Order, regulation, and delegation of authority, DDTC is charged with controlling the export and temporary import of defense articles, the provision of defense services, and the brokering thereof, which are covered by the U.S. Munitions List.

ITAR §§ 122.4 and 129.8 requires registrants to notify DDTC in the event of a change in registration information or if the registrant is a party to a merger, acquisition, or divestiture of an entity producing or marketing ITAR-controlled items. Based on certain conditions enunciated in the ITAR, respondents must notify DDTC of these changes at differing intervals—no less than 60 days prior to the event, in the event that a foreign person is acquiring a registered entity, and/or within 5 days of its culmination. This information is necessary for DDTC to ensure registration records are accurate and to determine whether the transaction is in compliance with the regulations (*e.g.* with respect to ITAR § 126.1); assess the steps that need to be taken with respect to existing authorizations (*e.g.* transfers); and to evaluate the implications for US national security and foreign policy.

This information collection is estimated to take an average of 2 hours to execute, and DDTC expects to receive approximately 400 responses per year; therefore, the total burden for this collection will be 800 hours per year.

Methodology

This information will be collected by DDTC's electronic case management system and respondents will certify the data via electronic signature.

Neal Kringel,

Director of Management, DDTC.

[FR Doc. 2020–06703 Filed 3–31–20; 8:45 am]

BILLING CODE 4710–25–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. FAA–2020–0281]

Agency Information Collection Activities: Requests for Comments; Clearance of a Renewed Approval of Information Collection: Certification of Repair Stations, Part 145 of Title 14, CFR Correction

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Correction to include comment end date.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval to renew an information collection. The information collection is required to receive the benefit of obtaining an FAA Air Agency Certificate, known as a certificated repair station. The collection involves the applicant entering information onto and submitting the FAA Form 8310–3. Application for Repair Station Certificate/and or Rating to the appropriate FAA field office. Persons requesting to obtain an initial Air Agency Certificate to operate as an FAA certificated repair station or request changes to an existing repair station (air agency) certificate do so by submitting the request through the submission of the FAA Form 8310–3. This form is available to the applicant/respondent via *www.faa.gov,* email, in person, or by mail.

The FAA Form 8310–3, Application for Repair Station Certificate and/or Ratings captures information such as, but not limited to; official name of repair station, location where business is conducted, official mailing address, any doing business as name, changes in ratings, or if initial certification, ratings sought, changes in location or housing and facilities, change in name or ownership, or any other purpose for which the applicant requests, including a request for approval to contract maintenance functions to outside entities.

The FAA has identified an inaccuracy in how burden calculations are determined associated with initial repair station certifications and subsequent changes to an existing repair station certificate. The FAA has identified that the information collected through the FAA Form 8310–3 does not capture the entire repair station certification activities or changes to an existing certificate. OMB Control Number 2120–0682 is not only authorizing the Agency to receive information collected on the FAA Form 8310–3, but should also encapsulate the entire calculation burden associated with repair station certification and subsequent changes to an existing certificate.

Once burden calculations associated with repair station certification activities are properly assessed, the FAA will publish a new notice to the **Federal Register** capturing the entire burden calculation for repair station certification and subsequent changes to an existing certificate.

DATES: Written comments should be submitted by 60 days from March 20, 2020.

ADDRESSES: Please send written comments:

By Electronic Docket: www.regulations.gov (Enter docket number into search field).

By mail: Patricia K. Williams, Federal Aviation Administration, AFS–340, 950 L'Enfant Plaza N SW, Washington, DC 20024.

By fax: 202–267–1812.

FOR FURTHER INFORMATION CONTACT: Susan Traugott Ludwig, by email at: *susan.traugott.ludwig@faa.gov;* phone: 202–267–1684.

SUPPLEMENTARY INFORMATION:

Public Comments Invited: You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

OMB Control Number: 2120–0682.

Title: Certification of Repair Stations, Part 145 of Title 14, CFR.

Form Numbers: FAA Form 8310–3.

Type of Review: Clearance of a renewal of an information collection.

Background: The FAA's authority to issue rules on aviation safety is found in Title 49 of the United States Code. Subtitle I, section 106, describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority.

Rulemaking was promulgated under the authority described in title 49, subtitle VII, part A, subpart III, section 44701, General requirements, and section 44707, Examining and rating air agencies. Under section 44701, the FAA may prescribe regulations and standards in the interest of safety for inspecting, servicing, and overhauling aircraft, aircraft engines, propellers, and appliances. The FAA may also prescribe equipment and facilities for, and the timing and manner of, inspecting, servicing, and overhauling these items. Under section 44707, the FAA may examine and rate repair stations. 14 part 145 is within the scope of section 44707.

14 CFR part 145 prescribes the requirements for the issuance of repair station certificates. The FAA Form 8310–3, Application for Repair Station Certificate and/or Rating is available to the applicant who wishes to obtain initial repair station certification or submit changes to an existing air agency certificate. The applicant voluntarily submits the application to the appropriate FAA office by mail or email for review and acceptance. The applicant enters the information required for certification or changes to the existing certificate, which consists of: Official name of repair station, location where business is conducted, official mailing address, any doing business as name, changes in ratings, or if initial certification, ratings sought, changes in location or housing and facilities, change in name or ownership, or any other purpose for which the applicant requests, including a request for approval to contract maintenance functions to outside entities. Once the FAA reviews the submitted application and finds the applicant has the ability to comply with the 14 CFR part 145 requirements for certification, an air agency certificate and ratings is issued. The FAA retains a copy of the application in the FAA office that issued the certificate for an indefinite time or a time-period specified by the Agency's Records Management Order 1350.14B, mandated by the Federal Records Act of 1950, as amended. The applicant is not required to retain a copy of the form. The FAA does not provide other persons or entities with information contained in the form.

Respondents: There were a total of 129 applications submitted to the FAA in fiscal year (FY) 2019. Out of the 129 applications, 64 applications were submitted for initial certification.

Frequency: Information is collected on occasion. One time for initial certification and when or if an existing certificated repair station request changes to their certificate.

Estimated Average Burden per Response: 15 minutes

Estimated Total Annual Burden: 32.25 hours annual burden for FY2019. There is no requirement for a respondent to submit this form annually.

Issued in Washington, DC, on March 26, 2020.

Susan Traugott Ludwig,

Federal Aviation Administration, Office of Safety Standards, Aviation Safety Inspector Aircraft Maintenance Division, Repair Station Branch, AFS–340.

[FR Doc. 2020–06701 Filed 3–31–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. FAA–2020–0281]

Agency Information Collection Activities: Requests for Comments; Clearance of a Renewed Approval of Information Collection: Certification of Repair Stations, Part 145 of Title 14, CFR Correction

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Correction to include comment end date.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval to renew an information collection. The information collection is required to receive the benefit of obtaining an FAA Air Agency Certificate, known as a certificated repair station. The collection involves the applicant entering information onto and submitting the FAA Form 8310–3. Application for Repair Station Certificate and/or Rating to the appropriate FAA field office. Persons requesting to obtain an initial Air Agency Certificate to operate as an FAA certificated repair station or request changes to an existing repair station (air agency) certificate do so by submitting the request through the submission of the FAA Form 8310–3. This form is available to the applicant/respondent via *www.faa.gov,* email, in person, or by mail.

The FAA Form 8310–3, Application for Repair Station Certificate and/or Ratings captures information such as, but not limited to; official name of repair station, location where business is conducted, official mailing address, any doing business as name, changes in ratings, or if initial certification, ratings sought, changes in location or housing and facilities, change in name or ownership, or any other purpose for which the applicant requests, including a request for approval to contract maintenance functions to outside entities. The FAA has identified an inaccuracy in how burden calculations are determined associated with initial repair station certifications and subsequent changes to an existing repair station certificate. The FAA has identified that the information collected through the FAA Form 8310–3 does not capture the entire repair station certification activities or changes to an existing certificate. OMB Control Number 2120–0682 is not only authorizing the Agency to receive information collected on the FAA Form 8310–3, but should also encapsulate the entire calculation burden associated with repair station certification and subsequent changes to an existing certificate.

Once burden calculations associated with repair station certification activities are properly assessed, the FAA will publish a new notice to the **Federal Register** capturing the entire burden calculation for repair station certification and subsequent changes to an existing certificate.

DATES: Written comments should be submitted by 60 days from March 20, 2020.

ADDRESSES: Please send written comments:

By Electronic Docket: www.regulations.gov (Enter docket number into search field).

By mail: Patricia K. Williams, Federal Aviation Administration, AFS–340, 950 L'Enfant Plaza N SW, Washington, DC 20024.

By fax: 202–267–1812.

FOR FURTHER INFORMATION CONTACT: Susan Traugott Ludwig, by email at: *susan.traugott.ludwig@faa.gov;* phone: 202–267–1684.

SUPPLEMENTARY INFORMATION:

Public Comments Invited: You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

OMB Control Number: 2120–0682.

Title: Certification of Repair Stations, Part 145 of Title 14, CFR.

Form Numbers: FAA Form 8310–3.

Type of Review: Clearance of a renewal of an information collection.

Background: The FAA's authority to issue rules on aviation safety is found in Title 49 of the United States Code. Subtitle I, section 106, describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority.

Rulemaking was promulgated under the authority described in title 49, subtitle VII, part A, subpart III, section 44701, General requirements, and section 44707, Examining and rating air agencies. Under section 44701, the FAA may prescribe regulations and standards in the interest of safety for inspecting, servicing, and overhauling aircraft, aircraft engines, propellers, and appliances. The FAA may also prescribe equipment and facilities for, and the timing and manner of, inspecting, servicing, and overhauling these items. Under section 44707, the FAA may examine and rate repair stations. 14 Part 145 is within the scope of section 44707.

14 CFR part 145 prescribes the requirements for the issuance of repair station certificates. The FAA Form 8310–3, Application for Repair Station Certificate and/or Rating is available to the applicant who wishes to obtain initial repair station certification or submit changes to an existing air agency certificate. The applicant voluntarily submits the application to the appropriate FAA office by mail or email for review and acceptance. The applicant enters the information required for certification or changes to the existing certificate, which consists of; official name of repair station, location where business is conducted, official mailing address, any doing business as name, changes in ratings, or if initial certification, ratings sought, changes in location or housing and facilities, change in name or ownership, or any other purpose for which the applicant requests, including a request for approval to contract maintenance functions to outside entities. Once the FAA reviews the submitted application and finds the applicant has the ability to comply with the 14 CFR part 145

requirements for certification, an air agency certificate and ratings is issued. The FAA retains a copy of the application in the FAA office that issued the certificate for an indefinite time or a time-period specified by the Agency's Records Management Order 1350.14B, mandated by the Federal Records Act of 1950, as amended. The applicant is not required to retain a copy of the form. The FAA does not provide other persons or entities with information contained in the form.

Respondents: There were a total of 129 applications submitted to the FAA in fiscal year (FY) 2019. Out of the 129 applications, 64 applications were submitted for initial certification.

Frequency: Information is collected on occasion. One time for initial certification and when or if an existing certificated repair station request changes to their certificate.

Estimated Average Burden per Response: 15 minutes.

Estimated Total Annual Burden: 32.25 hours annual burden for FY2019. There is no requirement for a respondent to submit this form annually.

Issued in Washington, DC, on March 27, 2020.

Susan Traugott Ludwig,

Federal Aviation Administration, Office of Safety Standards, Aviation Safety Inspector, Aircraft Maintenance Division, Repair Station Branch, AFS–340.

[FR Doc. 2020–06750 Filed 3–31–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Request To Release Airport Property

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of intent to rule on request to release airport property at the Winterset Municipal Airport (3Y3) Winterset, Iowa.

SUMMARY: The FAA proposes to rule and invites public comment on the release of land at the Winterset Municipal Airport (3Y3), Winterset, Iowa.

DATES: Comments must be received on or before May 1, 2020.

ADDRESSES: Comments on this application may be mailed or delivered to the FAA at the following address: Amy J. Walter, Airports Land Specialist, Federal Aviation Administration, Airports Division, ACE–620G, 901 Locust Room 364, Kansas City, MO 64106.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to: Greg Harrison, Winterset Airport Authority Chairman, Winterset Municipal Airport, 3405 N 8th Avenue, Winterset, IA 50273, (515) 468–0802.

FOR FURTHER INFORMATION CONTACT: Amy J. Walter, Airports Land Specialist, Federal Aviation Administration, Airports Division, ACE–620G, 901 Locust Room 364, Kansas City, MO 64106, (816) 329–2603, *amy.walter@faa.gov.*

The request to release property may be reviewed, by appointment, in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA invites public comment on the request to release approximately 0.845± acres of airport property at the Winterset Municipal Airport (3Y3) under the provisions of 49 U.S.C. 47107(h)(2). On March 19, 2020, the Winterset Airport Authority Chairman requested from the FAA that 0.845± acres of property be released to Madison County for the purpose of relocating N. 8th Avenue and establishing a new right of way and utility corridor. On March 27, 2020, the FAA determined the request to release property at the Winterset Municipal Airport (3Y3) submitted by the Sponsor meets the procedural requirements of the Federal Aviation Administration and the release of the property does not and will not impact future aviation needs at the airport. The FAA may approve the request, in whole or in part, no sooner than thirty days after the publication of this Notice.

The following is a brief overview of the request:

Winterset Municipal Airport (3Y3) is proposing the release of a two parcels, totaling 0.845± acres. The release of land is necessary to comply with Federal Aviation Administration Grant Assurances that do not allow federally acquired airport property to be used for non-aviation purposes. The sale of the subject property will result in the land at the Winterset Municipal Airport (3Y3) being changed from aeronautical to nonaeronautical use and release the land from the conditions of the AIP Grant Agreement Grant Assurances. In accordance with 49 U.S.C. 47107(c)(2)(B)(i) and (iii), the airport will exchange these parcels for a parcel adjacent to the airport containing the previous N. 8th Avenue road right of way and utility corridor.

Any person may inspect, by appointment, the request in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT**. In addition, any person may, upon appointment and request, inspect the application, notice and other documents determined by the FAA to be related to the application in person at the Winterset Municipal Airport.

Issued in Kansas City, MO, on March 27, 2020.

James A. Johnson,

Director, Airports Division.

[FR Doc. 2020–06756 Filed 3–31–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. 2020–14]

Petition for Exemption; Summary of Petition Received; Old Abe Aviation LLC

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

ACTION: Notice.

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 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 April 21, 2020.

ADDRESSES: Send comments identified by docket number FAA–2020–0056 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, 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 20590–0001, 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 20590–0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Jake Troutman, (202) 683–7788, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC, on March 20, 2020.

Brandon Roberts,

Acting Executive Director, Office of Rulemaking.

Petition for Exemption

Docket No.: FAA–2020–0056.
Petitioner: Old Abe Aviation LLC.
Section(s) of 14 CFR Affected: § 61.56(a)(1) & (2).

Description of Relief Sought: The proposed exemption, if granted, would allow the petitioner, and all part 61 certificated pilots other than student pilots, relief from the aeronautical knowledge test requirement in § 107.63(a)(1), provided the person applying for a remote pilot certificate has met the following requirements:

(a) The applicant must hold a part 61 pilot certificate other than a student pilot certificate.

(b) The applicant has received at least two hours of ground instruction from an authorized instructor using a curriculum approved by the FAA.

(c) The authorized instructor described in #2 must hold: (1) A ground instructor or flight instructor certificate (2) a part 61 pilot certificate other than a student pilot certificate, and (3) a part 107 remote pilot certificate.

(d) The curriculum, described in #2, must include review of all areas of knowledge included in § 107.74(a).

(e) The authorized instructor must provide the applicant with an endorsement in the applicant's pilot logbook attesting that the training was provided in accordance with the conditions and limitations of the exemption.

[FR Doc. 2020–06796 Filed 3–31–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. 2020–11]

Petition for Exemption; Summary of Petition Received; Monar Aero Inc.

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

ACTION: Notice.

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 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 April 21, 2020.

ADDRESSES: Send comments identified by docket number FAA–2019–1111 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, 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 20590–0001, 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 20590–0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Jake Troutman, (202) 683–7788, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC, on March 20, 2020.

Brandon Roberts,

Deputy Executive Director, Office of Rulemaking.

Petition for Exemption

Docket No.: FAA–2019–1111.
Petitioner: Monar Aero Inc.
Section(s) of 14 CFR Affected: Part 21, Subpart H §§ 45.23(b); 61.113(a) & (b); 61.133(a); 91.7(a); 91.9(b)(2); 91.103(b); 91.109; 91.119; 91.121; 91.151; 91.203(a) & (b); 91.405(a); 91.407(a)(1); 91.409(a)(2); & 91.417(a) & (b).

Description of Relief Sought: The proposed exemption, if granted, would allow the petitioner to operate camera-mounted unmanned aircraft systems (UAS) weighing more than 55 pounds (lbs.), but less than 100 lbs. including payload (*i.e.* camera, lens, remote head) for the purpose of closed-set filming of motion pictures, music videos, web videos, corporate videos, television programs and commercials, and still photography. Proposed operations would occur as close as 20 feet from filming production personnel. Operation altitude would not exceed 400 feet above ground level.

[FR Doc. 2020–06788 Filed 3–31–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. 2020–13]

Petition for Exemption; Summary of Petition Received; UAVantage, LLC

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

ACTION: Notice.

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 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 April 21, 2020.

ADDRESSES: Send comments identified by docket number FAA–2020–0127 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, 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 20590–0001, 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 20590–0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Jake Troutman, (202) 683–7788, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC, on March 20, 2020.

Brandon Roberts,

Deputy Executive Director, Office of Rulemaking.

Petition for Exemption

Docket No.: FAA–2020–0127.
Petitioner: UAVantage, LLC.
Section(s) of 14 CFR Affected: 61.3(a)(1)(i); 91.119(c); 91.121; 91.151(b); 91.405(a); 91.407(a)(1); 91.409(a)(1) & (2); & 91.417(a) & (b).
Description of Relief Sought: The proposed exemption, if granted, would allow the petitioner to operate the Freefly Systems, Altax X unmanned aircraft system (UAS), weighing more than 55 pounds (lbs.), but no more than 70 lbs., for closed-set aerial cinematography operations for the television and motion picture industry. Operations would be within visual line of sight of the pilot or visual observer and will be limited to a maximum altitude of 400 feet above ground level (AGL) and will normally be flown at altitudes of 25 to 100 feet AGL or less.

[FR Doc. 2020–06789 Filed 3–31–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. 2020–15]

Petition for Exemption; Summary of Petition Received; Wild Rabbit Production, Inc.

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

ACTION: Notice.

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 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 April 21, 2020.

ADDRESSES: Send comments identified by docket number FAA–2019–1108 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, 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 20590–0001, 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 20590–0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Jake Troutman (202) 683–7788, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC, on March 20, 2020.

Brandon Roberts,

Acting Executive Director, Office of Rulemaking.

Petition for Exemption

Docket No.: FAA–2019–1108.
Petitioner: Wild Rabbit Production, Inc.
Section(s) of 14 CFR Affected: §§ 91.119 (c); 91.121; 91.151(b); 91.405(a); 91.407(a)(1); 91.409(a)(1) & (2); & 91.417(a) & (b).
Description of Relief Sought: The proposed exemption, if granted, would allow the petitioner to operate the Freefly Systems, Inc. Alta X unmanned aircraft system (UAS), over 55 pounds (lbs.) but no more than 70 lbs., for controlled, low-risk, closed-set aerial cinematography operations for the television and motion picture industry.

Operations will be conducted within visual line of sight of the pilot or visual observer and will take place under 400 ft. above ground level. The petitioner proposes that consenting persons involved in the filming production be allowed within 100 feet of the flight operations area during production, with the additional option of reducing that distance to 30 feet if approved.

[FR Doc. 2020–06790 Filed 3–31–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request on Information Collection Tools Relating to Qualitative Feedback on Agency Service Delivery

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 the collection of qualitative feedback on agency service delivery.

DATES: Written comments should be received on or before June 1, 2020 to be assured of consideration.

ADDRESSES: Direct all written comments to Gerard Pieger, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the collection tools should be directed to Sara Covington, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or at (202) 317–6038, or through the internet at *Sara.L.Covington@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Collection of Qualitative Feedback on Agency Service Delivery.

OMB Number: 1545–2256.

Abstract: This collection of information is necessary to enable the Agency to garner customer and stakeholder feedback in an efficient, timely manner, in accordance with our commitment to improving service delivery. The information collected from our customers and stakeholders will help ensure that users have an effective, efficient, and satisfying experience with the Agency's programs. This feedback will provide insights into customer or stakeholder perceptions, experiences and expectations, provide an early warning of issues with service, or focus attention on areas where communication, training or changes in operations might improve delivery of products or services. These collections will allow for ongoing, collaborative and actionable communications between the Agency and its customers and stakeholders. It will also allow feedback to contribute directly to the improvement of program management.

Current Actions: We will be conducting different opinion surveys, focus group sessions, think-aloud interviews, and usability studies regarding cognitive research surrounding forms submission or IRS system/product development.

Type of Review: Revision of a currently approved collection.

Affected Public: Individuals and businesses or other for-profit organizations.

This collection of information is necessary to enable the Agency to garner customer and stakeholder feedback in an efficient, timely manner, in accordance with our commitment to improving service delivery. The information collected from our customers and stakeholders will help ensure that users have an effective, efficient, and satisfying experience with the Agency's programs. This feedback will provide insights into customer or stakeholder perceptions, experiences and expectations, provide an early warning of issues with service, or focus attention on areas where communication, training or changes in operations might improve delivery of products or services. It will also allow feedback to contribute directly to the improvement of program management.

Estimated Number of Respondents: 11632.

Estimated Time per Respondent: 9 mins.

Estimated Total Annual Burden Hours: 1697.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: March 26, 2020.

Sara L. Covington,

IRS Tax Analyst.

[FR Doc. 2020–06745 Filed 3–31–20; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel's Toll-Free Phone Line Project Committee

AGENCY: Internal Revenue Service (IRS) Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel's Toll-Free Phone Line Project Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service. Due to the current health issue the nation is facing, we will not be able to meet the 15-calendar notice threshold. This meeting will still be held via teleconference.

DATES: The meeting will be held Wednesday, April 8, 2020.

FOR FURTHER INFORMATION CONTACT: Rosalind Matherne at 1–888–912–1227 or 202–317–4115.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Taxpayer Advocacy Panel Toll-Free Phone Line

Project Committee will be held Wednesday, April 8, 2020 at 11:00am Eastern Time. The public is invited to make oral comments or submit written statements for consideration. Due to limited time and structure of meeting, notification of intent to participate must be made with Rosalind Matherne. For more information please contact Rosalind Matherne at 1–888–912–1227 or 202–317–4115, or write TAP Office, 1111 Constitution Ave. NW, Room 1509, Washington, DC, 20224 or contact us at the website: *http://www.improveirs.org.* The agenda will include various IRS issues.

Dated: March 27, 2020.

Kevin Brown,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. 2020–06841 Filed 3–31–20; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel's Notices and Correspondence Project Committee

AGENCY: Internal Revenue Service (IRS) Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel Tax Notices and Correspondence Project Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service. Due to the current health issue the nation is facing, we will not be able to meet the 15-calendar notice threshold. This meeting will still be held via teleconference.

DATES: The meeting will be held Wednesday, April 8, 2020.

FOR FURTHER INFORMATION CONTACT: Robert Rosalia at 1–888–912–1227 or (718) 834–2203.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Taxpayer Advocacy Panel's Notices and Correspondence Project Committee will be held Wednesday, April 8, 2020, at 1:00 p.m. Eastern Time. The public is invited to make oral comments or submit written statements for consideration. Due to limited time and structure of meeting, notification of intent to participate must be made with Robert Rosalia. For more information please contact Robert Rosalia at 1–888–912–1227 or (718) 834–2203, or write TAP Office, 2 Metrotech Center, 100 Myrtle Avenue, Brooklyn, NY 11201 or contact us at the website: *http://www.improveirs.org.* The agenda will include various IRS issues.

Dated: March 27, 2020.

Kevin Brown,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. 2020–06842 Filed 3–31–20; 8:45 am]

BILLING CODE 4830–01–P

FEDERAL REGISTER

Vol. 85 Wednesday,

No. 63 April 1, 2020

Part II

Department of the Treasury

Office of Foreign Assets Control

Notice of OFAC Sanctions Actions; Notice

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Notice of OFAC Sanctions Actions

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The U.S. 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 these persons are blocked, and U.S. persons are generally prohibited from engaging in transactions with them.

DATES: See Supplementary Information section for date(s) sanctions become effective.

FOR FURTHER INFORMATION CONTACT: *OFAC:* Associate Director for Global Targeting, tel.: 202–622–2420; Assistant Director for Sanctions Compliance & Evaluation, tel.: 202–622–2490; or Assistant Director for Licensing, tel.: 202–622–2480.

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 (*www.treas.gov/ofac*).

Notice of OFAC Actions

On November 5, 2018, OFAC determined that the property and interests in property subject to U.S. jurisdiction of the following persons are blocked under the relevant sanctions authorities listed below.

Individuals

1. BEHZAD, Morteza Ahmadali (a.k.a. BEHZAD, Morteza; a.k.a. BEHZADI, Morteza); DOB 1959; alt. DOB 1960; POB Yazd, Iran; nationality Iran; Additional Sanctions Information—Subject to Secondary Sanctions; Gender Male; National ID No. 4432151609 (Iran) (individual) [NPWMD] [IFSR] (Linked To: PISHRO SYSTEMS RESEARCH COMPANY).

Designated pursuant to section 1(a)(iv) of Executive Order 13382 of June 28, 2005, ''Blocking Property of Weapons of Mass Destruction Proliferators and Their Supporters,'' 70 FR 38565, 3 CFR 13382 (E.O. 13382) for acting or purporting to act for or on behalf of, directly or indirectly, PISHRO SYSTEMS RESEARCH COMPANY, a person whose property and interests in property are blocked pursuant to E.O. 13382.

2. CHAGHAZARDY, Mohammad Kazem (a.k.a. CHAGHAZARDI, Mahammadkazem; a.k.a. CHAGHAZARDY, MohammadKazem); DOB 21 Jan 1962; nationality Iran; Additional Sanctions Information—Subject to Secondary Sanctions; Gender Male (individual) [NPWMD] [IFSR] (Linked To: BANK SEPAH).

Designated pursuant to section 1(a)(iv) of E.O. 13382 for acting or purporting to act for or on behalf of, directly or indirectly, BANK SEPAH, a person whose property and interests in property are blocked pursuant to E.O. 13382.

3. KHALILI, Jamshid; DOB 23 Sep 1957; Additional Sanctions Information—Subject to Secondary Sanctions; Gender Male; Passport Y28308325 (Iran) (individual) [IRAN].

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of Executive Order 13599 of February 5, 2012, ''Blocking Property of the Government of Iran and Iranian Financial Institutions'' 77 FR 6659, 3 CFR 13599 (E.O. 13599) and section 560.304 of the Iranian Transactions and Sanctions Regulations (ITSR), 31 CFR part 560.

4. DAJMAR, Mohammad Hossein; DOB 19 Feb 1956; Additional Sanctions Information—Subject to Secondary Sanctions; Gender Male (individual) [IRAN].

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560.

5. ESLAMI, Mansour; DOB 21 Jan 1965; Additional Sanctions Information—Subject to Secondary Sanctions; Gender Male; Passport H37045909 (Iran) (individual) [IRAN].

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560.

6. BATENI, Naser; DOB 16 Dec 1962; Additional Sanctions Information—Subject to Secondary Sanctions; Gender Male (individual) [IRAN].

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560.

7. YOUSEFPOUR, Ali; DOB 01 Jan 1955 to 31 Dec 1955; Additional Sanctions Information—Subject to Secondary Sanctions; Gender Male (individual) [IRAN].

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560.

8. YAZDAN JOO, Mohammad Ali; DOB 03 Jun 1962; Additional Sanctions Information—Subject to Secondary Sanctions; Gender Male (individual) [IRAN].

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560.

9. SURI, Muhammad; DOB 01 Jan 1946 to 31 Dec 1946; Additional Sanctions Information—Subject to Secondary Sanctions; Gender Male (individual) [IRAN].

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560.

10. KHOSROWTAJ, Mojtaba; DOB 09 Nov 1952; Additional Sanctions Information—Subject to Secondary Sanctions; Gender Male; Passport D9016371 (Iran) (individual) [IRAN].

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560.

11. SAEEDI, Mohammed; DOB 22 Nov 1962; Additional Sanctions Information—Subject to Secondary Sanctions; Gender Male; Passport W40899252 (Iran) (individual) [IRAN].

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560.

12. REZVANIANZADEH, Mohammed Reza (a.k.a. REZVANIANZADE, Mohammad Reza; a.k.a. REZVANIANZADEH, Mohammad Reza; a.k.a. REZVANYANZADEH, Mohammadreza); DOB 11 Dec 1969; POB Ardestan, Iran; Additional Sanctions Information—Subject to Secondary Sanctions; Gender Male; Passport G10506469 (Iran) expires 12 Dec 2022 (individual) [IRAN] (Linked To: ATOMIC ENERGY ORGANIZATION OF IRAN).

Identified pursuant to section 1(c) of E.O. 13599 for having acted or purported to act for or on behalf of, directly or indirectly, the ATOMIC ENERGY ORGANIZATION OF IRAN, a person whose property and interests in property are blocked pursuant to E.O. 13599.

13. SAFDARI, Seyed Jaber (a.k.a. SAFDARI, Sayyed Jaber; a.k.a. SAFDARI, Seyyed Jaber); DOB 1968 to 1969; Additional Sanctions Information—Subject to Secondary Sanctions; Gender Male (individual) [IRAN] (Linked To: ADVANCED TECHNOLOGIES COMPANY OF IRAN).

Identified pursuant to section 1(c) of E.O. 13599 for having acted or purported to act for or on behalf of, directly or indirectly, ADVANCED TECHNOLOGIES COMPANY OF IRAN, a person whose property and interests in property are blocked pursuant to E.O. 13599.

Entities

1. ATOMIC ENERGY ORGANIZATION OF IRAN (a.k.a. AEOI), North kargar street, P.O. Box 14155–1339, Tehran, Iran; website *http://www.aeoi.org.ir;* Additional Sanctions Information—Subject to Secondary Sanctions [IRAN].

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560.

2. PARS ISOTOPE COMPANY, No. 88, West 23rd St. Azadegan Blvd. South Sheykh Bahaie Ave., Tehran, Iran; website *http://www.parsisotope.com;* Additional Sanctions Information—Subject to Secondary Sanctions [IRAN] (Linked To: ATOMIC ENERGY ORGANIZATION OF IRAN).

Identified pursuant to section 1(c) of E.O. 13599 for being owned or controlled by, or for having acted or purported to act for or on behalf of, directly or indirectly, the ATOMIC ENERGY ORGANIZATION OF IRAN, a person whose property and interests in property are blocked pursuant to E.O. 13599.

3. RADIATION APPLICATIONS DEVELOPMENT COMPANY (a.k.a.

RADIATION APPLICATIONS DEVELOPMENT HOLDING COMPANY; a.k.a. ''RAD''; a.k.a. ''RADIATION APPLICATIONS''), Tehran, Iran; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN] (Linked To: ATOMIC ENERGY ORGANIZATION OF IRAN).

Identified pursuant to section 1(c) of E.O. 13599 for being owned or controlled by, or for having acted or purported to act for or on behalf of, directly or indirectly, the ATOMIC ENERGY ORGANIZATION OF IRAN, a person whose property and interests in property are blocked pursuant to E.O. 13599.

4. URANIUM PROCESSING AND NUCLEAR FUEL COMPANY (a.k.a. FATSA COMPANY; a.k.a. URANIUM PROCESSING AND NUCLEAR FUEL COMPANY OF IRAN; a.k.a. URANIUM PROCESSING AND NUCLEAR FUEL PRODUCTION COMPANY; a.k.a. ''FATSA''), Iran; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN] (Linked To: ATOMIC ENERGY ORGANIZATION OF IRAN).

Identified pursuant to section 1(c) of E.O. 13599 for being owned or controlled by, or for having acted or purported to act for or on behalf of, directly or indirectly, the ATOMIC ENERGY ORGANIZATION OF IRAN, a person whose property and interests in property are blocked pursuant to E.O. 13599.

5. POWER PLANT EQUIPMENT MANUFACTURING COMPANY (a.k.a. SATNA COMPANY; a.k.a. ''POWERPLANT EQUIPMENT MANUFACTURING COMPANY''; a.k.a. ''SATNA''), Tehran, Iran; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN] (Linked To: ATOMIC ENERGY ORGANIZATION OF IRAN).

Identified pursuant to section 1(c) of E.O. 13599 for being owned or controlled by, or for having acted or purported to act for or on behalf of, directly or indirectly, the ATOMIC ENERGY ORGANIZATION OF IRAN, a person whose property and interests in property are blocked pursuant to E.O. 13599.

6. AEOI BASIJ RESISTANCE CENTER (a.k.a. BASIJ RESISTANCE CENTER OF THE AEOI), Iran; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN] (Linked To: ATOMIC ENERGY ORGANIZATION OF IRAN).

Identified pursuant to section 1(c) of E.O. 13599 for being owned or controlled by, or for having acted or purported to act for or on behalf of, directly or indirectly, the ATOMIC ENERGY ORGANIZATION OF IRAN, a person whose property and interests in property are blocked pursuant to E.O. 13599.

7. ADVANCED TECHNOLOGIES COMPANY OF IRAN (f.k.a. GHANI SAZI ENRICHMENT; f.k.a. IRANIAN ENRICHMENT COMPANY; a.k.a. ''ADVANCED TECHNOLOGIES''; a.k.a. ''ADVANCED TECHNOLOGIES COMPANY''; a.k.a. ''ADVANCED TECHNOLOGIES HOLDING COMPANY''; a.k.a. ''IATC''), Tehran, Iran; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN] (Linked To: ATOMIC ENERGY ORGANIZATION OF IRAN).

Identified pursuant to section 1(c) of E.O. 13599 for being owned or controlled by, or for having acted or purported to act for or on behalf of, directly or indirectly, the ATOMIC ENERGY ORGANIZATION OF IRAN, a person whose property and interests in property are blocked pursuant to E.O. 13599.

8. NOVIN ENERGY COMPANY (a.k.a. ENERGY NOVIN COMPANY; a.k.a. ENERGY NOVIN CORPORATION; a.k.a. NOVIN ENERGY; a.k.a. NOVIN ENERGY CORPORATION), Tehran, Iran; 1st Shaghayegh Bld., North Kargar St., Tehran, Iran; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN] (Linked To: ATOMIC ENERGY ORGANIZATION OF IRAN).

Identified pursuant to section 1(c) of E.O. 13599 for being owned or controlled by, or for having acted or purported to act for or on behalf of, directly or indirectly, the ATOMIC ENERGY ORGANIZATION OF IRAN, a person whose property and interests in property are blocked pursuant to E.O. 13599.

9. ATOMIC FUEL DEVELOPMENT ENGINEERING COMPANY (a.k.a. ENERGY NOVIN INDUSTRIAL DEVELOPMENT; a.k.a. MATSA COMPANY; a.k.a. ''ENID''; a.k.a. ''MATSA''), Iran; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN] (Linked To: ATOMIC ENERGY ORGANIZATION OF IRAN).

Identified pursuant to section 1(c) of E.O. 13599 for being owned or controlled by, or for having acted or purported to act for or on behalf of, directly or indirectly, the ATOMIC ENERGY ORGANIZATION OF IRAN, a person whose property and interests in property are blocked pursuant to E.O. 13599.

10. MESBAH ENERGY COMPANY (a.k.a. MESBAH ENERGY), Science & Technology Park, Shahid Ghoddousi Blvd., Arak, Iran; Tehran, Iran; website *www.isotope.ir;* Additional Sanctions Information—Subject to Secondary Sanctions [IRAN] (Linked To: ATOMIC ENERGY ORGANIZATION OF IRAN).

Identified pursuant to section 1(c) of E.O. 13599 for being owned or controlled by, or for having acted or purported to act for or on behalf of, directly or indirectly, the ATOMIC ENERGY ORGANIZATION OF IRAN, a person whose property and interests in property are blocked pursuant to E.O. 13599.

11. IRAN'S NUCLEAR POWER PLANT CONSTRUCTION MANAGEMENT COMPANY (a.k.a. ''MASNA''); Additional Sanctions Information—Subject to Secondary Sanctions [IRAN] (Linked To: ATOMIC ENERGY ORGANIZATION OF IRAN).

Identified pursuant to section 1(c) of E.O. 13599 for being owned or controlled by, or for having acted or purported to act for or on behalf of, directly or indirectly, the ATOMIC ENERGY ORGANIZATION OF IRAN, a person whose property and interests in property are blocked pursuant to E.O. 13599.

12. NUCLEAR POWER PRODUCTION AND DEVELOPMENT COMPANY OF IRAN (a.k.a. NUCLEAR POWER PRODUCTION AND DEVELOPMENT HOLDING COMPANY; a.k.a. ''NPPD''), No. 8, Tandis St., Africa Ave., Tehran, Iran; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN] (Linked To: ATOMIC ENERGY ORGANIZATION OF IRAN).

Identified pursuant to section 1(c) of E.O. 13599 for being owned or controlled by, or for having acted or purported to act for or on behalf of, directly or indirectly, the ATOMIC ENERGY ORGANIZATION OF IRAN, a person whose property and interests in property are blocked pursuant to E.O. 13599.

13. RASTIN KHADAMAT PARSIAN COMPANY (a.k.a. PARSIAN TECHNOLOGY SUPPORT COMPANY), Iran; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN] (Linked To: ATOMIC ENERGY ORGANIZATION OF IRAN).

Identified pursuant to section 1(c) of E.O. 13599 for being owned or controlled by, or for having acted or purported to act for or on behalf of, directly or indirectly, the ATOMIC ENERGY ORGANIZATION OF IRAN, a person whose property and interests in property are blocked pursuant to E.O. 13599.

14. TAMAS COMPANY (a.k.a. NUCLEAR FUEL AND RAW MATERIALS PRODUCTION COMPANY; a.k.a. RAW MATERIALS AND NUCLEAR FUEL PRODUCTION COMPANY; a.k.a. ''TAMAS''), Shahid Chamran Building, North Kargar Street, Tehran, Iran; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN] (Linked To: ATOMIC ENERGY ORGANIZATION OF IRAN).

Identified pursuant to section 1(c) of E.O. 13599 for being owned or controlled by, or for having acted or purported to act for or on behalf of, directly or indirectly, the ATOMIC ENERGY ORGANIZATION OF IRAN, a person whose property and interests in property are blocked pursuant to E.O. 13599.

15. NUCLEAR INDUSTRY EXPLORATION AND RAW MATERIALS PRODUCTION COMPANY (a.k.a. EXPLORATION AND NUCLEAR RAW MATERIAL PRODUCTION COMPANY; a.k.a. EXPLORATION AND NUCLEAR RAW MATERIALS PRODUCTION COMPANY; a.k.a. ''EMKA''), Iran; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN] (Linked To: TAMAS COMPANY).

Identified pursuant to section 1(c) of E.O. 13599 for being owned or controlled by, or for having acted or purported to act for or on behalf of, directly or indirectly, TAMAS COMPANY, a person whose property and interests in property are blocked pursuant to E.O. 13599.

16. NOVIN PARS MINERAL EXPLORATION AND MINING ENGINEERING COMPANY (a.k.a. NOVIN KHARA; a.k.a. NOVIN KHARA MINERAL MINING EXTRACTION COMPANY; a.k.a. NOVIN PARS MINERAL EXPLORATION AND MINING COMPANY; a.k.a. NOVIN PARS MINERAL MINING COMPANY; a.k.a. ''ASKAM''; a.k.a. ''ESKAM''; a.k.a. ''MINERAL MINING EXTRACTION COMPANY''; a.k.a. ''SKAM''), Iran; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN] (Linked To: ATOMIC ENERGY ORGANIZATION OF IRAN).

Identified pursuant to section 1(c) of E.O. 13599 for being owned or controlled by, or for having acted or purported to act for or on behalf of, directly or indirectly, the ATOMIC ENERGY ORGANIZATION OF IRAN, a person whose property and interests in property are blocked pursuant to E.O. 13599.

17. THE NUCLEAR REACTORS FUEL COMPANY (a.k.a. ''SOOREH''; a.k.a. ''SUREH''), End of North Kargar Street, Shahid Abtahi Street, (20th), #61, Tehran,

Iran; Esfahan Complex Khalije Fars Blvd., 20 km southeast of Esfahan, P.O. Box: 81465–1957, Iran; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN] (Linked To: ATOMIC ENERGY ORGANIZATION OF IRAN).

Identified pursuant to section 1(c) of E.O. 13599 for being owned or controlled by, or for having acted or purported to act for or on behalf of, directly or indirectly, the ATOMIC ENERGY ORGANIZATION OF IRAN, a person whose property and interests in property are blocked pursuant to E.O. 13599.

18. NUCLEAR SCIENCE AND TECHNOLOGY RESEARCH INSTITUTE (a.k.a. NUCLEAR SCIENCES AND TECHNOLOGIES RESEARCH INSTITUTE; a.k.a. ''NSTRI''), North Kargar Street, Tehran, Iran; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN] (Linked To: ATOMIC ENERGY ORGANIZATION OF IRAN).

Identified pursuant to section 1(c) of E.O. 13599 for being owned or controlled by, or for having acted or purported to act for or on behalf of, directly or indirectly, the ATOMIC ENERGY ORGANIZATION OF IRAN, a person whose property and interests in property are blocked pursuant to E.O. 13599.

19. AGRICULTURAL, MEDICAL, AND INDUSTRIAL RESEARCH CENTER (a.k.a. KARAJ NUCLEAR RESEARCH CENTER FOR AGRICULTURE AND MEDICINE; f.k.a. NUCLEAR RESEARCH CENTER FOR AGRICULTURE AND MEDICINE; a.k.a. ''AMIRC''; f.k.a. ''NRCAM''), Karaj, Iran; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN] (Linked To: NUCLEAR SCIENCE AND TECHNOLOGY RESEARCH INSTITUTE).

Identified pursuant to section 1(c) of E.O. 13599 for being owned or controlled by, or for having acted or purported to act for or on behalf of, directly or indirectly, Iran's NUCLEAR SCIENCE AND TECHNOLOGY RESEARCH INSTITUTE, a person whose property and interests in property are blocked pursuant to E.O. 13599.

20. JABBER IBN HAYAN (a.k.a. JABER IBN HAYAN; a.k.a. JABER IBN HAYAN LABORATORY; a.k.a. JABER IBN HAYAN RESEARCH LABORATORY; a.k.a. JABR IBN HAYAN MULTIPURPOSE LABORATORY; a.k.a. ''JHL''), Tehran, Iran; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN] (Linked To: ATOMIC ENERGY ORGANIZATION OF IRAN).

Identified pursuant to E.O. 13599 as property in which the ATOMIC ENERGY ORGANIZATION OF IRAN, a person whose property and interests in property are blocked pursuant to E.O. 13599, has an interest.

21. IRAN NUCLEAR REGULATORY AUTHORITY (a.k.a. ''INRA''), Tehran, Iran; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN] (Linked To: ATOMIC ENERGY ORGANIZATION OF IRAN).

Identified pursuant to section 1(c) of E.O. 13599 for being owned or controlled by, or for having acted or purported to act for or on behalf of, directly or indirectly, the ATOMIC ENERGY ORGANIZATION OF IRAN, a person whose property and interests in property are blocked pursuant to E.O. 13599.

22. BANK SEPAH, Negin Sepah Building, Head Office of Bank Sepah, Nowrouz Street, Africa Hwy, Argentina Square, Tehran, Iran; 6th Floor, Negin Sepah Building, Nowrouz St., Africa Hwy., Argentina Sq., Tehran 1519662840, Iran; Imam Khomeini Square—PO Box 11364, Tehran, Iran; Hafenstrasse 54, D–60327, Frankfurt am Main, Germany; PO Box 110261, Franfurt am Main, Hessen 60037, Germany; 20 Rue Auguste Vacquerie, Paris 75016, France; Via Barberini 50, Rome 00187, Italy; SWIFT/BIC SEPBIRTH; website *www.banksepah.ir;* alt. Website *www.banksepah.de;* Additional Sanctions Information—Subject to Secondary Sanctions; Registration Number 4293; All Offices Worldwide [IRAN] [NPWMD] [IFSR] (Linked To: MINISTRY OF DEFENSE FOR ARMED FORCES LOGISTICS).

Designated pursuant to section 1(a)(iii) of E.O. 13382 for having provided, or attempted to provide, financial, material, technological or other support for, or goods or services in support of, the MINISTRY OF DEFENSE AND ARMED FORCES LOGISTICS, a person whose property and interests in property are blocked pursuant to E.O. 13382.

23. BANK SEPAH INTERNATIONAL PLC, 5/7 Eastcheap, EC3M 1JT, London, United Kingdom; SWIFT/BIC SEPBGB2L; website *www.banksepah.co.uk;* alt. Website *www.banksepah.com;* Additional Sanctions Information—Subject to Secondary Sanctions [NPWMD] [IFSR] (Linked To: BANK SEPAH).

Designated pursuant to section 1(a)(iv) of E.O. 13382 for being owned or controlled by, BANK SEPAH, a person whose property and interests in property are blocked pursuant to E.O. 13382.

24. POST BANK OF IRAN (a.k.a. POSTBANK), 237 Motahari Avenue, Tehran 1587618118, Iran; Kouh-e Nour Street, Shahid Motahari Avenue, Tehran 1587618111, Iran; SWIFT/BIC PBIRIRTH; website *www.postbank.ir;* Additional Sanctions Information—Subject to Secondary Sanctions; All Offices Worldwide [IRAN] [NPWMD] [IFSR] (Linked To: BANK SEPAH).

Designated pursuant to section 1(a)(iii) of E.O. 13382 for having provided, or attempted to provide, financial, material, technological or other support for, or goods or services in support of, BANK SEPAH, a person whose property and interests in property are blocked pursuant to E.O. 13382.

25. BANK OF INDUSTRY AND MINE (a.k.a. BANK OF INDUSTRY & MINE; a.k.a. BANK SANAD VA MADAN; a.k.a. ''BIM''), 1655 Vali-E-Asr After Chamran Crossroad, Tehran, Iran; PO Box 15875–4456, Firouzeh Tower, No 2917 Vali-Asr Ave (after Chamran Crossroads), Tehran 1965643511, Iran; SWIFT/BIC BOIMIRTH; website *www.bim.ir;* Additional Sanctions Information—Subject to Secondary Sanctions; Registration Number 38705 (Iran); All Offices Worldwide [IRAN] [NPWMD] [IFSR] (Linked To: BANK SEPAH).

Designated pursuant to section 1(a)(iii) of E.O. 13382 for having provided, or attempted to provide, financial, material, technological or other support for, or goods or services in support of, BANK SEPAH, a person whose property and interests in property are blocked pursuant to E.O. 13382.

26. EUROPAISCH-IRANISCHE HANDELSBANK AG (a.k.a. EUROPAEISCH-IRANISCHE HANDELSBANK AKTIENGESELLSCHAFT; a.k.a. EUROPAISCH-IRANISCHE HANDELSBANK AKTIENGESELLSCHAFT), Depenau 2, Hamburg 20095, Germany; Postfach 101304, Hamburg 20008, Germany; PO Box 97415–1836, Sanaee Avenue, Kish, Iran; 28 Tandis St, Nelson Mandela Blvd. (Ex North Africa Blvd.), Tehran 19156–33383, Iran; SWIFT/BIC EIHBDEHH; alt. SWIFT/BIC EIHBIRTH; website *www.eihbank.de;* Additional Sanctions Information—Subject to Secondary Sanctions; Registration Number HRB 14604 (Germany); All Offices Worldwide [IRAN] [NPWMD] [IFSR] (Linked To: BANK OF INDUSTRY AND MINE).

Designated pursuant to section 1(a)(iii) of E.O. 13382 for having provided, or attempted to provide, financial, material, technological or other support for, or goods or services in support of, BANK SEPAH, a person whose property and interests in property are blocked pursuant to E.O. 13382.

Designated pursuant to section 1(a)(iv) of E.O. 13382 for being owned or controlled by, BANK OF INDUSTRY AND MINE, a person whose property and interests in property are blocked pursuant to E.O. 13382.

27. FIRST ISLAMIC INVESTMENT BANK LIMITED (a.k.a. ''FIIB''), 19A–3A–3A, Level 31, Business Suite, UOA Centre, No. 19 Jalan, Pinang, Kuala Lumpur 50450, Malaysia; Financial Park Labuan Complex Unit 13 (C), Main Office Tower Jalan Merdeka, Labuan 87000, Malaysia; website *www.fiib.com.my;* Additional Sanctions Information—Subject to Secondary Sanctions [NPWMD] [IFSR].

Designated pursuant to section 1(a)(iii) of E.O. 13382 for having provided, or attempted to provide, financial, material, technological or other support for, or goods or services in support of, the proliferation of weapons of mass destruction or their means of delivery by Iran, an activity described in section 1(a)(ii) of E.O. 13382.

28. GHAVAMIN BANK (a.k.a. BANK QAVAMIN; f.k.a. GHAVAMIN FINANCIAL & CREDIT INS.; a.k.a. QAVAMIN BANK; a.k.a. QAVVAMIN BANK), Ghavamin Tower, Argentina Sq., Tehran, Iran; website *www.ghbi.ir;* Additional Sanctions Information—Subject to Secondary Sanctions; Registration Number 397957 (Iran) [IRAN] [IRAN–HR] (Linked To: LAW ENFORCEMENT FORCES OF THE ISLAMIC REPUBLIC OF IRAN).

Designated pursuant to section 1(a)(ii)(B) of Executive Order 13553 of September 28, 2010, ''Blocking Property of Certain Persons With Respect to Serious Human Rights Abuses by the Government of Iran and Taking Certain Other Actions,'' 75 FR 60567, 3 CFR 13553 (E.O. 13553) for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, the LAW ENFORCEMENT FORCES OF THE ISLAMIC REPUBLIC OF IRAN, a person whose property and interests in property are blocked pursuant to E.O. 13553.

29. AYANDEH BANK, Ayandeh Bank Bldg. Floor 1, 15 Shahid Ahmadian St. (15th St.) Ahmad Ghasir (Bucharest) Ave, Tehran, Iran; SWIFT/BIC AYBKIRTH; Additional Sanctions Information—Subject to Secondary Sanctions; All Offices Worldwide [IRAN–

TRA] (Linked To: ISLAMIC REPUBLIC OF IRAN BROADCASTING).

Designated pursuant to section 7(a)(vi) of Executive Order 13846 of August 6, 2018, ''Reimposing Certain Sanctions With Respect to Iran'' 83 FR 38939, 3 CFR 13846 (E.O. 13846) for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, ISLAMIC REPUBLIC OF IRAN BROADCASTING, a person whose property and interests in property are blocked pursuant to E.O. 13846.

30. BANK MELLI IRAN (a.k.a. BANK MELLI; a.k.a. MELLI BANK; a.k.a. NATIONAL BANK OF IRAN; a.k.a. ''BMI''), Ferdowsi Avenue—PO Box 11365–171, Tehran, Iran; 43 Avenue Montaigne, Paris 75008, France; Room 704–6, Wheelock Hse, 20 Pedder St, Hong Kong; Bank Melli Iran Bldg, 111 St 24, 929 Arasat, Baghdad, Iraq; PO Box 2643, Ruwi, 112, Muscat, Oman; PO Box 2656, Liva Street, Abu Dhabi, United Arab Emirates; PO Box 248, Hamad Bin Abdulla St, Fujairah, United Arab Emirates; PO Box 1888, Clock Tower, Industrial Rd, Al Ain Club Bldg, Al Ain, Abu Dhabi, United Arab Emirates; PO Box 1894, Baniyas St, Deira, Dubai, United Arab Emirates; PO Box 5270, Oman Street Al Nakheel, Ras Al-Khaimah, United Arab Emirates; PO Box 459, Al Borj St, Sharjah, United Arab Emirates; PO Box 3093, Ahmed Seddiqui Bldg, Khalid Bin El-Walid St, Bur-Dubai, Dubai, United Arab Emirates; PO Box 1894, Al Wasl Rd, Jumeirah, Dubai, United Arab Emirates; Postfach 112 129, Holzbruecke 2, 20421, Hamburg, Germany; 23 Nobel Avenue, Baku, Azerbaijan; Bank Melli Iran Building, Ferdowsi Avenue, Tehran 11365–144, Iran; No. 136 Mirdamad Boulevard, Opposite Al-ghadir Mosque, Tehran, Iran; Al Ashar Estiqlal Street—Hal Al Zohor, Basra, Iraq; 98a Kensington High Street, London W8 4SG, United Kingdom; 767 5th Ave, 44th Fl, New York, NY 10153, United States; PO Box 1420, New York, NY 10153, United States; website *www.bmi.ir;* Additional Sanctions Information—Subject to Secondary Sanctions; All Offices Worldwide [IRAN] [SDGT] [IFSR] (Linked To: ISLAMIC REVOLUTIONARY GUARD CORPS (IRGC)-QODS FORCE).

Designated pursuant to section 1(d)(i) of Executive Order 13224 of September 25, 2001 ''Blocking Property and Prohibiting Transactions With Persons Who Commit, Threaten To Commit, or Support Terrorism,'' 66 FR 49079, 3 CFR 13224 (E.O. 13224) for assisting in, sponsoring, or providing financial, material, or technological support for, or financial or other services to or in support of, the ISLAMIC REVOLUTIONARY GUARD CORPS-QODS FORCE, a person determined to be subject to E.O. 13224.

31. ARIAN BANK, House 103, Shir Ali Khan Street, Charahi Torabaz Khan, District 10, Kabul, Afghanistan; Sherpoor, Hajj and religious affairs directorate Square, Etisalat Street, Kabul, Afghanistan; Opposite of Attorney General, Hanzala Mosque Road, Shahre now, Kabul, Afghanistan; PO Box 5810, Afghanistan; Ferdawsi Street (old telecommunication street), Between Alley 12 & 14, Herat, Afghanistan; SWIFT/BIC AFABAFKA; website *www.arian-bank.com.af;* Additional Sanctions Information—Subject to Secondary Sanctions; All Offices Worldwide [SDGT] [IFSR] (Linked To: BANK MELLI IRAN).

Designated pursuant to section 1(c) of E.O. 13224 for being owned or controlled by BANK MELLI IRAN, a person determined to be subject to E.O. 13224.

32. BANK KARGOSHAEE, 587 Mohammadiye Square, Mowlavi Street, Tehran, Iran; Mohamadiyeh Square, Tehran 11986, Iran; Additional Sanctions Information—Subject to Secondary Sanctions; All Offices Worldwide [SDGT] [IFSR] (Linked To: BANK MELLI IRAN).

Designated pursuant to section 1(c) of E.O. 13224 for being owned or controlled by BANK MELLI IRAN, a person determined to be subject to E.O. 13224.

33. MB BANK (f.k.a. BANK MELLI IRAN ZAO; a.k.a. JOINT STOCK COMPANY 'MIR BUSINESS BANK'; a.k.a. JSC 'MB BANK'; a.k.a. MB BANK, AO; a.k.a. MIR BIZNES BANK; a.k.a. MIR BIZNES BANK, AO; a.k.a. MIR BUSINESS BANK; a.k.a. MIR BUSINESS BANK ZAO), 9/1 ul Mashkova, Moscow 105062, Russia; SWIFT/BIC MRBBRUMM; website *www.mbbru.com;* Additional Sanctions Information—Subject to Secondary Sanctions; All Offices Worldwide [SDGT] [IFSR] (Linked To: BANK MELLI IRAN).

Designated pursuant to section 1(c) of E.O. 13224 for being owned or controlled by BANK MELLI IRAN, a person determined to be subject to E.O. 13224.

34. MELLI BANK PLC, 98a Kensington High Street, London W8 4SG, United Kingdom; 4 Moorgate, EC2R 6AL, London, United Kingdom; 18F Kam Sang Building, 257 Des Voeux Road Central, Hong Kong; 4th Floor, 20 West Nahid Street, Africa Blvd., Tehran, Iran; SWIFT/BIC MELIGB2L; alt. SWIFT/BIC MELIHKHH; website *www.mellibank.com;* Additional Sanctions Information—Subject to Secondary Sanctions; All Offices Worldwide [SDGT] [IFSR] (Linked To: BANK MELLI IRAN).

Designated pursuant to section 1(c) of E.O. 13224 for being owned or controlled by BANK MELLI IRAN, a person determined to be subject to E.O. 13224.

35. TOSE-E MELLI GROUP INVESTMENT COMPANY (f.k.a. BANK MELLI IRAN INVESTMENT COMPANY; a.k.a. IRAN MELLI BANK INVESTMENT COMPANY; a.k.a. NATIONAL DEVELOPMENT AND INVESTMENT GROUP; a.k.a. TOSEE MELLI GROUP INVESTMENT COMPANY; a.k.a. TOSE-E MELLI GROUP INVESTMENT COMPANY PUBLIC SHAREHOLDING COMPANY; a.k.a. ''TMGIC''), 2 Nader Alley, After Dr Vali e Asr Avenue, Tehran 15116, Iran; PO Box 15875–3898, Iran; Building 89, Khoddami Street, Vanak, Tehran 53158753898, Iran; Number 89, Shahid Khodami Street, After Kurdistan Bridge, Vanak Square, Iran; Vank Square, Shahid Khademi Street, after Kurdistan Bridge, No. 89, Tehran 1958698856, Iran; website *www.bmiic.ir;* alt. Website *www.en.tmgic.ir;* Additional Sanctions Information—Subject to Secondary Sanctions; National ID No. 10101339590 (Iran); Registration Number 89584 (Iran) [SDGT] [IFSR] (Linked To: BANK MELLI IRAN).

Designated pursuant to section 1(c) of E.O. 13224 for being owned or controlled by BANK MELLI IRAN, a person determined to be subject to E.O. 13224.

36. BEHSHAHR INDUSTRIAL DEVELOPMENT CORP., Number 8, 24 Alley, Past Motahari Street, Ghaem Magham Farahani Street, Tehran, Iran; website *www.bidc.ir;* Additional Sanctions Information—Subject to Secondary Sanctions; Registration Number 14393 (Iran) [SDGT] [IFSR] (Linked To: TOSE-E MELLI GROUP INVESTMENT COMPANY).

Designated pursuant to section 1(c) of E.O. 13224 for being owned or controlled by TOSE-E MELLI GROUP INVESTMENT COMPANY, a person determined to be subject to E.O. 13224.

37. CEMENT INDUSTRY INVESTMENT AND DEVELOPMENT COMPANY, Number 20, W. Nahid Street, Africa Blvd., Tehran, Iran; website *www.cidco.ir;* Additional Sanctions Information—Subject to Secondary Sanctions; Registration Number 218006 (Iran) [SDGT] [IFSR] (Linked To: TOSE-E MELLI GROUP INVESTMENT COMPANY).

Designated pursuant to section 1(c) of E.O. 13224 for being owned or controlled by TOSE-E MELLI GROUP INVESTMENT COMPANY, a person determined to be subject to E.O. 13224.

38. MELLI INTERNATIONAL BUILDING & INDUSTRY COMPANY, Number 89, Shahid Khodami Street, After Kurdistan Bridge, Vanak Square, Iran; website *www.mibic.ir;* Additional Sanctions Information—Subject to Secondary Sanctions; Registration Number 85579000 (Iran) [SDGT] [IFSR] (Linked To: TOSE-E MELLI GROUP INVESTMENT COMPANY).

Designated pursuant to section 1(c) of E.O. 13224 for being owned or controlled by TOSE-E MELLI GROUP INVESTMENT COMPANY, a person determined to be subject to E.O. 13224.

39. TOSE-E MELLI INVESTMENT COMPANY (a.k.a. NATIONAL DEVELOPMENT INVESTMENT COMPANY; a.k.a. TOSEE MELLI INVESTMENT COMPANY), No. 1 St.North Didar.Blv Haghani, Tehran, Iran; Number 89, Shahid Khodami Street, After Kurdistan Bridge, Vanak Square, Tehran, Iran; website *www.tmico.ir;* Additional Sanctions Information—Subject to Secondary Sanctions; Registration Number 208669 (Iran) [SDGT] [IFSR] (Linked To: TOSE-E MELLI GROUP INVESTMENT COMPANY).

Designated pursuant to section 1(c) of E.O. 13224 for being owned or controlled by TOSE-E MELLI GROUP INVESTMENT COMPANY, a person determined to be subject to E.O. 13224.

40. NATIONAL INDUSTRIES AND MINING DEVELOPMENT COMPANY, Number 55, Pardis Street, N. Shirazi Street, Molla-Sadra Street, Vanak Square, Tehran, Iran; website *www.nimidco.com;* Additional Sanctions Information—Subject to Secondary Sanctions; Registration Number 323908 (Iran) [SDGT] [IFSR] (Linked To: TOSE-E MELLI GROUP INVESTMENT COMPANY).

Designated pursuant to section 1(c) of E.O. 13224 for being owned or controlled by TOSE-E MELLI GROUP INVESTMENT COMPANY, a person determined to be subject to E.O. 13224.

41. DAY BANK (a.k.a. DEY BANK), 45 Vali Asr Ave, Parvin St, Tehran 1966835611, Iran;

SWIFT/BIC DAYBIRTH; Additional Sanctions Information—Subject to Secondary Sanctions; All Offices Worldwide [IRAN] [SDGT] [IFSR] (Linked To: MARTYRS FOUNDATION).

Designated pursuant to section 1(d)(i) of E.O. 13224 for assisting in, sponsoring, or providing financial, material, or technological support for, or financial or other services to or in support of, the MARTYRS FOUNDATION, a person determined to be subject to E.O. 13224.

Designated pursuant to section 1(c) of E.O. 13224 for being owned or controlled by the MARTYRS FOUNDATION, a person determined to be subject to E.O. 13224.

42. ATIEH SAZAN DAY, No. 12, Taheri Street, Africa Blvd., Tehran, Iran; Additional Sanctions Information—Subject to Secondary Sanctions [SDGT] [IFSR] (Linked To: DAY BANK).

Designated pursuant to section 1(c) of E.O. 13224 for being owned or controlled by DAY BANK, a person determined to be subject to E.O. 13224.

43. BUALI INVESTMENT COMPANY, No. 13, 11th (Shahab) Street, Gandy Blvd., Tehran, Iran; Additional Sanctions Information—Subject to Secondary Sanctions [SDGT] [IFSR] (Linked To: DAY BANK).

Designated pursuant to section 1(c) of E.O. 13224 for being owned or controlled by DAY BANK, a person determined to be subject to E.O. 13224.

44. DAMAVAND POWER GENERATION COMPANY, No. 6, Boostan Alley, Attar Street, N. Kurdistan Highway, Tehran, Iran; website *www.damavandpg.co.ir;* Additional Sanctions Information—Subject to Secondary Sanctions [SDGT] [IFSR] (Linked To: DAY BANK).

Designated pursuant to section 1(c) of E.O. 13224 for being owned or controlled by DAY BANK, a person determined to be subject to E.O. 13224.

45. DAY EXCHANGE COMPANY, No. 239, First Floor of Day Insurance Building, Mirdamad Blvd., Tehran, Iran; website *www.dayexchange.ir;* Additional Sanctions Information—Subject to Secondary Sanctions [SDGT] [IFSR] (Linked To: DAY BANK).

Designated pursuant to section 1(c) of E.O. 13224 for being owned or controlled by DAY BANK, a person determined to be subject to E.O. 13224.

46. DAY E-COMMERCE, No. 66, Mansour Alley, Next to Tehran Grand Hotel, Motahari Street, Tehran, Iran; website *www.dec.ir;* Additional Sanctions Information—Subject to Secondary Sanctions [SDGT] [IFSR] (Linked To: DAY BANK).

Designated pursuant to section 1(c) of E.O. 13224 for being owned or controlled by DAY BANK, a person determined to be subject to E.O. 13224.

47. DAY BANK BROKERAGE COMPANY, No. 58, 2nd, 3rd, and 4th floors, 14th street, Khaled Istanbuli Street, Tehran, Iran; website *www.daybankbroker.com;* Additional Sanctions Information—Subject to Secondary Sanctions [SDGT] [IFSR] (Linked To: DAY BANK).

Designated pursuant to section 1(c) of E.O. 13224 for being owned or controlled by DAY BANK, a person determined to be subject to E.O. 13224.

48. DAY IRANIAN FINANCIAL AND ACCOUNTING SERVICES COMPANY, No. 4, 4th Floor, Farid Afshar Street, Shahid Dastgerdi Street, Tehran, Iran; website *http://fsday.ir;* Additional Sanctions Information—Subject to Secondary Sanctions [SDGT] [IFSR] (Linked To: DAY BANK).

Designated pursuant to section 1(c) of E.O. 13224 for being owned or controlled by DAY BANK, a person determined to be subject to E.O. 13224.

49. DAY LEASING COMPANY, No. 5, Shahid Dademan Street, N. Gol Afshan, W. Ivanak, Shahrak Qarb, Tehran, Iran; website *https://leasingday.ir;* Additional Sanctions Information—Subject to Secondary Sanctions [SDGT] [IFSR] (Linked To: DAY BANK).

Designated pursuant to section 1(c) of E.O. 13224 for being owned or controlled by DAY BANK, a person determined to be subject to E.O. 13224.

50. OMID BONYAN DAY INSURANCE SERVICES, Vozara Street, Tehran, Iran; website *http://omiddayins.ir;* Additional Sanctions Information—Subject to Secondary Sanctions [SDGT] [IFSR] (Linked To: DAY BANK).

Designated pursuant to section 1(c) of E.O. 13224 for being owned or controlled by DAY BANK, a person determined to be subject to E.O. 13224.

51. OMRAN VA MASKAN ABAD DAY COMPANY, No. 52, Shariati Street, Shahid Mousavi Street, Tehran, Iran; website *www.omaday.ir;* Additional Sanctions Information—Subject to Secondary Sanctions [SDGT] [IFSR] (Linked To: DAY BANK).

Designated pursuant to section 1(c) of E.O. 13224 for being owned or controlled by DAY BANK, a person determined to be subject to E.O. 13224.

52. ROYAY-E ROZ KISH INVESTMENT COMPANY, No. 132, First Floor, Unit 1, South Dibagi Street, Ekhtiyariyeh, Tehran, Iran; website *www.daybankinvest.com;* Additional Sanctions Information—Subject to Secondary Sanctions [SDGT] [IFSR] (Linked To: DAY BANK).

Designated pursuant to section 1(c) of E.O. 13224 for being owned or controlled by DAY BANK, a person determined to be subject to E.O. 13224.

53. TEJARAT GOSTAR FARDAD, No. 13, First Floor, Unit 1, Shahab (11th) Street, Gandy Street, Tehran, Iran; No. 1/2, 2nd Floor, Yavari Alley, Across from Niyavaran Commercial Complex, Niyaravan, Tehran, Iran; Additional Sanctions Information—Subject to Secondary Sanctions [SDGT] [IFSR] (Linked To: DAY BANK).

Designated pursuant to section 1(c) of E.O. 13224 for being owned or controlled by DAY BANK, a person determined to be subject to E.O. 13224.

54. TOSE-E DIDAR IRANIAN HOLDING COMPANY, No. 1, Moqaddas Alley, Shahid Ahmad Qasir (Bukharest) Street, Tehran, Iran; website *https://tdday.ir;* Additional Sanctions Information—Subject to Secondary Sanctions [SDGT] [IFSR] (Linked To: DAY BANK).

Designated pursuant to section 1(c) of E.O. 13224 for being owned or controlled by DAY BANK, a person determined to be subject to E.O. 13224.

55. TOSE-E DONYA SHAHR KOHAN COMPANY, No. 52, 4th Floor, Mousavivand Street, Shariati Street, Tehran, Iran; Additional Sanctions Information—Subject to Secondary Sanctions [SDGT] [IFSR] (Linked To: DAY BANK).

Designated pursuant to section 1(c) of E.O. 13224 for being owned or controlled by DAY BANK, a person determined to be subject to E.O. 13224.

56. FUTURE BANK B.S.C. (a.k.a. FUTURE BANK; a.k.a. FUTUREBANK), Building 2577, Road 2833, Block Al-Seef 428, PO Box 785, Manama, Bahrain; website *www.futurebank.com.bh;* Additional Sanctions Information—Subject to Secondary Sanctions; All Offices Worldwide [IRAN] [SDGT] [IFSR] (Linked To: BANK MELLI IRAN).

Identified as an entity in which BANK MELLI IRAN and BANK SADERAT IRAN, persons whose property and interests in property are blocked pursuant to an Executive Order or regulations administered by OFAC, directly or indirectly own, whether individually or in the aggregate, a 50 percent or greater interest, as set forth in 31 CFR 594.412.

57. EXPORT DEVELOPMENT BANK OF IRAN (a.k.a. BANK TOSEE SADERAT IRAN; a.k.a. BANK TOSEH SADERAT IRAN; a.k.a. BANK TOSEYEH SADERAT IRAN; a.k.a. BANK TOWSEEH SADERAT IRAN; a.k.a. IRANIAN EXPORT DEVELOPMENT BANK; a.k.a. ''EDBI''), No. 26, Tosee Tower (Export Development Building), Corner of 15th Street, Ahmad Qasir Avenue, Argentina Square, Tehran 1513815111, Iran; website *www.edbi.ir;* Additional Sanctions Information—Subject to Secondary Sanctions; Registration Number 86936 (Iran) [IRAN] [SDGT] [IFSR] (Linked To: MB BANK).

Designated pursuant to section 1(d)(i) of E.O. 13224 for assisting in, sponsoring, or providing financial, material, or technological support for, or financial or other services to or in support of MB BANK, a person determined to be subject to E.O. 13224.

58. EDBI STOCK BROKERAGE, Tehran, Iran; Additional Sanctions Information—Subject to Secondary Sanctions [SDGT] [IFSR] (Linked To: EXPORT DEVELOPMENT BANK OF IRAN).

Designated pursuant to section 1(c) of E.O. 13224 for being owned or controlled by, or acting for or on behalf of, EXPORT DEVELOPMENT BANK OF IRAN, a person determined to be subject to E.O. 13224.

59. EDBI EXCHANGE BROKERAGE (a.k.a. EDBI EXCHANGE COMPANY), Tehran, Iran; Additional Sanctions Information—Subject to Secondary Sanctions [SDGT] [IFSR] (Linked To: EXPORT DEVELOPMENT BANK OF IRAN).

Designated pursuant to section 1(c) of E.O. 13224 for being owned or controlled by, or acting for or on behalf of, EXPORT DEVELOPMENT BANK OF IRAN, a person determined to be subject to E.O. 13224.

60. BANCO INTERNACIONAL DE DESARROLLO, C.A. (a.k.a. ''BID''), Urb. El Rosal, Av. Francisco de Miranda Edificio Dozsa—Piso 8, C.P. 1060, Caracas, Venezuela; SWIFT/BIC IDUNVECA; website *www.bid.com.ve;* Additional Sanctions Information—Subject to Secondary Sanctions

[SDGT] [IFSR] (Linked To: EXPORT DEVELOPMENT BANK OF IRAN).

Designated pursuant to section 1(c) of E.O. 13224 for being owned or controlled by, or acting for or on behalf of, EXPORT DEVELOPMENT BANK OF IRAN, a person determined to be subject to E.O. 13224.

61. IRAN-VENEZUELA BI-NATIONAL BANK (a.k.a. ''IVBB''), IVBB Headquarters, 30th Alley, No. 96, Khaled Eslamboli Street, (Vozara), PO Box 15175–598, Tehran 15119–57111, Iran; website *http://en.ivbb.ir/;* Additional Sanctions Information—Subject to Secondary Sanctions [IRAN] [SDGT] [IFSR] (Linked To: EXPORT DEVELOPMENT BANK OF IRAN).

Designated pursuant to section 1(d)(i) of E.O. 13224 for assisting in, sponsoring, or providing financial, material, or technological support for, or financial or other services to or in support of, EXPORT DEVELOPMENT BANK OF IRAN, a person determined to be subject to E.O. 13224.

62. PERSIA INTERNATIONAL BANK PLC, 6 Lothbury, EC2R 7HH, London, United Kingdom; PO Box 119871, No 209, 2nd Floor, Tower II, Al Fattan Currency House, Dubai International Financial Centre, Dubai, United Arab Emirates; SWIFT/BIC PIBPGB2L; website *www.persiabank.co.uk;* Additional Sanctions Information—Subject to Secondary Sanctions; Registration Number 4218020 (United Kingdom); All Offices Worldwide [SDGT] [IFSR] (Linked To: BANK MELLAT).

Designated pursuant to section 1(c) of E.O. 13224 for being owned or controlled by BANK MELLAT, a person determined to be subject to E.O. 13224.

63. FIRST EAST EXPORT BANK PLC (a.k.a. FEE BANK MALAYSIA), Unit Level 10(B1), Main Office Tower, Financial Park, Jalan Merdeka, 87000 Labuan F.T., Wilayah Persekutuan, Malaysia; SWIFT/BIC FEEBMYKA; Additional Sanctions Information—Subject to Secondary Sanctions; All Offices Worldwide [SDGT] [IFSR] (Linked To: BANK MELLAT).

Designated pursuant to section 1(c) of E.O. 13224 for being owned or controlled by BANK MELLAT, a person determined to be subject to E.O. 13224.

64. MELLAT BANK CLOSED JOINT-STOCK COMPANY (f.k.a. BANK MELLAT YEREVAN; a.k.a. MELLAT BANK ARMENIA; f.k.a. MELLAT BANK SB CJSC), PO Box 24, Amiryan Street 6, 0010, Yerevan, Armenia; 5 Tumanyan St, 0001, Yerevan, Armenia; SWIFT/BIC BKMTAM22; website *www.mellatbank.am;* Additional Sanctions Information—Subject to Secondary Sanctions; All Offices Worldwide [SDGT] [IFSR] (Linked To: BANK MELLAT).

Designated pursuant to section 1(c) of E.O. 13224 for being owned or controlled by BANK MELLAT, a person determined to be subject to E.O. 13224.

65. BANK TEJARAT (a.k.a. TEJARAT BANK), 152 Taleghani Avenue, Tehran, Iran; No. 247, Taleghani Avenue, Tehran, Iran; PO Box 11365–3139, 130 Taleghani Avenue, Tehran, Iran; PO Box 1598617818, Tehran, Iran; PO Box 71345, Karim Khan Zand Blv, Nouri Ave, Opposite Eram Hotel, Shiraz, Iran; 124–126 Rue de Provence, (Angle 76 bd Haussmann), Paris 75008, France; PO Box 734001, Rudaki Ave 88, Dushanbe 734001, Tajikistan; Office C208, Beijing Lufthansa Center No 50, Liangmaqiao Rd, Chaoyang District, Beijing 100016, China; PO Box 119871, 4th Floor, c/o Persia International Bank PLC, The Gate Bldg, Dubai, United Arab Emirates; Esfahan Region Management Bldg, Sheikh Bahayee Ave & Abuzar St Junction, Esfahan, Iran; SWIFT/BIC BTEJIRTH; website *www.tejaratbank.ir;* Additional Sanctions Information—Subject to Secondary Sanctions; Registration Number 38027; alt. Registration Number 8828215; All Offices Worldwide [IRAN] [SDGT] [NPWMD] [IFSR] (Linked To: MAHAN AIR; Linked To: BANK SEPAH).

Designated pursuant to section 1(d)(i) of E.O. 13224 for assisting in, sponsoring, or providing financial, material, or technological support for, or financial or other services to or in support of MAHAN AIR, a person determined to be subject to E.O. 13224.

Designated pursuant to section 1(a)(iii) of E.O. 13382 for having provided, or attempted to provide, financial, material, technological or other support for, or goods or services in support of BANK SEPAH, a person whose property and interests in property are blocked pursuant to E.O. 13382.

66. BANK TORGOVOY KAPITAL ZAO (a.k.a. BANK TORGOVOY KAPITAL; a.k.a. BANK TORGOVY KAPITAL; a.k.a. TRADE CAPITAL BANK; a.k.a. ''TC BANK''; a.k.a. ''TK BANK''), 65A Timiriazeva, Minsk 220035, Belarus; SWIFT/BIC BBTKBY2X; website *www.tcbank.by;* Additional Sanctions Information—Subject to Secondary Sanctions; Registration Number 807000163 (Belarus) [IRAN] [SDGT] [NPWMD] [IFSR] (Linked To: BANK TEJARAT).

Designated pursuant to section 1(c) of E.O. 13224 for being owned or controlled by BANK TEJARAT, a person determined to be subject to E.O. 13224.

Designated pursuant to section 1(a)(iv) of E.O. 13382 for being owned or controlled by BANK TEJARAT, a person whose property and interests in property are blocked pursuant to E.O. 13382.

67. BELIZE SHIP AND LOGISTIC LIMITED (a.k.a. BELIZE SHIP & LOGISTIC LTD; a.k.a. BELIZE SHIP AND LOGISTIC LTD), East Shahid Atefi Street 35, Africa Boulevard, PO Box 19395–4833, Tehran, Iran; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY).

Identified pursuant to section 1(c) of E.O. 13599 for being owned or controlled by, or for having acted or purported to act for or on behalf of, directly or indirectly, NATIONAL IRANIAN TANKER COMPANY, a person whose property and interests in property are blocked pursuant to E.O. 13599.

68. BELIZE SHIPPING LINE SERVICE LIMITED (a.k.a. BELIZE SHIPPING LINE SERV LTD), East Shahid Atefi Street 35, Africa Boulevard, PO Box 19395–4833, Tehran, Iran; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY).

Identified pursuant to section 1(c) of E.O. 13599 for being owned or controlled by, or for having acted or purported to act for or on behalf of, directly or indirectly, NATIONAL IRANIAN TANKER COMPANY, a person whose property and interests in property are blocked pursuant to E.O. 13599.

69. FUTURE AGE SHIPPING LIMITED (a.k.a. FUTURE AGE SHIPPING LTD.), East Shahid Atefi Street 35, Africa Boulevard, PO Box 19395–4833, Tehran, Iran; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY).

Identified pursuant to section 1(c) of E.O. 13599 for being owned or controlled by, or for having acted or purported to act for or on behalf of, directly or indirectly, NATIONAL IRANIAN TANKER COMPANY, a person whose property and interests in property are blocked pursuant to E.O. 13599.

70. GOLDEN ENTERPRISE SHIPPING LIMITED (a.k.a. GOLDEN ENTERPRISE SHIPPING LTD), East Shahid Atefi Street 35, Africa Boulevard, PO Box 19395–4833, Tehran, Iran; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY).

Identified pursuant to section 1(c) of E.O. 13599 for being owned or controlled by, or for having acted or purported to act for or on behalf of, directly or indirectly, NATIONAL IRANIAN TANKER COMPANY, a person whose property and interests in property are blocked pursuant to E.O. 13599.

71. INTERNATIONAL EXPERTISE GROUP LIMITED (a.k.a. INTERNATIONAL EXPERTISE GROUP; a.k.a. INTERNATIONAL EXPERTISE GROUP LTD.), East Shahid Atefi Street 35, Africa Boulevard, PO Box 19395–4833, Tehran, Iran; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY).

Identified pursuant to section 1(c) of E.O. 13599 for being owned or controlled by, or for having acted or purported to act for or on behalf of, directly or indirectly, NATIONAL IRANIAN TANKER COMPANY, a person whose property and interests in property are blocked pursuant to E.O. 13599.

72. INTERNATIONAL TANKER LIMITED (a.k.a. ''INTERNATIONAL TANKER LTD''), East Shahid Atefi Street 35, Africa Boulevard, PO Box 19395–4833, Tehran, Iran; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY).

Identified pursuant to section 1(c) of E.O. 13599 for being owned or controlled by, or for having acted or purported to act for or on behalf of, directly or indirectly, NATIONAL IRANIAN TANKER COMPANY, a person whose property and interests in property are blocked pursuant to E.O. 13599.

73. INTERSEAS SHIPYARD LTD, East Shahid Atefi Street 35, Africa Boulevard, PO Box 19395–4833, Tehran, Iran; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY).

Identified pursuant to section 1(c) of E.O. 13599 for being owned or controlled by, or for having acted or purported to act for or on behalf of, directly or indirectly, NATIONAL IRANIAN TANKER COMPANY, a person whose property and interests in property are blocked pursuant to E.O. 13599.

74. MIRACLE TRANSPORTATION LIMITED (a.k.a. MIRACLE TRANSPORTATION LTD), East Shahid Atefi Street 35, Africa Boulevard, PO Box 19395–4833, Tehran, Iran; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY).

Identified pursuant to section 1(c) of E.O. 13599 for being owned or controlled by, or for having acted or purported to act for or on behalf of, directly or indirectly, NATIONAL IRANIAN TANKER COMPANY, a person whose property and interests in property are blocked pursuant to E.O. 13599.

75. MOMENT INVESTMENT LIMITED (a.k.a. MOMENT INVESTMENT LTD), East Shahid Atefi Street 35, Africa Boulevard, PO Box 19395–4833, Tehran, Iran; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY).

Identified pursuant to section 1(c) of E.O. 13599 for being owned or controlled by, or for having acted or purported to act for or on behalf of, directly or indirectly, NATIONAL IRANIAN TANKER COMPANY, a person whose property and interests in property are blocked pursuant to E.O. 13599.

76. NATIONWIDE SHIPPING LTD, East Shahid Atefi Street 35, Africa Boulevard, PO Box 19395–4833, Tehran, Iran; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY).

Identified pursuant to section 1(c) of E.O. 13599 for being owned or controlled by, or for having acted or purported to act for or on behalf of, directly or indirectly, NATIONAL IRANIAN TANKER COMPANY, a person whose property and interests in property are blocked pursuant to E.O. 13599.

77. NEW AGE SHIPPING LIMITED (a.k.a. NEW AGE SHIPPING LTD-BZE), East Shahid Atefi Street 35, Africa Boulevard, PO Box 19395–4833, Tehran, Iran; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY).

Identified pursuant to section 1(c) of E.O. 13599 for being owned or controlled by, or for having acted or purported to act for or on behalf of, directly or indirectly, NATIONAL IRANIAN TANKER COMPANY, a person whose property and interests in property are blocked pursuant to E.O. 13599.

78. PACIFIC SHIPPING AND TRANSPORTATION LIMITED (a.k.a. PACIFIC SHIPPING & TRANS; a.k.a. PACIFIC SHIPPING AND TRANS), East Shahid Atefi Street 35, Africa Boulevard, PO Box 19395–4833, Tehran, Iran; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY).

Identified pursuant to section 1(c) of E.O. 13599 for being owned or controlled by, or for having acted or purported to act for or on behalf of, directly or indirectly, NATIONAL IRANIAN TANKER COMPANY, a person whose property and interests in property are blocked pursuant to E.O. 13599.

79. PALM SERVICE LIMITED (a.k.a. ''PALM SERVICE LTD''), East Shahid Atefi Street 35, Africa Boulevard, PO Box 19395–4833, Tehran, Iran; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY).

Identified pursuant to section 1(c) of E.O. 13599 for being owned or controlled by, or for having acted or purported to act for or on behalf of, directly or indirectly, NATIONAL IRANIAN TANKER COMPANY, a person whose property and interests in property are blocked pursuant to E.O. 13599.

80. STAR SHIP MANAGEMENT LIMITED (a.k.a. STAR SHIP MANAGEMENT LTD-BZE), East Shahid Atefi Street 35, Africa Boulevard, PO Box 19395–4833, Tehran, Iran; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY).

Identified pursuant to section 1(c) of E.O. 13599 for being owned or controlled by, or for having acted or purported to act for or on behalf of, directly or indirectly, NATIONAL IRANIAN TANKER COMPANY, a person whose property and interests in property are blocked pursuant to E.O. 13599.

81. WORLDFAST INTERNATIONAL LIMITED (a.k.a. WORLDFAST INTERNATIONAL LTD), East Shahid Atefi Street 35, Africa Boulevard, PO Box 19395–4833, Tehran, Iran; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY).

Identified pursuant to section 1(c) of E.O. 13599 for being owned or controlled by, or for having acted or purported to act for or on behalf of, directly or indirectly, NATIONAL IRANIAN TANKER COMPANY, a person whose property and interests in property are blocked pursuant to E.O. 13599.

82. ATLANTIC SHIPPING & TRANS (a.k.a. ATLANTIC SHIPPING AND TRANS; a.k.a. ATLANTIC SHIPPING AND TRANSPORTATION LIMITED), East Shahid Atefi Street 35, Africa Boulevard, PO Box 19395–4833, Tehran, Iran; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY).

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560 for being owned or controlled by, or acting or purporting to act for or on behalf of, directly or indirectly, NATIONAL IRANIAN TANKER COMPANY, a person identified as meeting the definition of the term Government of Iran.

83. DIAMOND TRANSPORTATION LIMITED, East Shahid Atefi Street 35, Africa Boulevard, PO Box 19395–4833, Tehran, Iran; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY).

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560 for being owned or controlled by, or acting or purporting to act for or on behalf of, directly or indirectly, NATIONAL IRANIAN TANKER COMPANY, a person identified as meeting the definition of the term Government of Iran.

84. DIMOND TRANSPORTATION LIMITED, East Shahid Atefi Street 35, Africa Boulevard, PO Box 19395–4833, Tehran, Iran; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY).

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560 for being owned or controlled by, or acting or purporting to act for or on behalf of, directly or indirectly, NATIONAL IRANIAN TANKER COMPANY, a person identified as meeting the definition of the term Government of Iran.

85. EMPIRE MARITIME SERVICES LIMITED, East Shahid Atefi Street 35, Africa Boulevard, PO Box 19395–4833, Tehran, Iran; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY).

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560 for being owned or controlled by, or acting or purporting to act for or on behalf of, directly or indirectly, NATIONAL IRANIAN TANKER COMPANY, a person identified as meeting the definition of the term Government of Iran.

86. EUROPE TRANSPORTATION LIMITED, East Shahid Atefi Street 35, Africa Boulevard, PO Box 19395–4833, Tehran, Iran; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY).

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560 for being owned or controlled by, or acting or purporting to act for or on behalf of, directly or indirectly, NATIONAL IRANIAN TANKER COMPANY, a person identified as meeting the definition of the term Government of Iran.

87. GLOBAL AGE LIMITED, East Shahid Atefi Street 35, Africa Boulevard, PO Box 19395–4833, Tehran, Iran; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY).

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560 for being owned or controlled by, or acting or purporting to act for or on behalf of, directly or indirectly, NATIONAL IRANIAN TANKER COMPANY, a person identified as meeting the definition of the term Government of Iran.

88. GLOBAL UNITED SHIPPING LIMITED (a.k.a. GLOBAL UNITED SHIPPING LTD-BZE), East Shahid Atefi Street 35, Africa Boulevard, PO Box 19395–4833, Tehran, Iran; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY).

Identified as meeting the definition of the term Government of Iran as set forth in

section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560 for being owned or controlled by, or acting or purporting to act for or on behalf of, directly or indirectly, NATIONAL IRANIAN TANKER COMPANY, a person identified as meeting the definition of the term Government of Iran.

89. PACIFIC OCEAN SHIPPING LIMITED, East Shahid Atefi Street 35, Africa Boulevard, PO Box 19395–4833, Tehran, Iran; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY).

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560 for being owned or controlled by, or acting or purporting to act for or on behalf of, directly or indirectly, NATIONAL IRANIAN TANKER COMPANY, a person identified as meeting the definition of the term Government of Iran.

90. SPEED TRANSPORTATION LIMITED, East Shahid Atefi Street 35, Africa Boulevard, PO Box 19395–4833, Tehran, Iran; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY).

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560 for being owned or controlled by, or acting or purporting to act for or on behalf of, directly or indirectly, NATIONAL IRANIAN TANKER COMPANY, a person identified as meeting the definition of the term Government of Iran.

91. SPRING SHIPPING LIMITED, East Shahid Atefi Street 35, Africa Boulevard, PO Box 19395–4833, Tehran, Iran; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY).

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560 for being owned or controlled by, or acting or purporting to act for or on behalf of, directly or indirectly, NATIONAL IRANIAN TANKER COMPANY, a person identified as meeting the definition of the term Government of Iran.

92. TARGET TRANSPORTATION LIMITED, East Shahid Atefi Street 35, Africa Boulevard, PO Box 19395–4833, Tehran, Iran; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY).

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560 for being owned or controlled by, or acting or purporting to act for or on behalf of, directly or indirectly, NATIONAL IRANIAN TANKER COMPANY, a person identified as meeting the definition of the term Government of Iran.

93. UNIVERSAL SHIPPING AND TRANSPORTATION LIMITED (a.k.a. UNIVERSAL SHIPPING & TRANS; a.k.a. UNIVERSAL SHIPPING AND TRANS), East Shahid Atefi Street 35, Africa Boulevard, PO Box 19395–4833, Tehran, Iran; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY).

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560 for being owned or controlled by, or acting or purporting to act for or on behalf of, directly or indirectly, NATIONAL IRANIAN TANKER COMPANY, a person identified as meeting the definition of the term Government of Iran.

94. UNIVERSE SHIPPING LIMITED, East Shahid Atefi Street 35, Africa Boulevard, PO Box 19395–4833, Tehran, Iran; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY).

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560 for being owned or controlled by, or acting or purporting to act for or on behalf of, directly or indirectly, NATIONAL IRANIAN TANKER COMPANY, a person identified as meeting the definition of the term Government of Iran.

95. WORLDWIDE SHIPPING & TRANSPORTATION LIMITED (a.k.a. WORLDWIDE SHIPPING & TRANS; a.k.a. WORLDWIDE SHIPPING AND TRANS; a.k.a. WORLDWIDE SHIPPING AND TRANSPORTATION LIMITED), East Shahid Atefi Street 35, Africa Boulevard, PO Box 19395–4833, Tehran, Iran; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY).

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560 for being owned or controlled by, or acting or purporting to act for or on behalf of, directly or indirectly, NATIONAL IRANIAN TANKER COMPANY, a person identified as meeting the definition of the term Government of Iran.

96. AZAR PAD QESHM (a.k.a. AZARPAD QESHM; a.k.a. AZARPAD QESHM CO; a.k.a. ''APCO''), East Shahid Atefi Street 35, Africa Boulevard, PO Box 19395–4833, Tehran, Iran; No. 303, Mahtab Building, Pardis Cross Road, Golden City, Qeshm, Iran; No. 44, East Atefi St., Africa Blvd., Tehran, Iran; website *http://nitcshipping.com;* Additional Sanctions Information—Subject to Secondary Sanctions [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY).

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560 for being owned or controlled by, or acting or purporting to act for or on behalf of, directly or indirectly, NATIONAL IRANIAN TANKER COMPANY, a person identified as meeting the definition of the term Government of Iran.

97. ATLAS KIAN QESHM (a.k.a. ATLAS SHIPPING; a.k.a. ATLAS SHIPPING COMPANY), No. 44, East Atefi Ave., Nelsonmandella Blvd., Tehran, Iran; website *http://nitcshipping.com;* Additional Sanctions Information—Subject to Secondary Sanctions [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY).

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560 for being owned or controlled by, or acting or purporting to act for or on behalf of, directly or indirectly, NATIONAL IRANIAN TANKER COMPANY, a person identified as meeting the definition of the term Government of Iran.

98. POUYA TAMIN KISH (a.k.a. POUYA TAMIN KISH CO.; a.k.a. POUYA TAMIN KISH OIL & GAS CO; a.k.a. POUYA TAMIN KISH OIL AND GAS CO; a.k.a. ''PTK''), Block EX6, In front of IRAN Blvd., Kish Island, Iran; website *http://nitcshipping.com;* Additional Sanctions Information—Subject to Secondary Sanctions [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY).

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560 for being owned or controlled by, or acting or purporting to act for or on behalf of, directly or indirectly, NATIONAL IRANIAN TANKER COMPANY, a person identified as meeting the definition of the term Government of Iran.

99. DARYANAVARD KISH (a.k.a. DARYANAVARD KISH SHIPPING COMPANY; a.k.a. DARYANAVARD KISH SHIPPING COMPANY LTD.), Unit7, No. 3, Noor Alley, Nelsonmandella Blvd., Tehran, Iran; Kish Islands, Iran; website *http://nitcshipping.com;* Additional Sanctions Information—Subject to Secondary Sanctions [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY).

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560 for being owned or controlled by, or acting or purporting to act for or on behalf of, directly or indirectly, NATIONAL IRANIAN TANKER COMPANY, a person identified as meeting the definition of the term Government of Iran.

100. SEPAHAN CEMENT (a.k.a. SIMAN SEPAHAN), Iran; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN] (Linked To: GHADIR INVESTMENT COMPANY).

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560 for being owned or controlled by GHADIR INVESTMENT COMPANY, a person identified as meeting the definition of the term Government of Iran.

101. PAYVAR ANDISH, Iran; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN] (Linked To: GHADIR INVESTMENT COMPANY).

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560 for

being owned or controlled by GHADIR INVESTMENT COMPANY, a person identified as meeting the definition of the term Government of Iran.

102. DAY INVESTMENT (a.k.a. SARMAYE GOZARI DAY), Iran [IRAN] (Linked To: GHADIR INVESTMENT COMPANY).

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560 for being owned or controlled by GHADIR INVESTMENT COMPANY, a person identified as meeting the definition of the term Government of Iran.

103. KISH ASIA NAVAK, Iran; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN] (Linked To: GHADIR INVESTMENT COMPANY).

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560 for being owned or controlled by GHADIR INVESTMENT COMPANY, a person identified as meeting the definition of the term Government of Iran.

104. SEPAHAN CEMENT INVESTMENT (a.k.a. SARMAYE GOZARI SIMAN SEPAHAN), Iran; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN] (Linked To: GHADIR INVESTMENT COMPANY).

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560 for being owned or controlled by GHADIR INVESTMENT COMPANY, a person identified as meeting the definition of the term Government of Iran.

105. SEPAHAN CEMENT CONCRETE PRODUCTS (a.k.a. FARAVARDEHAYE BOTONI SIMAN SEPAHAN), Iran; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN] (Linked To: GHADIR INVESTMENT COMPANY).

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560 for being owned or controlled by GHADIR INVESTMENT COMPANY, a person identified as meeting the definition of the term Government of Iran.

106. IRAN MERINE SERVICES, Iran; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN] (Linked To: GHADIR INVESTMENT COMPANY).

Identified as meeting the definition of the Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560 for being owned or controlled by GHADIR INVESTMENT COMPANY, a person identified as meeting the definition of the term Government of Iran.

107. SEPAHAN CEMENT RAHNAVARD PRODUCTS TRANSPORTATION (a.k.a. HAML VA NAGHL KALAHAYE RAHNAVARD SIMAN SEPAHAN), Iran; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN] (Linked To: GHADIR INVESTMENT COMPANY).

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560 for being owned or controlled by GHADIR INVESTMENT COMPANY, a person identified as meeting the definition of the term Government of Iran.

108. MAPNA KHUZESTAN ELECTRICITY GENERATION, Iran; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN] (Linked To: GHADIR INVESTMENT COMPANY).

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560 for being owned or controlled by GHADIR INVESTMENT COMPANY, a person identified as meeting the definition of the term Government of Iran.

109. DAMAVAND ELECTRICITY AND POWER ENGINEERING, Iran; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN] (Linked To: GHADIR INVESTMENT COMPANY).

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560 for being owned or controlled by GHADIR INVESTMENT COMPANY, a person identified as meeting the definition of the term Government of Iran.

110. SEPEHR IRANIAN INSURANCE SERVICES, Iran [IRAN] (Linked To: GHADIR INVESTMENT COMPANY).

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560 for being owned or controlled by GHADIR INVESTMENT COMPANY, a person identified as meeting the definition of the term Government of Iran.

111. KARAMAAD SYSTEMS MANAGEMENT, Iran; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN] (Linked To: GHADIR INVESTMENT COMPANY).

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560 for being owned or controlled by GHADIR INVESTMENT COMPANY, a person identified as meeting the definition of the term Government of Iran.

112. VASEPARI SEPEHR PARS, Iran; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN] (Linked To: GHADIR INVESTMENT COMPANY).

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560 for being owned or controlled by GHADIR INVESTMENT COMPANY, a person identified as meeting the definition of the term Government of Iran.

113. POUYAN TABAAN ENERGY, Iran; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN] (Linked To: GHADIR INVESTMENT COMPANY).

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560 for being owned or controlled by GHADIR INVESTMENT COMPANY, a person identified as meeting the definition of the term Government of Iran.

114. GHADIR REAL-TIME SYSTEMS DEVELOPMENT (a.k.a. GHADIR TOSE-E SAAMANEHAYE BEHENGAAM; a.k.a. ''ISEEMA''), Iran; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN] (Linked To: GHADIR INVESTMENT COMPANY).

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560 for being owned or controlled by GHADIR INVESTMENT COMPANY, a person identified as meeting the definition of the term Government of Iran.

115. RAAHBAR COMPUTER RESOURCES MANAGEMENT, Iran; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN] (Linked To: GHADIR INVESTMENT COMPANY).

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560 for being owned or controlled by GHADIR INVESTMENT COMPANY, a person identified as meeting the definition of the term Government of Iran.

116. PARSIAN RAIL TRANSPORT DEVELOPMENT, Iran; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN] (Linked To: GHADIR INVESTMENT COMPANY).

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560 for being owned or controlled by GHADIR INVESTMENT COMPANY, a person identified as meeting the definition of the term Government of Iran.

117. GHADIR OXIN ELECTRICITY GENERATION DEVELOPMENT, Iran; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN] (Linked To: GHADIR INVESTMENT COMPANY).

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560 for being owned or controlled by GHADIR INVESTMENT COMPANY, a person identified as meeting the definition of the term Government of Iran.

118. SEPAHAN CEMENT PAKAT-SAZI SHAFAGH (a.k.a. PAKAT SAZI SHAFAGH SIMAN SEPAHAN), Iran; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN] (Linked To: GHADIR INVESTMENT COMPANY).

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560 for being owned or controlled by GHADIR INVESTMENT COMPANY, a person identified as meeting the definition of the term Government of Iran.

119. QOM ENERGY GENERATION GOSTAR, Iran; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN] (Linked To: GHADIR INVESTMENT COMPANY).

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560 for being owned or controlled by GHADIR INVESTMENT COMPANY, a person identified as meeting the definition of the term Government of Iran.

120. GILAN ELECTRICITY TRANSMISSION DEVELOPMENT, Iran; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN] (Linked To: GHADIR INVESTMENT COMPANY).

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560 for being owned or controlled by GHADIR INVESTMENT COMPANY, a person identified as meeting the definition of the term Government of Iran.

121. SHARQ CEMENT (a.k.a. SIMAN-E SHARGH), Iran; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN] (Linked To: GHADIR INVESTMENT COMPANY).

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560 for being owned or controlled by GHADIR INVESTMENT COMPANY, a person identified as meeting the definition of the term Government of Iran.

122. GILAN ELECTRICITY GENERATION MANAGEMENT, Iran; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN] (Linked To: GHADIR INVESTMENT COMPANY).

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560 for being owned or controlled by GHADIR INVESTMENT COMPANY, a person identified as meeting the definition of the term Government of Iran.

123. HORMOGAN ELECTRICITY AND POWER GENERATION, Iran; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN] (Linked To: GHADIR INVESTMENT COMPANY).

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560 for being owned or controlled by GHADIR INVESTMENT COMPANY, a person identified as meeting the definition of the term Government of Iran.

124. SHARQ CEMENT MANUFACTURERS (a.k.a. FARAVARDEHAYE SIMAN SHARGH), Iran; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN] (Linked To: GHADIR INVESTMENT COMPANY).

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560 for being owned or controlled by GHADIR INVESTMENT COMPANY, a person identified as meeting the definition of the term Government of Iran.

125. PAYANDEH JAAM ELECTRICITY ENERGY, Iran; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN] (Linked To: GHADIR INVESTMENT COMPANY).

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560 for being owned or controlled by GHADIR INVESTMENT COMPANY, a person identified as meeting the definition of the term Government of Iran.

126. TARABAR-GOROUS TRUST TRANSPORTATION (a.k.a. HAML VA NAGHL ETEMAAD TARABARGROUS), Iran; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN] (Linked To: GHADIR INVESTMENT COMPANY).

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560 for being owned or controlled by GHADIR INVESTMENT COMPANY, a person identified as meeting the definition of the term Government of Iran.

127. GHADIR TEHRAN ELECTRICITY AND ENERGY GENERATION DEVELOPMENT, Iran; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN] (Linked To: GHADIR INVESTMENT COMPANY).

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560 for being owned or controlled by GHADIR INVESTMENT COMPANY, a person identified as meeting the definition of the term Government of Iran.

128. RAAHBAR SARIR INTEGRATED TRACKING SYSTEMS INC, Iran; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN] (Linked To: GHADIR INVESTMENT COMPANY).

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560 for being owned or controlled by GHADIR INVESTMENT COMPANY, a person identified as meeting the definition of the term Government of Iran.

129. GHADIR QOM SOLAR ENERGY GENERATION DEVELOPMENT, Iran; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN] (Linked To: GHADIR INVESTMENT COMPANY).

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560 for being owned or controlled by GHADIR INVESTMENT COMPANY, a person identified as meeting the definition of the term Government of Iran.

130. MOMTAZ ELECTRIC, Iran; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN] (Linked To: GHADIR INVESTMENT COMPANY).

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560 for being owned or controlled by GHADIR INVESTMENT COMPANY, a person identified as meeting the definition of the term Government of Iran.

131. MOTOJEN AUTO INDUSTRY COMPANY (a.k.a. KHODRO SANAT MOROJEN), Iran; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN] (Linked To: GHADIR INVESTMENT COMPANY).

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560 for being owned or controlled by GHADIR INVESTMENT COMPANY, a person identified as meeting the definition of the term Government of Iran.

132. AZAR INVESTMENT, Iran [IRAN] (Linked To: GHADIR INVESTMENT COMPANY).

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560 for being owned or controlled by GHADIR INVESTMENT COMPANY, a person identified as meeting the definition of the term Government of Iran.

133. HAMOON SEPAHAN COMMERCIAL TRADING, Iran; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN] (Linked To: GHADIR INVESTMENT COMPANY).

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560 for being owned or controlled by GHADIR INVESTMENT COMPANY, a person identified as meeting the definition of the term Government of Iran.

134. SOUTH IRAN DARYABAN KISH, Kish, Iran; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN] (Linked To: GHADIR INVESTMENT COMPANY).

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560 for being owned or controlled by GHADIR INVESTMENT COMPANY, a person identified as meeting the definition of the term Government of Iran.

135. GHADIR SOLAR ELECTRICITY AND ENERGY, Iran; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN] (Linked To: GHADIR INVESTMENT COMPANY).

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560 for being owned or controlled by GHADIR INVESTMENT COMPANY, a person identified as meeting the definition of the term Government of Iran.

136. SEPEHR MASHAHD CEMENT TRANSPORTATION (a.k.a. HAML VA NAGHL SEPEHR SIMAN MASHHAD), Iran; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN] (Linked To: GHADIR INVESTMENT COMPANY).

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560 for being owned or controlled by GHADIR INVESTMENT COMPANY, a person

identified as meeting the definition of the term Government of Iran.

137. ARJAN ELECTRICITY AND ENERGY GENERATION MANAGEMENT, Iran; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN] (Linked To: GHADIR INVESTMENT COMPANY).

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560 for being owned or controlled by GHADIR INVESTMENT COMPANY, a person identified as meeting the definition of the term Government of Iran.

138. DANA INTEGRATED SYSTEM FOR ELECTRONIC INTERACTIONS CO. (a.k.a. SAMANEHAYE YEKPARCHEH TAMOLAT ELECTRONIC DANA), Iran; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN] (Linked To: GHADIR INVESTMENT COMPANY).

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560 for being owned or controlled by GHADIR INVESTMENT COMPANY, a person identified as meeting the definition of the term Government of Iran.

139. GHADIR MAZANDARAN ELECTRICITY AND ENERGY GENERATION, Iran; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN] (Linked To: GHADIR INVESTMENT COMPANY).

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560 for being owned or controlled by GHADIR INVESTMENT COMPANY, a person identified as meeting the definition of the term Government of Iran.

140. GHADIR MEHRIZ SOLAR ENERGY, Iran; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN] (Linked To: GHADIR INVESTMENT COMPANY).

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560 for being owned or controlled by GHADIR INVESTMENT COMPANY, a person identified as meeting the definition of the term Government of Iran.

141. RAILCOM RAAHBAR CO., Iran; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN] (Linked To: GHADIR INVESTMENT COMPANY).

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560 for being owned or controlled by GHADIR INVESTMENT COMPANY, a person identified as meeting the definition of the term Government of Iran.

142. FANAVARAN ETEMAAD RAAHBAR CO., Iran; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN] (Linked To: GHADIR INVESTMENT COMPANY).

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560 for being owned or controlled by GHADIR INVESTMENT COMPANY, a person identified as meeting the definition of the term Government of Iran.

143. SHARQ COALMINES (a.k.a. MA'ADEN-E ZOGHAL SANG SHARGH), Iran; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN] (Linked To: GHADIR INVESTMENT COMPANY).

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560 for being owned or controlled by GHADIR INVESTMENT COMPANY, a person identified as meeting the definition of the term Government of Iran.

144. GHADIR PISHRO ELECTRICITY GENERATION, Iran; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN] (Linked To: GHADIR INVESTMENT COMPANY).

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560 for being owned or controlled by GHADIR INVESTMENT COMPANY, a person identified as meeting the definition of the term Government of Iran.

145. PARS GHA'EM GOSTAR, Iran; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN] (Linked To: GHADIR INVESTMENT COMPANY).

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560 for being owned or controlled by GHADIR INVESTMENT COMPANY, a person identified as meeting the definition of the term Government of Iran.

146. KURDISTAN CEMENT (a.k.a. SIMAN-E KURDISTAN), Iran; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN] (Linked To: GHADIR INVESTMENT COMPANY).

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560 for being owned or controlled by GHADIR INVESTMENT COMPANY, a person identified as meeting the definition of the term Government of Iran.

147. SHARQ CEMENT INDUSTRIAL LIMESTONE (a.k.a. AHAK-E SANATI SIMAN SHARGH), Iran; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN] (Linked To: GHADIR INVESTMENT COMPANY).

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560 for being owned or controlled by GHADIR INVESTMENT COMPANY, a person identified as meeting the definition of the term Government of Iran.

148. GHADIR LAMORD ENERGY, Iran; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN] (Linked To: GHADIR INVESTMENT COMPANY).

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560 for being owned or controlled by GHADIR INVESTMENT COMPANY, a person identified as meeting the definition of the term Government of Iran.

149. SHARQ WHITE CEMENT (a.k.a. SIMAN'E SEFID SHARGH), Iran; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN] (Linked To: GHADIR INVESTMENT COMPANY).

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560 for being owned or controlled by GHADIR INVESTMENT COMPANY, a person identified as meeting the definition of the term Government of Iran.

150. GHADIR CASPIAN GILAN ENERGY, Iran; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN] (Linked To: GHADIR INVESTMENT COMPANY).

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560 for being owned or controlled by GHADIR INVESTMENT COMPANY, a person identified as meeting the definition of the term Government of Iran.

151. GHADIR KANI ARIYA, Iran; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN] (Linked To: GHADIR INVESTMENT COMPANY).

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560 for being owned or controlled by GHADIR INVESTMENT COMPANY, a person identified as meeting the definition of the term Government of Iran.

152. NEYRIZ STEEL, Iran; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN] (Linked To: GHADIR INVESTMENT COMPANY).

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560 for being owned or controlled by GHADIR INVESTMENT COMPANY, a person identified as meeting the definition of the term Government of Iran.

153. PARS NICKEL KARAN KABIR, Iran; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN] (Linked To: GHADIR INVESTMENT COMPANY).

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560 for being owned or controlled by GHADIR INVESTMENT COMPANY, a person identified as meeting the definition of the term Government of Iran.

154. GHADIR ETEZAD INVESTMENT, Iran; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN] (Linked To: GHADIR INVESTMENT COMPANY).

Identified as meeting the definition of the term Government of Iran as set forth in

section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560 for being owned or controlled by GHADIR INVESTMENT COMPANY, a person identified as meeting the definition of the term Government of Iran.

155. GHADIR INDUSTRIAL TRADING, Iran; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN] (Linked To: GHADIR INVESTMENT COMPANY).

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560 for being owned or controlled by GHADIR INVESTMENT COMPANY, a person identified as meeting the definition of the term Government of Iran.

156. GHADIR PETRO ARMAN KISH, Iran; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN] (Linked To: GHADIR INVESTMENT COMPANY).

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560 for being owned or controlled by GHADIR INVESTMENT COMPANY, a person identified as meeting the definition of the term Government of Iran.

157. GHADIR CASPIAN STEEL TRADING, Iran; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN] (Linked To: GHADIR INVESTMENT COMPANY).

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560 for being owned or controlled by GHADIR INVESTMENT COMPANY, a person identified as meeting the definition of the term Government of Iran.

158. ZARIN PERSIA INVESTMENT, Iran [IRAN] (Linked To: GHADIR INVESTMENT COMPANY).

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560 for being owned or controlled by GHADIR INVESTMENT COMPANY, a person identified as meeting the definition of the term Government of Iran.

159. ARMAN RESOURCES EQUIP AND SUPPORT MANAGEMENT, Iran; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN] (Linked To: GHADIR INVESTMENT COMPANY).

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560 for being owned or controlled by GHADIR INVESTMENT COMPANY, a person identified as meeting the definition of the term Government of Iran.

160. TEJARAT PAYDAR PAYMAN DEVELOPMENT, Iran; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN] (Linked To: GHADIR INVESTMENT COMPANY).

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560 for being owned or controlled by GHADIR INVESTMENT COMPANY, a person identified as meeting the definition of the term Government of Iran.

161. GHADIR INTERNATIONAL TRADING AND DEVELOPMENT, Iran; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN] (Linked To: GHADIR INVESTMENT COMPANY).

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560 for being owned or controlled by GHADIR INVESTMENT COMPANY, a person identified as meeting the definition of the term Government of Iran.

162. PARSIAN OIL AND GAS DEVELOPMENT, Iran; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN] (Linked To: GHADIR INVESTMENT COMPANY).

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560 for being owned or controlled by GHADIR INVESTMENT COMPANY, a person identified as meeting the definition of the term Government of Iran.

163. MOTOJEN, Iran; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN] (Linked To: GHADIR INVESTMENT COMPANY).

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560 for being owned or controlled by GHADIR INVESTMENT COMPANY, a person identified as meeting the definition of the term Government of Iran.

164. GHADIR INVESTMENT AND INDUSTRY DEVELOPMENT, Iran; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN] (Linked To: GHADIR INVESTMENT COMPANY).

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560 for being owned or controlled by GHADIR INVESTMENT COMPANY, a person identified as meeting the definition of the Government of Iran.

165. GHADIR ELECTRICITY AND ENERGY INVESTMENT, Iran; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN] (Linked To: GHADIR INVESTMENT COMPANY).

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560 for being owned or controlled by GHADIR INVESTMENT COMPANY, a person identified as meeting the definition of the term Government of Iran.

166. IRANIAN NOVIN INDUSTRY DEVELOPMENT, Iran; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN] (Linked To: GHADIR INVESTMENT COMPANY).

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560 for being owned or controlled by GHADIR INVESTMENT COMPANY, a person identified as meeting the definition of the term Government of Iran.

167. NEGIN KISH INTERNATIONAL SAHEL AND FARASAHEL DEVELOPMENT, Iran; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN] (Linked To: GHADIR INVESTMENT COMPANY).

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560 for being owned or controlled by GHADIR INVESTMENT COMPANY, a person identified as meeting the definition of the term Government of Iran.

168. SOUTH ALUMINUM, Iran; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN] (Linked To: GHADIR INVESTMENT COMPANY).

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560 for being owned or controlled by GHADIR INVESTMENT COMPANY, a person identified as meeting the definition of the term Government of Iran.

169. GHADIR MANAGEMENT AND COMMERCIAL SERVICES, Iran; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN] (Linked To: GHADIR INVESTMENT COMPANY).

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560 for being owned or controlled by GHADIR INVESTMENT COMPANY, a person identified as meeting the definition of the term Government of Iran.

170. RAAHBAR INFORMATICS SERVICES (a.k.a. RAAHBAR KHADAMAT INFORMATIC), Iran; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN] (Linked To: GHADIR INVESTMENT COMPANY).

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560 for being owned or controlled by GHADIR INVESTMENT COMPANY, a person identified as meeting the definition of the term Government of Iran.

171. SAKHTEMAN INTERNATIONAL DEVELOPMENT, Iran; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN] (Linked To: GHADIR INVESTMENT COMPANY).

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560 for being owned or controlled by GHADIR INVESTMENT COMPANY, a person identified as meeting the definition of the term Government of Iran.

172. A.S.P. BUILDERS, Iran; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN] (Linked To: GHADIR INVESTMENT COMPANY).

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560 for being owned or controlled by GHADIR INVESTMENT COMPANY, a person identified as meeting the definition of the term Government of Iran.

173. BAGHMISHEH RESIDENTIAL DEVELOPMENT, Iran; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN] (Linked To: GHADIR INVESTMENT COMPANY).

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560 for being owned or controlled by GHADIR INVESTMENT COMPANY, a person identified as meeting the definition of the term Government of Iran.

174. BEHSAZAN PARS EQUIPMENT DEVELOPMENT, Iran; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN] (Linked To: GHADIR INVESTMENT COMPANY).

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560 for being owned or controlled by GHADIR INVESTMENT COMPANY, a person identified as meeting the definition of the term Government of Iran.

175. AZERBAIJAN CONSTRUCTION, Iran; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN] (Linked To: GHADIR INVESTMENT COMPANY).

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560 for being owned or controlled by GHADIR INVESTMENT COMPANY, a person identified as meeting the definition of the term Government of Iran.

176. GHADIR KHUZESTAN CONSTRUCTION INDUSTRY DEVELOPMENT, Iran; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN] (Linked To: GHADIR INVESTMENT COMPANY).

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560 for being owned or controlled by GHADIR INVESTMENT COMPANY, a person identified as meeting the definition of the term Government of Iran.

177. FARS SARPANAH, Iran; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN] (Linked To: GHADIR INVESTMENT COMPANY).

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560 for being owned or controlled by GHADIR INVESTMENT COMPANY, a person identified as meeting the definition of the term Government of Iran.

178. PARS SAZEH ENGINEERING AND CONSTRUCTION, Iran; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN] (Linked To: GHADIR INVESTMENT COMPANY).

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560 for being owned or controlled by GHADIR INVESTMENT COMPANY, a person identified as meeting the definition of the term Government of Iran.

179. GHADIR PAYMAN COUNSELING ENGINEERS, Iran; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN] (Linked To: GHADIR INVESTMENT COMPANY).

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560 for being owned or controlled by GHADIR INVESTMENT COMPANY, a person identified as meeting the definition of the term Government of Iran.

180. KISH ROOYA-E ZENDEGI, Iran; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN] (Linked To: GHADIR INVESTMENT COMPANY).

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560 for being owned or controlled by GHADIR INVESTMENT COMPANY, a person identified as meeting the definition of the term Government of Iran.

181. OFOQ SAZEH PAYAH, Iran; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN] (Linked To: GHADIR INVESTMENT COMPANY).

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560 for being owned or controlled by GHADIR INVESTMENT COMPANY, a person identified as meeting the definition of the term Government of Iran.

182. TISA KISH, Iran; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN] (Linked To: GHADIR INVESTMENT COMPANY).

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560 for being owned or controlled by GHADIR INVESTMENT COMPANY, a person identified as meeting the definition of the term Government of Iran.

183. NARENJESTAN HOTEL AND BUILDING DEVELOPMENT, Iran; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN] (Linked To: GHADIR INVESTMENT COMPANY).

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560 for being owned or controlled by GHADIR INVESTMENT COMPANY, a person identified as meeting the definition of the term Government of Iran.

184. HAMOON SEPAHAN INVESTMENT, Iran [IRAN] (Linked To: GHADIR INVESTMENT COMPANY).

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560 for being owned or controlled by GHADIR INVESTMENT COMPANY, a person identified as meeting the definition of the term Government of Iran.

185. HAMOON SEPAHAN MANAGEMENT SERVICES, Iran; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN] (Linked To: GHADIR INVESTMENT COMPANY).

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560 for being owned or controlled by GHADIR INVESTMENT COMPANY, a person identified as meeting the definition of the term Government of Iran.

186. PARS PAIDAR SANAT NOVIN, Iran; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN] (Linked To: GHADIR INVESTMENT COMPANY).

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560 for being owned or controlled by GHADIR INVESTMENT COMPANY, a person identified as meeting the definition of the term Government of Iran.

187. SHIRAZ PARS FARAYAND OIL REFINERY, Iran; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN] (Linked To: GHADIR INVESTMENT COMPANY).

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560 for being owned or controlled by GHADIR INVESTMENT COMPANY, a person identified as meeting the definition of the term Government of Iran.

188. GHADIR ABU MUSA HAMOON, Iran; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN] (Linked To: GHADIR INVESTMENT COMPANY).

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560 for being owned or controlled by GHADIR INVESTMENT COMPANY, a person identified as meeting the definition of the term Government of Iran.

189. PARS INTERNATIONAL INDUSTRY DEVELOPMENT, Iran; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN] (Linked To: GHADIR INVESTMENT COMPANY).

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560 for being owned or controlled by GHADIR INVESTMENT COMPANY, a person identified as meeting the definition of the term Government of Iran.

190. TAKHTEH SHAHID BA HONAR, Iran; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN] (Linked To: GHADIR INVESTMENT COMPANY).

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560 for

being owned or controlled by GHADIR INVESTMENT COMPANY, a person identified as meeting the definition of the term Government of Iran.

191. IRANIAN TITANIUM DEVELOPMENT, Iran; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN] (Linked To: GHADIR INVESTMENT COMPANY).

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560 for being owned or controlled by GHADIR INVESTMENT COMPANY, a person identified as meeting the definition of the term Government of Iran.

192. IRAN AIR (a.k.a. HAVAPEYMAYI MELLI IRAN; a.k.a. IRAN AIR PJSC; a.k.a. IRANAIR; a.k.a. IRANAIR CARGO;w a.k.a. THE AIRLINE OF THE ISLAMIC REPUBLIC OF IRAN; a.k.a. ''HOMA''), Iran Air Building, Mehrabad Airport, Tehran, Iran; Postal Box 13185–775, Tehran, Iran; Central Airlines Department of the Islamic Republic of Iran, Tehran Karaj Special Road, Beginning of Mehrabad International Airport, Tehran, Iran; website *www.iranair.com;* alt. Website *www.iranair.co.ir;* Additional Sanctions Information—Subject to Secondary Sanctions; National ID No. 10100354259 (Iran); Registration Number 8132 [IRAN].

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560.

193. ISLAMIC REPUBLIC OF IRAN SHIPPING LINES (a.k.a. IRISL), Asseman Tower, Pasdaran Street, Tehran, Iran; P.O. Box 19395–177, Tehran, Iran; P.O. Box 1957614114, Tehran, Iran; No 523, Al Seman Tower Building, No 8: Narenjestan, Laveltani Street, Sayya Shirazi Square, Pasdaran Street, Tehran 1957617114, Iran; website *www.irisl.net;* IFCA Determination—Involved in the Shipping Sector; Additional Sanctions Information—Subject to Secondary Sanctions; Trade License No. 11670 (Iran); All Offices Worldwide [IRAN] [IFCA].

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560.

194. ISLAMIC REPUBLIC OF IRAN SHIPPING LINES INVESTMENT (a.k.a. ISLAMIC REPUBLIC OF IRAN SHIPPING LINES INVESTMENT COMPANY), Sky Tower, No. 523, Pasdaran Ave, Farmanieh Ave, Farmanieh, District 1, Tehran 1939513111, Iran; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN].

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560.

195. VALFAJR SHIPPING COMPANY PJS (a.k.a. VALFAJR 8 SHIPPING CO.; a.k.a. VALFAJR SHIPPING CO.; a.k.a. VALFAJR SHIPPING LINES), Corner of Shabnam Alley 119, Tehran, Iran; No 101, Ghaem Magham Farhani Street, Tehran, Iran; No. 11, Abshar Alley, Corner of Azodi Street, PO Box 15875–4155, Tehran 1581674347, Iran; Valfajr Blvd., Bushehr, Iran; website *www.valfajr.ir;* Additional Sanctions Information—Subject to Secondary Sanctions [IRAN].

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560.

196. ISIM TAJ MAHAL LIMITED, 147/1, St. Lucia Street, Valletta, Malta; Additional Sanctions Information—Subject to Secondary Sanctions; Trade License No. C 41660 (Malta) [IRAN].

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560.

197. ISIM SININ LIMITED, 147/1, St. Lucia Street, Valletta, Malta; Additional Sanctions Information—Subject to Secondary Sanctions; Trade License No. C37437 (Malta) [IRAN].

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560.

198. NARI SHIPPING AND CHARTERING GMBH & CO. KG (a.k.a. NARI SHIPPING AND CHARTERING GMBH AND CO. KG), Schottweg 5, Hamburg 22087, Germany; Additional Sanctions Information—Subject to Secondary Sanctions; Trade License No. HRA102485 [IRAN].

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560.

199. FIRST OCEAN ADMINISTRATION GMBH, Schottweg 5, Hamburg 22087, Germany; Additional Sanctions Information—Subject to Secondary Sanctions; Trade License No. HRB94311 [IRAN].

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560.

200. EIGHTH OCEAN GMBH & CO. KG (a.k.a. EIGHTH OCEAN GMBH AND CO. KG), Schottweg 5, Hamburg 22087, Germany; Additional Sanctions Information—Subject to Secondary Sanctions; Trade License No. HRA 102533 [IRAN].

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560.

201. NINTH OCEAN GMBH & CO. KG (a.k.a. NINTH OCEAN GMBH AND CO. KG), Schottweg 5, Hamburg 22097, Germany; Additional Sanctions Information—Subject to Secondary Sanctions; Trade License No. HRA 102565 [IRAN].

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560.

202. ELEVENTH OCEAN ADMINISTRATION GMBH, Schottweg 5, Hamburg 22087, Germany; Additional Sanctions Information—Subject to Secondary Sanctions; Trade License No. HRB94632 [IRAN].

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560.

203. ELEVENTH OCEAN GMBH & CO. KG (a.k.a. ELEVENTH OCEAN GMBH AND CO. KG), Schottweg 5, Hamburg 22087, Germany; Additional Sanctions Information—Subject to Secondary Sanctions; Trade License No. HRA 102544 [IRAN].

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560.

204. TWELFTH OCEAN ADMINISTRATION GMBH, Schottweg 5, Hamburg 22087, Germany; Additional Sanctions Information—Subject to Secondary Sanctions; Trade License No. HRB94573 [IRAN].

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560.

205. MOALLEM INSURANCE CO., No. 35, Haghani Blvd., Vanak Sq., Tehran 1517973511, Iran; website *www.mic-ir.com;* Additional Sanctions Information—Subject to Secondary Sanctions [IRAN].

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560.

206. MOSAKHAR DARYA SHIPPING CO (a.k.a. MOSAKHKHAR-E DARYA SHIPPING), Unit 5, 9th Street 2, Ahmad Ghasir Avenue, PO Box 19635–1114, Tehran, Iran; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN].

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560.

207. LONDON IRINVEST SHIP COMPANY (a.k.a. IRINVESTSHIP LIMITED), 10 Greycoat Place, London SW1P 1SB, United Kingdom; Additional Sanctions Information—Subject to Secondary Sanctions; Trade License No. 04110179 (United Kingdom) [IRAN].

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560.

208. BIIS MARITIME LIMITED, 147/1, St. Lucia Street, Valletta VLT1185, Malta; Additional Sanctions Information—Subject to Secondary Sanctions; Trade License No. C31530 (Malta) [IRAN].

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560.

209. ISI MARITIME LIMITED, 147/1, St. Lucia Street, Valletta, Malta; Additional Sanctions Information—Subject to Secondary Sanctions; Trade License No. C 28940 (Malta) [IRAN].

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560.

210. ISIM ATR LIMITED, 147/1, St. Lucia Street, Valletta, Malta; Additional Sanctions Information—Subject to Secondary Sanctions; Trade License No. C34477 (Malta) [IRAN].

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560.

211. FOURTEENTH OCEAN GMBH & CO. KG (a.k.a. FOURTEENTH OCEAN GMBH AND CO. KG), Schottweg 5, Hamburg 22087,

Germany; Additional Sanctions Information—Subject to Secondary Sanctions; Trade License No. HRA 104174 [IRAN].

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560.

212. KALAN KISH SHIPPING CO (a.k.a. KALAN KISH SHIPPING LINES), Unit 5, 9th Street 2, Ahmad Ghasir Avenue, PO Box 19635–1114, Tehran, Iran; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN].

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560.

213. KHAYBAR COMPANY (a.k.a. KHAYBARCO; a.k.a. KHEYBAR COMPANY; a.k.a. SHERKAT SAHAMI KHASS KHAYBAR), No 97, Ghaem Magham Farahani Ave, Tehran 1589653313, Iran; PO Box 15815–1966, Tehran, Iran; website *www.khaybarco.ir;* Additional Sanctions Information—Subject to Secondary Sanctions; Chamber of Commerce Number 11047591 (Iran); Registration Number 63383 (Iran) [IRAN].

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560.

214. MARBLE SHIPPING LTD, 143/1 Tower Road, Sliema, Malta; Additional Sanctions Information—Subject to Secondary Sanctions; Trade License No. C 41949 (Malta) [IRAN].

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560.

215. GHESHM SHIPPING LINES MARINE AND ENGINEERING SERVICES CO (a.k.a. IMSENGCO; a.k.a. IRISL MARINE SERVICES; a.k.a. IRISL MARINE SERVICES AND ENGINEERING COMPANY), Iran shahr Street 221, Karimkhan Zand Avenue, Tehran, Iran; website *www.imsengco.com;* Additional Sanctions Information—Subject to Secondary Sanctions [IRAN].

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560.

216. IRISL EUROPE GMBH, Schottweg 5, Hamburg 22087, Germany; website *www.irisl-europe.de;* Additional Sanctions Information—Subject to Secondary Sanctions; Trade License No. HRB 81573 [IRAN].

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560.

217. IRISL MULTIMODAL TRANSPORT CO., No. 25 Sanaei Street, Karim Khan Zand Street, Shahid Arabi Line, Tehran, Iran; website *www.irislmtc.com;* Additional Sanctions Information—Subject to Secondary Sanctions; Registration Number 230766 [IRAN].

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560.

218. IRISL MARITIME TRAINING INSTITUTE (a.k.a. IRISL MTI), No. 63, East Tajarloo Ave, Tajarloo Square, Shiyan, Tehran, Iran; Reiesali Delvari Ave, Bushehr 7514618787, Iran; Farhang Ave, Khazar's Building, Anzali 4314695613, Iran; website *www.irmti.ir;* Additional Sanctions Information—Subject to Secondary Sanctions [IRAN].

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560.

219. SHIPPING COMPUTER SERVICES COMPANY (a.k.a. SCSCO), No. 37, Asseman Shahid Sayyad Shirazeesq, Pasdaran Ave, PO Box 1587553–1351, Tehran, Iran; website *www.scsco.net;* Additional Sanctions Information—Subject to Secondary Sanctions [IRAN].

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560.

220. PERSIAN GULF SHIPPING LINES LTD (a.k.a. KHALIJ-E FARS (PERSIAN GULF) SHIPPING LINES; a.k.a. ''PGSL''), Strovolos Center, Flat No. 204, Floor No. 2, Strovolou 77, Nicosia 2018, Cyprus; Additional Sanctions Information—Subject to Secondary Sanctions; Trade License No. C334268 (Cyprus) [IRAN].

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560.

221. SOUTH SHIPPING LINES—IRAN LINE (a.k.a. KASHTIRANI-E JONOUB KHAT-E IRAN), No 119 Shabnam Alley, Ghaem Magham Street, Tehran, Iran; website *www.sslil.net;* IFCA Determination—Involved in the Shipping Sector; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN] [IFCA].

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560.

222. IRANO HIND SHIPPING COMPANY LTD (a.k.a. IRAN AND INDIA SHIPPING COMPANY; a.k.a. IRAN AND INDIA SHIPPING LINES), 18 Sedaghat St, Opposite Park Millat, Vali-e-Asr Ave, PO Box 15875–4647, Tehran, Iran; website *www.iranohind.com;* Additional Sanctions Information—Subject to Secondary Sanctions [IRAN].

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560.

223. IRANO MISR SHIPPING COMPANY (a.k.a. IRAN AND EGYPT SHIPPING COMPANY; a.k.a. IRAN AND EGYPT SHIPPING LINES; a.k.a. IRANO—MISR SHIPPING CO; a.k.a. IRANO MISR; f.k.a. NEFERTITI SHIPPING AND MARITIME SERVICES), Building 6, Al Horreya Street, 1st Floor, El Attarin Area, 1016, Alexandria, Egypt; PO Box 1016, Alexandria, Egypt; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN].

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560.

224. SAFIRAN PAYAM DARYA SHIPPING COMPANY (a.k.a. ''SAPID''), Asseman Tower, Pasdaran Street, Tehran, Iran; website *www.sapidshpg.com;* Additional Sanctions Information—Subject to Secondary Sanctions [IRAN].

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560.

225. KHAZAR SEA SHIPPING LINES (a.k.a. DARYA-YE KHAZAR SHIPPING LINES), Shahid Mostafa Khomeini Street, Ghazian Street, PO Box 43145/1711–324, Bandar Azali 4315671145, Iran; Mostafa Khomeini St. Ghazian, PO BOX 4315671145, Anzali Free Zone, Iran; website *www.khazarshipping.ir;* Additional Sanctions Information—Subject to Secondary Sanctions [IRAN].

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560.

226. HAFEZ DARYA ARYA SHIPPING COMPANY (a.k.a. HAFEZ DARYA ARYA SHIPPING LINE; a.k.a. HAFEZ-E DARYAY-E ARIA SHIPPING LINES; f.k.a. HAFIZ DARYA SHIPPING COMPANY; f.k.a. HAFIZ-E-DARYA SHIPPING LINES; a.k.a. HDAS CO.; f.k.a. HDAS LINES; a.k.a. HDASCO; a.k.a. HDASCO SHIPPING COMPANY; f.k.a. HDS LINES; f.k.a. HDSL; f.k.a. HDSLINES CO.), Asseman Tower, Pasdaran Street, Tehran, Iran; No 60, Pasdaran Avenue, 7th Neyestan Street, Ehteshamiyeh Square, Tehran, Iran; website *www.hdasco.com;* Additional Sanctions Information—Subject to Secondary Sanctions; Registration Number 341417 (Iran) [IRAN].

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560.

227. DARYA CAPITAL ADMINISTRATION GMBH, Schottweg 5, Hamburg 22087, Germany; Additional Sanctions Information—Subject to Secondary Sanctions; Trade License No. HRB 96253 [IRAN].

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560.

228. OCEAN CAPITAL ADMINISTRATION GMBH, Schottweg 5, Hamburg 22087, Germany; Additional Sanctions Information—Subject to Secondary Sanctions; Trade License No. HRA 92501 [IRAN].

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560.

229. FIRST OCEAN GMBH & CO KG (a.k.a. FIRST OCEAN GMBH AND CO KG), Schottweg 5, Hamburg 22087, Germany; Additional Sanctions Information—Subject to Secondary Sanctions; Trade License No. HRA 102601 [IRAN].

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560.

230. FOURTH OCEAN GMBH & CO KG (a.k.a. FOURTH OCEAN GMBH AND CO

KG), Schottweg 5, Hamburg 22087, Germany; Additional Sanctions Information—Subject to Secondary Sanctions; Trade License No. HRA102600 [IRAN].

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560.

231. TWELFTH OCEAN GMBH & CO. KG (a.k.a. TWELFTH OCEAN GMBH AND CO. KG), Schottweg 5, Hamburg 22087, Germany; Additional Sanctions Information—Subject to Secondary Sanctions; Trade License No. HRA 102506 [IRAN].

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560.

232. FIFTEENTH OCEAN GMBH & CO. KG (a.k.a. FIFTEENTH OCEAN GMBH AND CO. KG), Schottweg 5, Hamburg 22087, Germany; Additional Sanctions Information—Subject to Secondary Sanctions; Trade License No. HRA 104175 [IRAN].

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560.

233. HTTS HANSEATIC TRADE TRUST & SHIPPING GMBH (a.k.a. HTTS HANSEATIC TRADE TRUST AND SHIPPING GMBH), Schottweg 5–7, Hamburg 22087, Germany; Additional Sanctions Information—Subject to Secondary Sanctions; Trade License No. HRB 109492 [IRAN].

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560.

234. MARANER HOLDINGS LIMITED, Flat 1, 143, Tower Road, Sliema SLM1604, Malta; Additional Sanctions Information—Subject to Secondary Sanctions; Trade License No. C33482 (Malta) [IRAN].

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560.

235. HOOPAD DARYA SHIPPING AGENCY SERVICES (a.k.a. HOOPAD DARYA SHIPPING AGENCY COMPANY; f.k.a. SOUTH WAY SHIPPING AGENCY), No. 101, Shabnam Alley, Ghaem Magham Street, Tehran, Iran; Hoopad Darya Shipping Agency Building, B.I.K. Port Complex, Bandar Imam Khomeini, Iran; Hoopad Darya Shipping Agency Building, Imam Khomeini Blvd., Bandar Abbas, Iran; Flat No. 2, 2nd Floor, SSL Building, Coastal Blvd., Between City Hall and Post Office, Khorramshahr, Iran; Opposite to City Post Office, No. 2 Telecommunications Center, Bandar Assaluyeh, Iran; PO Box 1589673134, Tehran, Iran; website *www.hdsac.net;* Additional Sanctions Information—Subject to Secondary Sanctions; Registration Number 349706 (Iran) [IRAN].

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560.

236. RAHBARAN OMID DARYA SHIP MANAGEMENT CO. (a.k.a. RAHBARAN-E OMID-E DARYA SHIP MANAGEMENT; a.k.a. ROD SHIP MANAGEMENT CO; a.k.a. RODSM; f.k.a. SOROUSH SARZAMIN ASATIR SHIP MANAGEMENT CO.; f.k.a. SOROUSH SARZAMIN ASATIR SSA; f.k.a. SSA SHIP MANAGEMENT CO.), Unit 5, 9th Street 2, Ahmad Ghasir Avenue, PO Box 19635–1114, Tehran, Iran; No. 5, Shabnam Alley, Ghaem Magham Farahani Street, Shahid Motahari Avenue, Tehran, Iran; website *www.rodsmc.com;* Additional Sanctions Information—Subject to Secondary Sanctions; Registration Number 341563 (Iran) [IRAN].

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560.

237. PERSIA HORMOZ SHIP REPAIR YARD COMPANY PJS (a.k.a. PERSIA HORMOZ SHIP REPAIRS; a.k.a. PERSIA HORMOZ SHIPYARD), 37 Km, West Bandar Abbas Road, Bandar Abbas 791453859, Iran; website *www.persiahormoz.com;* Additional Sanctions Information—Subject to Secondary Sanctions [IRAN].

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560.

238. MARINE INFORMATION TECHNOLOGY DEVELOPMENT COMPANY (a.k.a. MARINE INFORMATION TECHNOLOGY DEVELOPMENT CORPORATION; a.k.a. MARINE TECHNOLOGY AND INFORMATION TECHNOLOGY DEVELOPMENT; a.k.a. MITDCO; a.k.a. ''MITD''), 5th Floor, No. 523, Aseman Tower, Pasdaran St., Tehran, Iran; website *www.mitdco.com;* Additional Sanctions Information—Subject to Secondary Sanctions [IRAN].

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560.

239. FARADARYAY-E NIK-E GHESHM INVESTMENT (a.k.a. NIK QESHM FARA DARYA INVESTMENT COMPANY), Opposite Kimia Hotel 2, Sam & Zal Street, Qeshm, Hormozgan 7951189799, Iran; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN].

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560.

240. IRITAL SHIPPING LINES COMPANY (a.k.a. IR-ITAL; a.k.a. IRITAL SHIPPING S.R.L.), Via Gerolamo Morone 6, Milano 20121, Italy; Additional Sanctions Information—Subject to Secondary Sanctions; Trade License No. GE0426505 (Italy) [IRAN].

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560.

241. BUSHEHR SHIPPING COMPANY LIMITED, 143/1 Tower Road, Sliema, Malta; Additional Sanctions Information—Subject to Secondary Sanctions; Trade License No. C 37422 (Malta) [IRAN].

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560.

242. KERMAN SHIPPING COMPANY LIMITED, 143/1 Tower Road, Sliema, Malta; Additional Sanctions Information—Subject to Secondary Sanctions; Trade License No. C 37423 (Malta) [IRAN].

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560.

243. ISLAMIC REPUBLIC OF IRAN—MIDDLE EAST SHIPPING LINES COMPANY, Next to CB hotel, Sharaf Building, Office No. 202, Dubai, United Arab Emirates; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN].

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560.

244. SHIPPING WELFARE SERVICES INSTITUTE (a.k.a. IRISL CLUB; a.k.a. ISLAMIC REPUBLIC OF IRAN SHIPPING LINES COMFORT SERVICES; a.k.a. MARITIME WELFARE SERVICES INSTITUTE), Number 63, East Shahid Tajrlu Street, Shahid Tajrlu Square, Shian, Iran; website *www.irislclub.com;* Additional Sanctions Information—Subject to Secondary Sanctions [IRAN].

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560.

245. OGHYANOUS KHOROSHAN KISH (a.k.a. KHOROSHAN MARITIME COMPANY; a.k.a. OGHYANOUS-E KHOROUSHAN-E KISH SHIPPING LINES), Unit 5, 9th Street 2, Ahmad Ghasir Avenue, PO Box 19635–1114, Tehran, Iran; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN].

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560.

246. WITSHIPPING MARITIME PTE LTD (a.k.a. HARDSEA AGENCIES; f.k.a. SINOSE MARITIME), Hoe Chiang Road 10, #15–02a, Central Business District 089315, Singapore; Additional Sanctions Information—Subject to Secondary Sanctions; Trade License No. 201131193Z (Singapore) [IRAN].

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560.

247. ESAIL SHIPPING LIMITED (a.k.a. E-SAIL SHIPPING COMPANY LTD; f.k.a. SANTEX LINES), Building 1088, Suite 1501, Pudong South Road (Shanghai Zhong Rong Plaza), Shanghai 200122, China; Additional Sanctions Information—Subject to Secondary Sanctions; Trade License No. 1429927 (Hong Kong) [IRAN].

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560.

248. ISLAMIC REPUBLIC OF IRAN—CHINA SHIPPING LINES, China; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN].

Identified as meeting the definition of the term Government of Iran as set forth in section 7(d) of E.O. 13599 and section 560.304 of the ITSR, 31 CFR part 560.

249. PERSIAN GULF SABZ KARAFARINAN (a.k.a. PERSIAN GULF

KHATAR-PAZIR INVESTMENT COMPANY), No. 17, Fifth Floor, 17th Alley, Vozara Street, Tehran, Iran; website *www.persiangulffvc.com;* Additional Sanctions Information—Subject to Secondary Sanctions [SDGT] [IFSR] (Linked To: TOSE-E MELLI GROUP INVESTMENT COMPANY).

Designated pursuant to section 1(c) of E.O. 13224 for being owned or controlled by Iran's TOSE-E MELLI GROUP INVESTMENT COMPANY, a person determined to be subject to E.O. 13224.

250. CEMENT INDUSTRY INVESTMENT AND DEVELOPMENT COMPANY, Number 20, W. Nahid Street, Africa Blvd., Tehran, Iran; website *www.cidco.ir;* Additional Sanctions Information—Subject to Secondary Sanctions; Registration Number 218006 (Iran) [SDGT] [IFSR] (Linked To: TOSE-E MELLI GROUP INVESTMENT COMPANY).

Designated pursuant to section 1(c) of E.O. 13224 for being owned or controlled by Iran's TOSE-E MELLI GROUP INVESTMENT COMPANY, a person determined to be subject to E.O. 13224.

251. SHOMAL CEMENT COMPANY, No. 269, Shahid Beheshti Street, Tehran, Iran; website *www.shomalcement.com;* Additional Sanctions Information—Subject to Secondary Sanctions [SDGT] [IFSR] (Linked To: CEMENT INDUSTRY INVESTMENT AND DEVELOPMENT COMPANY).

Designated pursuant to section 1(c) of E.O. 13224 for being owned or controlled by CEMENT INVESTMENT AND DEVELOPMENT COMPANY, a person determined to be subject to E.O. 13224.

252. BMIIC INTERNATIONAL GENERAL TRADING L.L.C., 705 International Business Tower, P.O. Box 181878, Dubai, United Arab Emirates; Additional Sanctions Information—Subject to Secondary Sanctions [SDGT] [IFSR] (Linked To: TOSE-E MELLI GROUP INVESTMENT COMPANY).

Designated pursuant to section 1(c) of E.O. 13224 for being owned or controlled by Iran's TOSE-E MELLI GROUP INVESTMENT COMPANY, a person determined to be subject to E.O. 13224.

Aircraft

The following aircraft have been identified pursuant to E.O. 13599 as property in which IRAN AIR, a person whose property and interests in property are blocked pursuant to E.O. 13599, has an interest:

1. EP–CFD; Aircraft Manufacture Date 19 Feb 1993; Aircraft Model F28; Aircraft Operator Iran Air; Aircraft Manufacturer's Serial Number (MSN) 11442; Additional Sanctions Information—Subject to Secondary Sanctions (aircraft) [IRAN] (Linked To: IRAN AIR).

2. EP–CFE; Aircraft Manufacture Date 06 Oct 1992; Aircraft Model F28; Aircraft Operator Iran Air; Aircraft Manufacturer's Serial Number (MSN) 11422; Additional Sanctions Information—Subject to Secondary Sanctions (aircraft) [IRAN] (Linked To: IRAN AIR).

3. EP–CFH; Aircraft Manufacture Date 24 Feb 1993; Aircraft Model F28; Aircraft Operator Iran Air; Aircraft Manufacturer's Serial Number (MSN) 11443; Additional Sanctions Information—Subject to Secondary Sanctions (aircraft) [IRAN] (Linked To: IRAN AIR).

4. EP–CFI; Aircraft Manufacture Date 22 Jan 1996; Aircraft Model F28; Aircraft Operator Iran Air; Aircraft Manufacturer's Serial Number (MSN) 11511; Additional Sanctions Information—Subject to Secondary Sanctions (aircraft) [IRAN] (Linked To: IRAN AIR).

5. EP–CFJ; Aircraft Manufacture Date 09 Jan 1996; Aircraft Model F28; Aircraft Operator Iran Air; Aircraft Manufacturer's Serial Number (MSN) 11516; Additional Sanctions Information—Subject to Secondary Sanctions (aircraft) [IRAN] (Linked To: IRAN AIR).

6. EP–CFK; Aircraft Manufacture Date 18 Feb 1996; Aircraft Model F28; Aircraft Operator Iran Air; Aircraft Manufacturer's Serial Number (MSN) 11518; Additional Sanctions Information—Subject to Secondary Sanctions (aircraft) [IRAN] (Linked To: IRAN AIR).

7. EP–CFL; Aircraft Manufacture Date 28 Jun 1991; Aircraft Model F28; Aircraft Operator Iran Air; Aircraft Manufacturer's Serial Number (MSN) 11343; Additional Sanctions Information—Subject to Secondary Sanctions (aircraft) [IRAN] (Linked To: IRAN AIR).

8. EP–CFM; Aircraft Manufacture Date 27 Apr 1992; Aircraft Model F28; Aircraft Operator Iran Air; Aircraft Manufacturer's Serial Number (MSN) 11394; Additional Sanctions Information—Subject to Secondary Sanctions (aircraft) [IRAN] (Linked To: IRAN AIR).

9. EP–CFO; Aircraft Manufacture Date 03 Apr 1992; Aircraft Model F28; Aircraft Operator Iran Air; Aircraft Manufacturer's Serial Number (MSN) 11389; Additional Sanctions Information—Subject to Secondary Sanctions (aircraft) [IRAN] (Linked To: IRAN AIR).

10. EP–CFP; Aircraft Manufacture Date 24 Jul 1992; Aircraft Model F28; Aircraft Operator Iran Air; Aircraft Manufacturer's Serial Number (MSN) 11409; Additional Sanctions Information—Subject to Secondary Sanctions (aircraft) [IRAN] (Linked To: IRAN AIR).

11. EP–CFQ; Aircraft Manufacture Date 02 Dec 1992; Aircraft Model F28; Aircraft Operator Iran Air; Aircraft Manufacturer's Serial Number (MSN) 11429; Additional Sanctions Information—Subject to Secondary Sanctions (aircraft) [IRAN] (Linked To: IRAN AIR).

12. EP–CFR; Aircraft Manufacture Date 31 Mar 1992; Aircraft Model F28; Aircraft Operator Iran Air; Aircraft Manufacturer's Serial Number (MSN) 11383; Additional Sanctions Information—Subject to Secondary Sanctions (aircraft) [IRAN] (Linked To: IRAN AIR).

13. EP–IAB; Aircraft Manufacture Date 22 Apr 1976; Aircraft Model B747; Aircraft Operator Iran Air; Aircraft Manufacturer's Serial Number (MSN) 20999; Additional Sanctions Information—Subject to Secondary Sanctions (aircraft) [IRAN] (Linked To: IRAN AIR).

14. EP–IAC; Aircraft Manufacture Date 16 May 1977; Aircraft Model B747; Aircraft Operator Iran Air; Aircraft Manufacturer's Serial Number (MSN) 21093; Additional Sanctions Information—Subject to Secondary Sanctions (aircraft) [IRAN] (Linked To: IRAN AIR).

15. EP–IAD; Aircraft Manufacture Date 26 Apr 1979; Aircraft Model B747; Aircraft Operator Iran Air; Aircraft Manufacturer's Serial Number (MSN) 21758; Additional Sanctions Information—Subject to Secondary Sanctions (aircraft) [IRAN] (Linked To: IRAN AIR).

16. EP–IAG; Aircraft Manufacture Date 21 Jul 1976; Aircraft Model B747; Aircraft Operator Iran Air; Aircraft Manufacturer's Serial Number (MSN) 21217; Additional Sanctions Information—Subject to Secondary Sanctions (aircraft) [IRAN] (Linked To: IRAN AIR).

17. EP–IAH; Aircraft Manufacture Date 22 Dec 1976; Aircraft Model B747; Aircraft Operator Iran Air; Aircraft Manufacturer's Serial Number (MSN) 21218; Additional Sanctions Information—Subject to Secondary Sanctions (aircraft) [IRAN] (Linked To: IRAN AIR).

18. EP–IAI; Aircraft Manufacture Date 01 Dec 1981; Aircraft Model B747; Aircraft Operator Iran Air; Aircraft Manufacturer's Serial Number (MSN) 22670; Additional Sanctions Information—Subject to Secondary Sanctions (aircraft) [IRAN] (Linked To: IRAN AIR).

19. EP–IBA; Aircraft Manufacture Date 21 Dec 1993; Aircraft Model A300; Aircraft Operator Iran Air; Aircraft Manufacturer's Serial Number (MSN) 723; Additional Sanctions Information—Subject to Secondary Sanctions (aircraft) [IRAN] (Linked To: IRAN AIR).

20. EP–IBB; Aircraft Manufacture Date 18 Jan 1994; Aircraft Model A300; Aircraft Operator Iran Air; Aircraft Manufacturer's Serial Number (MSN) 727; Additional Sanctions Information—Subject to Secondary Sanctions (aircraft) [IRAN] (Linked To: IRAN AIR).

21. EP–IBC; Aircraft Manufacture Date 11 Mar 1992; Aircraft Model A300; Aircraft Operator Iran Air; Aircraft Manufacturer's Serial Number (MSN) 632; Additional Sanctions Information—Subject to Secondary Sanctions (aircraft) [IRAN] (Linked To: IRAN AIR).

22. EP–IBD; Aircraft Manufacture Date Apr 1993; Aircraft Model A300; Aircraft Operator Iran Air; Aircraft Manufacturer's Serial Number (MSN) 696; Additional Sanctions Information—Subject to Secondary Sanctions (aircraft) [IRAN] (Linked To: IRAN AIR).

23. EP–IBG; Aircraft Manufacture Date 09 Aug 1984; Aircraft Model A300; Aircraft Operator Iran Air; Aircraft Manufacturer's Serial Number (MSN) 299; Additional Sanctions Information—Subject to Secondary Sanctions (aircraft) [IRAN] (Linked To: IRAN AIR).

24. EP–IBI; Aircraft Manufacture Date 09 Jun 1981; Aircraft Model A300; Aircraft Operator Iran Air; Aircraft Manufacturer's Serial Number (MSN) 151; Additional Sanctions Information—Subject to Secondary Sanctions (aircraft) [IRAN] (Linked To: IRAN AIR).

25. EP–IBJ; Aircraft Manufacture Date 18 May 1983; Aircraft Model A300; Aircraft Operator Iran Air; Aircraft Manufacturer's

Serial Number (MSN) 256; Additional Sanctions Information—Subject to Secondary Sanctions (aircraft) [IRAN] (Linked To: IRAN AIR).

26. EP–IBK; Aircraft Manufacture Date 19 Feb 1993; Aircraft Model A310; Aircraft Operator Iran Air; Aircraft Manufacturer's Serial Number (MSN) 671; Additional Sanctions Information—Subject to Secondary Sanctions (aircraft) [IRAN] (Linked To: IRAN AIR).

27. EP–IBL; Aircraft Manufacture Date 02 May 1987; Aircraft Model A310; Aircraft Operator Iran Air; Aircraft Manufacturer's Serial Number (MSN) 436; Additional Sanctions Information—Subject to Secondary Sanctions (aircraft) [IRAN] (Linked To: IRAN AIR).

28. EP–IBN; Aircraft Manufacture Date 16 Apr 1985; Aircraft Model A310; Aircraft Operator Iran Air; Aircraft Manufacturer's Serial Number (MSN) 375; Additional Sanctions Information—Subject to Secondary Sanctions (aircraft) [IRAN] (Linked To: IRAN AIR).

29. EP–IBP; Aircraft Manufacture Date 06 Jan 1986; Aircraft Model A310; Aircraft Operator Iran Air; Aircraft Manufacturer's Serial Number (MSN) 370; Additional Sanctions Information—Subject to Secondary Sanctions (aircraft) [IRAN] (Linked To: IRAN AIR).

30. EP–IBQ; Aircraft Manufacture Date 20 Jan 1986; Aircraft Model A310; Aircraft Operator Iran Air; Aircraft Manufacturer's Serial Number (MSN) 389; Additional Sanctions Information—Subject to Secondary Sanctions (aircraft) [IRAN] (Linked To: IRAN AIR).

31. EP–IBS; Aircraft Manufacture Date 13 Feb 1980; Aircraft Model A300; Aircraft Operator Iran Air; Aircraft Manufacturer's Serial Number (MSN) 80; Additional Sanctions Information—Subject to Secondary Sanctions (aircraft) [IRAN] (Linked To: IRAN AIR).

32. EP–IBT; Aircraft Manufacture Date 09 Mar 1982; Aircraft Model A300; Aircraft Operator Iran Air; Aircraft Manufacturer's Serial Number (MSN) 185; Additional Sanctions Information—Subject to Secondary Sanctions (aircraft) [IRAN] (Linked To: IRAN AIR).

33. EP–IBZ; Aircraft Manufacture Date 13 Dec 1982; Aircraft Model A300; Aircraft Operator Iran Air; Aircraft Manufacturer's Serial Number (MSN) 226; Additional Sanctions Information—Subject to Secondary Sanctions (aircraft) [IRAN] (Linked To: IRAN AIR).

34. EP–ICD; Aircraft Manufacture Date 15 Sep 1988; Aircraft Model B747; Aircraft Operator Iran Air; Aircraft Manufacturer's Serial Number (MSN) 24134; Additional Sanctions Information—Subject to Secondary Sanctions (aircraft) [IRAN] (Linked To: IRAN AIR).

35. EP–ICE; Aircraft Manufacture Date 11 Mar 1981; Aircraft Model A300; Aircraft Operator Iran Air; Aircraft Manufacturer's Serial Number (MSN) 139; Additional Sanctions Information—Subject to Secondary Sanctions (aircraft) [IRAN] (Linked To: IRAN AIR).

36. EP–ICF; Aircraft Manufacture Date 14 Dec 1981; Aircraft Model A300; Aircraft Operator Iran Air; Aircraft Manufacturer's Serial Number (MSN) 173; Additional Sanctions Information—Subject to Secondary Sanctions (aircraft) [IRAN] (Linked To: IRAN AIR).

37. EP–IDA; Aircraft Manufacture Date 12 Jun 1990; Aircraft Model F28; Aircraft Operator Iran Air; Aircraft Manufacturer's Serial Number (MSN) 11292; Additional Sanctions Information—Subject to Secondary Sanctions (aircraft) [IRAN] (Linked To: IRAN AIR).

38. EP–IDD; Aircraft Manufacture Date 31 Oct 1990; Aircraft Model F28; Aircraft Operator Iran Air; Aircraft Manufacturer's Serial Number (MSN) 11294; Additional Sanctions Information—Subject to Secondary Sanctions (aircraft) [IRAN] (Linked To: IRAN AIR).

39. EP–IDF; Aircraft Manufacture Date 07 Nov 1990; Aircraft Model F28; Aircraft Operator Iran Air; Aircraft Manufacturer's Serial Number (MSN) 11298; Additional Sanctions Information—Subject to Secondary Sanctions (aircraft) [IRAN] (Linked To: IRAN AIR).

40. EP–IDG; Aircraft Manufacture Date 30 Jan 1991; Aircraft Model F28; Aircraft Operator Iran Air; Aircraft Manufacturer's Serial Number (MSN) 11302; Additional Sanctions Information—Subject to Secondary Sanctions (aircraft) [IRAN] (Linked To: IRAN AIR).

41. EP–IEB; Aircraft Manufacture Date 26 Jan 1996; Aircraft Model A320; Aircraft Operator Iran Air; Aircraft Manufacturer's Serial Number (MSN) 575; Additional Sanctions Information—Subject to Secondary Sanctions (aircraft) [IRAN] (Linked To: IRAN AIR).

42. EP–IEC; Aircraft Manufacture Date 18 Jun 1998; Aircraft Model A320; Aircraft Operator Iran Air; Aircraft Manufacturer's Serial Number (MSN) 857; Additional Sanctions Information—Subject to Secondary Sanctions (aircraft) [IRAN] (Linked To: IRAN AIR).

43. EP–IED; Aircraft Manufacture Date 18 Jun 1992; Aircraft Model A320; Aircraft Operator Iran Air; Aircraft Manufacturer's Serial Number (MSN) 345; Additional Sanctions Information—Subject to Secondary Sanctions (aircraft) [IRAN] (Linked To: IRAN AIR).

44. EP–IEE; Aircraft Manufacture Date 14 Feb 1992; Aircraft Model A320; Aircraft Operator Iran Air; Aircraft Manufacturer's Serial Number (MSN) 303; Additional Sanctions Information—Subject to Secondary Sanctions (aircraft) [IRAN] (Linked To: IRAN AIR).

45. EP–IEF; Aircraft Manufacture Date 05 Mar 1992; Aircraft Model A320; Aircraft Operator Iran Air; Aircraft Manufacturer's Serial Number (MSN) 312; Additional Sanctions Information—Subject to Secondary Sanctions (aircraft) [IRAN] (Linked To: IRAN AIR).

46. EP–IEG; Aircraft Manufacture Date 06 Jun 2003; Aircraft Model A320; Aircraft Operator Iran Air; Aircraft Manufacturer's Serial Number (MSN) 2054; Additional Sanctions Information—Subject to Secondary Sanctions (aircraft) [IRAN] (Linked To: IRAN AIR).

47. EP–IFA; Aircraft Manufacture Date 16 Nov 2016; Aircraft Model A321; Aircraft Operator Iran Air; Aircraft Manufacturer's Serial Number (MSN) 7418; Additional Sanctions Information—Subject to Secondary Sanctions (aircraft) [IRAN] (Linked To: IRAN AIR).

48. EP–IJA; Aircraft Manufacture Date 02 Jun 2014; Aircraft Model A330; Aircraft Operator Iran Air; Aircraft Manufacturer's Serial Number (MSN) 1540; Additional Sanctions Information—Subject to Secondary Sanctions (aircraft) [IRAN] (Linked To: IRAN AIR).

49. EP–IJB; Aircraft Manufacture Date 05 Nov 2014; Aircraft Model A330; Aircraft Operator Iran Air; Aircraft Manufacturer's Serial Number (MSN) 1586; Additional Sanctions Information—Subject to Secondary Sanctions (aircraft) [IRAN] (Linked To: IRAN AIR).

50. EP–IRR; Aircraft Manufacture Date 24 Jun 1974; Aircraft Model B727; Aircraft Operator Iran Air; Aircraft Manufacturer's Serial Number (MSN) 20946; Additional Sanctions Information—Subject to Secondary Sanctions (aircraft) [IRAN] (Linked To: IRAN AIR).

51. EP–IRS; Aircraft Manufacture Date 12 Sep 1974; Aircraft Model B727; Aircraft Operator Iran Air; Aircraft Manufacturer's Serial Number (MSN) 20947; Additional Sanctions Information—Subject to Secondary Sanctions (aircraft) [IRAN] (Linked To: IRAN AIR).

52. EP–IRT; Aircraft Manufacture Date 03 Mar 1975; Aircraft Model B727; Aircraft Operator Iran Air; Aircraft Manufacturer's Serial Number (MSN) 21078; Additional Sanctions Information—Subject to Secondary Sanctions (aircraft) [IRAN] (Linked To: IRAN AIR).

53. EP–ITA; Aircraft Manufacture Date 05 Jan 2017; Aircraft Model ATR–72; Aircraft Operator Iran Air; Aircraft Manufacturer's Serial Number (MSN) 1386; Additional Sanctions Information—Subject to Secondary Sanctions (aircraft) [IRAN] (Linked To: IRAN AIR).

54. EP–ITB; Aircraft Manufacture Date 17 Jan 2017; Aircraft Model ATR–72; Aircraft Operator Iran Air; Aircraft Manufacturer's Serial Number (MSN) 1389; Additional Sanctions Information—Subject to Secondary Sanctions (aircraft) [IRAN] (Linked To: IRAN AIR).

55. EP–ITC; Aircraft Manufacture Date 11 Jan 2017; Aircraft Model ATR–72; Aircraft Operator Iran Air; Aircraft Manufacturer's Serial Number (MSN) 1390; Additional Sanctions Information—Subject to Secondary Sanctions (aircraft) [IRAN] (Linked To: IRAN AIR).

56. EP–ITD; Aircraft Manufacture Date 28 Dec 2016; Aircraft Model ATR–72; Aircraft Operator Iran Air; Aircraft Manufacturer's Serial Number (MSN) 1391; Additional Sanctions Information—Subject to Secondary Sanctions (aircraft) [IRAN] (Linked To: IRAN AIR).

57. EP–ITE; Aircraft Manufacture Date 27 Jul 2017; Aircraft Model ATR–72; Aircraft Operator Iran Air; Aircraft Manufacturer's Serial Number (MSN) 1424; Additional Sanctions Information—Subject to Secondary Sanctions (aircraft) [IRAN] (Linked To: IRAN AIR).

58. EP–ITF; Aircraft Manufacture Date 04 Sep 2017; Aircraft Model ATR–72; Aircraft

Operator Iran Air; Aircraft Manufacturer's Serial Number (MSN) 1431; Additional Sanctions Information—Subject to Secondary Sanctions (aircraft) [IRAN] (Linked To: IRAN AIR).

59. EP–ITG; Aircraft Manufacture Date 20 Dec 2017; Aircraft Model ATR–72; Aircraft Operator Iran Air; Aircraft Manufacturer's Serial Number (MSN) 1477; Additional Sanctions Information—Subject to Secondary Sanctions (aircraft) [IRAN] (Linked To: IRAN AIR).

60. EP–ITH; Aircraft Manufacture Date 11 Dec 2017; Aircraft Model ATR–72; Aircraft Operator Iran Air; Aircraft Manufacturer's Serial Number (MSN) 1478; Additional Sanctions Information—Subject to Secondary Sanctions (aircraft) [IRAN] (Linked To: IRAN AIR).

61. EP–ITI; Aircraft Manufacture Date 22 Mar 2018; Aircraft Model ATR–72; Aircraft Operator Iran Air; Aircraft Manufacturer's Serial Number (MSN) 1489; Additional Sanctions Information—Subject to Secondary Sanctions (aircraft) [IRAN] (Linked To: IRAN AIR).

62. EP–ITJ; Aircraft Manufacture Date 06 Apr 2018; Aircraft Model ATR–72; Aircraft Operator Iran Air; Aircraft Manufacturer's Serial Number (MSN) 1494; Additional Sanctions Information—Subject to Secondary Sanctions (aircraft) [IRAN] (Linked To: IRAN AIR).

63. EP–ITK; Aircraft Manufacture Date 19 Jun 2018; Aircraft Model ATR–72; Aircraft Operator Iran Air; Aircraft Manufacturer's Serial Number (MSN) 1503; Additional Sanctions Information—Subject to Secondary Sanctions (aircraft) [IRAN] (Linked To: IRAN AIR).

64. EP–ITL; Aircraft Manufacture Date 24 May 2018; Aircraft Model ATR–72; Aircraft Operator Iran Air; Aircraft Manufacturer's Serial Number (MSN) 1504; Additional Sanctions Information—Subject to Secondary Sanctions (aircraft) [IRAN] (Linked To: IRAN AIR).

65. EP–ITM; Aircraft Manufacture Date 03 Jul 2018; Aircraft Model ATR–72; Aircraft Operator Iran Air; Aircraft Manufacturer's Serial Number (MSN) 1510; Additional Sanctions Information—Subject to Secondary Sanctions (aircraft) [IRAN] (Linked To: IRAN AIR).

66. UR–BXI; Aircraft Manufacture Date Jun 1993; Aircraft Model DC–9; Aircraft Operator Iran Air; Aircraft Manufacturer's Serial Number (MSN) 53170; Additional Sanctions Information—Subject to Secondary Sanctions (aircraft) [IRAN] (Linked To: IRAN AIR).

67. UR–CBD; Aircraft Manufacture Date Mar 1989; Aircraft Model DC–9; Aircraft Operator Iran Air; Aircraft Manufacturer's Serial Number (MSN) 49510; Additional Sanctions Information—Subject to Secondary Sanctions (aircraft) [IRAN] (Linked To: IRAN AIR).

Vessels

The following vessels have been identified pursuant to E.O. 13599 as property in which the ISLAMIC REPUBLIC OF IRAN SHIPPING LINES, a person whose property and interests in property are blocked pursuant to E.O. 13599, has an interest:

1. AAJ Crew/Supply Vessel Iran flag; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 8984484 (vessel) [IRAN] (Linked To: ISLAMIC REPUBLIC OF IRAN SHIPPING LINES).

2. AYNAZ Tug Iran flag; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 9683570 (vessel) [IRAN] (Linked To: ISLAMIC REPUBLIC OF IRAN SHIPPING LINES).

3. BRELYAN Passenger Iran flag; Additional Sanctions Information—Subject to Secondary Sanctions; Other Vessel Type Roll-on Roll-off; Vessel Registration Identification IMO 9138056 (vessel) [IRAN] (Linked To: ISLAMIC REPUBLIC OF IRAN SHIPPING LINES).

4. FIROUZEH Passenger Iran flag; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 9103099 (vessel) [IRAN] (Linked To: ISLAMIC REPUBLIC OF IRAN SHIPPING LINES).

5. IRAN HORMUZ 25 (a.k.a. HAYAN) Roll-on Roll-off Iran flag; Additional Sanctions Information—Subject to Secondary Sanctions; Other Vessel Type General Cargo; Vessel Registration Identification IMO 8422072 (vessel) [IRAN] (Linked To: ISLAMIC REPUBLIC OF IRAN SHIPPING LINES).

6. HORMUZ 2 Passenger Iran flag; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 7904580 (vessel) [IRAN] (Linked To: ISLAMIC REPUBLIC OF IRAN SHIPPING LINES).

7. IRAN HORMUZ 12 (a.k.a. IRAN HORMOZ 12) Passenger Iran flag; Additional Sanctions Information—Subject to Secondary Sanctions; Other Vessel Type Roll-on Roll-off; Vessel Registration Identification IMO 9005596 (vessel) [IRAN] (Linked To: ISLAMIC REPUBLIC OF IRAN SHIPPING LINES).

8. IRAN HORMUZ 14 (a.k.a. IRAN HORMOZ 14) Passenger Iran flag; Additional Sanctions Information—Subject to Secondary Sanctions; Other Vessel Type Roll-on Roll-off; Vessel Registration Identification IMO 9020778 (vessel) [IRAN] (Linked To: ISLAMIC REPUBLIC OF IRAN SHIPPING LINES).

9. IRAN SHAHED General Cargo Iran flag; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 9184691 (vessel) [IRAN] (Linked To: ISLAMIC REPUBLIC OF IRAN SHIPPING LINES).

10. NEGEEN Passenger Iran flag; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 9071519 (vessel) [IRAN] (Linked To: ISLAMIC REPUBLIC OF IRAN SHIPPING LINES).

11. IRAN SHALAMCHEH (a.k.a. IR.SHALAMCHE; a.k.a. SEPEHR SAM) General Cargo Iran flag; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 8820925 (vessel) [IRAN] (Linked To: ISLAMIC REPUBLIC OF IRAN SHIPPING LINES).

12. TABAN 1 Container Ship Iran flag; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 9420368 (vessel) [IRAN] (Linked To: ISLAMIC REPUBLIC OF IRAN SHIPPING LINES).

13. SHAYAN 1 Container Ship Iran flag; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 9420356 (vessel) [IRAN] (Linked To: ISLAMIC REPUBLIC OF IRAN SHIPPING LINES).

14. YARAN Container Ship Iran flag; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 9420370 (vessel) [IRAN] (Linked To: ISLAMIC REPUBLIC OF IRAN SHIPPING LINES).

15. ZOMOROUD Passenger Iran flag; Additional Sanctions Information—Subject to Secondary Sanctions; Other Vessel Type Roll-on Roll-off; Vessel Registration Identification IMO 9138044 (vessel) [IRAN] (Linked To: ISLAMIC REPUBLIC OF IRAN SHIPPING LINES).

16. HAMD Bunkering Tanker Iran flag; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 9036052 (vessel) [IRAN] (Linked To: ISLAMIC REPUBLIC OF IRAN SHIPPING LINES).

17. CANREACH (f.k.a. HAMOUN) Container Ship Hong Kong flag; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 9820271 (vessel) [IRAN] (Linked To: ISLAMIC REPUBLIC OF IRAN SHIPPING LINES).

18. HYUNDAI MIPO 2655 (a.k.a. YARD NO.2655 HYUNDAI M.D.) Products Tanker Iran flag; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 9820312 (vessel) [IRAN] (Linked To: ISLAMIC REPUBLIC OF IRAN SHIPPING LINES).

19. HYUNDAI MIPO 2656 (a.k.a. YARD NO.2656 HYUNDAI M.D.) Products Tanker Iran flag; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 9820324 (vessel) [IRAN] (Linked To: ISLAMIC REPUBLIC OF IRAN SHIPPING LINES).

20. IRAN HORMUZ 22 Passenger Iran flag; Additional Sanctions Information—Subject to Secondary Sanctions; Other Vessel Type Landing Craft; Vessel Registration Identification IMO 8314275 (vessel) [IRAN] (Linked To: ISLAMIC REPUBLIC OF IRAN SHIPPING LINES).

21. IRAN PARAK Bunkering Tanker Iran flag; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 8322064 (vessel) [IRAN] (Linked To: ISLAMIC REPUBLIC OF IRAN SHIPPING LINES).

22. IRAN SHALAK Bunkering Tanker Iran flag; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 8319940 (vessel) [IRAN] (Linked To: ISLAMIC REPUBLIC OF IRAN SHIPPING LINES).

23. IRAN YOUSHAT Bunkering Tanker Iran flag; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 8319952 (vessel) [IRAN] (Linked To: ISLAMIC REPUBLIC OF IRAN SHIPPING LINES).

24. HYUNDAI MIPO 2657 (a.k.a. YARD NO.2657 HYUNDAI M.D.) Tanker Iran flag;

Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 9820336 (vessel) [IRAN] (Linked To: ISLAMIC REPUBLIC OF IRAN SHIPPING LINES).

25. IRAN CHARAK Bunkering Tanker Iran flag; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 8322076 (vessel) [IRAN] (Linked To: ISLAMIC REPUBLIC OF IRAN SHIPPING LINES).

26. KASHAN Container Ship Iran flag; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 9270696 (vessel) [IRAN] (Linked To: ISLAMIC REPUBLIC OF IRAN SHIPPING LINES).

27. SOBHAN Bunkering Tanker Iran flag; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 9036935 (vessel) [IRAN] (Linked To: ISLAMIC REPUBLIC OF IRAN SHIPPING LINES).

28. AMINA Bulk Carrier Iran flag; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 9305192 (vessel) [IRAN] (Linked To: ISLAMIC REPUBLIC OF IRAN SHIPPING LINES).

29. AREZOO General Cargo Iran flag; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 9165786 (vessel) [IRAN] (Linked To: ISLAMIC REPUBLIC OF IRAN SHIPPING LINES).

30. ARSHAM Bulk Carrier Iran flag; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 9386500 (vessel) [IRAN] (Linked To: ISLAMIC REPUBLIC OF IRAN SHIPPING LINES).

31. BAVAND Bulk Carrier Iran flag; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 9387798 (vessel) [IRAN] (Linked To: ISLAMIC REPUBLIC OF IRAN SHIPPING LINES).

32. BEHSHAD General Cargo Iran flag; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 9167289 (vessel) [IRAN] (Linked To: ISLAMIC REPUBLIC OF IRAN SHIPPING LINES).

33. BEHTA Container Ship Iran flag; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 9349590 (vessel) [IRAN] (Linked To: ISLAMIC REPUBLIC OF IRAN SHIPPING LINES).

34. DARYABAR Bulk Carrier Iran flag; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 9369710 (vessel) [IRAN] (Linked To: ISLAMIC REPUBLIC OF IRAN SHIPPING LINES).

35. DELRUBA Bulk Carrier Iran flag; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 9305207 (vessel) [IRAN] (Linked To: ISLAMIC REPUBLIC OF IRAN SHIPPING LINES).

36. GANJ Bulk Carrier Iran flag; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 9305219 (vessel) [IRAN] (Linked To: ISLAMIC REPUBLIC OF IRAN SHIPPING LINES).

37. PARISAN Bulk Carrier Iran flag; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 9465851 (vessel) [IRAN] (Linked To: ISLAMIC REPUBLIC OF IRAN SHIPPING LINES).

38. PARSHAD Bulk Carrier Iran flag; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 9387786 (vessel) [IRAN] (Linked To: ISLAMIC REPUBLIC OF IRAN SHIPPING LINES).

39. SHAHRAZ Container Ship Iran flag; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 9349576 (vessel) [IRAN] (Linked To: ISLAMIC REPUBLIC OF IRAN SHIPPING LINES).

40. TABUK Crude/Oil Products Tanker Togo flag; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 8917467 (vessel) [IRAN] (Linked To: ISLAMIC REPUBLIC OF IRAN SHIPPING LINES).

41. AVANG Bulk Carrier Iran flag; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 9465746 (vessel) [IRAN] (Linked To: ISLAMIC REPUBLIC OF IRAN SHIPPING LINES).

42. BASKAR Bulk Carrier Iran flag; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 9405942 (vessel) [IRAN] (Linked To: ISLAMIC REPUBLIC OF IRAN SHIPPING LINES).

43. CASPIA Chemical/Products Tanker Panama flag; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 9125126 (vessel) [IRAN] (Linked To: ISLAMIC REPUBLIC OF IRAN SHIPPING LINES).

44. DELICE Chemical/Products Tanker Panama flag; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 9125138 (vessel) [IRAN] (Linked To: ISLAMIC REPUBLIC OF IRAN SHIPPING LINES).

45. DELNAVAZ Bulk Carrier Iran flag; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 9387803 (vessel) [IRAN] (Linked To: ISLAMIC REPUBLIC OF IRAN SHIPPING LINES).

46. DEVREZ Chemical/Products Tanker Panama flag; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 9120994 (vessel) [IRAN] (Linked To: ISLAMIC REPUBLIC OF IRAN SHIPPING LINES).

47. KIAZAND Bulk Carrier Iran flag; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 9465758 (vessel) [IRAN] (Linked To: ISLAMIC REPUBLIC OF IRAN SHIPPING LINES).

48. NEGAR General Cargo Iran flag; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 9165839 (vessel) [IRAN] (Linked To: ISLAMIC REPUBLIC OF IRAN SHIPPING LINES).

49. NOOR 1 Bulk Carrier Iran flag; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 9506320 (vessel) [IRAN] (Linked To: ISLAMIC REPUBLIC OF IRAN SHIPPING LINES).

50. TERMEH Bulk Carrier Iran flag; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 9213399 (vessel) [IRAN] (Linked To: ISLAMIC REPUBLIC OF IRAN SHIPPING LINES).

51. WARTA Bulk Carrier Iran flag; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 9465849 (vessel) [IRAN] (Linked To: ISLAMIC REPUBLIC OF IRAN SHIPPING LINES).

52. ARTARIA Bulk Carrier Iran flag; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 9226944 (vessel) [IRAN] (Linked To: ISLAMIC REPUBLIC OF IRAN SHIPPING LINES).

53. ARTMAN Bulk Carrier Iran flag; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 9405930 (vessel) [IRAN] (Linked To: ISLAMIC REPUBLIC OF IRAN SHIPPING LINES).

54. MENA Crude/Oil Products Tanker Togo flag; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 8909472 (vessel) [IRAN] (Linked To: ISLAMIC REPUBLIC OF IRAN SHIPPING LINES).

55. PARSHAN General Cargo Iran flag; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 9051648 (vessel) [IRAN] (Linked To: ISLAMIC REPUBLIC OF IRAN SHIPPING LINES).

56. PERARIN Container Ship Iran flag; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 9209350 (vessel) [IRAN] (Linked To: ISLAMIC REPUBLIC OF IRAN SHIPPING LINES).

57. SARVIN Container Ship Iran flag; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 9209348 (vessel) [IRAN] (Linked To: ISLAMIC REPUBLIC OF IRAN SHIPPING LINES).

58. SAVIZ General Cargo Iran flag; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 9167253 (vessel) [IRAN] (Linked To: ISLAMIC REPUBLIC OF IRAN SHIPPING LINES).

59. SHABDIS Container Ship Iran flag; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 9349588 (vessel) [IRAN] (Linked To: ISLAMIC REPUBLIC OF IRAN SHIPPING LINES).

60. ZARDIS Container Ship Iran flag; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 9349679 (vessel) [IRAN] (Linked To: ISLAMIC REPUBLIC OF IRAN SHIPPING LINES).

61. ARVIN Bulk Carrier Iran flag; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration

Identification IMO 9193202 (vessel) [IRAN] (Linked To: ISLAMIC REPUBLIC OF IRAN SHIPPING LINES).

62. BAHJAT Bulk Carrier Iran flag; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 9405954 (vessel) [IRAN] (Linked To: ISLAMIC REPUBLIC OF IRAN SHIPPING LINES).

63. BATIS Bulk Carrier Iran flag; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 9465760 (vessel) [IRAN] (Linked To: ISLAMIC REPUBLIC OF IRAN SHIPPING LINES).

64. GOLBON Container Ship Iran flag; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 9283033 (vessel) [IRAN] (Linked To: ISLAMIC REPUBLIC OF IRAN SHIPPING LINES).

65. HAMGAM Bulk Carrier Iran flag; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 9226956 (vessel) [IRAN] (Linked To: ISLAMIC REPUBLIC OF IRAN SHIPPING LINES).

66. KHURAN Products Tanker Togo flag; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 9032666 (vessel) [IRAN] (Linked To: ISLAMIC REPUBLIC OF IRAN SHIPPING LINES).

67. MIAMI PRIDE Bulk Carrier Togo flag; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 9274941 (vessel) [IRAN] (Linked To: ISLAMIC REPUBLIC OF IRAN SHIPPING LINES).

68. OURA Bulk Carrier Iran flag; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 9387815 (vessel) [IRAN] (Linked To: ISLAMIC REPUBLIC OF IRAN SHIPPING LINES).

69. GOODREACH (f.k.a. RADIN) Container Ship Hong Kong flag; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 9820257 (vessel) [IRAN] (Linked To: ISLAMIC REPUBLIC OF IRAN SHIPPING LINES).

70. TENREACH (f.k.a. RAYEN) Container Ship Hong Kong flag; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 9820245 (vessel) [IRAN] (Linked To: ISLAMIC REPUBLIC OF IRAN SHIPPING LINES).

71. ROSHAK Bulk Carrier Iran flag; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 9405966 (vessel) [IRAN] (Linked To: ISLAMIC REPUBLIC OF IRAN SHIPPING LINES).

72. SHAMIM Container Ship Iran flag; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 9270658 (vessel) [IRAN] (Linked To: ISLAMIC REPUBLIC OF IRAN SHIPPING LINES).

73. ABBA General Cargo Iran flag; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 9051624 (vessel) [IRAN] (Linked To: ISLAMIC REPUBLIC OF IRAN SHIPPING LINES).

74. ABTIN 1 Container Ship Iran flag; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 9379636 (vessel) [IRAN] (Linked To: ISLAMIC REPUBLIC OF IRAN SHIPPING LINES).

75. ABYAN Container Ship Iran flag; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 9349667 (vessel) [IRAN] (Linked To: ISLAMIC REPUBLIC OF IRAN SHIPPING LINES).

76. ANDIA Bulk Carrier Iran flag; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 9193197 (vessel) [IRAN] (Linked To: ISLAMIC REPUBLIC OF IRAN SHIPPING LINES).

77. ARDAVAN Bulk Carrier Iran flag; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 9465863 (vessel) [IRAN] (Linked To: ISLAMIC REPUBLIC OF IRAN SHIPPING LINES).

78. ARTAVAND Bulk Carrier Iran flag; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 9193214 (vessel) [IRAN] (Linked To: ISLAMIC REPUBLIC OF IRAN SHIPPING LINES).

79. FANREACH (f.k.a. BARZIN) Container Ship Hong Kong flag; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 9820269 (vessel) [IRAN] (Linked To: ISLAMIC REPUBLIC OF IRAN SHIPPING LINES).

80. BEHDOKHT Bulk Carrier Iran flag; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 9405978 (vessel) [IRAN] (Linked To: ISLAMIC REPUBLIC OF IRAN SHIPPING LINES).

81. SHIBA Container Ship Iran flag; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 9270646 (vessel) [IRAN] (Linked To: ISLAMIC REPUBLIC OF IRAN SHIPPING LINES).

82. SANIA General Cargo Iran flag; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 9367994 (vessel) [IRAN] (Linked To: ISLAMIC REPUBLIC OF IRAN SHIPPING LINES).

83. SABRINA General Cargo Iran flag; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 8215742 (vessel) [IRAN] (Linked To: ISLAMIC REPUBLIC OF IRAN SHIPPING LINES).

84. PARMIS General Cargo Iran flag; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 9245316 (vessel) [IRAN] (Linked To: ISLAMIC REPUBLIC OF IRAN SHIPPING LINES).

85. PATRIS General Cargo Iran flag; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 9137210 (vessel) [IRAN] (Linked To: ISLAMIC REPUBLIC OF IRAN SHIPPING LINES).

86. DORITA General Cargo Iran flag; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 8605234 (vessel) [IRAN] (Linked To: ISLAMIC REPUBLIC OF IRAN SHIPPING LINES).

87. KASMA General Cargo Iran flag; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 8721351 (vessel) [IRAN] (Linked To: ISLAMIC REPUBLIC OF IRAN SHIPPING LINES).

88. GILDA General Cargo Iran flag; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 9367982 (vessel) [IRAN] (Linked To: ISLAMIC REPUBLIC OF IRAN SHIPPING LINES).

89. KADOS General Cargo Iran flag; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 9137258 (vessel) [IRAN] (Linked To: ISLAMIC REPUBLIC OF IRAN SHIPPING LINES).

90. NARDIS General Cargo Iran flag; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 9137246 (vessel) [IRAN] (Linked To: ISLAMIC REPUBLIC OF IRAN SHIPPING LINES).

91. PARAND General Cargo Iran flag; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 9118551 (vessel) [IRAN] (Linked To: ISLAMIC REPUBLIC OF IRAN SHIPPING LINES).

92. PARIN General Cargo Iran flag; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 9076478 (vessel) [IRAN] (Linked To: ISLAMIC REPUBLIC OF IRAN SHIPPING LINES).

93. SARINA General Cargo Iran flag; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 8203608 (vessel) [IRAN] (Linked To: ISLAMIC REPUBLIC OF IRAN SHIPPING LINES).

94. SARIR General Cargo Iran flag; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 9368003 (vessel) [IRAN] (Linked To: ISLAMIC REPUBLIC OF IRAN SHIPPING LINES).

95. SOMIA General Cargo Iran flag; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 9368015 (vessel) [IRAN] (Linked To: ISLAMIC REPUBLIC OF IRAN SHIPPING LINES).

96. TARADIS General Cargo Iran flag; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 9245304 (vessel) [IRAN] (Linked To: ISLAMIC REPUBLIC OF IRAN SHIPPING LINES).

97. VIANA General Cargo Iran flag; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 9010723 (vessel) [IRAN] (Linked To: ISLAMIC REPUBLIC OF IRAN SHIPPING LINES).

98. VISTA General Cargo Iran flag; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 9010711 (vessel) [IRAN] (Linked To: ISLAMIC REPUBLIC OF IRAN SHIPPING LINES).

99. ARTABAZ Container Ship Iran flag; Additional Sanctions Information—Subject

to Secondary Sanctions; Vessel Registration Identification IMO 9283007 (vessel) [IRAN] (Linked To: ISLAMIC REPUBLIC OF IRAN SHIPPING LINES).

100. ARTAM Container Ship Iran flag; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 9284154 (vessel) [IRAN] (Linked To: ISLAMIC REPUBLIC OF IRAN SHIPPING LINES).

101. AYSAN General Cargo Iran flag; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 9165803 (vessel) [IRAN] (Linked To: ISLAMIC REPUBLIC OF IRAN SHIPPING LINES).

102. GOLAFRUZ Bulk Carrier Iran flag; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 9323833 (vessel) [IRAN] (Linked To: ISLAMIC REPUBLIC OF IRAN SHIPPING LINES).

103. MAHNAM Bulk Carrier Iran flag; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 9213387 (vessel) [IRAN] (Linked To: ISLAMIC REPUBLIC OF IRAN SHIPPING LINES).

104. TOUSKA Container Ship Iran flag; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 9328900 (vessel) [IRAN] (Linked To: ISLAMIC REPUBLIC OF IRAN SHIPPING LINES).

105. PARNIA General Cargo Iran flag; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 9167265 (vessel) [IRAN] (Linked To: ISLAMIC REPUBLIC OF IRAN SHIPPING LINES).

106. ARTENOS Container Ship Iran flag; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 9283021 (vessel) [IRAN] (Linked To: ISLAMIC REPUBLIC OF IRAN SHIPPING LINES).

107. BEHNAVAZ Container Ship Iran flag; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 9346548 (vessel) [IRAN] (Linked To: ISLAMIC REPUBLIC OF IRAN SHIPPING LINES).

108. ELYANA General Cargo Iran flag; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 9165827 (vessel) [IRAN] (Linked To: ISLAMIC REPUBLIC OF IRAN SHIPPING LINES).

109. NESHAT General Cargo Iran flag; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 9167277 (vessel) [IRAN] (Linked To: ISLAMIC REPUBLIC OF IRAN SHIPPING LINES).

110. SHABGOUN Container Ship Iran flag; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 9346524 (vessel) [IRAN] (Linked To: ISLAMIC REPUBLIC OF IRAN SHIPPING LINES).

111. SHAHR E KORD Container Ship Iran flag; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 9270684 (vessel) [IRAN] (Linked To: ISLAMIC REPUBLIC OF IRAN SHIPPING LINES).

112. ALVAN General Cargo Iran flag; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 9165798 (vessel) [IRAN] (Linked To: ISLAMIC REPUBLIC OF IRAN SHIPPING LINES).

113. ARIES Bulk Carrier Iran flag; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 9369722 (vessel) [IRAN] (Linked To: ISLAMIC REPUBLIC OF IRAN SHIPPING LINES).

114. ARTIN Bulk Carrier Iran flag; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 9305221 (vessel) [IRAN] (Linked To: ISLAMIC REPUBLIC OF IRAN SHIPPING LINES).

115. ARZIN Container Ship Iran flag; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 9284142 (vessel) [IRAN] (Linked To: ISLAMIC REPUBLIC OF IRAN SHIPPING LINES).

116. AZARGOUN Container Ship Iran flag; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 9283019 (vessel) [IRAN] (Linked To: ISLAMIC REPUBLIC OF IRAN SHIPPING LINES).

117. BASHT Container Ship Iran flag; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 9346536 (vessel) [IRAN] (Linked To: ISLAMIC REPUBLIC OF IRAN SHIPPING LINES).

118. BEHDAD General Cargo Iran flag; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 9051636 (vessel) [IRAN] (Linked To: ISLAMIC REPUBLIC OF IRAN SHIPPING LINES).

119. GOLSAN General Cargo Iran flag; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 9165815 (vessel) [IRAN] (Linked To: ISLAMIC REPUBLIC OF IRAN SHIPPING LINES).

120. GOLSAR Bulk Carrier Iran flag; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 9193185 (vessel) [IRAN] (Linked To: ISLAMIC REPUBLIC OF IRAN SHIPPING LINES).

121. JAIRAN General Cargo Iran flag; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 9167291 (vessel) [IRAN] (Linked To: ISLAMIC REPUBLIC OF IRAN SHIPPING LINES).

The following vessels have been identified pursuant to E.O. 13599 as property in which the NATIONAL IRANIAN TANKER COMPANY, a person whose property and interests in property are blocked pursuant to E.O. 13599, has an interest.

122. FAXON Chemical/Products Tanker Panama flag; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 9283758 (vessel) [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY).

123. DERYA Crude Oil Tanker Panama flag; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 9569700 (vessel) [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY).

124. DIONA Crude Oil Tanker Panama flag; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 9569695 (vessel) [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY).

125. DUNE Crude Oil Tanker Panama flag; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 9569712 (vessel) [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY).

The following individuals, entities, and vessels previously appeared on the List of Persons Identified as Blocked Solely Pursuant to E.O. 13599 (E.O. 13599 List). Based on the President's decision to cease U.S. participation in the Joint Comprehensive Plan of Action of July 14, 2015, these individuals, entities, and vessels, which continue to be blocked pursuant to E.O. 13599, were transferred from the E.O. 13599 List and placed on OFAC's List of Specially Designated Nationals and Blocked Persons on November 5, 2018, and the E.O. 13599 List was removed.

1. AA ENERGY FZCO, United Arab Emirates; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN].

2. APAMA (f.k.a. ABELIA; f.k.a. ASTARA; f.k.a. JUPITER) (9HDS9) Crude/Oil Products Tanker 99,087DWT 56,068GRT Iran flag; Former Vessel Flag Tuvalu; alt. Former Vessel Flag Malta; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 9187631; MMSI 256845000 (vessel) [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY).

3. ARNICA (f.k.a. ALERT; f.k.a. ASTANEH; f.k.a. NEPTUNE; f.k.a. SEAPRIDE) (T2ES4) Crude/Oil Products Tanker 99,144DWT 56,068GRT Iran flag; Former Vessel Flag Malta; alt. Former Vessel Flag Tuvalu; alt. Former Vessel Flag Tanzania; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 9187643; MMSI 572467210 (vessel) [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY).

4. AMBER (f.k.a. FREEDOM; f.k.a. HARAZ) (5IM 597) Crude Oil Tanker 317,356DWT 163,660GRT Panama flag; Former Vessel Flag Cyprus; alt. Former Vessel Flag Tanzania; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 9357406; MMSI 677049700 (vessel) [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY).

5. AMIN INVESTMENT BANK (a.k.a. AMINIB), No. 51 Ghobadiyan Street, Valiasr Street, Tehran 1968917173, Iran; website *http://www.aminib.com* [IRAN].

6. ARASH SHIPPING ENTERPRISES LIMITED, Diagoras House, 7th Floor, 16 Panteli Katelari Street, Nicosia 1097, Cyprus; Additional Sanctions Information—Subject to Secondary Sanctions; Telephone (357)(22660766); Fax (357)(22678777) [IRAN]

(Linked To: NATIONAL IRANIAN TANKER COMPANY).

7. ARTA SHIPPING ENTERPRISES LIMITED, Diagoras House, 7th Floor, 16 Panteli Katelari Street, Nicosia 1097, Cyprus; Additional Sanctions Information—Subject to Secondary Sanctions; Telephone (357)(22660766); Fax (357)(22678777) [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY).

8. ASAN SHIPPING ENTERPRISE LIMITED, 85 St. John Street, Valletta VLT 1165, Malta; Additional Sanctions Information—Subject to Secondary Sanctions; Telephone (356)(21241817); Fax (356)(25990640) [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY).

9. ASCOTEC HOLDING GMBH (f.k.a. AHWAZ STEEL COMMERCIAL & TECHNICAL SERVICE GMBH ASCOTEC; f.k.a. AHWAZ STEEL COMMERCIAL AND TECHNICAL SERVICE GMBH ASCOTEC; a.k.a. ASCOTEC GMBH), Tersteegen Strasse 10, Dusseldorf 40474, Germany; Additional Sanctions Information—Subject to Secondary Sanctions; Registration ID HRB 26136 (Germany); all offices worldwide [IRAN].

10. ASCOTEC JAPAN K.K., 8th Floor, Shiba East Building, 2–3–9 Shiba, Minato-ku, Tokyo 105–0014, Japan; Additional Sanctions Information—Subject to Secondary Sanctions; all offices worldwide [IRAN].

11. ASCOTEC MINERAL & MACHINERY GMBH (a.k.a. ASCOTEC MINERAL AND MACHINERY GMBH; f.k.a. BREYELLER KALTBAND GMBH), Tersteegenstr. 10, Dusseldorf 40474, Germany; Additional Sanctions Information—Subject to Secondary Sanctions; Registration ID HRB 55668 (Germany); all offices worldwide [IRAN].

12. ASCOTEC SCIENCE & TECHNOLOGY GMBH (a.k.a. ASCOTEC SCIENCE AND TECHNOLOGY GMBH), Tersteegenstrasse 10, Dusseldorf D 40474, Germany; Additional Sanctions Information—Subject to Secondary Sanctions; Registration ID HRB 58745 (Germany); all offices worldwide [IRAN].

13. ASCOTEC STEEL TRADING GMBH (a.k.a. ASCOTEC STEEL), Tersteegenstr. 10, Dusseldorf 40474, Germany; Georg-Glock-Str. 3, Dusseldorf 40474, Germany; Additional Sanctions Information—Subject to Secondary Sanctions; Registration ID HRB 48319 (Germany); all offices worldwide [IRAN].

14. ASIA ENERGY GENERAL TRADING (LLC), Suite 703, Twin Tower, Baniyas Street, Deira, Dubai, United Arab Emirates; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN].

15. ATLANTIC (f.k.a. SEAGULL) Crude Oil Tanker Liberia flag; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 9107655 (vessel) [IRAN].

16. STARLA (f.k.a. ATLANTIS) (5IM316) Crude Oil Tanker Panama flag (NITC); Former Vessel Flag Tanzania; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 9569621 (vessel) [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY).

17. AURA (f.k.a. OCEAN PERFORMER) Crude Oil Tanker Mongolia flag; Former Vessel Flag Liberia; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 9013749 (vessel) [IRAN].

18. BADR (EQJU) Iran flag; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 8407345 (vessel) [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY).

19. BAHADORI, Masoud; nationality Iran; Additional Sanctions Information—Subject to Secondary Sanctions; Passport T12828814 (Iran); Managing Director, Petro Suisse Intertrade Company (individual) [IRAN].

20. BANDAR IMAM PETROCHEMICAL COMPANY, North Kargar Street, Tehran, Iran; Mahshahr, Bandar Imam, Khuzestan Province, Iran; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN].

21. BANEH (EQKF) Landing Craft 640DWT 478GRT Iran flag; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 8508462; MMSI 422141000 (vessel) [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY).

22. BANK KESHAVARZI IRAN (a.k.a. AGRICULTURAL BANK OF IRAN; a.k.a. BANK KESHAVARZI), PO Box 14155–6395, 129 Patrice Lumumba St, Jalal-al-Ahmad Expressway, Tehran 14454, Iran; all offices worldwide [IRAN].

23. BANK MARKAZI JOMHOURI ISLAMI IRAN (a.k.a. BANK MARKAZI IRAN; a.k.a. CENTRAL BANK OF IRAN; a.k.a. CENTRAL BANK OF THE ISLAMIC REPUBLIC OF IRAN), PO Box 15875/7177, 144 Mirdamad Blvd., Tehran, Iran; 213 Ferdowsi Avenue, Tehran 11365, Iran; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN].

24. BANK MASKAN (a.k.a. HOUSING BANK (OF IRAN)), PO Box 11365/5699, No 247 3rd Floor Fedowsi Ave, Cross Sarhang Sakhaei St, Tehran, Iran; all offices worldwide [IRAN].

25. BANK REFAH KARGARAN (a.k.a. BANK REFAH; a.k.a. WORKERS' WELFARE BANK (OF IRAN)), No. 40 North Shiraz Street, Mollasadra Ave, Vanak Sq, Tehran 19917, Iran; all offices worldwide [IRAN].

26. BANK-E SHAHR, Sepahod Gharani, Corner of Khosro St., No. 147, Tehran, Iran [IRAN].

27. BAZARGAN, Farzad; DOB 03 Jun 1956; Additional Sanctions Information—Subject to Secondary Sanctions; Passport D14855558 (Iran); alt. Passport Y21130717 (Iran); Managing Director, Hong Kong Intertrade Company (individual) [IRAN].

28. BEHSAZ KASHANE TEHRAN CONSTRUCTION CO. (a.k.a. BEHSAZ KASHANEH CO.), No. 40, East Street Journal, North Shiraz Street, Sadra Avenue, Tehran, Iran; website *http://www.behsazco.ir;* Additional Sanctions Information—Subject to Secondary Sanctions [IRAN].

29. BICAS (f.k.a. GLAROS) Crude Oil Tanker Liberia flag; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 9077850 (vessel) [IRAN].

30. BIMEH IRAN INSURANCE COMPANY (U.K.) LIMITED (a.k.a. BIUK), 4/5 Fenchurch Buildings, London EC3M 5HN, United Kingdom; Additional Sanctions Information—Subject to Secondary Sanctions; UK Company Number 01223433 (United Kingdom); all offices worldwide [IRAN].

31. BLUE TANKER SHIPPING SA, Care of Sambouk Shipping FCZ, Office 101, 1st Floor, FITCO Building No 3, Inside Fujairah Port, PO Box 50044, Fujairah, United Arab Emirates; Majuro MH, Marshall Islands; Liberia; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN].

32. BOU ALI SINA PETROCHEMICAL COMPANY (a.k.a. BUALI SINA PETROCHEMICAL COMPANY), No. 17, 1st Floor, Daman Afshar St., Vanak Sq., Vali-e-Asr Ave, Tehran 19697, Iran; Petrochemical Special Economic Zone (PETZONE), Iran; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN].

33. BREYELLER STAHL TECHNOLOGY GMBH & CO. KG (a.k.a. BREYELLER STAHL TECHNOLOGY GMBH AND CO. KG; f.k.a. ROETZEL-STAHL GMBH & CO. KG; f.k.a. ROETZEL-STAHL GMBH AND CO. KG), Josefstrasse 82, Nettetal 41334, Germany; Additional Sanctions Information—Subject to Secondary Sanctions; Registration ID HRA 4528 (Germany); all offices worldwide [IRAN].

34. BRIGHT (f.k.a. ZAP) Crude Oil Tanker Mongolia flag; Former Vessel Flag Liberia; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 9005235 (vessel) [IRAN].

35. CAMBIS, Dimitris (a.k.a. KAMPIS, Dimitrios Alexandros; a.k.a. ''KLIMT, Gustav''); DOB 14 Oct 1963; Additional Sanctions Information—Subject to Secondary Sanctions (individual) [IRAN].

36. CARIBO (f.k.a. NEREYDA) Crude Oil Tanker Panama flag; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 9011246 (vessel) [IRAN].

37. CASPIAN MARITIME LIMITED, Fortuna Court, Block B, 284 Archbishop Makarios II Avenue, Limassol 3105, Cyprus; Additional Sanctions Information—Subject to Secondary Sanctions; Telephone (357)(25800000); Fax (357)(25588055) [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY).

38. COMMERCIAL PARS OIL CO., 9th Floor, No. 346, Mirdamad Avenue, Tehran, Iran; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN].

39. HILDA I (f.k.a. COURAGE; f.k.a. HOMA) (5IM 596) Crude Oil Tanker 317,367DWT 163,660GRT Panama flag; Former Vessel Flag Cyprus; alt. Former Vessel Flag Tanzania; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 9357389; MMSI 677049600 (vessel) [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY).

40. CREDIT INSTITUTION FOR DEVELOPMENT, 53 Saanee, Jahan-e Koodak, Crossroads Africa St., Tehran, Iran [IRAN].

41. CYLINDER SYSTEM L.T.D. (a.k.a. CILINDER SISTEM D.O.O.; a.k.a. CILINDER SISTEM D.O.O. ZA PROIZVODNJU I USLUGE), Dr. Mile Budaka 1, Slavonski Brod 35000, Croatia; 1 Mile Budaka, Slavonski Brod 35000, Croatia; website *http://www.csc-sb.hr;* Additional Sanctions Information—Subject to Secondary Sanctions; Registration ID 050038884 (Croatia); Tax ID No. 27694384517 (Croatia) [IRAN].

42. DORE (f.k.a. COMPANION; f.k.a. DAL LAKE; f.k.a. DAVAR) (5IM 593) Crude Oil

Tanker 317,850DWT 164,241GRT Panama flag; Former Vessel Flag Cyprus; alt. Former Vessel Flag Tanzania; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 9357717; MMSI 677049300 (vessel) [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY).

43. DIAMOND II (f.k.a. DAMAVAND) (9HEG9) Crude Oil Tanker 297,013DWT 160,576GRT Panama flag; Former Vessel Flag Malta; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 9218478; MMSI 256865000 (vessel) [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY).

44. DANESH SHIPPING COMPANY LIMITED, Diagoras House, 7th Floor, 16 Panteli Katelari Street, Nicosia 1097, Cyprus; Additional Sanctions Information—Subject to Secondary Sanctions; Telephone (357)(22660766); Fax (357)(22668608) [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY).

45. DEEP SEA (f.k.a. DARAB) (9HEE9) Crude Oil Tanker 296,803DWT 160,576GRT Panama flag; Former Vessel Flag Malta; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 9218492; MMSI 256862000 (vessel) [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY).

46. DAVAR SHIPPING CO LTD, Diagoras House, 7th Floor, 16 Panteli Katelari Street, Nicosia 1097, Cyprus; Additional Sanctions Information—Subject to Secondary Sanctions; Telephone (357)(22660766); Fax (357)(22678777) [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY).

47. DOVER (f.k.a. DAYLAM) (9HEU9) Crude Oil Tanker 299,500DWT 160,576GRT Panama flag; Former Vessel Flag Malta; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 9218466; MMSI 256872000 (vessel) [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY).

48. DREAM II (f.k.a. DANESH; f.k.a. DECESIVE; f.k.a. LEADERSHIP) (5IM 592) Crude Oil Tanker 319,988DWT 164,241GRT Panama flag; Former Vessel Flag Cyprus; alt. Former Vessel Flag Tanzania; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 9356593; MMSI 677049200 (vessel) [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY).

49. DEVON (f.k.a. DELVAR) (9HEF9) Crude Oil Tanker 299,500DWT 160,576GRT None Identified flag; Former Vessel Flag Malta; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 9218454; MMSI 256864000 (vessel) [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY).

50. DANIEL (f.k.a. DEMOS) (5IM656) Crude Oil Tanker Panama flag (NITC); Former Vessel Flag Tanzania; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 9569683 (vessel) [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY).

51. DOWNY (f.k.a. DENA) (9HED9) Crude Oil Tanker 296,894DWT 160,576GRT Panama flag; Former Vessel Flag Malta; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 9218480; MMSI 256861000 (vessel) [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY).

52. DENA TANKERS FZE, Free Zone, P.O. Box 5232, Fujairah, United Arab Emirates; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY).

53. DESTINY (f.k.a. ULYSSES 1) Crude Oil Tanker Panama flag; Former Vessel Flag Liberia; alt. Former Vessel Flag Mongolia; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 9177155 (vessel) [IRAN].

54. SNOW (f.k.a. DOJRAN; f.k.a. RAINBOW; f.k.a. SOUVENIR; a.k.a. YARD NO. 1221 SHANGHAI WAIGAOQIAO) Crude Oil Tanker 318,000DWT 165,000GRT Panama flag; Former Vessel Flag Malta; alt. Former Vessel Flag Tuvalu; alt. Former Vessel Flag Tanzania; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 9569619 (vessel) [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY).

55. HORSE (f.k.a. DOVE; f.k.a. HONAR; f.k.a. JANUS; f.k.a. VICTORY) (T2EA4) Crude Oil Tanker 317,367DWT 163,660GRT Panama flag; Former Vessel Flag Cyprus; alt. Former Vessel Flag Tuvalu; alt. Former Vessel Flag Tanzania; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 9362061; MMSI 209511000 (vessel) [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY).

56. EGHTESAD NOVIN BANK (a.k.a. BANK-E EGHTESAD NOVIN; a.k.a. EN BANK PJSC), Vali Asr Street, Above Vanak Circle, across Niayesh, Esfandiari Blvd., No. 24, Tehran, Iran; SWIFT/BIC BEGNIRTH [IRAN].

57. EXECUTION OF IMAM KHOMEINI'S ORDER (a.k.a. EIKO; a.k.a. SETAD; a.k.a. SETAD EJRAEI EMAM; a.k.a. SETAD-E EJRAEI-E FARMAN-E HAZRAT-E EMAM; a.k.a. SETAD-E FARMAN-EJRAEI-YE EMAM), Khaled Stamboli St., Tehran, Iran; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN].

58. FOREST (f.k.a. FAEZ; f.k.a. FIANGA; f.k.a. MAESTRO; f.k.a. SATEEN) (T2DM4) Chemical/Products Tanker 35,124DWT 25,214GRT Panama flag; Former Vessel Flag Malta; alt. Former Vessel Flag Tuvalu; alt. Former Vessel Flag Tanzania; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 9283760; MMSI 572438210 (vessel) [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY).

59. STREAM (f.k.a. FORTUN; f.k.a. SONATA; a.k.a. YARD NO. 1222 SHANGHAI WAIGAOQIAO) Crude Oil Tanker 318,000DWT 165,000GRT Panama flag; Former Vessel Flag Malta; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 9569633 (vessel) [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY).

60. GARBIN NAVIGATION LTD, Care of Sambouk Shipping FCZ, Office 101, 1st Floor, FITCO Building No 3, Inside Fujairah Port, PO Box 50044, Fujairah, United Arab Emirates; 80 Broad Street, Monrovia, Liberia; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN].

61. GHADIR INVESTMENT COMPANY, 341 West Mirdamad Boulevard, Tehran, Iran; P.O. Box 19696, Tehran, Iran; website *http://www.ghadir-invest.com;* Additional Sanctions Information—Subject to Secondary Sanctions [IRAN].

62. GHAED BASSIR PETROCHEMICAL PRODUCTS COMPANY (a.k.a. GHAED BASSIR), No. 15, Palizvani (7th) Street, Gandhi (South) Avenue, Tehran 1517655711, Iran; Km 10 of Khomayen Road, Golpayegan, Iran; website *http://www.gbpc.net;* Additional Sanctions Information—Subject to Secondary Sanctions [IRAN].

63. GHALEBANI, Ahmad (a.k.a. GHALEHBANI, Ahmad; a.k.a. QALEHBANI, Ahmad); DOB 01 Jan 1953 to 31 Dec 1954; Additional Sanctions Information—Subject to Secondary Sanctions; Passport H20676140 (Iran); Managing Director, National Iranian Oil Company; Director, Hong Kong Intertrade Company; Director, Petro Suisse Intertrade Company (individual) [IRAN].

64. GHARZOLHASANEH RESALAT BANK, Beside the No. 1 Baghestan Alley, Saadat Abad Ave., Kaj Sq., Tehran, Iran; All offices worldwide [IRAN].

65. GOLDEN RESOURCES TRADING COMPANY L.L.C. (a.k.a. ''GRTC''), 9th Floor, Office No. 905, Khalid Al Attar Tower 1, Sheikh Zayed Road, After Crown Plaza Hotel, Al Wasl Area, Dubai, United Arab Emirates; Postal Box 34489, Dubai, United Arab Emirates; Postal Box 14358, Dubai, United Arab Emirates; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN].

66. GRACE BAY SHIPPING INC, Care of Sambouk Shipping FCZ, 1st Floor, FITCO Building No 3, Inside Fujairah Port, PO Box 50044, Fujairah, United Arab Emirates; Trust Company Complex, Ajeltake Road, Ajeltake Island, Majuro MH96960, Marshall Islands; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN].

67. HADI SHIPPING COMPANY LIMITED, Diagoras House, 7th Floor, 16 Panteli Katelari Street, Nicosia 1097, Cyprus; Additional Sanctions Information—Subject to Secondary Sanctions; Telephone (357)(22660766); Fax (357)(22668608) [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY).

68. HENNA (f.k.a. HALISTIC; f.k.a. HAMOON; f.k.a. LENA; f.k.a. TAMAR) (T2EQ4) Crude Oil Tanker 299,242DWT 160,930GRT Panama flag; Former Vessel Flag Malta; alt. Former Vessel Flag Tuvalu; alt. Former Vessel Flag Tanzania; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 9212929; MMSI 572465210 (vessel) [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY).

69. HAPPINESS I (f.k.a. HAPPINESS; f.k.a. HENGAM; f.k.a. LOYAL; f.k.a. TULAR) (T2ER4) Crude Oil Tanker 299,214DWT 160,930GRT Panama flag; Former Vessel Flag Malta; alt. Former Vessel Flag Tuvalu; alt. Former Vessel Flag Tanzania; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 9212905; MMSI 256875000 (vessel) [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY).

70. HARAZ SHIPPING COMPANY LIMITED, Diagoras House, 7th Floor, 16 Panteli Katelari Street, Nicosia 1097, Cyprus; Additional Sanctions Information—Subject to Secondary Sanctions; Telephone (357)(22660766); Fax (357)(22668608) [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY).

71. HATEF SHIPPING COMPANY LIMITED, Diagoras House, 7th Floor, 16 Panteli Katelari Street, Nicosia 1097, Cyprus; Additional Sanctions Information—Subject to Secondary Sanctions; Telephone (357)(22660766); Fax (357)(22668608) [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY).

72. HEKMAT IRANIAN BANK (a.k.a. BANK-E HEKMAT IRANIAN), Argentine Circle, beginning of Africa St., Corner of 37th St., (Dara Cul-de-sac), No. 26, Tehran, Iran [IRAN].

73. HERCULES INTERNATIONAL SHIP, Care of Sambouk Shipping FCZ, Office 101, 1st Floor, FITCO Building No 3, Inside Fujairah Port, PO Box 50044, Fujairah, United Arab Emirates; 80 Broad Street, Monrovia, Liberia; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN].

74. HERMIS SHIPPING SA, Care of Sambouk Shipping FCZ, Office 101, 1st Floor, FITCO Building No 3, Inside Fujairah Port, PO Box 50044, Fujairah, United Arab Emirates; Panama City, Panama; Monrovia, Liberia; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN].

75. HIRMAND SHIPPING COMPANY LIMITED, Diagoras House, 7th Floor, 16 Panteli Katelari Street, Nicosia 1097, Cyprus; Additional Sanctions Information—Subject to Secondary Sanctions; Telephone (357)(22660766); Fax (357)(22668608) [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY).

76. HODA SHIPPING COMPANY LIMITED, Diagoras House, 7th Floor, 16 Panteli Katelari Street, Nicosia 1097, Cyprus; Additional Sanctions Information—Subject to Secondary Sanctions; Telephone (357)(22660766); Fax (357)(22668608) [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY).

77. HOMA SHIPPING COMPANY LIMITED, Diagoras House, 7th Floor, 16 Panteli Katelari Street, Nicosia 1097, Cyprus; Additional Sanctions Information—Subject to Secondary Sanctions; Telephone (357)(22660766); Fax (357)(22668608) [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY).

78. HONAR SHIPPING COMPANY LIMITED, Diagoras House, 7th Floor, 16 Panteli Katelari Street, Nicosia 1097, Cyprus; Additional Sanctions Information—Subject to Secondary Sanctions; Telephone (357)(22660766); Fax (357)(22668608) [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY).

79. HELM (f.k.a. HIRMAND; f.k.a. HONESTY; f.k.a. MILLIONAIRE) (T2DZ4) Crude Oil Tanker 317,356DWT 163,660GRT Panama flag; Former Vessel Flag Cyprus; alt. Former Vessel Flag Tuvalu; alt. Former Vessel Flag Tanzania; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 9357391; MMSI 572450210 (vessel) [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY).

80. HONG KONG INTERTRADE COMPANY, Hong Kong; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN].

81. HALTI (f.k.a. HORIZON; f.k.a. HORMOZ; f.k.a. SCORPIAN) (9HEK9) Crude Oil Tanker 299,261DWT 160,930GRT Panama flag; Former Vessel Flag Tuvalu; alt. Former Vessel Flag Tanzania; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 9212890; MMSI 256870000 (vessel) [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY).

82. HORMOZ OIL REFINING COMPANY, Next to the Current Bandar Abbas Refinery, Bandar Abbas City, Iran; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN].

83. HUMANITY (f.k.a. OCEAN NYMPH) Crude Oil Tanker Panama flag; Former Vessel Flag Panama; alt. Former Vessel Flag Mongolia; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 9180281 (vessel) [IRAN].

84. HEDY (f.k.a. HUWAYZEH) (9HEJ9) Crude Oil Tanker 299,242DWT 160,930GRT Panama flag; Former Vessel Flag Malta; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 9212888; MMSI 256869000 (vessel) [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY).

85. HERBY (f.k.a. EXPLORER; f.k.a. HODA; f.k.a. HYDRA; f.k.a. PRECIOUS) (T2EH4) Crude Oil Tanker 317,356DWT 163,660GRT Panama flag; Former Vessel Flag Cyprus; alt. Former Vessel Flag Tuvalu; alt. Former Vessel Flag Tanzania; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 9362059; MMSI 572458210 (vessel) [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY).

86. IFIC HOLDING AG (a.k.a. IHAG), Koenigsallee 60 D, Dusseldorf 40212, Germany; Additional Sanctions Information—Subject to Secondary Sanctions; Registration ID HRB 48032 (Germany); all offices worldwide [IRAN].

87. IHAG TRADING GMBH, Koenigsallee 60 D, Dusseldorf 40212, Germany; Additional Sanctions Information—Subject to Secondary Sanctions; Registration ID HRB 37918 (Germany); all offices worldwide [IRAN].

88. IMICO NEKA 455 (a.k.a. YARD NO. 455 IRAN MARINE) Shuttle Tanker 63,000DWT 40,800GRT Iran flag; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 9404546 (vessel) [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY).

89. IMICO NEKA 456 (a.k.a. YARD NO. 456 IRAN MARINE) Shuttle Tanker 63,000DWT 40,800GRT Iran flag; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 9404558 (vessel) [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY).

90. IMICO NEKA 457 (a.k.a. YARD NO. 457 IRAN MARINE) Shuttle Tanker 63,000DWT 40,800GRT Iran flag; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 9404560 (vessel) [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY).

91. IMPIRE SHIPPING COMPANY (a.k.a. IMPIRE SHIPPING; a.k.a. IMPIRE SHIPPING LIMITED), Greece; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN].

92. INDUSTRIAL DEVELOPMENT AND RENOVATION ORGANIZATION OF IRAN (a.k.a. IDRO; a.k.a. IRAN DEVELOPMENT & RENOVATION ORGANIZATION COMPANY; a.k.a. IRAN DEVELOPMENT AND RENOVATION ORGANIZATION COMPANY; a.k.a. SAWZEMANE GOSTARESH VA NOWSAZI SANAYE IRAN), Vali Asr Building, Jam e Jam Street, Vali Asr Avenue, Tehran 15815–3377, Iran; Additional Sanctions Information—Subject to Secondary Sanctions; all offices worldwide [IRAN].

93. DINO I (f.k.a. INFINITY) (5IM411) Crude Oil Tanker Panama flag (NITC); Former Vessel Flag Tanzania; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 9569671 (vessel) [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY).

94. INTRA CHEM TRADING GMBH (a.k.a. INTRA-CHEM TRADING CO. (GMBH)), Schottweg 3, Hamburg 22087, Germany; Additional Sanctions Information—Subject to Secondary Sanctions; Registration ID HRB48416 (Germany); all offices worldwide [IRAN].

95. IRAN & SHARGH COMPANY (a.k.a. IRAN AND EAST COMPANY; a.k.a. IRAN AND SHARGH COMPANY; a.k.a. IRANOSHARGH COMPANY; a.k.a. SHERKAT-E IRAN VA SHARGH), 827, North of Seyedkhandan Bridge, Shariati Street, P.O. Box 13185–1445, Tehran 16616, Iran; No. 41, Next to 23rd Alley, South Gandi St., Vanak Square, Tehran 15179, Iran; website *http://www.iranoshargh.com;* Additional Sanctions Information—Subject to Secondary Sanctions [IRAN].

96. IRAN & SHARGH LEASING COMPANY (a.k.a. IRAN AND EAST LEASING COMPANY; a.k.a. IRAN AND SHARGH LEASING COMPANY; a.k.a. SHERKAT-E LIZING-E IRAN VA SHARGH), 1st Floor, No. 33, Shahid Atefi Alley, Opposite Mellat Park, Vali-e-Asr Street, Tehran 1967933759, Iran; website *http://www.isleasingco.com;* Additional Sanctions Information—Subject to Secondary Sanctions [IRAN].

97. IRAN FAHIM Chemical/Products Tanker 34,900DWT 26,561GRT Iran flag; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 9286140 (vessel) [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY).

98. IRAN FALAGH Chemical/Products Tanker 34,900DWT 25,000GRT Iran flag; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 9286152 (vessel) [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY).

99. FORTUNE (f.k.a. IRAN FAZEL) (9BAC) Chemical/Products Tanker 35,155DWT 25,214GRT Panama flag; Former Vessel Flag

Iran; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 9283746; MMSI 422303000 (vessel) [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY).

100. IRAN FOREIGN INVESTMENT COMPANY (a.k.a. IFIC), No. 4, Saba Blvd., Africa Blvd., Tehran 19177, Iran; P.O. Box 19395–6947, Tehran, Iran; Additional Sanctions Information—Subject to Secondary Sanctions; all offices worldwide [IRAN].

101. IRAN INSURANCE COMPANY (a.k.a. BIMEH IRAN), 107 Dr Fatemi Avenue, Tehran 14155/6363, Iran; Abdolaziz-Al-Masaeed Building, Sheikh Maktoom St., Deira, P.O. Box 2004, Dubai, United Arab Emirates; P.O. Box 1867, Al Ain, Abu Dhabi, United Arab Emirates; P.O. Box 3281, Abu Dhabi, United Arab Emirates; P.O. Box 1666, Sharjah, United Arab Emirates; P.O. Box 849, Ras-Al-Khaimah, United Arab Emirates; P.O. Box 417, Muscat 113, Oman; P.O. Box 676, Salalah 211, Oman; P.O. Box 995, Manama, Bahrain; Al-Lami Center, Ali-Bin-Abi Taleb St. Sharafia, P.O. Box 11210, Jeddah 21453, Saudi Arabia; Al Alia Center, Salaheddine Rd., Al Malaz, P.O. Box 21944, Riyadh 11485, Saudi Arabia; Al Rajhi Bldg., 3rd Floor, Suite 23, Dhahran St., P.O. Box 1305, Dammam 31431, Saudi Arabia; Additional Sanctions Information—Subject to Secondary Sanctions; all offices worldwide [IRAN].

102. IRAN PETROCHEMICAL COMMERCIAL COMPANY (a.k.a. PETROCHEMICAL COMMERCIAL COMPANY; a.k.a. SHERKATE BASARGANI PETROCHEMIE (SAHAMI KHASS); a.k.a. SHERKATE BAZARGANI PETRCHEMIE; a.k.a. ''IPCC''; a.k.a. ''PCC''), No. 1339, Vali Nejad Alley, Vali-e-Asr St., Vanak Sq., Tehran, Iran; INONU CAD. SUMER Sok., Zitas Bloklari C.2 Bloc D.H, Kozyatagi, Kadikoy, Istanbul, Turkey; Topcu Ibrahim Sokak No: 13 D: 7 Icerenkoy-Kadikoy, Istanbul, Turkey; 99–A, Maker Tower F, 9th Floor, Cuffe Parade, Colabe, Mumbai 400 005, India; No. 1014, Doosan We've Pavilion, 58, Soosong-Dong, Jongno-Gu, Seoul, Korea, South; Office No. 707, No. 10, Chao Waidajie, Chao Tang District, Beijing 100020, China; Additional Sanctions Information—Subject to Secondary Sanctions; all offices worldwide [IRAN].

103. IRAN ZAMIN BANK (a.k.a. BANK-E IRAN ZAMIN), Seyyed Jamal-oldin Asadabadi St., Corner of 68th St., No. 472, Tehran, Iran [IRAN].

104. IRANIAN MINES AND MINING INDUSTRIES DEVELOPMENT AND RENOVATION ORGANIZATION (a.k.a. IMIDRO; a.k.a. IRAN MINING INDUSTRIES DEVELOPMENT AND RENOVATION ORGANIZATION; a.k.a. IRANIAN MINES AND MINERAL INDUSTRIES DEVELOPMENT AND RENOVATION), No. 39, Sepahbod Gharani Avenue, Ferdousi Square, Tehran, Iran; Additional Sanctions Information—Subject to Secondary Sanctions; all offices worldwide [IRAN].

105. IRANIAN OIL COMPANY (U.K.) LIMITED (a.k.a. IOC UK LTD), Riverside House, Riverside Drive, Aberdeen AB11 7LH, United Kingdom; Additional Sanctions Information—Subject to Secondary Sanctions; UK Company Number 01019769 (United Kingdom); all offices worldwide [IRAN].

106. IRASCO S.R.L. (a.k.a. IRASCO ITALY), Via Di Francia 3, Genoa 16149, Italy; Additional Sanctions Information—Subject to Secondary Sanctions; Registration ID GE 348075 (Italy); all offices worldwide [IRAN].

107. ISLAMIC REGIONAL COOPERATION BANK (a.k.a. BANK-E TAAWON MANTAGHEEY-E ESLAMI; a.k.a. REGIONAL COOPERATION OF THE ISLAMIC BANK FOR DEVELOPMENT & INVESTMENT), Building No. 59, District 929, Street No. 17, Arsat Al-Hindia, Al Masbah, Baghdad, Iraq; Tohid Street, Before Tohid Circle, No. 33, Upper Level of Eghtesad-e Novin Bank, Tehran 1419913464, Iran; SWIFT/BIC RCDFIQBA [IRAN].

108. JASHNSAZ, Seifollah (a.k.a. JASHN SAZ, Seifollah; a.k.a. JASHNSAZ, Seyfollah); DOB 22 Mar 1958; POB Behbahan, Iran; nationality Iran; Additional Sanctions Information—Subject to Secondary Sanctions; Passport R17589399 (Iran); alt. Passport T23700825 (Iran); Chairman & Director, Naftiran Intertrade Co. (NICO) Sarl; Chairman & Director, Naft Iran Intertrade Company Ltd.; Director, Hong Kong Intertrade Company; Chairman of the Board of Directors, Iranian Oil Company (U.K.) Limited; Chairman & Director, Petro Suisse Intertrade Company (individual) [IRAN].

109. JUPITER SEAWAYS SHIPPING, Care of Sambouk Shipping FCZ, Office 101, 1st Floor, FITCO Building No 3, Inside Fujairah Port, PO Box 50044, Fujairah, United Arab Emirates; 80 Broad Street, Monrovia, Liberia; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN].

110. DAN (f.k.a. JUSTICE) Crude Oil Tanker Panama flag; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 9357729 (vessel) [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY).

111. KAFOLATBANK (a.k.a. CJSC KAFOLATBANK), Apartment 4/1, Academics Rajabovs Street, Dushanbe, Tajikistan; SWIFT/BIC KACJTJ22; All offices worldwide [IRAN].

112. KALA LIMITED (a.k.a. KALA NAFT LONDON LTD), NIOC House, 4 Victoria Street, Westminster, London SW1H 0NE, United Kingdom; Additional Sanctions Information—Subject to Secondary Sanctions; UK Company Number 01517853 (United Kingdom); all offices worldwide [IRAN].

113. KALA PENSION TRUST LIMITED, C/O Kala Limited, N.I.O.C. House, 4 Victoria Street, London SW1H 0NE, United Kingdom; Additional Sanctions Information—Subject to Secondary Sanctions; UK Company Number 01573317 (United Kingdom); all offices worldwide [IRAN].

114. KARAFARIN BANK (a.k.a. BANK–E KARAFARIN), Zafar St. No. 315, Between Vali Asr and Jordan, Tehran, Iran; SWIFT/BIC KBIDIRTH [IRAN].

115. KASB INTERNATIONAL LLC (a.k.a. FIRST FURAT TRADING LLC), 10th Floor, Citi Bank Building, Oud Metha Road, Oud Metha, Dubai, United Arab Emirates; Additional Sanctions Information—Subject to Secondary Sanctions; Telephone Number: (971) (4) (3248000) [IRAN].

116. KHAVARMIANEH BANK (a.k.a. MIDDLE EAST BANK), No. 22, Second Floor Sabounchi St., Shahid Beheshti Ave., Tehran, Iran; SWIFT/BIC KHMIIRTH; All offices worldwide [IRAN].

117. KISH INTERNATIONAL BANK (a.k.a. KISH INTERNATIONAL BANK OFFSHORE COMPANY PJS), NBO–9, Andisheh Blvd., Sanayi Street, Kish Island, Iran; All offices worldwide [IRAN].

118. KONING MARINE CORP, Care of Sambouk Shipping FCZ, Office 101, 1st Floor, FITCO Building No 3, Inside Fujairah Port, PO Box 50044, Fujairah, United Arab Emirates; 80 Broad Street, Monrovia, Liberia; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN].

119. MACHINE SAZI ARAK CO. LTD. (a.k.a. MACHINE SAZI ARAK COMPANY P J S C; a.k.a. MACHINE SAZI ARAK SSA; a.k.a. MASHIN SAZI ARAK; a.k.a. ''MSA''), P.O. Box 148, Arak 351138, Iran; Arak, Km 4 Tehran Road, Arak, Markazi Province, Iran; No. 1, Northern Kargar Street, Tehran 14136, Iran; Additional Sanctions Information—Subject to Secondary Sanctions; all offices worldwide [IRAN].

120. MAHAB GHODSS CONSULTING ENGINEERING COMPANY (a.k.a. MAHAB GHODSS CONSULTING ENGINEERING CO.; a.k.a. MAHAB GHODSS CONSULTING ENGINEERS SSK; a.k.a. MAHAB QODS ENGINEERING CONSULTING CO.), No. 17, Dastgerdy Avenue, Takharestan Alley, 19395–6875, Tehran 1918781185, Iran; 16 Takharestan Alley, Dastgerdy Avenue, P.O. Box 19395–6875, Tehran 19187 81185, Iran; Additional Sanctions Information—Subject to Secondary Sanctions; Registration ID 48962 (Iran) issued 1983; all offices worldwide [IRAN].

121. BELEMA LIGHT CRUDE (f.k.a. MAHARLIKA; f.k.a. NOOR) (9HES9) Crude Oil Tanker 298,732DWT 156,809GRT Panama flag; Former Vessel Flag Malta; alt. Former Vessel Flag Tuvalu; alt. Former Vessel Flag Tanzania; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 9079066; MMSI 256882000 (vessel) [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY).

122. HUGE (f.k.a. GLORY; f.k.a. HATEF; f.k.a. MAJESTIC) (T2EG4) Crude Oil Tanker 317,367DWT 163,660GRT Panama flag; Former Vessel Flag Cyprus; alt. Former Vessel Flag Tuvalu; alt. Former Vessel Flag Tanzania; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 9357183; MMSI 212256000 (vessel) [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY).

123. HASNA (f.k.a. HARSIN; f.k.a. MARINA; f.k.a. VALOR) (5IM600) Crude Oil Tanker 299,229DWT 160,930GRT Panama flag; Former Vessel Flag Malta; alt. Former Vessel Flag Tanzania; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 9212917; MMSI 677050000 (vessel) [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY).

124. MARIVAN (EQKH) Bunkering Tanker 640DWT 478GRT Iran flag; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 8517243; MMSI 422143000 (vessel)

[IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY).

125. MARJAN PETROCHEMICAL COMPANY (a.k.a. MARJAN METHANOL COMPANY), Ground Floor, No. 39, Meftah/Garmsar West Alley, Shiraz (South) Street, Molla Sadra Avenue, Tehran, Iran; Post Office Box 19935–561, Tehran, Iran; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN].

126. MCS ENGINEERING (a.k.a. EFFICIENT PROVIDER SERVICES GMBH), Karlstrasse 21, Dinslaken, Nordrhein-Westfalen 46535, Germany; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN].

127. MCS INTERNATIONAL GMBH (a.k.a. MANNESMAN CYLINDER SYSTEMS; a.k.a. MCS TECHNOLOGIES GMBH), Karlstrasse 23–25, Dinslaken, Nordrhein-Westfalen 46535, Germany; website *http://www.mcs-tch.com;* Additional Sanctions Information—Subject to Secondary Sanctions [IRAN].

128. MEHR IRAN CREDIT UNION BANK (a.k.a. BANK-E GHARZOLHASANEH MEHR IRAN; a.k.a. GHARZOLHASANEH MEHR IRAN BANK), Taleghani St., No.204, Before the intersection of Mofateh, across from the former U.S. embassy, Tehran, Iran [IRAN].

129. MEHRAN SHIPPING COMPANY LIMITED, Diagoras House, 7th Floor, 16 Panteli Katelari Street, Nicosia 1097, Cyprus; Additional Sanctions Information—Subject to Secondary Sanctions; Telephone (357)(22660766); Fax (357)(22668608) [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY).

130. MELLAT INSURANCE COMPANY, No. 48, Haghani Street, Vanak Square, Before Jahan-Kodak Cross, Tehran 1517973913, Iran; No. 40, Shahid Haghani Express Way, Vanak Square, Tehran, Iran; No. 9, Niloofar Street, Sharabyani Avenue, Taavon Boulevard, Shahr-e-Ziba, Tehran, Iran; 72 Hillview Court, Woking, Surrey GU22 7QW, United Kingdom; No. 697 Saeeidi Alley, Crossroads College, Enghelab St., Tehran, Iran; website *http://www.mellatinsurance.com;* Additional Sanctions Information—Subject to Secondary Sanctions [IRAN].

131. MERSAD SHIPPING COMPANY LIMITED, Diagoras House, 7th Floor, 16 Panteli Katelari Street, Nicosia 1097, Cyprus; Additional Sanctions Information—Subject to Secondary Sanctions; Telephone (357)(22660766); Fax (357)(22668608) [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY).

132. METAL & MINERAL TRADE S.A.R.L. (a.k.a. METAL & MINERAL TRADE (MMT); a.k.a. METAL AND MINERAL TRADE (MMT); a.k.a. METAL AND MINERAL TRADE S.A.R.L.; a.k.a. MMT LUXEMBURG; a.k.a. MMT SARL), 11b, Boulevard Joseph II L–1840, Luxembourg; Additional Sanctions Information—Subject to Secondary Sanctions; Registration ID B 59411 (Luxembourg); all offices worldwide [IRAN].

133. MINAB SHIPPING COMPANY LIMITED (f.k.a. MIGHAT SHIPPING COMPANY LIMITED), Diagoras House, 7th Floor, 16 Panteli Katelari Street, Nicosia 1097, Cyprus; Additional Sanctions Information—Subject to Secondary Sanctions; Telephone (357)(22660766); Fax (357)(22668608) [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY).

134. MINES AND METALS ENGINEERING GMBH (a.k.a. ''M.M.E.''), Georg-Glock-Str. 3, Dusseldorf 40474, Germany; Additional Sanctions Information—Subject to Secondary Sanctions; Registration ID HRB 34095 (Germany); all offices worldwide [IRAN].

135. MOBIN PETROCHEMICAL COMPANY, South Pars Special Economic Energy Zone, Postal Box: 75391–418, Assaluyeh, Bushehr, Iran; PO Box, Mashhad, Iran; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN].

136. MODABER (a.k.a. MODABER INVESTMENT COMPANY; a.k.a. TADBIR INDUSTRIAL HOLDING COMPANY); Additional Sanctions Information—Subject to Secondary Sanctions [IRAN].

137. MOHADDES, Seyed Mahmoud; DOB 07 Jun 1957; citizen Iran; Additional Sanctions Information—Subject to Secondary Sanctions; Managing Director, Iranian Oil Company (U.K.) Ltd. (individual) [IRAN].

138. MOINIE, Mohammad; DOB 04 Jan 1956; POB Brojerd, Iran; citizen United Kingdom; Additional Sanctions Information—Subject to Secondary Sanctions; Passport 301762718 (United Kingdom); Commercial Director, Naftiran Intertrade Company Sarl (individual) [IRAN].

139. MONSOON SHIPPING LTD, Care of Sambouk Shipping FCZ, Office 101, 1st Floor, FITCO Building No 3, Inside Fujairah Port, PO Box 50044, Fujairah, United Arab Emirates; Valletta, Malta; Trust Company Complex, Ajeltake Road, Ajeltake Island, Majuro MH96960, Marshall Islands; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN].

140. MSP KALA NAFT CO. TEHRAN (a.k.a. KALA NAFT CO SSK; a.k.a. KALA NAFT COMPANY LTD; a.k.a. KALA NAFT TEHRAN; a.k.a. KALA NAFT TEHRAN COMPANY; a.k.a. KALAYEH NAFT CO; a.k.a. M.S.P.-KALA; a.k.a. MANUFACTURING SUPPORT & PROCUREMENT CO.-KALA NAFT; a.k.a. MANUFACTURING SUPPORT AND PROCUREMENT (M.S.P.) KALA NAFT CO. TEHRAN; a.k.a. MANUFACTURING, SUPPORT AND PROCUREMENT KALA NAFT COMPANY; a.k.a. MSP KALA NAFT TEHRAN COMPANY; a.k.a. MSP KALANAFT; a.k.a. MSP–KALANAFT COMPANY; a.k.a. SHERKAT SAHAMI KHASS KALA NAFT; a.k.a. SHERKAT SAHAMI KHASS POSHTIBANI VA TEHIYEH KALAYE NAFT TEHRAN; a.k.a. SHERKATE POSHTIBANI SAKHT VA TAHEIH KALAIE NAFTE TEHRAN), 242 Sepahbod Gharani Street, Karim Khan Zand Bridge, Corner Kalantari Street, 8th Floor, P.O. Box 15815–1775/15815–3446, Tehran 15988, Iran; Building No. 226, Corner of Shahid Kalantari Street, Sepahbod Gharani Avenue, Karimkhan Avenue, Tehran 1598844815, Iran; No. 242, Shahid Kalantari St., Near Karimkhan Bridge, Sepahbod Gharani Avenue, Tehran, Iran; Head Office Tehran, Sepahbod Gharani Ave., P.O. Box 15815/1775 15815/3446, Tehran, Iran; P.O. Box 2965, Sharjah, United Arab Emirates; 333 7th Ave SW #1102, Calgary, AB T2P 2Z1, Canada; Chekhov St., 24.2, AP 57, Moscow, Russia; Room No. 704—No. 10 Chao Waidajie Chao Yang District, Beijing 10020, China; Sanaee Ave., P.O. Box 79417–76349, N.I.O.C., Kish, Iran; 10th Floor, Sadaf Tower, Kish Island, Iran; Additional Sanctions Information—Subject to Secondary Sanctions; all offices worldwide [IRAN].

141. N.I.T.C. REPRESENTATIVE OFFICE (a.k.a. NATIONAL IRANIAN TANKER COMPANY), Droogdokweg 71, Rotterdam 3089 JN, Netherlands; Email Address *nitcrdam@tiscali.net;* Additional Sanctions Information—Subject to Secondary Sanctions; Telephone +31 010–4951863; Telephone +31 10–4360037; Fax +31 10–4364096 [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY).

142. NAFTIRAN INTERTRADE CO. (NICO) LIMITED (a.k.a. NAFT IRAN INTERTRADE COMPANY LTD; a.k.a. NAFTIRAN INTERTRADE COMPANY (NICO); a.k.a. NAFTIRAN INTERTRADE COMPANY LTD; a.k.a. NICO), 41, 1st Floor, International House, The Parade, St Helier JE2 3QQ, Jersey; Petro Pars Building, Saadat Abad Ave, No 35, Farhang Blvd., Tehran, Iran; Additional Sanctions Information—Subject to Secondary Sanctions; all offices worldwide [IRAN] (Linked To: NIOC INTERNATIONAL AFFAIRS (LONDON) LIMITED).

143. NAFTIRAN INTERTRADE CO. (NICO) SARL (a.k.a. NICO), 6, Avenue de la Tour-Haldimand, Pully, VD 1009, Switzerland; Additional Sanctions Information—Subject to Secondary Sanctions; all offices worldwide [IRAN].

144. NAFTIRAN TRADING SERVICES CO. (NTS) LIMITED, 47 Queen Anne Street, London W1G 9JG, United Kingdom; 6th Floor NIOC Ho, 4 Victoria St, London SW1H 0NE, United Kingdom; Additional Sanctions Information—Subject to Secondary Sanctions; UK Company Number 02600121 (United Kingdom); all offices worldwide [IRAN].

145. NAINITAL (f.k.a. MIDSEA; f.k.a. MOTION; f.k.a. NAJM) (T2DR4) Crude Oil Tanker 298,731DWT 156,809GRT None Identified flag; Former Vessel Flag Malta; alt. Former Vessel Flag Tuvalu; alt. Former Vessel Flag Tanzania; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 9079092; MMSI 572442210 (vessel) [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY).

146. NAVARZ (f.k.a. ELITE; f.k.a. NAPOLI; f.k.a. NOAH; f.k.a. VOYAGER) (T2DQ4) Crude Oil Tanker 298,731DWT 156,809GRT Panama flag; Former Vessel Flag Malta; alt. Former Vessel Flag Tuvalu; alt. Former Vessel Flag Tanzania; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 9079078; MMSI 572441210 (vessel) [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY).

147. NATIONAL IRANIAN OIL COMPANY (a.k.a. NIOC), Hafez Crossing, Taleghani Avenue, P.O. Box 1863 and 2501, Tehran, Iran; National Iranian Oil Company Building, Taleghani Avenue, Hafez Street, Tehran, Iran; website *www.nioc.ir;* Additional Sanctions Information—Subject to Secondary Sanctions; all offices worldwide [IRAN] [IFCA].

148. NATIONAL IRANIAN OIL COMPANY PTE LTD, 7 Temasek Boulevard #07–02, Suntec Tower One 038987, Singapore;

Additional Sanctions Information—Subject to Secondary Sanctions; Registration ID 199004388C (Singapore); all offices worldwide [IRAN].

149. NATIONAL IRANIAN TANKER COMPANY (a.k.a. NITC), NITC Building, 67–88, Shahid Atefi Street, Africa Avenue, Tehran, Iran; website *www.nitc.co.ir;* Email Address *info@nitc.co.ir;* alt. Email Address *administrator@nitc.co.ir;* Additional Sanctions Information—Subject to Secondary Sanctions; Telephone (98)(21)(66153220); Telephone (98)(21)(23803202); Telephone (98)(21)(23803303); Telephone (98)(21)(66153224); Telephone (98)(21)(23802230); Telephone (98)(9121115315); Telephone (98)(9128091642); Telephone (98)(9127389031); Fax (98)(21)(22224537); Fax (98)(21)(23803318); Fax (98)(21)(22013392); Fax (98)(21)(22058763) [IRAN] [IFCA].

150. NATIONAL IRANIAN TANKER COMPANY LLC (a.k.a. NATIONAL IRANIAN TANKER COMPANY LLC SHARJAH BRANCH; a.k.a. NITC SHARJAH), Al Wahda Street, Street No. 4, Sharjah, United Arab Emirates; P.O. Box 3267, Sharjah, United Arab Emirates; website *http://nitcsharjah.com/index.html;* Additional Sanctions Information—Subject to Secondary Sanctions; Telephone +97165030600; Telephone + 97165749996; Telephone +971506262258; Fax +97165394666; Fax +97165746661 [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY).

151. NATIONAL PETROCHEMICAL COMPANY (a.k.a. ''NPC''), No. 104, North Sheikh Bahaei Blvd., Molla Sadra Ave., Tehran, Iran; Additional Sanctions Information—Subject to Secondary Sanctions; all offices worldwide [IRAN].

152. NASHA (f.k.a. NATIVE LAND; f.k.a. NESA; f.k.a. OCEANIC; f.k.a. TRUTH) (T2DP4) Crude Oil Tanker 298,732DWT 156,809GRT Panama flag; Former Vessel Flag Malta; alt. Former Vessel Flag Tuvalu; alt. Former Vessel Flag Tanzania; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 9079107; MMSI 572440210 (vessel) [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY).

153. NICO ENGINEERING LIMITED, 41, 1st Floor, International House, The Parade, St. Helier JE2 3QQ, Jersey; Additional Sanctions Information—Subject to Secondary Sanctions; Registration ID 75797 (Jersey); all offices worldwide [IRAN].

154. NIKOUSOKHAN, Mahmoud; DOB 01 Jan 1961 to 31 Dec 1962; nationality Iran; Additional Sanctions Information—Subject to Secondary Sanctions; Passport U14624657 (Iran); Finance Director, National Iranian Oil Company; Director, Hong Kong Intertrade Company; Director, Petro Suisse Intertrade Company (individual) [IRAN].

155. NIOC INTERNATIONAL AFFAIRS (LONDON) LIMITED, NIOC House, 4 Victoria Street, London SW1H 0NE, United Kingdom; Additional Sanctions Information—Subject to Secondary Sanctions; UK Company Number 02772297 (United Kingdom); all offices worldwide [IRAN].

156. NOOR ENERGY (MALAYSIA) LTD., Labuan, Malaysia; Additional Sanctions Information—Subject to Secondary Sanctions; Company Number LL08318 [IRAN].

157. NOURI PETROCHEMICAL COMPANY (a.k.a. BORZUYEH PETROCHEMICAL COMPANY; a.k.a. NOURI PETROCHEMICAL COMPLEX), Pars Special Economic Energy Zone, Assaluyeh Port, Bushehr, Iran; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN].

158. NPC INTERNATIONAL LIMITED (a.k.a. N P C INTERNATIONAL LTD; a.k.a. NPC INTERNATIONAL COMPANY), 5th Floor NIOC House, 4 Victoria Street, London SW1H 0NE, United Kingdom; Additional Sanctions Information—Subject to Secondary Sanctions; UK Company Number 02696754 (United Kingdom); all offices worldwide [IRAN].

159. NYOS (f.k.a. BRAWNY; f.k.a. MARIGOLD; f.k.a. NABI) (T2DS4) Crude Oil Tanker 298,731DWT 156,809GRT None Identified flag; Former Vessel Flag Malta; alt. Former Vessel Flag Tuvalu; alt. Former Vessel Flag Tanzania; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 9079080; MMSI 572443210 (vessel) [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY).

160. OIL INDUSTRY INVESTMENT COMPANY (a.k.a. ''O.I.I.C.''), No. 83, Sepahbod Gharani Street, Tehran, Iran; website *http://www.oiic-ir.com;* Additional Sanctions Information—Subject to Secondary Sanctions [IRAN].

161. OMID REY CIVIL & CONSTRUCTION COMPANY (a.k.a. OMID DEVELOPMENT AND CONSTRUCTION; a.k.a. OMID REY CIVIL AND CONSTRUCTION COMPANY; a.k.a. OMID REY RENOVATION AND DEVELOPMENT CO.); website *http://www.omidrey.com;* Additional Sanctions Information—Subject to Secondary Sanctions [IRAN].

162. ONE CLASS PROPERTIES (PTY) LTD. (a.k.a. ONE CLASS INCORPORATED), Cape Town, South Africa; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN].

163. ONE VISION INVESTMENTS 5 (PTY) LTD. (a.k.a. ONE VISION 5), 3rd Floor, Tygervalley Chambers, Bellville, Cape Town 7530, South Africa; Canal Walk, P.O. Box 17, Century City, Milnerton 7446, South Africa; Additional Sanctions Information—Subject to Secondary Sanctions; Registration ID 2002/022757/07 (South Africa) [IRAN].

164. ONERBANK ZAO (a.k.a. EFTEKHAR BANK; a.k.a. HONOR BANK; a.k.a. HONORBANK; a.k.a. HONORBANK ZAO; a.k.a. ONER BANK; a.k.a. ONERBANK; a.k.a. ONER–BANK), Ulitsa Klary Tsetkin 51, Minsk 220004, Belarus; SWIFT/BIC HNRBBY2X; Registration ID 807000227 (Belarus) issued 16 Oct 2009; all offices worldwide [IRAN].

165. FELICITY (f.k.a. LEYCOTHEA; f.k.a. ORIENTAL) Crude Oil Tanker Panama flag; Former Vessel Flag Panama; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 9183934 (vessel) [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY).

166. P.C.C. (SINGAPORE) PRIVATE LIMITED (a.k.a. P.C.C. SINGAPORE BRANCH; a.k.a. PCC SINGAPORE PTE LTD), 78 Shenton Way, #08–02 079120, Singapore; 78 Shenton Way, 26–02A Lippo Centre 079120, Singapore; Additional Sanctions Information—Subject to Secondary Sanctions; Registration ID 199708410K (Singapore); all offices worldwide [IRAN].

167. PARDIS INVESTMENT COMPANY (a.k.a. SHERKAT-E SARMAYEGOZARI–E PARDIS), Iran; Unit D4 and C4, 4th Floor, Building 29 Africa, Corner of 25th Street, Africa Boulevard, Tehran, Iran; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN].

168. PARS MCS (a.k.a. PARS MCS CO.; a.k.a. PARS MCS COMPANY), 2nd Floor, No. 4, Sasan Dead End, Afriqa Avenue, After Esfandiar, Crossroads, Tehran, Iran; No. 5 Sasan Alley, Atefi Sharghi St., Afrigha Boulevard, Tehran, Iran; Oshtorjan Industrial Zone, Zob-e Ahan Highway, Isafahan, Iran; website *http://www.parsmcs.com;* Additional Sanctions Information—Subject to Secondary Sanctions [IRAN].

169. PARS OIL AND GAS COMPANY (a.k.a. POGC), No. 133, Side of Parvin Etesami Alley, opposite Sazman Ab—Dr. Fatemi Avenue, Tehran, Iran; No. 1 Parvin Etesami Street, Fatemi Avenue, Tehran, Iran; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN].

170. PARS OIL CO. (a.k.a. PARS OIL; a.k.a. SHERKAT NAFT PARS SAHAMI AAM), Iran; No. 346, Pars Oil Company Building, Modarres Highway, East Mirdamad Boulevard, Tehran 1549944511, Iran; Postal Box 14155–1473, Tehran 159944511, Iran; website *http://www.parsoilco.com;* Additional Sanctions Information—Subject to Secondary Sanctions [IRAN].

171. PARS PETROCHEMICAL COMPANY, Pars Special Economic Energy Zone, PO Box 163–75391, Assaluyeh, Bushehr, Iran; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN].

172. PARS PETROCHEMICAL SHIPPING COMPANY, 1st Floor, No. 19, Shenasa Street, Vali E Asr Avenue, Tehran, Iran; website *www.parsshipping.com;* Additional Sanctions Information—Subject to Secondary Sanctions [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY).

173. PARSAEI, Reza; DOB 09 Aug 1963; citizen Iran; Additional Sanctions Information—Subject to Secondary Sanctions; Director, NIOC International Affairs (London) Ltd. (individual) [IRAN].

174. PASARGAD BANK (a.k.a. BANK-E PASARGAD), Valiasr St., Mirdamad St., No. 430, Tehran, Iran; SWIFT/BIC BKBPIRTH [IRAN].

175. PERSIA OIL & GAS INDUSTRY DEVELOPMENT CO. (a.k.a. PERSIA OIL AND GAS INDUSTRY DEVELOPMENT CO.; a.k.a. TOSE SANAT-E NAFT VA GAS PERSIA), 7th Floor, No. 346, Mirdamad Avenue, Tehran, Iran; Ground Floor, No. 14, Saba Street, Africa Boulevard, Tehran, Iran; website *http://www.pogidc.com;* Additional Sanctions Information—Subject to Secondary Sanctions [IRAN].

176. PETRO ENERGY INTERTRADE COMPANY, Dubai, United Arab Emirates; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN].

177. PETRO ROYAL FZE, United Arab Emirates; Additional Sanctions

Information—Subject to Secondary Sanctions [IRAN].

178. PETRO SUISSE INTERTRADE COMPANY SA, 6 Avenue de la Tour-Haldimand, Pully 1009, Switzerland; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN].

179. PETROCHEMICAL COMMERCIAL COMPANY (U.K.) LIMITED (a.k.a. PCC (UK); a.k.a. PCC UK; a.k.a. PCC UK LTD), 4 Victoria Street, London SW1H 0NE, United Kingdom; Additional Sanctions Information—Subject to Secondary Sanctions; UK Company Number 02647333 (United Kingdom); all offices worldwide [IRAN].

180. PETROCHEMICAL COMMERCIAL COMPANY FZE (a.k.a. PCC FZE), 1703, 17th Floor, Dubai World Trade Center Tower, Sheikh Zayed Road, Dubai, United Arab Emirates; Office No. 99–A, Maker Tower ''F'' 9th Floor Cutte Pavade, Colabe, Mumbai 700005, India; Additional Sanctions Information—Subject to Secondary Sanctions; all offices worldwide [IRAN].

181. PETROCHEMICAL COMMERCIAL COMPANY INTERNATIONAL (a.k.a. PETROCHEMICAL COMMERCIAL COMPANY INTERNATIONAL LIMITED; a.k.a. PETROCHEMICAL COMMERCIAL COMPANY INTERNATIONAL LTD; a.k.a. PETROCHEMICAL TRADING COMPANY LIMITED; a.k.a. ''PCCI''), 41, 1st Floor, International House, The Parade, St. Helier JE2 3QQ, Jersey; Ave. 54, Yimpash Business Center, No. 506, 507, Ashkhabad 744036, Turkmenistan; P.O. Box 261539, Jebel Ali, Dubai, United Arab Emirates; No. 21 End of 9th St, Gandi Ave, Tehran, Iran; 21, Africa Boulevard, Tehran, Iran; Additional Sanctions Information—Subject to Secondary Sanctions; Registration ID 77283 (Jersey); all offices worldwide [IRAN].

182. PETROIRAN DEVELOPMENT COMPANY (PEDCO) LIMITED (a.k.a. PETRO IRAN DEVELOPMENT COMPANY; a.k.a. ''PEDCO''), 41, 1st Floor, International House, The Parade, St. Helier JE2 3QQ, Jersey; National Iranian Oil Company—PEDCO, P.O. Box 2965, Al Bathaa Tower, 9th Floor, Apt. 905, Al Buhaira Corniche, Sharjah, United Arab Emirates; P.O. Box 15875–6731, Tehran, Iran; No. 22, 7th Lane, Khalid Eslamboli Street, Shahid Beheshti Avenue, Tehran, Iran; No. 102, Next to Shahid Amir Soheil Tabrizian Alley, Shahid Dastgerdi (Ex Zafar) Street, Shariati Street, Tehran 19199/45111, Iran; Kish Harbour, Bazargan Ferdos Warehouses, Kish Island, Iran; Additional Sanctions Information—Subject to Secondary Sanctions; Registration ID 67493 (Jersey); all offices worldwide [IRAN].

183. PETROPARS INTERNATIONAL FZE (a.k.a. PPI FZE), P.O. Box 72146, Dubai, United Arab Emirates; Additional Sanctions Information—Subject to Secondary Sanctions; all offices worldwide [IRAN].

184. PETROPARS LTD. (a.k.a. PETROPARS LIMITED; a.k.a. ''PPL''), No. 35, Farhang Blvd., Saadat Abad, Tehran, Iran; Calle La Guairita, Centro Profesional Eurobuilding, Piso 8, Oficina 8E, Chuao, Caracas 1060, Venezuela; P.O. Box 3136, Road Town, Tortola, Virgin Islands, British; Additional Sanctions Information—Subject to Secondary Sanctions; all offices worldwide [IRAN].

185. PETROPARS UK LIMITED, 47 Queen Anne Street, London W1G 9JG, United Kingdom; Additional Sanctions Information—Subject to Secondary Sanctions; UK Company Number 03503060 (United Kingdom); all offices worldwide [IRAN].

186. POLINEX GENERAL TRADING LLC, Health Care City, Umm Hurair Rd., Oud Mehta Offices, Block A, 4th Floor 420, Dubai, United Arab Emirates; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN].

187. POLYNAR COMPANY, No. 58, St. 14, Qanbarzadeh Avenue, Resalat Highway, Tehran, Iran; website *http://www.polynar.com;* Additional Sanctions Information—Subject to Secondary Sanctions [IRAN].

188. POURANSARI, Hashem; nationality Iran; Additional Sanctions Information—Subject to Secondary Sanctions; Passport B19488852 (Iran); Managing Director, Asia Energy General Trading (individual) [IRAN].

189. PROTON PETROCHEMICALS SHIPPING LIMITED (a.k.a. PROTON SHIPPING CO; a.k.a. ''PSC''), Diagoras House, 7th Floor, 16 Panteli Katelari Street, Nicosia 1097, Cyprus; Additional Sanctions Information—Subject to Secondary Sanctions; Telephone (357)(22660766); Fax (357)(22668608) [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY).

190. REY INVESTMENT COMPANY, 2nd and 3rd Floors, No. 14, Saba Boulevard, After Esfandiar Crossroad, Africa Boulevard, Tehran 1918973657, Iran; website *http://www.rey-co.com;* Additional Sanctions Information—Subject to Secondary Sanctions [IRAN].

191. REY NIRU ENGINEERING COMPANY (a.k.a. REY NIROO ENGINEERING COMPANY); website *http://www.reyniroo.com;* Additional Sanctions Information—Subject to Secondary Sanctions [IRAN].

192. REYCO GMBH. (a.k.a. REYCO GMBH GERMANY), Karlstrasse 19, Dinslaken, Nordrhein-Westfalen 46535, Germany; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN].

193. RISHMAK PRODUCTIVE & EXPORTS COMPANY (a.k.a. RISHMAK COMPANY; a.k.a. RISHMAK EXPORT AND MANUFACTURING P.J.S.; a.k.a. RISHMAK PRODUCTION AND EXPORT COMPANY; a.k.a. RISHMAK PRODUCTIVE AND EXPORTS COMPANY; a.k.a. SHERKAT-E TOLID VA SADERAT-E RISHMAK), Rishmak Cross Rd., 3rd Km. of Amir Kabir Road, Shiraz 71365, Iran; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN].

194. ROYAL ARYA CO. (a.k.a. ARIA ROYAL CONSTRUCTION COMPANY), Iran; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN].

195. SILVIA I (f.k.a. MAGNOLIA; f.k.a. SABRINA; f.k.a. SARVESTAN) (5IM590) Crude Oil Tanker 159,711DWT 81,479GRT Panama flag; Former Vessel Flag Malta; alt. Former Vessel Flag Tanzania; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 9172052; MMSI 677049000 (vessel) [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY).

196. SADAF PETROCHEMICAL ASSALUYEH COMPANY (a.k.a. SADAF ASALUYEH CO.; a.k.a. SADAF CHEMICAL ASALUYEH COMPANY; a.k.a. SADAF PETROCHEMICAL ASSALUYEH INVESTMENT SERVICE), Assaluyeh, Iran; South Pars Special Economy/Energy Zone, Iran; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN].

197. SERENA (f.k.a. SALALEH; f.k.a. SONGBIRD; a.k.a. YARD NO. 1224 SHANGHAI WAIGAOQIAO) Crude Oil Tanker 318,000DWT 165,000GRT Panama flag; Former Vessel Flag Malta; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 9569645 (vessel) [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY).

198. SAMAN BANK (a.k.a. BANK–E SAMAN), Vali Asr. St. No. 3, Before Vey Park intersection, corner of Tarakesh Dooz St., Tehran, Iran; SWIFT/BIC SABCIRTH [IRAN].

199. SAMAN SHIPPING COMPANY LIMITED, Diagoras House, 7th Floor, 16 Panteli Katelari Street, Nicosia 1097, Cyprus; Additional Sanctions Information—Subject to Secondary Sanctions; Telephone (357)(22660766); Fax (357)(22668608) [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY).

200. SAMBOUK SHIPPING FZC, FITCO Building No. 3, Office 101, 1st Floor, P.O. Box 50044, Fujairah, United Arab Emirates; Office 1202, Crystal Plaza, PO Box 50044, Buhaira Corniche, Sharjah, United Arab Emirates; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN].

201. SANCHI (f.k.a. GARDENIA; f.k.a. SEAHORSE; f.k.a. SEPID) (T2EF4) Crude Oil Tanker 164,154DWT 85,462GRT None Identified flag; Former Vessel Flag Malta; alt. Former Vessel Flag Tuvalu; alt. Former Vessel Flag Tanzania; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 9356608; MMSI 572455210 (vessel) [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY).

202. SARDASHT (EQKG) Landing Craft 640DWT 478GRT Iran flag; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 8517231; MMSI 422142000 (vessel) [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY).

203. SARMAYEH BANK (a.k.a. BANK-E SARMAYEH), Sepahod Gharani No. 24, Corner of Arak St., Tehran, Iran [IRAN].

204. SARV SHIPPING COMPANY LIMITED, 198 Old Bakery Street, Valletta VLT 1455, Malta; Additional Sanctions Information—Subject to Secondary Sanctions; Telephone (356)(21241232) [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY).

205. SEPID SHIPPING COMPANY LIMITED, 198 Old Bakery Street, Valletta VLT 1455, Malta; Additional Sanctions Information—Subject to Secondary Sanctions; Telephone (356)(21241232) [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY).

206. SEYYEDI, Seyed Nasser Mohammad; DOB 21 Apr 1963; citizen Iran; Additional Sanctions Information—Subject to Secondary

Sanctions; Passport B14354139 (Iran); alt. Passport L18507193 (Iran); alt. Passport X95321252 (Iran); Managing Director, Sima General Trading (individual) [IRAN].

207. SHAHID TONDGOOYAN PETROCHEMICAL COMPANY (a.k.a. SHAHID TONDGUYAN PETROCHEMICAL COMPANY), Petrochemical Special Economic Zone (PETZONE), Iran; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN].

208. SHAZAND PETROCHEMICAL COMPANY (a.k.a. AR.P.C.; a.k.a. ARAK PETROCHEMICAL COMPANY; a.k.a. SHAZAND PETROCHEMICAL CORPORATION), No. 68, Taban St., Vali Asr Ave., Tehran, Iran; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN].

209. ARTAVIL (f.k.a. ABADAN; f.k.a. ALPHA; f.k.a. SHONA) (T2EU4) Crude/Oil Products Tanker 99,144DWT 56,068GRT Iran flag; Former Vessel Flag Malta; alt. Former Vessel Flag Tuvalu; alt. Former Vessel Flag None Identified; alt. Former Vessel Flag Tanzania; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 9187629; MMSI 572469210 (vessel) [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY).

210. ARGO I (f.k.a. AMOL; a.k.a. ARGO 1; f.k.a. CASTOR; f.k.a. CHRISTINA; f.k.a. SILVER CLOUD) (T2EM4) Crude/Oil Products Tanker 99,094DWT 56,068GRT Panama flag; Former Vessel Flag Malta; alt. Former Vessel Flag Tuvalu; alt. Former Vessel Flag Tanzania; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 9187667; MMSI 256843000 (vessel) [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY).

211. SIMA GENERAL TRADING CO FZE (a.k.a. SIMA GENERAL TRADING & INDUSTRIALS FOR BUILDING MATERIAL CO FZE), Office No. 703 Office Tower, Twin Tower, Baniyas Rd., Deira, P.O. Box 49754, Dubai, United Arab Emirates; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN].

212. SIMA SHIPPING COMPANY LIMITED, 198 Old Bakery Street, Valletta VLT 1455, Malta; Additional Sanctions Information—Subject to Secondary Sanctions; Telephone (356)(21241232) [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY).

213. SINA SHIPPING COMPANY LIMITED, 198 Old Bakery Street, Valletta VLT 1455, Malta; Additional Sanctions Information—Subject to Secondary Sanctions; Telephone (356)(21241232) [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY).

214. DORENA (f.k.a. SKYLINE) (5IM632) Crude Oil Tanker Panama flag (NITC); Former Vessel Flag Tanzania; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 9569669 (vessel) [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY).

215. SEA CLIFF (f.k.a. SMOOTH; a.k.a. YARD NO. 1225 SHANGHAI WAIGAOQIAO) Crude Oil Tanker 318,000DWT 165,000GRT Panama flag; Former Vessel Flag Malta; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 9569657 (vessel) [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY).

216. STARK I (f.k.a. CLOVE; f.k.a. SEMNAN; f.k.a. SPARROW) (5IM 595) Crude Oil Tanker 159,681DWT 81,479GRT Panama flag; Former Vessel Flag Malta; alt. Former Vessel Flag Tanzania; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 9171450; MMSI 677049500 (vessel) [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY).

217. SALINA (f.k.a. BLACKSTONE; f.k.a. SARV; f.k.a. SPLENDOUR) (9HNZ9) Crude Oil Tanker 163,870DWT 85,462GRT Panama flag; Former Vessel Flag Malta; alt. Former Vessel Flag Tuvalu; alt. Former Vessel Flag Seychelles; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 9357377; MMSI 249257000 (vessel) [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY).

218. SABITI (f.k.a. LANTANA; f.k.a. SANANDAJ; f.k.a. SPOTLESS) (5IM591) Crude Oil Tanker 159,681DWT 81,479GRT Panama flag; Former Vessel Flag Malta; alt. Former Vessel Flag Tanzania; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 9172040; MMSI 677049100 (vessel) [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY).

219. SANA (f.k.a. BAIKAL; f.k.a. BLOSSOM; f.k.a. SIMA; f.k.a. SUCCESS) (T2DY4) Crude Oil Tanker 164,154DWT 85,462GRT Panama flag; Former Vessel Flag Malta; alt. Former Vessel Flag Tuvalu; alt. Former Vessel Flag Tanzania; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 9357353; MMSI 572449210 (vessel) [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY).

220. ARK (f.k.a. ABADEH; f.k.a. CRYSTAL; f.k.a. SUNDIAL) (9HDQ9) Crude/Oil Products Tanker 99,030DWT 56,068GRT Panama flag; Former Vessel Flag Malta; alt. Former Vessel Flag Tanzania; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 9187655; MMSI 256842000 (vessel) [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY).

221. SONIA I (f.k.a. AZALEA; f.k.a. SINA; f.k.a. SUNEAST) (9HNY9) Crude Oil Tanker 164,154DWT 85,462GRT Panama flag; Former Vessel Flag Malta; alt. Former Vessel Flag Tuvalu; alt. Former Vessel Flag None Identified; alt. Former Vessel Flag Seychelles; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 9357365; MMSI 249256000 (vessel) [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY).

222. MARIA III (f.k.a. SUNRISE) LPG Tanker Panama flag (NITC); Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 9615092 (vessel) [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY).

223. SEA STAR III (f.k.a. CARNATION; f.k.a. SAFE; a.k.a. SEASTAR III; f.k.a. SUNSHINE; a.k.a. YARD NO. 1220 SHANGHAI WAIGAOQIAO) Crude Oil Tanker 318,000DWT 165,000GRT Panama flag; Former Vessel Flag Tuvalu; alt. Former Vessel Flag Malta; alt. Former Vessel Flag Tanzania; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 9569205 (vessel) [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY).

224. SINOPA (f.k.a. DAISY; f.k.a. SUPERIOR; f.k.a. SUSANGIRD) (5IM584) Crude Oil Tanker 159,681DWT 81,479GRT Panama flag; Former Vessel Flag Malta; alt. Former Vessel Flag Tanzania; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 9172038; MMSI 677048400 (vessel) [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY).

225. SOL (f.k.a. CAMELLIA; f.k.a. SAVEH; f.k.a. SWALLOW) (5IM 594) Crude Oil Tanker 159,758DWT 81,479GRT Panama flag; Former Vessel Flag Malta; alt. Former Vessel Flag Tanzania; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 9171462; MMSI 677049400 (vessel) [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY).

226. SWISS MANAGEMENT SERVICES SARL, 28C, Route de Denges, Lonay 1027, Switzerland; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN].

227. SYNERGY GENERAL TRADING FZE, Sharjah—Saif Zone, Sharjah Airport International Free Zone, United Arab Emirates; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN].

228. TABATABAEI, Seyyed Mohammad Ali Khatibi; DOB 27 Sep 1955; citizen Iran; Additional Sanctions Information—Subject to Secondary Sanctions; Director, NIOC International Affairs (London) Ltd.; Director of International Affairs, NIOC (individual) [IRAN].

229. TABRIZ PETROCHEMICAL COMPANY, Off Km 8, Azarshahr Road, Kojuvar Road, Tabriz, Iran; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN].

230. TADBIR BROKERAGE COMPANY (a.k.a. SHERKAT-E KARGOZARI-E TADBIRGARAN-E FARDA; a.k.a. TADBIRGARAN FARDA BROKERAGE COMPANY; a.k.a. TADBIRGARAN-E FARDA BROKERAGE COMPANY; a.k.a. TADBIRGARANE FARDA MERCANTILE EXCHANGE CO.), Unit C2, 2nd Floor, Building No. 29, Corner of 25th Street, After Jahan Koudak, Cross Road Africa Street, Tehran 15179, Iran; website *http://www.tadbirbroker.com;* Additional Sanctions Information—Subject to Secondary Sanctions [IRAN].

231. TADBIR CONSTRUCTION DEVELOPMENT COMPANY (a.k.a. GORUH-E TOSE-E SAKHTEMAN-E TADBIR; a.k.a. TADBIR BUILDING EXPANSION GROUP; a.k.a. TADBIR HOUSING DEVELOPMENT GROUP), Block 1, Mehr Passage, 4th Street, Iran Zamin Boulevard, Shahrak Qods, Tehran, Iran; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN].

232. TADBIR ECONOMIC DEVELOPMENT GROUP (a.k.a. TADBIR GROUP), 16 Avenue Bucharest, Tehran, Iran; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN].

233. TADBIR ENERGY DEVELOPMENT GROUP CO., 6th Floor, Mirdamad Avenue, No. 346, Tehran, Iran; website *http://www.tadbirenergy.com;* Additional Sanctions Information—Subject to Secondary Sanctions [IRAN].

234. TADBIR INVESTMENT COMPANY, Tehran, Iran; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN].

235. TAT BANK (a.k.a. BANK-E TAT), Shahid Ahmad Ghasir (Bocharest), Shahid Ahmadian (15th) St., No. 1, Tehran, Iran; No. 1 Ahmadian Street, Bokharest Avenue, Tehran, Iran; SWIFT/BIC TATBIRTH [IRAN].

236. TC SHIPPING COMPANY LIMITED, Diagoras House, 7th Floor, 16 Panteli Katelari Street, Nicosia 1097, Cyprus; Additional Sanctions Information—Subject to Secondary Sanctions; Telephone (357)(22660766); Fax (357)(22668608) [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY).

237. TOLOU (EQOD) Crew/Supply Vessel 250DWT 178GRT Iran flag; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 8318178 (vessel) [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY).

238. TOSEE EQTESAD AYANDEHSAZAN COMPANY (a.k.a. TEACO; a.k.a. TOSEE EGHTESAD AYANDEHSAZAN COMPANY), 39 Gandhi Avenue, Tehran 1517883115, Iran; Additional Sanctions Information—Subject to Secondary Sanctions [IRAN].

239. TOSEE TAAVON BANK (a.k.a. BANK-E TOSE'E TA'AVON; a.k.a. COOPERATIVE DEVELOPMENT BANK), Mirdamad Blvd., North East Corner of Mirdamad Bridge, No. 271, Tehran, Iran [IRAN].

240. TOURISM BANK (a.k.a. BANK-E GARDESHGARI), Vali Asr St., above Vey Park, Shahid Fiazi St., No. 51, first floor, Tehran, Iran [IRAN].

241. VALFAJR2 (EQOX) Tug 650DWT 419GRT Iran flag; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 8400103 (vessel) [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY).

242. WEST SUN TRADE GMBH (a.k.a. WEST SUN TRADE), Winterhuder Weg 8, Hamburg 22085, Germany; Arak Machine Mfg. Bldg., 2nd Floor, opp. of College Economy, Northern Kargar Ave., Tehran 14136, Iran; Mundsburger Damm 16, Hamburg 22087, Germany; Additional Sanctions Information—Subject to Secondary Sanctions; Registration ID HRB 45757 (Germany); all offices worldwide [IRAN].

243. YAGHOUB (EQOE) Platform Supply Ship 950DWT 1,019GRT Iran flag; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 8316168; MMSI 422150000 (vessel) [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY).

244. YANGZHOU DAYANG DY905 (a.k.a. YARD NO. DY905 YANGZHOU D.) LPG Tanker 11,750DWT 8,750GRT Iran flag; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 9575424 (vessel) [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY).

245. YOUNES (EQYY) Platform Supply Ship Iran flag; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 8212465 (vessel) [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY).

246. YOUSEF (EQOG) Offshore Tug/Supply Ship 1,050DWT 584GRT Iran flag; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 8316106; MMSI 422144000 (vessel) [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY).

247. ZARIN RAFSANJAN CEMENT COMPANY (a.k.a. RAFSANJAN CEMENT COMPANY; a.k.a. ZARRIN RAFSANJAN CEMENT COMPANY), 2nd Floor, No. 67, North Sindokht Street, West Dr. Fatemi Avenue, Tehran 1411953943, Iran; website *http://www.zarrincement.com;* Additional Sanctions Information—Subject to Secondary Sanctions [IRAN].

248. HERO II (f.k.a. HADI; f.k.a. PIONEER; f.k.a. ZEUS) (T2EJ4) Crude Oil Tanker 317,355DWT 163,650GRT Panama flag; Former Vessel Flag Cyprus; alt. Former Vessel Flag Tuvalu; Additional Sanctions Information—Subject to Secondary Sanctions; Vessel Registration Identification IMO 9362073; MMSI 572459210 (vessel) [IRAN] (Linked To: NATIONAL IRANIAN TANKER COMPANY).

249. ZIRACCHIAN ZADEH, Mahmoud; DOB 24 Jul 1959; citizen Iran; Additional Sanctions Information—Subject to Secondary Sanctions; Director, Iranian Oil Company (U.K.) Ltd. (individual) [IRAN].

Dated: March 26, 2020.

Andrea M. Gacki,

Director, Office of Foreign Assets Control, U.S. Department of the Treasury.

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Part III

National Labor Relations Board

29 CFR Part 103

Representation—Case Procedures: Election Bars; Proof of Majority Support in Construction-Industry Collective-Bargaining Relationships; Final Rule

NATIONAL LABOR RELATIONS BOARD

29 CFR Part 103

RIN 3142–AA16

Representation—Case Procedures: Election Bars; Proof of Majority Support in Construction-Industry Collective-Bargaining Relationships

AGENCY: National Labor Relations Board.

ACTION: Final rule.

SUMMARY: As part of ongoing efforts to more effectively administer the National Labor Relations Act (the Act or the NLRA) and to further the purposes of the Act, the National Labor Relations Board (the Board or the NLRB) hereby makes three amendments to its rules and regulations governing the filing and processing of petitions for a Board-conducted representation election and proof of majority support in construction-industry collective-bargaining relationships. The amendments effect changes in current procedures that have not previously been incorporated in the Board's rules. The Board believes that the amendments made in this final rule will better protect employees' statutory right of free choice on questions concerning representation by removing unnecessary barriers to the fair and expeditious resolution of such questions through the preferred means of a Board-conducted secret-ballot election.

DATES: This rule will be effective on June 1, 2020.

FOR FURTHER INFORMATION CONTACT: Roxanne L. Rothschild, Executive Secretary, National Labor Relations Board, 1015 Half Street SE, Washington, DC 20570–0001, (202) 273–1940 (this is not a toll-free number), 1–866–315–6572 (TTY/TDD).

SUPPLEMENTARY INFORMATION:

I. Background

A. The Act

The NLRA sets forth a number of rights and responsibilities that apply to employers, employees, and labor organizations representing employees, in furtherance of the Act's overarching goals of protecting employees' right to designate or select ''representatives of their own choosing,'' or to refrain from doing so; [1] ensuring that, except in situations covered by Section 8(f) of the Act, exclusive representatives are ''designated or selected for the purposes of collective bargaining by the majority of employees'' in an appropriate bargaining unit; [2] and promoting labor-relations stability.[3] As discussed further below, Section 8(f) allows ''an employer engaged primarily in the building and construction industry to make an agreement covering'' certain employees ''with a labor organization of which building and construction employees are members,'' even if it has not been established that the labor organization represents a majority of the employees that it represents.[4] In addition, while it is well established that the Act permits voluntary recognition of labor organizations, the Act also requires the Board—when the necessary prerequisites are met—to direct and conduct secret-ballot elections and certify the results thereof.[5]

B. Notice of Proposed Rulemaking (NPRM)

On August 12, 2019, the Board issued the NPRM. The Board set an initial comment period of 60 days, with 14 additional days allotted for reply comments. Thereafter, the Board extended these deadlines twice: First for 60 days, and then for an additional 30 days. Various aspects of the NPRM are summarized below.

1. Summary of the Proposed Rule

In the NPRM, the Board proposed to make three amendments to its current practices. The first amendment, § 103.20, proposed to modify the Board's current practices that permit a party to block an election based on pending unfair labor practice charges. The proposed amendment provided that a blocking charge would not delay the conduct of the election and that the ballots would be impounded until there is a final determination regarding the charge and its effect, if any, on the election petition or the fairness of the election.

The second amendment, § 103.21(a), proposed to modify the Board's existing procedures providing for an immediate election bar following an employer's voluntary recognition of a union as the majority-supported collective-bargaining representative of the employer's employees. The proposed amendment provided for a post-recognition open period of 45 days within which election petitions could be filed and processed.

The third amendment, § 103.22(b), proposed to redefine the evidence required to prove that an employer and a labor organization in the construction industry have established a voluntary majority-supported collective-bargaining relationship that could bar an election. Under the Board's current practice, certain contract language, standing alone, is sufficient to prove such a relationship. The proposed amendment would require positive evidence that the union unequivocally demanded recognition as the majority-supported exclusive bargaining representative of employees in an appropriate bargaining unit, and that the employer unequivocally accepted it as such, based on a contemporaneous showing of support from a majority of employees in an appropriate unit.

2. Reasons for Rulemaking

In the NPRM, the Board acknowledged that it historically has made most substantive policy determinations through case adjudication, but stated that it interpreted section 6 of the Act, 29 U.S.C. 156, as authorizing the Board to engage in this informal notice-and-comment rulemaking. In addition, the Board found that using such rulemaking in this context was desirable because (1) it would enable the Board to solicit broad public comment on, and to address in a single proceeding, three related election-bar issues that would not likely arise in the adjudication of a single case; (2) rulemaking does not depend on the participation and argument of parties in a specific case, and it cannot be mooted by developments in a pending case; and (3) by establishing the new standards in its Rules and Regulations, the Board would enable employers, unions, and employees to plan their affairs free from the uncertainty that the legal regime may change on a moment's notice (and possibly retroactively) through the adjudication process.

3. Reasons for Proposed Changes to Blocking-Charge Policy

As discussed in greater detail in the NPRM, through adjudication the Board created the blocking-charge policy, which permits a party to block an election indefinitely by filing unfair labor practice charges that allegedly create doubt as to the validity of an election petition or the ability of employees to make a free and fair choice concerning representation while the charges remain unresolved. This policy can preclude holding the petitioned-for election for months or even years, if at all. See, *e.g., Cablevision Systems Corp.,* Case 29–RD–138839, *https://www.nlrb.gov/case/29-RD-138839* (as

[1] Sec. 7 of the Act, 29 U.S.C. 157.

[2] Sec. 9(a) of the Act, 29 U.S.C. 159(a).

[3] Sec. 1 of the Act, 29 U.S.C. 151.

[4] Sec. 8(f) of the Act, 29 U.S.C. 158(f).

[5] Sec. 9(c)(1)(B) of the Act, 29 U.S.C. 159(c)(1)(B); Sec. 9(e) of the Act, 29 U.S.C. 159(e).

noted by *Cablevision Systems Corp.,* 367 NLRB No. 59 (2018), blocking charge followed by regional director's misapplication of settlement-bar doctrine delayed processing until December 19, 2018, of valid decertification (RD) petition filed on October 16, 2014; employee petitioner thereafter withdrew petition).

As the Board noted, and as discussed further in Section III.E. below, courts of appeals have criticized the blocking-charge policy's adverse impacts on employee RD petitions, as well as the potential for abuse and manipulation of that policy by incumbent unions seeking to avoid a challenge to their representative status. See *NLRB* v. *Hart Beverage Co.,* 445 F.2d 415, 420 (8th Cir. 1971); *Templeton* v. *Dixie Color Printing Co.,* 444 F.2d 1064, 1069 (5th Cir. 1971); *NLRB* v. *Midtown Serv. Co.,* 425 F.2d 665, 672 (2d Cir. 1970); *NLRB* v. *Minute Maid Corp.,* 283 F.2d 705, 710 (5th Cir. 1960); *Pacemaker Corp.* v. *NLRB,* 260 F.2d 880, 882 (7th Cir. 1958).

The potential for delay is the same when employees, instead of filing an RD petition, have otherwise expressed to their employer a desire to decertify an incumbent union representative. In that circumstance, the blocking-charge policy can prevent the employer from being able to seek a timely Board-conducted election to resolve the question concerning representation raised by evidence of good-faith uncertainty as to the union's continuing majority support. Thus, the supposed ''safe harbor'' of filing an employer (RM) petition that the Board majority referenced in *Levitz Furniture Co. of the Pacific,* 333 NLRB 717, 726 (2001), as an alternative to the option of withdrawing recognition (which the employer selects at its peril) is often illusory.

Additionally, concerns have been raised about the Board's regional directors not applying the blocking-charge policy consistently, thereby creating uncertainty and confusion about when, if ever, parties can expect an election to occur. See Zev J. Eigen & Sandro Garofalo, *Less Is More: A Case for Structural Reform of the National Labor Relations Board,* 98 Minn. L. Rev. 1879, 1896–1897 (2014).

The Board stated that it was inclined to believe, subject to comments, that the blocking-charge policy impedes, rather than protects, employee free choice. In a significant number of cases, the policy denies employees the right to have their votes, in a Board-conducted election on questions concerning representation, ''recorded accurately, efficiently and speedily.'' *NLRB* v. *A.J. Tower Co.,* 329 U.S. 324, 331 (1946). Unnecessary delay robs an election-petition effort of momentum, and many of the employees ultimately voting on the issue of representation may not even be the same as those who were in the workforce when the petition was filed. Additionally, the Board stated, the blocking-charge policy rests on a presumption that even an unlitigated and unproven allegation of any one of a broad range of unfair labor practices justifies indefinite delay because of a discretionary administrative determination regarding the potential impact of the alleged misconduct on employees' ability to cast a free and uncoerced vote on the question of representation. Moreover, the current policy of holding petitions in abeyance for certain pre-petition ''Type I'' blocking charges [6] ''represents an anomalous situation in which some conduct that would not be found to interfere with employee free choice if alleged in objections [to an election], because it occurs outside the critical election period, would nevertheless be the basis for substantially delaying holding any election at all.'' Representation—Case Procedures, 79 FR 74308, 74456 (Dec. 15, 2014) (2015 Election Rule) (Dissenting Views of Members Miscimarra and Johnson) (citing *Ideal Electric Mfg. Co.,* 134 NLRB 1275 (1961)).

For these reasons, in the NPRM the Board proposed, subject to comments, to eliminate the current blocking-charge policy and to adopt a ''vote-and-impound'' procedure. Under that proposed procedure, regional directors would continue to process a representation petition and would conduct an election even when an unfair labor practice charge and blocking request have been filed. If the charge has not been resolved prior to the election, the Board proposed, the ballots would remain impounded until the Board makes a final determination regarding the charge.[7]

[6] Type I blocking charges are charges that allege conduct that interferes with employee free choice (but does not call into question the validity of the election petition itself). See NLRB Casehandling Manual (Part Two) Representation Proceedings Sec. 11730.2 (Jan. 2017).

[7] We note that nothing in the proposed rule purported to alter the existing requirements in 29 CFR 103.20 that only a party to the representation proceeding may file the request to block the election process; only unfair labor practice charges filed by that party may be the subject of a request to block; that party must file a written offer of proof as well as the names of witnesses who will testify in support of the charge and a summary of each witness's anticipated testimony; and that party must promptly make available to the regional director the witnesses identified in the offer of proof. As noted further below, the final rule also does not affect any of those existing requirements.

4. Reasons for Proposed Changes to Voluntary-Recognition Bar

As discussed in greater detail in the NPRM, employers may voluntarily recognize unions based on a union's showing of majority support; a Board election is not required. *NLRB* v. *Gissel Packing Co.,* 395 U.S. 575, 595–600 (1969); *United Mine Workers of America* v. *Arkansas Oak Flooring Co.,* 351 U.S. 62, 72 fn. 8 (1956). Over time, the Board developed a rule that an employer's voluntary recognition of a union would immediately bar the filing of an election petition for a reasonable period of time following recognition. See *Sound Contractors Assn.,* 162 NLRB 364 (1966). Then, if the parties reached a collective-bargaining agreement during that reasonable period, the Board's contract-bar doctrine would continue to bar election petitions for the duration of the agreement, up to a maximum limit of 3 years. See *General Cable Corp.,* 139 NLRB 1123, 1125 (1962).

In *Dana Corp.,* 351 NLRB 434 (2007), a Board majority found that the existing immediate voluntary-recognition-bar policy ''should be modified to provide greater protection for employees' statutory right of free choice and to give proper effect to the court- and Board-recognized statutory preference for resolving questions concerning representation through a Board secret-ballot election.'' Id. at 437. Thus, the *Dana* majority held that voluntary recognition would not bar an election unless (a) affected bargaining-unit employees receive adequate notice of the recognition and of their opportunity to file a Board election petition within 45 days, and (b) 45 days pass from the date of notice without the filing of a validly supported petition. Id. at 441. The Board further stated that, ''if the notice and window-period requirements have not been met, any postrecognition contract will not bar an election.'' Id.

Then, in *Lamons Gasket Co.,* 357 NLRB 739 (2011), a new Board majority overruled *Dana Corp.* and reinstated the immediate voluntary-recognition election bar. Additionally, the Board defined the reasonable period of time during which a voluntary recognition would bar an election as no less than 6 months after the date of the parties' first bargaining session and no more than 1 year after that date. Id. at 748.

As the NPRM noted, ''[a]t least since *Lamons Gasket,* the imposition of the immediate recognition bar, followed by the execution of a collective-bargaining agreement, can preclude the possibility of conducting a Board election contesting the initial non-electoral recognition of a union as a majority-

supported exclusive bargaining representative for as many as four years.'' 84 FR at 39934 (August 12, 2019). In response to a 2017 Board Request for Information, some respondents contended that the Board should eliminate the voluntary-recognition bar or, in the alternative, should reinstate the *Dana* notice and open-period requirements.

In the NPRM, the Board proposed, subject to comments, to overrule *Lamons Gasket* and to reinstate the *Dana* notice and open-period procedures following voluntary recognition under Section 9(a). In this connection, the Board cited the justifications set forth by the *Dana* Board majority and the dissenting Member in *Lamons Gasket.* As the Board stated, while voluntary recognition is undisputedly lawful, secret-ballot elections are the preferred method of ascertaining whether a union has majority-employee support. See *NLRB* v. *Gissel Packing Co.,* 395 U.S. at 602. The Board further noted that, in conjunction with the contract bar, an immediate recognition bar could deny employees an initial opportunity to vote in a secret-ballot Board election for as many as 4 years—or even longer, because the reasonable period for bargaining runs from the date of the first bargaining session, which, to be lawful, must come after voluntary recognition.

The Board also stated that the Board election statistics cited in *Lamons Gasket* supported, rather than detracted from, the need for a notice and brief open period following voluntary recognition. In this connection, quoting the *Lamons Gasket* dissent, the Board stated that the statistics showed that (1) *Dana* served the intended purpose of assuring employee free choice in those cases where the choice made in the preferred Board electoral process contradicted the showing on which voluntary recognition was granted; (2) in those cases where the recognized union's majority status was affirmed in a *Dana* election, the union gained the additional benefits of Section 9(a) certification, including a 1-year bar to further electoral challenge; (3) there was no substantial evidence that *Dana* had any discernible impact on the number of union voluntary-recognition campaigns, or on the success rate of such campaigns; and (4) there was no substantial evidence that *Dana* had any discernible impact on the negotiation of bargaining agreements during the open period or on the rate at which agreements were reached after voluntary recognition.

Thus, the Board concluded, subject to comments, that it was necessary and appropriate to modify the Board's current recognition-bar policy—not currently set forth in the rules and regulations—by reestablishing a notice requirement and 45-day open period for filing an election petition following an employer's voluntary recognition of a labor organization as employees' majority-supported exclusive collective-bargaining representative under Section 9(a) of the Act. Along with the other changes in this rule, the Board stated that it believed, subject to comments, that the immediate imposition of a voluntary-recognition bar is an overbroad and inappropriate limitation on the employees' ability to exercise their fundamental statutory right to the timely resolution of questions concerning representation through the preferred means of a Board-conducted election.

5. Reasons for Proposed Changes to Policy Regarding Proof of Majority-Based Recognition Under Section 9(a) in the Construction Industry

As discussed in greater detail in the NPRM, based on the unique characteristics of the construction industry, Congress created an exception to the majoritarian principles that govern collective-bargaining relationships in other industries. Thus, as noted above, Section 8(f) of the Act permits a construction-industry employer and labor organization to establish a collective-bargaining relationship in the absence of support from a majority of employees. However, unlike collective-bargaining relationships governed by Section 9(a), the second proviso to Section 8(f) provides that any agreement that is lawful only because of 8(f)'s nonmajority exception cannot bar a petition for a Board election. Accordingly, there cannot be a contract bar or a voluntary-recognition bar to an election among employees covered by an 8(f) agreement.

As recounted in the NPRM, the Board has used various tests over the years to determine whether a bargaining relationship or collective-bargaining agreement in the construction industry is governed by Section 9(a) majoritarian principles or by Section 8(f) and its exceptions to those principles. Beginning in 1971, the Board adopted a ''conversion doctrine'' under which a bargaining relationship initially established under Section 8(f) could convert into a 9(a) relationship by means other than a Board election or a majority-based voluntary recognition. See *Ruttmann Construction,* 191 NLRB 701 (1971); *R. J. Smith Construction Co.,* 191 NLRB 693 (1971), enf. denied sub nom. *Operating Engineers Local 150* v. *NLRB,* 480 F.2d 1186 (DC Cir. 1973). Conversion to a 9(a) relationship and agreement would occur if the union could show that it had achieved the support of a majority of bargaining-unit employees during a contract term. However, as the Board later recognized, ''[t]he achievement of majority support required no notice, no simultaneous union claim of majority, and no assent by the employer to complete the conversion process''; rather, ''the presence of an enforced union-security clause, actual union membership of a majority of unit employees, as well as referrals from an exclusive hiring hall'' were sufficient proof to trigger conversion. *John Deklewa & Sons,* 282 NLRB 1375, 1378 (1987), enfd. sub nom. *Iron Workers Local 3* v. *NLRB,* 843 F.2d 770 (3d Cir. 1988), cert. denied 488 U.S. 889 (1988).

In *John Deklewa & Sons,* the Board repudiated the conversion doctrine as inconsistent with statutory policy and congressional intent expressed through Section 8(f)'s second proviso. Id. at 1382. According to the Board in *Deklewa,* conversion of an 8(f) agreement into a 9(a) agreement raises ''an absolute bar to employees' efforts to reject or to change their collective-bargaining representative,'' contrary to the second proviso of Section 8(f). Id. In addition, the Board adopted a presumption that construction-industry contracts are governed by Section 8(f), so that ''the party asserting the existence of a 9(a) relationship'' bears the burden of proving it. Id. at 1385 fn. 41. Noting, however, that ''nothing in [its] opinion [was] meant to suggest that unions have less favored status with respect to construction[-]industry employers,'' the Board also affirmed that a union could achieve 9(a) status through ''voluntary recognition accorded . . . by the employer of a stable workforce where that recognition is based on a clear showing of majority support among the unit employees, *e.g.,* a valid card majority.'' Id. at 1387 fn. 53.

Thereafter, the Board repeatedly stated that in order to prove a 9(a) relationship, a union would have to show its ''express demand for, and an employer's voluntary grant of, recognition to the union as bargaining representative, based on a showing of support for the union among a majority of employees in an appropriate unit.'' *Brannan Sand & Gravel Co.,* 289 NLRB 977, 979–980 (1988) (quoting *American Thoro-Clean,* 283 NLRB 1107, 1108–1109 (1987)). And in *J & R Tile,* the Board held that, to establish voluntary recognition, there must be ''positive evidence'' that ''the union

unequivocally demanded recognition as the employees' 9(a) representative and that the employer unequivocally accepted it as such.'' 291 NLRB 1034, 1036 (1988).

Subsequently, however, the Board held in *Staunton Fuel & Material* that a construction-industry union could prove 9(a) status based on contract language alone, without any other ''positive evidence'' of a contemporaneous showing of majority support. 335 NLRB 717, 719–720 (2001). Citing two decisions from the United States Court of Appeals for the Tenth Circuit,[8] the Board explained that contract language would be independently sufficient to prove a 9(a) relationship ''where the language unequivocally indicates that (1) the union requested recognition as the majority or 9(a) representative of the unit employees; (2) the employer recognized the union as the majority or 9(a) bargaining representative; and (3) the employer's recognition was based on the union's having shown, or having offered to show, evidence of its majority support.'' 335 NLRB at 720. Finding that its contract-based approach ''properly balance[d] Section 9(a)'s emphasis on employee choice with Section 8(f)'s recognition of the practical realities of the construction industry,'' the Board stated that its test would allow ''[c]onstruction unions and employers . . . to establish 9(a) bargaining relationships easily and unmistakably where they seek to do so.'' Id. at 719.

However, the United States Court of Appeals for the District of Columbia Circuit has sharply disagreed with the Board's holding in *Staunton Fuel.* In *Nova Plumbing, Inc.* v. *NLRB,* the D.C. Circuit stated that ''[t]he proposition that contract language standing alone can establish the existence of a section 9(a) relationship runs roughshod over the principles established in [*International Ladies' Garment Workers' Union* v. *NLRB,* 366 U.S. 731 (1961) (*Garment Workers*)], for it completely fails to account for employee rights under sections 7 and 8(f).'' 330 F.3d 531, 536–537 (DC Cir. 2003), granting review and denying enforcement of *Nova Plumbing, Inc.,* 336 NLRB 633 (2001). According to the court, under *Garment Workers* ''[a]n agreement between an employer and union is void and unenforceable . . . if it purports to recognize a union that actually lacks majority support as the employees' exclusive representative.'' Id. at 537. The court further stated that, ''[w]hile section 8(f) creates a limited exception to this rule for pre-hire agreements in the construction industry, the statute explicitly preserves employee rights to petition for decertification or for a change in bargaining representative under such contracts.'' Id. ''By focusing exclusively on employer and union intent,'' the court stated, the Board's test allowed employers and unions to ''collud[e] at the expense of employees and rival unions,'' betraying the Board's ''fundamental obligation to protect employee section 7 rights.'' Id.

The court returned to this theme in *Colorado Fire Sprinkler, Inc.* v. *NLRB,* 891 F.3d 1031 (DC Cir. 2018).[9] There, the court—focusing closely on the centrality of employee free choice in determining when a Section 9(a) relationship has been established—stated that ''[t]he *raison d'être* of the . . . Act's protections for union representation is to vindicate the *employees'* right to engage in collective activity and to empower *employees* to freely choose their own labor representatives.'' Id. at 1038 (emphasis in original). The court observed that Section 8(f) ''is meant not to cede all employee choice to the employer or union, but to provide employees in the inconstant and fluid construction and building industries some opportunity for collective representation . . . . [I]t is not meant to force the employees' choices any further than the statutory scheme allows.'' Id. at 1038–1039. Accordingly, the court held that ''the Board must faithfully police the presumption of Section 8(f) status and the strict burden of proof to overcome it'' by ''demand[ing] clear evidence that the employees—not the union and not the employer—have independently chosen to transition away from a Section 8(f) pre-hire arrangement by affirmatively choosing a union as their Section 9(a) representative.'' Id. at 1039. Applying this evidentiary standard, the court rejected the Board's reliance solely on contract language in finding a 9(a) relationship, stating that such reliance ''would reduce the requirement of affirmative employee support to a word game controlled entirely by the union and employer. Which is precisely what the law forbids.'' Id. at 1040.

In the interest of restoring protection of employee free choice in the construction industry, the NPRM proposed to overrule *Staunton Fuel,* to adopt the D.C. Circuit's position that contract language alone cannot create a 9(a) bargaining relationship in that industry, and to therefore require positive evidence of majority union employee support before a collective-bargaining agreement or voluntary recognition between employers and unions would bar a petition to an election. For support, the NPRM stated that (1) as the D.C. Circuit recognized, *Staunton Fuel* permits an employer and union to ''paper over'' the presumption that construction-industry relationships are governed by Section 8(f); (2) under *Staunton Fuel,* the contract bar would prevent employees and rival unions from filing a Board election petition to challenge the union's representative status for the duration of the contract up to 3 years, even though there was never any extrinsic proof that a majority of employees supported the union; (3) the ''conversion'' permitted under *Staunton Fuel* is similar to the flawed ''conversion doctrine'' that the *Deklewa* Board repudiated; and (4) the D.C. Circuit raised a legitimate concern that *Staunton Fuel* conflicts with statutory majoritarian principles and represents an impermissible restriction on employee free choice, particularly in light of the protections intended by Section 8(f)'s second proviso.

II. Summary of Changes to the Proposed Rule

In response to the comments received, the final rule changes the proposed rule with respect to all three policy areas discussed.

A. Blocking-Charge Policy

For the reasons discussed in further detail in Section III.E. below, the final rule does not retain the proposed rule's vote-and-impound procedure in all cases. Rather, it requires impoundment only for cases where the unfair labor practice charge, filed by the party that is requesting to block the election process, alleges (1) violations of Section 8(a)(1) and 8(a)(2) or Section 8(b)(1)(A) of the Act that challenge the circumstances surrounding the petition or the showing of interest submitted in support of the petition; or (2) that an employer has dominated a union in violation of Section 8(a)(2) and seeks to disestablish a bargaining relationship. For those categories of charges, the final rule—unlike the proposed rule—provides that the ballots shall be impounded for up to 60 days from the conclusion of the election if the charge has not been withdrawn or dismissed, or if a complaint has not issued, prior to the conclusion of the election. If a complaint issues with respect to the charge at any time prior to expiration of that 60-day post-election period, then the ballots shall continue to be

[8] *NLRB* v. *Oklahoma Installation Co.,* 219 F.3d 1160 (10th Cir. 2000); *NLRB* v. *Triple C Maint., Inc.,* 219 F.3d 1147 (10th Cir. 2000).

[9] Granting review and denying enforcement of *Colorado Fire Sprinkler, Inc.,* 364 NLRB No. 55 (2016).

impounded until there is a final determination regarding the charge and its effect, if any, on the election petition. If the charge is withdrawn or dismissed at any time prior to expiration of that 60-day period, or if the 60-day period ends without a complaint issuing, then the ballots shall be promptly opened and counted. The final rule further provides that the 60-day period will not be extended, even if more than one unfair labor practice charge is filed serially.

For all other types of unfair labor practice charges, the final rule—unlike the proposed rule—provides that the ballots will be promptly opened and counted at the conclusion of the election, rather than temporarily impounded.

Finally, for all types of charges upon which a blocking-charge request is based, the final rule clarifies that the certification of results (including, where appropriate, a certification of representative) shall not issue until there is a final disposition of the charge and a determination of its effect, if any, on the election petition.[10] The final rule also makes some minor, non-substantive changes to the title of the proposed rule.

In short, under the final rule, the filing of a blocking-charge request will not delay the conduct of an election but may delay the vote count or certification of results. The regional director shall continue to process the petition and conduct the election.

B. Voluntary-Recognition Bar

For the reasons discussed in Section III.F. below, upon consideration of all of the comments received, we have decided to adopt the proposed rule in substantial part. However, in response to certain comments, we have modified the rule to clarify that it shall apply only to an employer's voluntary recognition on or after the effective date of the rule, and to the first collective-bargaining agreement reached after such voluntary recognition. Additionally, the final rule clarifies that the employer ''and/or'' (rather than ''and'') the labor organization must notify the Regional Office that recognition has been granted. The final rule also specifies where the notice should be posted (''in conspicuous places, including all places where notices to employees are customarily posted''); eliminates the proposed rule's specific reference to the right to file ''a decertification or rival-union petition'' and instead refers generally to ''a petition''; adds a requirement that an employer distribute the notice to unit employees electronically if the employer customarily communicates with its employees by such means; and sets forth the wording of the notice. The final rule also makes some minor, non-substantive changes to the title and other wording of the proposed rule.

C. Proof of Majority-Based Recognition in the Construction Industry

For clarity purposes, we have removed the amendment regarding proof of majority-based voluntary recognition in the construction industry from § 103.21 of the proposed rule and have placed it in its own section, Final Rule (Rule) § 103.22. In addition, for the reasons discussed in Section III.G. below, we have decided upon consideration of comments received to adopt the proposed rule with one modification: This portion of the final rule shall apply only to voluntary recognition extended on or after the effective date of the rule and to any collective-bargaining agreement entered into on or after the date of voluntary recognition extended on or after the effective date of the rule. The final rule also makes some minor, non-substantive changes to the wording of the proposed rule.[11]

III. Summary of Comments and Responses to Comments

The Board received more than 80 comments from interested organizations, labor unions, members of Congress, academics, and other individuals. We have carefully reviewed and considered these comments, as discussed below.

A. Propriety of Rulemaking

One commenter contends that we have failed to adequately justify departing from the Board's longstanding practice of proceeding by adjudication.[12] However, Congress has delegated general rulemaking authority to the Board. Specifically, Section 6 of the NLRA, 29 U.S.C. 156, provides that the Board ''shall have authority from time to time to make, amend, and rescind, in the manner prescribed by [the Administrative Procedure Act (APA)], such rules and regulations as may be necessary to carry out the provisions of [the NLRA].'' Although the Board historically has made most substantive policy determinations through case adjudication, it has, with Supreme Court approval, engaged in substantive rulemaking. *American Hosp. Ass'n* v. *NLRB,* 499 U.S. 606 (1991) (upholding Board's rulemaking on appropriate bargaining units in the healthcare industry). In this regard, the Supreme Court has expressly stated that ''the choice between rulemaking and adjudication lies in the first instance within the Board's discretion.'' *NLRB* v. *Bell Aerospace Co.,* 416 U.S. 267, 294 (1974).

Further, Section 6 authorizes the final rule as necessary to carry out Sections 1, 7, 8, and 9 of the Act, 29 U.S.C. 151, 157, 158, and 159, respectively, discussed in relevant part in Section I.A. above. The Board's election policies implicate each of these provisions of the Act, and Section 6 grants the Board the authority to promulgate rules that carry out those provisions.

As discussed in Section I.B.2. above, in the NPRM the Board expressed its preliminary belief that rulemaking in this area of the law is desirable for several reasons. After carefully considering more than 80 comments, we continue to believe that rulemaking, rather than adjudication, is the better method to revise and clarify the matters of broad application at issue in this rule.

First, the Board has repeatedly engaged in rulemaking to amend its representation-case procedures over the years as part of a continuing effort to improve the process and to eliminate unnecessary delays. It has only rarely utilized the APA's notice-and-comment rulemaking procedures when doing so. Most often, the Board has simply implemented procedural changes in a final rule without prior notice or request for public comment. It did so most recently in December 2019. See Representation-Case Procedures, 84 FR 69524 (Dec. 18, 2019) (2019 Election Rule). However, a few years earlier, the Board engaged in a notice-and-comment rulemaking process that resulted in a final rule making widespread revisions in prior representation-case procedures. See 79 FR 74307 (December 15, 2014).[13]

[10] As noted previously, nothing in the final rule alters the existing requirements that only a party to the representation proceeding may file the request to block the election process; only unfair labor practice charges filed by that party may be the subject of a request to block; that party must file a written offer of proof as well as the names of witnesses who will testify in support of the charge and a summary of each witness's anticipated testimony; and that party must promptly make available to the regional director the witnesses identified in the offer of proof.

[11] In accordance with the discrete character of the matters addressed by each of the amendments listed, the Board hereby concludes that it would adopt each of these amendments individually, or in any combination, regardless of whether any of the other amendments were made. For this reason, the amendments are severable.

[12] Comment of AFL–CIO.

[13] See also comment of AFL–CIO in support of the Board's 2015 Election Rule. 79 FR at 74314 (''[T]he American Federation of Labor and Congress of Industrial Organizations (AFL–CIO) states that '[t]he NLRB has specific and express statutory authority

Further, as here, some of the procedures addressed in that rulemaking process were originally established in adjudication.

Second, the Board has been well served by public comment on the issues presented in response to the NPRM in this proceeding. The Board received numerous helpful comments from a wide variety of sources, many with considerable legal expertise and/or a great deal of relevant experience. Having considered these comments, we have refined the final rule in several ways, outlined above in Sections II.A. through II.C. and discussed more fully below in Sections III.E. through III.G. It is likely that we would not have received as much input had we addressed these issues through adjudication rather than rulemaking. Rulemaking has given interested persons a way to provide input through the convenient comment process, and participation was not limited, as in the adjudicatory setting, to legal briefs filed by the parties and amici.

Third, as discussed in the NPRM, rulemaking has allowed us to address these issues without depending on the participation and argument of parties in a specific case, and without allowing the developments of a pending case to ''moot'' the issues. One commenter challenges this notion, arguing that the Board can avoid mootness by refusing to allow parties to withdraw cases or concede issues in adjudication.[14] That commenter also contends that the existence of live controversies involving particular parties demonstrates that an issue is important to labor-management relations and merits Board resolution via adjudication.[15]

As discussed in greater detail in the NPRM, developments in specific cases have mooted some of the very issues covered by this rulemaking. See 84 FR at 39937 (citing *Loshaw Thermal Technology, LLC,* Case 05–CA–158650). As the commenter suggests, the Board has the discretion to refuse to allow parties to withdraw cases or to concede issues in a particular case. However, the existence of live controversies in adjudication of an issue does not mean that we lack the discretion to choose rulemaking as the means to address that issue. In addition, as discussed in the NPRM, this particular rulemaking has allowed us to address, in a single proceeding, three related election-bar issues that have not arisen—and likely would not arise—in the adjudication of a single case.

Fourth, as discussed in the NPRM, establishing the new standards in the Board's Rules and Regulations will enable employers, unions, and employees to plan their affairs with greater certainty that significant changes to these areas of the law will not be made, and retroactively applied, in adjudication of a case to which they are not parties and about which they may be unaware. *NLRB* v. *Wyman-Gordon Co.,* 394 U.S. 759, 777 (1969) (Douglas, J., dissenting) (''The rule-making procedure performs important functions. It gives notice to an entire segment of society of those controls or regimentation that is forthcoming.''). Specifically, rulemaking enables the Board to provide the regulated community greater certainty beforehand, as the Supreme Court has instructed that we should do. *First Nat'l Maint. Corp.* v. *NLRB,* 452 U.S. 666, 679 (1981).

The same commenter also claims that the Board's recent increased use of rulemaking rather than waiting for actual controversies to arise threatens to open the floodgates of policy oscillation. The claim is purely speculative, and runs counter to the general perception that rulemaking should diminish policy oscillation because it is harder to change policy through rulemaking than through adjudication.[16] The commenter also contends that the Board fails to explain why rulemaking is appropriate here when the Board is not using it in numerous other areas, and that many of the stated reasons for proceeding through rulemaking in this context would apply in other contexts as well.[17] However, even if rulemaking is appropriate in other areas, that does not require us to use rulemaking in all areas where it would be appropriate, let alone all at once. Cf. *Mobil Oil Expl. & Producing Se. Inc.* v. *United Distrib. Cos.,* 498 U.S. 211, 231 (1991) (''[A]n agency need not solve every problem before it in the same proceeding.''); *Advocates for Highway & Auto Safety* v. *Fed. Motor Carrier Safety Admin.,* 429 F.3d 1136, 1147 (D.C. Cir. 2005) (''Agencies surely may, in appropriate circumstances, address problems incrementally.''). And, as stated above, ''the choice between rulemaking and adjudication lies in the first instance within the Board's discretion.'' *NLRB* v. *Bell Aerospace Co.,* 416 U.S. at 294. Thus, this comment does not demonstrate that rulemaking is inappropriate here.

In sum, we continue to believe that use of the rulemaking process here is an appropriate exercise of the Board's discretion and will be beneficial in ways that adjudication cannot be.

B. Board Members' Alleged Closed-Mindedness and Motives

Some commenters allege that the current Board Members have not shown an open mind and willingness to revise the wording proposed in the NPRM in light of public input because each Member previously has expressed a desire to revise the policies under consideration.[18] For the reasons that follow, we reject these contentions. We assure the public that each participating

to engage in rule-making to regulate its election process.'").

[14] Comment of AFL–CIO (citing, *e.g., 800 River Road Operating Co. d/b/a Care One at New Milford,* 368 NLRB No. 60 (2019)).

[15] Comment of AFL–CIO.

[16] See, *e.g.,* Samuel Estreicher, *Policy Oscillation at the Labor Board: A Plea for Rulemaking,* 37 Admin. L. Rev. 163 (1985).

[17] Comment of AFL–CIO.

[18] Comment of AFL–CIO (citing *Pinnacle Foods Group, LLC.,* Case 14–RD–226626, 2019 WL 656304, at *1 fn. 1 (Feb. 4, 2019) (Chairman Ring and Member Kaplan); *United Food & Commercial Workers, Local No. 951,* Case 07–RD–228723, 2019 WL 1879483, at *1 fn.1 (April 25, 2019) (Chairman Ring and Member Emanuel); *Heavy Materials, LLC.,* Case 12–RM–231582, 2019 WL 2353690, at *1 fn.1 (May 30, 2019) (Members Kaplan and Emanuel); *G.F. Paterson Foods, LLC,* Case 22–RD–210352, 2018 WL 509465, at *1 fn.1 (Jan. 19, 2018) (Members Kaplan and Emanuel); *Leggett & Platt, Inc.,* Case 09–RD–200329, 2018 WL 509463, at *1 fn.1 (Jan. 19, 2018) (Member Kaplan); *Calportland Arizona Materials Division,* Case 28–RD–206696, 2018 WL 571496, at *1 fn.1 (Jan. 24, 2018) (Members Kaplan and Emanuel); *Covanta Essex Co.,* Case 22–RD–199469, 2018 WL 654848, at *1 fn.1 (Jan. 30, 2018) (Members Kaplan and Emanuel); *Wismettac Asian Foods, Inc.,* Case 21–RC–204759, 2018 WL 774103, at *1 n.1 (Feb. 6, 2018) (Member Kaplan); *Apple Bus Co.,* Case 19–RD–216636, 2018 WL 3703490, at *1 fn.1 (May 9, 2018) (Members Kaplan and Emanuel); *Kloeckner Metals Corp.,* Case 15–RD–217981, 2018 WL 2287088, at *1 fn.1 (May 17, 2018) (Members Kaplan and Emanuel); *Bemis N.A.,* Case 18–RD–209021, 2018 WL 2440794, at *1 fn.1 (May 29, 2018) (Member Emanuel); *Janus Youth Programs, Inc.,* Case 19–RM–216426, 2018 WL 2461411, at *1 fn.1 (May 31, 2018); *Arh Mary Breckinridge Health Services, Inc.,* Case 09–RD–217672, 2018 WL 3238969, at *1 fn.1 (June 29, 2018) (Chairman Ring and Member Kaplan); *American Medical Response,* Case 10–RC–208221, 2018 WL 3456223, at *1 fn.1 (July 17, 2018) (Chairman Ring and Member Emanuel); *Apple Bus Co.,* Case 19–RD–216636, 2018 WL 3703490, at *1 fn.1 (Aug. 2, 2018) (Chairman Ring and Member Kaplan); *Columbia Sussex,* Case 19–RD–223516, 2018 WL 4382911, at *1 fn.1 (Sept. 12, 2018) (Chairman Ring and Member Kaplan); *Westrock Services, Inc.,* Case 10–RD–195447, 2017 WL 4925475, at *1 fn.1 (Oct. 27, 2017) (Members Kaplan and Emanuel); *ADT Security Services,* Case 18–RD–206831, 2017 WL 6554381, at *1 fn.1 (Dec. 20, 2017) (Members Kaplan and Emanuel). See also Comment of United Food and Commercial Workers International Union, AFL–CIO (UFCW) (citing *L&L Fabrication,* Case 16–RD–232491, 2019 WL 1800677, at *1 fn. 1 (April 22, 2019) (Chairman Ring and Member Emanuel); *Embassy Suites by Hilton, Seattle Downtown Pioneer Square,* Case 19–RD–223236, 2019 WL 656277, at *1 fn. 1 (Jan. 15, 2019) (Chairman Ring and Member Kaplan); *Heavy Materials, LLC,* supra; *Pinnacle Foods Group, LLC,* supra; *Loshaw Thermal Technology, LLC,* Case 05–CA–158650, 2018 WL 4357198 (soliciting briefs addressing proposed changes to the Sec. 8(f)–to–9(a) conversion doctrine)).

Board Member has approached this rulemaking with an open mind.

''[A]n individual should be disqualified from rulemaking only when there has been a clear and convincing showing'' that the official ''has an unalterably closed mind on matters critical to the disposition of the proceeding.'' *Air Transp. Ass'n of America, Inc.* v. *NMB,* 663 F.3d 476, 487 (D.C. Cir. 2011) (quoting *C & W Fish Co.* v. *Fox,* 931 F.2d 1556, 1564 (D.C. Cir. 1991)). Moreover, ''[a]n administrative official is presumed to be objective and 'capable of judging a particular controversy fairly on the basis of its own circumstances.' '' *Steelworkers* v. *Marshall,* 647 F.2d 1189, 1208 (D.C. Cir. 1980) (quoting *United States* v. *Morgan,* 313 U.S. 409, 421 (1941)). Further, ''[w]hether the official is engaged in adjudication or rulemaking,'' the fact that he or she ''has taken a public position, or has expressed strong views, or holds an underlying philosophy with respect to an issue in dispute cannot overcome that presumption.'' Id. That presumption also is not overcome ''when the official's alleged predisposition derives from [his or] her participation in earlier proceedings on the same issue.'' Id. at 1209. Expanding on the latter point, the D.C. Circuit has explained that ''[t]o disqualify administrators because of opinions they expressed or developed in earlier proceedings would mean that 'experience acquired from their work . . . would be a handicap instead of an advantage.' '' Id. (quoting *FTC* v. *Cement Inst.,* 333 U.S. 683, 702 (1948)). More recently, the D.C. Circuit has similarly emphasized that it would ''eviscerate the proper evolution of policymaking were we to disqualify every administrator who has opinions on the correct course of his agency's future actions.'' *Air Transp. Ass'n of America, Inc.,* 663 F.3d at 488 (quoting *C & W Fish Co.,* 931 F.2d at 1565).

Accordingly, the fact that the Board Members previously have expressed views on the subjects of this rulemaking is insufficient to demonstrate that they have engaged in this rulemaking with unalterably closed minds. See *Air Transp. Ass'n of America, Inc.,* 663 F.3d at 487–488; *Steelworkers,* 647 F.2d at 1208–1209. Indeed, after considering all of the submitted comments, we have revised the proposed rule in various respects. This in itself demonstrates that the Members did not engage in this endeavor with unalterably closed minds.

One commenter contends that although the Board's stated goal is to protect employees' rights, in many recent cases the Board has sought to destabilize bargaining relationships and to allow employers to undermine unions, often under the guise of protecting employee choice.[19] We do not agree that either this rule or the cited, recent cases demonstrate an intention to destabilize bargaining relationships or to allow employers to undermine unions. Nor do we believe that either this rule or the cited cases are likely to have those effects. Accordingly, we disagree with this comment.

Other commenters contend that here and in other areas, the Board is using rulemaking simply to reverse precedent that it does not like.[20] However, like case adjudication, rulemaking involves reasoned decision-making, conducted within the constraints of the APA and subject to judicial review. As demonstrated here and below, we have carefully considered all comments with an open mind, and we believe that the final rule we have formulated represents our reasoned determination regarding the appropriate standards for furthering the various policies discussed herein, including—and especially—protecting employee free choice.

C. Alleged Procedural Errors

One commenter claims that the Board committed procedural errors in two ways. First, the commenter claims that the Board majority did not provide the dissenting Member adequate time to prepare her dissent, citing her statement that she had not been given sufficient time to review all of the relevant data in the appendices to the NPRM.[21] Second, the commenter claims that the Board did not provide interested parties adequate time to prepare their comments on the proposed rule.[22] Specifically, the commenter notes that the Board denied its third motion for an additional 30 days to file comments, despite the fact that the commenter still had six Freedom of Information Act (FOIA) requests pending before the Board.[23] According to the commenter, the documents that it has sought are essential to evaluate both the empirical foundation of the proposed rule and the integrity of the rulemaking process.[24]

As an initial matter, we reject the unsubstantiated claim of the dissenting Member that she lacked adequate time to prepare her dissent.[25] Moreover, the Board has previously stated that it ''does not believe that it is required, either by law or agency practice, to delay the adoption and publication of a final rule in order to accommodate a dissenting Member. Nothing in the APA compels that course of action, nor does the National Labor Relations Act demand it. Neither do the Board's rules, statements of procedure, internal operating procedures, or traditional practices, which do not address the internal process of rulemaking, compel such action.'' Representation—Case Procedure, 76 FR 80138, 80146 (Dec. 22, 2011) (footnotes omitted). There is no reason that this observation should not apply with equal force to issuance of an NPRM. In any event, however, we assure the public that Member McFerran was provided sufficient time to prepare her dissent.

Further, the evidence that Member McFerran stated she lacked sufficient time to address was the supplemental Board data cited in reference to a prior non-Board study and expressions of concern by two respected academics about the adverse impact of the blocking-charge policy. See 84 FR at 39933, 39947. Some of the same data is at issue in the cited items sought in the commenter's FOIA request.[26] As discussed in Section III.E. below, even accepting that some of the data that the NPRM cited is flawed, we continue to believe that the record supports finding a systemic problem of unacceptable election delays resulting from the

[19] Comment of UFCW (citing *Mike-Sell's Potato Chip Co.,* 368 NLRB No. 145 (2019); *Valley Hospital Medical Center, Inc. d/b/a Valley Hospital Medical Center,* 368 NLRB No. 139 (2019); *MV Transportation, Inc.,* 368 NLRB No. 66 (2019); *Johnson Controls, Inc.,* 368 NLRB No. 20 (2019); *Metalcraft of Mayville, Inc.,* 367 NLRB No. 116 (2019); *Raytheon Network Centric Systems, Inc.,* 365 NLRB No. 161 (2017)).

[20] Comments of AFL–CIO; UFCW.

[21] Comment of AFL–CIO (citing 84 FR at 39947 fn. 74). See also Comment of Senator Patty Murray.

[22] Comment of AFL–CIO.

[23] Comment of AFL–CIO. As the commenter acknowledges, the Board provided responsive documents to its other FOIA requests before the extended comment period closed.

[24] Comment of AFL–CIO.

[25] Accord *Air Trans. Ass'n of America, Inc.* v. *NMB,* 663 F.3d at 487–488 (court denied challenge to National Mediation Board's rule based on majority's action providing dissenter only 24 hours to consider and prepare dissent, which she did).

[26] The commenter's Request #2 seeks ''[a]ny document that contains or evidences any analysis of the impact of the adoption of 29 CFR 103.20 on the number of blocking charges, the time needed to process blocking charges, the delay caused by blocking charges, or any other case processing outcomes.'' AFL–CIO's Aug. 29, 2019 FOIA Request at 2. The commenter's Request #5 seeks ''[a]ny document containing or evidencing any explanation of any decision to aggregate multiple blocking periods (even when they ran or are running concurrently) in producing the table in Appendix A [sic] to the NPRM.'' Id. And the commenter's Request #13 seeks ''[a]ny documents containing or evidencing a comparison of the disposition of unfair labor practice charges filed by unions accompanied by or followed by requests to block an election and the disposition of unfair labor practice charges filed by unions not accompanied or followed by such a request.'' Id. at 3.

blocking-charge policy.[27] We also note that Member McFerran was able to prepare a comprehensive ''preliminary'' review of blocking-charge information for Fiscal Years 2016 and 2017 independent of the data relied on by the majority or provided to the public in the past. 84 FR at 39943–39944. Likewise, during the comment period, Professor John-Paul Ferguson prepared an extensive review of data provided to the AFL–CIO that was appended to its comment. Yet another review critical of the Board majority's analysis in the NPRM was prepared by Bloomberg Law and cited by commenters in opposition to the proposed blocking-charge rule.[28] Consequently, there is no basis for finding that the dissenting Board Member was prejudiced by the alleged lack of time to review the data originally cited or that, with respect to its FOIA requests 2, 5, or 13, the commenter was prejudiced by the denial of its request for an extension of time.[29]

The commenter also requested ''[a]ny analysis of the effect or impact of *Dana Corp.,* 351 NLRB 434 (2007), other than those contained in the opinions in *Lamons Gasket,* 357 NLRB 739 (2011).'' AFL–CIO's Aug. 29, 2019 FOIA Request at 3 (Request #19). However, in issuing the final-rule amendment regarding the voluntary-recognition bar, we do not rely on any data, or analysis of data, other than that discussed in *Dana* and in *Lamons Gasket,* which we have fully considered. In these circumstances, we find no basis for concluding that the commenter was prejudiced by the denial of its request for an extension of time with regard to this FOIA request.

Further, the commenter requested ''[a]ny documents containing or evidencing any statement by any Board member concerning the validity, wisdom or soundness of the Board's blocking[-]charge policy; *Lamons Gasket Co.,* 357 NLRB 739 (2011); *Dana Corp.,* 351 NLRB 434 (2007); or conversion of 8(f) to 9(a) relationships.'' AFL–CIO's Aug. 29, 2019 FOIA Request at 4 (Request #22). According to the commenter, the requested documents are relevant to the Board Members' alleged ''predisposition and bias'' and their ability ''to fairly evaluate comments as required by the APA.'' [30] As discussed in Section III.B. above, however, the mere fact that Board Members previously have expressed opinions regarding these matters does not provide a basis for concluding that they have approached these issues with closed minds. That would be the case under applicable precedent even if we were issuing a final rule identical to the proposed rule, but it is even more clearly the case given that we have modified the proposed rule in response to comments. Therefore, there is no basis for finding that the commenter was prejudiced by not receiving this requested information before the end of the comment period.

Finally, one of the commenter's FOIA requests was for ''[a]ny document containing or evidencing any limitations of the time allowed Member McFerran to prepare her dissent to the NPRM, any limitations on the access allowed Member McFerran to case processing information or data she deemed necessary to prepare her dissent, or any limitations on access to NLRB or General Counsel staff she deemed necessary to prepare her dissent.'' AFL–CIO's Aug. 29, 2019 FOIA Request at 3 (Request #21). As discussed above, however, we reject any suggestion that Member McFerran had inadequate time to prepare her dissent. We likewise reject the unfounded suggestion that there was any limitation on her ability to access necessary resources to prepare that dissent.

Inasmuch as there is neither statutory authority nor binding Board practice requiring that a dissenting member has the right to any amount of time to prepare a dissent, the material question here is simply whether the commenters have had sufficient time to provide their comments. Preliminarily, the APA provides no minimum comment period, and many agencies, including the Board in past rulemaking proceedings, have afforded comment periods of only 30 days. Agencies have discretion to provide still shorter periods and are simply ''encouraged to provide an appropriate explanation for doing so.'' Admin. Conference of the U.S., Recommendation 2011–2, Rulemaking Comments, 76 FR 48791 (Aug. 9, 2011).

As noted previously, the NPRM, which issued on August 12, 2019, set an initial comment period of 60 days, with 14 additional days allotted for reply comments. Although the APA does not require a reply period, the Board provided it to give itself the best opportunity to gain all information necessary to make an informed decision. Then, the Board extended the comment and reply periods twice, for 90 additional days. In sum, the Board has accepted comments on 3 proposed amendments to its representation-case procedures for a total of 164 days.[31] We believe that the more than 80 comments submitted and the depth of analysis that many of them provide, including the comment and reply from the AFL–CIO, are a testament to the adequacy of the comment period. As such, we do not believe that this commenter was prejudiced by the fact that, at the closing of the extended comment period, the Board had not yet provided all documents responsive to its broad FOIA request.

Accordingly, we reject the commenter's claims regarding alleged procedural errors.

D. Matters Outside the Scope of This Rulemaking

Several commenters propose that we take various other actions,[32] but because those actions are outside the scope of this rulemaking, we decline to take them.[33]

E. Final-Rule Amendment Regarding Blocking-Charge Policy

The Board received numerous comments on the amendment concerning the blocking-charge policy. We have carefully reviewed and considered these comments, as discussed below.

1. Comments in Favor of, and Comments Opposed to, Changing the Blocking-Charge Policy by Eliminating the Practice of Delaying Elections

As stated above, the NPRM proposed that the current blocking-charge policy be revised to provide that a request to block would no longer delay the processing of an otherwise valid

[27] As the AFL–CIO concedes: ''Blocking elections delays elections. That is undeniably true and requires no 'statistical evidence' to demonstrate.'' Comment of AFL–CIO at 5.

[28] *See* Alex Ebert and Hassan A. Kanu, Federal Labor Board Used Flawed Data to Back Union Election Rule, Bloomberg Law (Dec. 5, 2019), *https://news.bloomberglaw.com/daily-labor-report/federal-labor-board-used-flawed-data-to-back-union-election-rule-1.*

[29] We emphasize that our response to this comment only addresses the argument that the failure to provide remaining requested documents was prejudicial to the commenter's ability to evaluate the rulemaking process. We express no opinion concerning whether any of the requested information is disclosable under FOIA.

[30] Comment of AFL–CIO.

[31] We note that in a prior rulemaking of far greater scope, involving 25 proposed amendments to a wide range of representation-case procedures, the Board found that acceptance of comments on these proposals for a total of 141 days, and 4 days of public hearings, was adequate. See 79 FR at 74311.

[32] See Comments of Center on National Labor Policy, Inc. (CNLP) (suggesting raising the Board's jurisdictional standards); Anonymous (suggesting that the Board address the unfair labor practice investigation process); National Federation of Independent Business (NFIB) (suggesting proposing particular legislation to Congress); Coalition for a Democratic Workplace (CDW) (suggesting rulemaking to rescind and revise the Board's 2015 Election Rule).

[33] However, with regard to the recommendation to rescind and revise the Board's 2015 Election Rule, we note that we already have revised that Rule in certain respects. See 2019 Election Rule, 84 FR 69524.

petition and the timely conduct of an election. Under the proposed rule, if the blocking charge is still pending upon conclusion of the election, ballots would be impounded and not counted until there is a final determination regarding the charge and its effect, if any, on the election petition or fairness of the election.

Not surprisingly, the commenters on the blocking-charge policy tend to fall into two sharply divided groups. Commenters in the first group support the proposed modification and urge the Board to require regions to process representation petitions despite a request to block based on a pending unfair labor practice charge. One commenter cites the mandate in Section 9(c) of the Act that, ''[i]f the Board finds . . . that . . . a question of representation exists, it shall direct an election by secret ballot and shall certify the results thereof.'' [34] According to this commenter, the blocking-charge policy is an administrative fiction that the Board has used to evade its statutory responsibility.[35] A second commenter suggests that the blocking-charge policy is contrary to Section 8(a)(2) of the Act, 29 U.S.C. 158(a)(2), because it permits unions to serve as employees' representative where a majority of the employees do not support union representation.[36] And another commenter notes that, under the Act, the Board may not defer representation proceedings to the General Counsel, which is allegedly what occurs when the processing of elections depends on whether the General Counsel issues a complaint.[37]

Several commenters cite the adverse impact on employees when they are forced to wait indefinitely to vote in a representation election.[38] In this regard, commenters assert that delaying the election punishes employees for the misconduct alleged in an unfair labor practice charge, even if they had no role in that alleged misconduct.[39] Commenters also contend that an indefinite delay in an election affects employees' vote when the election is finally held. For instance, it causes some employees to perceive the Board and its processes as futile.[40] Further, the election's delay denies employees the opportunity to vote while the issues surrounding the petition effort for an election are fresh in their minds.[41] Commenters also echo the concern expressed in the NPRM about turnover in the workforce during the delay caused by a blocking charge, with the result that employees who supported the petition may not be the ones who vote on the representation issue when the election is finally held.[42] One commenter notes the adverse effect of blocking-charge delays on construction-industry employees working under a Section 8(f) agreement—a majority of whom may never have supported the union representative—who seek to decertify the union through a Board election.[43] One employee commenter notes his own frustration that, for years, he was unable to vote in an election to remove an incumbent union as his bargaining representative because the union filed unfair labor practice charges.[44] Meanwhile, a union local commenter expresses support for modifying the blocking-charge policy because of how important it is for employees to express their choice on union representation without delays to create a more level playing field in the organizing process.[45]

Some commenters argue that employers, too, are harmed when meritless unfair labor practice charges block an election. One commenter notes that, as the Board acknowledged in the NPRM, blocking charges can deprive employers of the supposed ''safe harbor'' in filing an RM election petition that the Board majority referenced in *Levitz Furniture Co. of the Pacific,* 333 NLRB at 726, as an alternative to the option of withdrawing recognition (which the employer selects at its peril).[46] Another commenter notes the adverse effect on an employer signatory to a construction-industry collective-bargaining agreement negotiated under Section 8(f) by a union without majority support. Although an election petition can be filed at any time during the contract term, a blocking charge can indefinitely postpone an election that could result in decertification of the union and voiding the contract.[47] One commenter also states that when meritless unfair labor charges are filed to delay an election, the Board must needlessly waste its resources in conducting a pointless investigation, and employers are forced to expend limited funds in defending against such allegations.[48]

Several commenters assert the current blocking-charge policy is too often used as an attempt to rig the rules.[49] One commenter notes that blocking charges overwhelmingly affect decertification elections, and that those elections are delayed the longest.[50] Another commenter compares the current policy to an incumbent U.S. officeholder being able to decide when and under what circumstances to submit to a future election.[51] According to some commenters, this is because a union, aware of a lack of employee support, may simply choose to file an unfair labor practice charge to forestall an election, potentially for as long as necessary until it believes it can prevail.[52] In addition to receiving a temporary delay, the union may hope that, by chance, a regional director's investigation may discover evidence of other conduct that becomes the basis for issuing a complaint that delays the election even longer.[53] One commenter claims that the passage of time, employee turnover, and other changed circumstances may give the union the chance of hanging on as employees, exasperated by their inability to obtain an election, decide to leave.[54] Additionally, one commenter contends, the union continues to represent the employees indefinitely and may use that time to pressure them into voting for it, if an election ever does occur.[55] According to one commenter, employee free choice eventually turns into employees having no choice at all because the union effectively gets to decide whether an election is held—and the union will always pick its own survival over the preference of unit employees.[56] Thus, one commenter notes, the current policy leads to an undemocratic charade that forces employees to endure a prolonged, if not futile, wait before being able to exercise their right to express their free choice as to whether to be represented.[57]

The group of commenters opposed to change in the current blocking-charge

[34] Comment of CNLP (quoting 29 U.S.C. 159(c)).

[35] Id.

[36] Comment of CDW.

[37] Comment of CNLP.

[38] Comments of Council on Labor Law Equality (COLLE); Representatives Virginia Foxx and Tim Walberg; General Counsel Peter Robb (GC Robb); CNLP; CDW; Chamber of Commerce (the Chamber).

[39] Comments of Associated Builders and Contractors (ABC); National Right to Work Legal Defense Foundation, Inc. (NRWLDF).

[40] Comments of CDW; COLLE.

[41] Comment of GC Robb.

[42] Comment of COLLE; CDW.

[43] Comment of CNLP.

[44] Comment of Donald Johnson.

[45] Comment of International Brotherhood of Electrical Workers Local 304 (Local 304).

[46] Comment of CDW.

[47] Comment of CNLP.

[48] Comment of NRWLDF.

[49] Comments of GC Robb; NRWLDF; the Chamber.

[50] Comment of CDW.

[51] Comment of COLLE.

[52] Comments of COLLE; Representatives Foxx and Walberg; NRWLDF.

[53] Comment of NRWLDF.

[54] Comment of CDW.

[55] Comment of the Chamber.

[56] Comment of NRWLDF.

[57] Comment of Representatives Foxx and Walberg.

policy focus on situations where an allegedly meritorious unfair labor practice charge taints a representation petition or otherwise spoils laboratory conditions for conducting an election, thereby preventing employees from making a truly free choice as to union representation. Some of those commenters argue that it would be inconsistent with Section 9(c) of the Act for a regional director to process a representation petition in those circumstances because the regional director would not have ''reasonable cause to believe'' that a question of representation exists—a prerequisite to an election under Section 9(c).[58] One commenter claims that a meritorious unfair labor practice charge alleging that an employer unlawfully instigated or supported a petition to displace an incumbent union precludes a question of representation because, in those circumstances, the employer has improperly circumvented Congress's intent—set forth in Section 9(c)(1)—to allow employers to file only RM petitions.[59] That same commenter also states that a meritorious unfair labor practice charge alleging that an employer violated Section 8(a)(5) by ceasing to recognize and bargain with the incumbent union precludes a question of representation because displacing the union through an election would be inconsistent with the Board's obligation to remediate the Section 8(a)(5) violation with a bargaining order.[60] Finally, the commenter states that a meritorious unfair labor practice charge against an employer that caused the union's loss of majority support precludes a question of representation because the required showing of interest would be supported by coerced evidence.[61] Relatedly, another commenter states that, where certain unlawful conduct has been committed, conducting elections would be a betrayal of the Board's statutory responsibility.[62]

Several commenters assert various ways in which holding an election in spite of a blocking-charge request would harm employees voting in the election. In this connection, commenters contend that, after employees have been coerced to vote against the union in an initial election that has been set aside based on conduct subject to the blocking charge, the union will be forced to convince them to change their minds in a rerun election.[63] One commenter states generally that pollsters and statisticians who study cognitive biases have shown the long-term effect of coercive behavior.[64] Another commenter asserts that it is unfair to hold an election while employees do not know whether the unfair labor practice charge has merit.[65] Additionally, several commenters express concerns that having employees vote in elections that are set aside will engender a belief that exercising rights under the Act is futile, or that Board elections are somehow fixed.[66] Other commenters contend that holding an election while the unfair labor practice charge is pending creates an impression that the charge necessarily lacks merit, based on the belief that the Board would not spend the time, money, and other resources on an initial election if it believes that it might need to hold a rerun election.[67] Another commenter states that the Supreme Court recognized in *NLRB* v. *Gissel Packing Co.,* 395 U.S. at 575, that employees cannot ''freely determine whether they desire a representative'' where the employer has committed unfair labor practices that undermined the union's support and impeded the holding of a free and fair election.[68] Some commenters complain that the proposed rule provides for holding an election even if an employer has engaged in egregious misconduct, such as threatening to shoot any employee voting for union representation.[69]

Commenters also assert that it would be an arbitrary waste of agency and party resources to conduct elections that will have to be invalidated, such as where the employer indisputably assisted with or actually solicited petition signatures.[70] And other commenters argue that conducting an election will not serve any purpose because a union would not be certified or decertified any sooner. Votes will remain impounded until resolution of the pending blocking-charge allegations.[71]

Several commenters also assert that the proposed modification of blocking-charge policy is not supported by empirical data under the current policy that would be relevant to a determination of how many blocking charges were meritorious.[72] Commenters also criticize inaccuracies in statistics cited by the Board majority in the NPRM with respect to the number of cases where petitions have been blocked and the length of time they were blocked under the current policy.[73] Some commenters state that the Board has failed to consider statistics showing that evidentiary requirements implemented in the 2015 Election Rule have sufficiently addressed any concerns about the current blocking-charge policy.[74] Finally, some commenters contend that the Board's concern about election delay resulting from the blocking-charge policy is inconsistent with the election delays that will result when the 2019 Election Rule takes effect.[75]

Having thoroughly considered the foregoing comments, we agree with those who contend that the current blocking-charge policy must be modified to provide for the timely processing of an otherwise valid petition, at least to the point of conducting an election. We remain of the view expressed in the NPRM that this approach ''best satisfies the goal of protecting employee free choice . . . by assuring that petitions will be processed to an election in the same timely manner as in unblocked[-]petition cases.'' 84 FR at 39938. Accordingly, the final-rule amendment provides that a blocking-charge request will no longer delay the conduct of an election in any case. As discussed in the following

[58] Comments of AFL–CIO; Workers United, SEIU; Communication Workers of America, AFL–CIO (CWA).

[59] Comment of Workers United.

[60] Id.

[61] Id.

[62] Comment of Economic Policy Institute (EPI). Another commenter contends that processing a representation petition where there is an unfair labor practice allegation that previously would have blocked an election would violate the First and Fourteenth Amendments to, and the Take Care Clause of, the U.S. Constitution, and that it also raises separation-of-powers concerns. See Comment of National Nurses United (NNU) (citing *Thomas* v. *Collins,* 323 U.S. 516 (1945)). This commenter does not explain its argument, and the cited decision does not support the commenter's claim. Thus, we reject this claim as unsupported.

[63] Comments of SEIU; AFL–CIO; Kimberly Holdiman; NNU; United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry of the United States and Canada, AFL–CIO (UA); American Federation of Teachers, AFL–CIO (AFT); CWA; Utility Workers of America, AFL–CIO (UWUA).

[64] Comment of International Union of Operating Engineers (IUOE).

[65] Comment of Jay Youngdahl.

[66] Comments of SEIU; UFCW; UA; LIUNA Mid-Atlantic Regional Organizing Coalition (LIUNA MAROC).

[67] Comments of CWA; Senator Murray.

[68] Comment of International Brotherhood of Electrical Workers, AFL–CIO, CLC (IBEW).

[69] Comments of SEIU; IUOE; Michigan Regional Council of Engineers and Millwrights (MRCC); Senator Murray.

[70] Comments of AFL–CIO; NNU; UFCW; UA; IBEW; AFT; Senator Murray; American Federation of State, County and Municipal Employees (AFSCME); EPI.

[71] Comments of AFL–CIO; Youngdahl; LIUNA MAROC.

[72] Comments of AFL–CIO; IUOE; LIUNA MAROC; Senator Murray; SEIU; UA; UFCW.

[73] Comments of AFL–CIO; AFT; IBEW; MRCC; SEIU; UA; UFCW.

[74] Comments of AFSCME; AFL–CIO; CWA; IBEW; Youngdahl; UFCW; Professor Alexia Kulwiec.

[75] Comments of AFT; EPI; SEIU, Local 32BJ (Local 32BJ); UFCW; UWUA; Professor Kulwiec.

section, however, we also agree with comments suggesting that the vote-and-impound procedure proposed in the NPRM need only apply to a limited class of charges and that in all other cases votes should be counted upon conclusion of the voting.

Initially, we disagree with the contention, advanced by several commenters opposing the proposed rule, that the Board lacks the statutory authority to direct elections in the face of some, or even all, blocking charges. Section 9(c)(1) provides that the Board ''shall direct an election'' if it finds that ''a question of representation exists.'' It makes no reference to the effect of a pending unfair labor practice charge on an otherwise valid election petition. Similarly, the Board's current election rules, implemented in 2015, state that ''[a] question of representation exists if a proper petition has been filed concerning a unit in which an individual or labor organization has been certified or is being currently recognized by the employer as the bargaining representative.'' 29 CFR 102.64(a).[76] Consistent with this definition, the existence of a question concerning representation is not per se affected by the pendency of a charge alleging conduct that, if proven, would interfere with employee free choice in the election. If it were, then the Board would lack the discretion to direct an election if such charges were pending, regardless of whether a request to block has been made—a position wholly at odds with the Board's longstanding procedures, which allow elections to take place despite the pendency of charges in certain circumstances, even Type II charges.[77] Indeed, longstanding Board procedures permit the processing of a petition and conduct of an election at the discretion of the charging party who files an unfair labor practice charge or at the discretion of the regional director upon consideration of whether circumstances permit an election in spite of pending charges.[78]

Turning to the fundamental issue whether any of the unproven unfair labor practice charges currently described as Type I and II charges in the Board's Casehandling Manual (Part 2) Representation Proceedings should be allowed to block the immediate processing of a petition and conduct of an election, we agree with the commenters who contend that, in some cases, meritless unfair labor practice charges are filed to prevent employees from exercising their right to vote. As some commenters note, ending the policy of blocking elections reduces the incentives for filing meritless unfair labor practice charges and the uncertainty as to whether employees would ever have the opportunity to vote.[79] At the very least, as one commenter noted, it would prompt unions to think twice before filing meritless unfair labor practice charges because they would not be able to unnecessarily deprive employees of their right to express their free choice.[80]

Further, as discussed in the NPRM, several federal appellate courts have expressed concerns about the impact of meritless unfair labor practice charges blocking elections. See *NLRB* v. *Hart Beverage Co.,* 445 F.2d at 420 (''[I]t appears clearly inferable to us that one of the purposes of the [u]nion in filing the unfair practices charge was to abort [r]espondent's petition for an election, if indeed, that was not its only purpose.''); *Templeton* v. *Dixie Color Printing Co.,* 444 F.2d at 1069 (''The short of the matter is that the Board has refused to take any notice of the petition filed by appellees and by interposing an arbitrary blocking[-]charge practice, applicable generally to employers, has held it in abeyance for over 3 years. As a consequence, the appellees have been deprived during all this time of their statutory right to a representative 'of their own choosing' to bargain collectively for them, 29 U.S.C. 157, despite the fact that the employees have not been charged with any wrongdoing. Such practice and result are intolerable under the Act and cannot be countenanced.''); *NLRB* v. *Midtown Service Co.,* 425 F.2d at 672 (''If . . . the charges were filed by the union, adherence to the [blocking-charge] policy in the present case would permit the union, as the beneficiary of the [e]mployer's misconduct, merely by filing charges to achieve an indefinite stalemate designed to perpetuate the union in power. If, on the other hand, the charges were filed by others claiming improper conduct on the part of the [e]mployer, we believe that the risk of another election (which might be required if the union prevailed but the charges against the [e]mployer were later upheld) is preferable to a three-year delay.''); *NLRB* v. *Minute Maid Corp.,* 283 F.2d at 710 (''Nor is the Board relieved of its duty to consider and act upon an application for decertification for the sole reason that an unproved charge of an unfair practice has been made against the employer. To hold otherwise would put the union in a position where it could effectively thwart the statutory provisions permitting a decertification when a majority is no longer represented.''); *Pacemaker Corp* v. *NLRB,* 260 F.2d at 882 (''The practice adopted by the Board is subject to abuse as is shown in the instant case. After due notice both parties proceeded with the representation hearing. Possibly for some reasons of strategy near the close of the hearing, the [u]nion asked for an adjournment. Thereafter it filed a second amended charge of unfair labor practice. By such strategy the [u]nion was able to and did stall and postpone indefinitely the representation hearing.'').

We believe that it would be inappropriate for the Board to continue to disregard these valid concerns that the current blocking-charge policy encourages such gamesmanship, allowing unions to dictate the timing of an election for maximum advantage in all elections presenting a test of representative status.[81] The Board has long been aware of the potential—and actuality—of such gamesmanship and has taken certain measures to discourage it. Section 11730 of the Board's current Casehandling Manual for representation proceedings states that ''it should be recognized that the policy is not intended to be misused by a party as a tactic to delay the resolution of a question concerning representation raised by a petition.'' Further, while declining to modify the blocking-charge

[76] The Board's 2019 Election Rule revisions to its existing election rules relevantly state: ''A question of representation exists if a proper petition has been filed concerning a unit appropriate for the purpose of collective bargaining or concerning a unit in which an individual or labor organization has been certified or is being currently recognized by the employer as the bargaining representative.'' 84 FR 69524, at 69593 (December 18, 2019) (to be codified at 29 CFR 102.64(a)). The minor differences between the 2015 and 2019 rules do not affect our analysis of the issues presented here.

[77] Type II Blocking Charges are charges that affect the petition or showing of interest, that condition or preclude a question concerning representation, or that taint an incumbent union's subsequent loss of majority support. NLRB Casehandling Manual (Part 2) Representation Proceedings Sec. 11730.3 (Jan. 2017).

[78] See NLRB Casehandling Manual (Part 2) Representation Proceedings Sec. 11731.2, .5, and .6. We note that our final-rule amendment of blocking-charge policy does not alter current law requiring that allegations that the individual filing a decertification petition is a supervisor raise jurisdictional issues that must be resolved in the representation case before an election may be directed. See *Modern Hard Chrome Service Co.,* 124 NLRB 1235, 1236–1237 (1959).

[79] Comments of CDW; the Chamber.

[80] Comment of the Chamber.

[81] As comments make clear, the discretionary ability of a union to affect the timing of an election through a blocking charge exists not only for decertification election (RD) and deauthorization (UD) petitions filed by individual employees, but also for representation-election petitions filed by a union (RC) or employer (RM).

policy in the 2015 Election Rule, the Board did state that it was ''sensitive to the allegation that at times, incumbent unions may abuse the policy by filing meritless charges in order to delay decertification elections,'' [82] and it sought to address that issue by including a provision in § 103.20 of the Board's Rules and Regulations requiring that a charging party that files a blocking request must simultaneously provide an offer of proof with names of witnesses and a summary of their anticipated testimony.

We agree that this new evidentiary requirement would likely facilitate the quick elimination of obviously meritless charges and blocking requests based on them, and thereby permit processing of some petitions with minimal delay. We also accept as plausible the contention by some commenters that the requirement may be partly responsible for a decline in blocked petitions since implementation of the 2015 Election Rule.[83] But even assuming the decline is, to some extent, attributable to the offer-of-proof requirement, we nevertheless find that this decline alone does not justify adherence to the current blocking-charge policy. A regional director typically acts on a blocking-charge request soon after the request is made, if not on the same day, and a charge that appears facially sufficient based on an offer of proof may yet be dismissed as meritless after full investigation or may ultimately be withdrawn. Meanwhile, under the current policy, an election is delayed until that happens.

Further, our concerns and those expressed by commenters about the current policy extend to meritorious charges as well. Proponents of the current policy take a broad view of what constitutes a meritorious blocking charge. They would include any charge under investigation by the regional director that is not facially meritless and alleges conduct that could reasonably affect the election results or the validity of the election petition. Necessarily, then, they would include any charge on which a regional director decides to issue a complaint, regardless of whether a violation of the Act would ultimately be proven. Based on comments supportive of the dissent's statistical survey in the NPRM, they would also define as meritorious any blocking charge that resulted in a settlement, without inquiry into the terms of the settlement agreement.[84] In other words, they view any charge of conduct potentially affecting the validity of a petition or the outcome of an election as presumptively meritorious, for purposes of blocking an election, until it is dismissed or withdrawn. This view stands in sharp contrast to the Board's, for which a charge is not meritorious unless admitted or so found in litigation. Thus, from the Board's perspective, the current blocking-charge practice denies employees supporting a petition the right to have a timely election based on charges the merits of which remain to be seen, and many of which will turn out to have been meritless. Moreover, even assuming that some commenters are correct that for every meritless charge there are two ''meritorious'' charges that have appropriately blocked an election,[85] this does not justify the very real consequences that employees experience when unfair labor practice charges indefinitely delay their ability to vote.

We also acknowledge the claims in the dissent to the NPRM and by some commenters that there were errors in some of the data that the NPRM majority cited to support the proposed rule and that these errors led to exaggeration both of the number of cases delayed and the length of delay involved.[86] Even accepting those claims as accurate, the remaining undisputed statistics substantiate the continuing existence of a systemic delay that supports our policy choice to modify the current blocking-charge procedure that does not, and need not, depend on statistical analysis. As the AFL–CIO candidly acknowledges, ''[b]locking elections delays elections. That is undeniably true and requires no 'statistical evidence' to demonstrate.'' We agree. Furthermore, anecdotal evidence of lengthy blocking-charge delays in some cases, and judicial expressions of concern about this, remain among the several persuasive reasons supporting a change that will assure the timely conduct of elections without sacrificing protections against election interference.

For instance, in *Cablevision Systems Corp.,* 367 NLRB No. 59, employees were forced to wait years for a regional director to process a decertification petition because of a blocking charge—so long, in fact, that the employee who filed the petition ultimately withdrew it and the employees were denied the right to vote. That case was by no means an anomaly. In *ADT Security Services,* No. 18–RD–206831, 2017 WL 6554381 (Dec. 20, 2017), the petitioner filed a decertification petition after personally gathering the required showing of interest. The union filed a blocking charge falsely alleging employer involvement. Although the union eventually withdrew its frivolous charge, it succeeded in blocking an election for several months.[87] Likewise, in *Arizona Public Service Co.,* No. 28–RD–194724, 2017 WL 2794208 (June 27, 2017), the petitioner filed a decertification petition with the required showing of interest. The union filed a blocking charge alleging employer involvement. The union eventually withdrew the charge and lost the subsequent election but was successful in delaying its ouster for nearly 3 months.[88] Additionally, in *Pinnacle Foods Group, LLC,* No. 14–RD–226626, 2019 WL 656304 (Feb. 2, 2019), the petitioner filed a decertification petition supported by the requisite showing of interest. The union filed a charge alleging employer involvement and the employer's failure to meet its bargaining obligations. The region immediately blocked the petition without seeking any input from the employer or the petitioner. Although the region eventually issued a complaint on relatively minor violations of the Act, it dismissed the allegations of employer involvement in soliciting support for the decertification petition. Under the blocking-charge policy, the regional director declined to process the decertification petition, even though it was filed 18 months after the union's certification and 12 months after the parties began bargaining—but only days after the decertification petition was filed, suggesting that its primary purpose was merely to forestall the decertification election.[89] Then, one commenter asserts, there is the case of the employees at Apple Bus Co. in Soldotna, Alaska, who were forced to wait years for a decertification election because of blocking charges until the union ultimately disclaimed interest in continuing representation.[90]

Cases such as these demonstrate how a blocking charge can postpone an election, even for years, seriously

[82] 79 FR at 74419.

[83] The statistical summary from Professor John-Paul Ferguson appended to the Comment of AFL–CIO shows a decline but proves no certain basis for inferring the cause of decline.

[84] See List of FY 2016 and FY 2017 Petitions Blocked Pursuant to Blocking Charge Policy in Dissent Appendix, *https://www.nlrb.gov/sites/default/files/attachments/basic-page/node-7583/member-mcferran-dissent-appendix.pdf* (last visited Mar. 23, 2020).

[85] Comments of Workers United; AFL–CIO; IUOE; UFCW; Senator Murray.

[86] Comments of Workers United; AFL–CIO; IBEW; AFT; UA; UFCW; MRCC.

[87] See Comment of NRWLDF.

[88] See id.

[89] Id.

[90] Id. (citing *Apple Bus Co.,* Case 19–RD–216636, 2019 WL 7584368 (Nov. 18, 2019)).

harming the interests of employees who wanted it. Although some commenters assert that blocking charges are not to blame for the unacceptably lengthy delay of elections in certain cases,[91] it is undisputed that blocking charges delay elections. In this regard, it takes time for the General Counsel to investigate a charge and, on occasion, to litigate a complaint based on the charge.[92] We believe that it is our obligation to prevent this needless delay of employees' exercise of their right to express their free choice regarding union representation in a timely held election.

Additionally, we believe that the concerns raised about the harm that employees would suffer by voting in an election that is later set aside are overstated and can be addressed by the prophylactic post-election procedures of certification stays and, in some cases, impounding ballots, set forth in the final rule. We also note that from the Board's earliest years, it has set aside the results of elections based on meritorious objections and has ordered second elections. See, *e.g., Paragon Rubber Co.,* 7 NLRB 965, 966 (1938). In many of those cases, the objectionable conduct was an unfair labor practice. Based on our extensive experience in handling election objections, we reject the notion that employee free choice in a second election will invariably be affected by a prior election loss set aside based on unfair labor practices. That has not been the case in many rerun elections where employees vote for union representation in a second or even third election. In fact, contrary to the suggestion of some commenters, we believe that when the Board orders a second election based on unfair labor practices committed during the critical pre-election period, that sends a positive signal to employees that the Board will protect their free choice when the results of an actual election require doing so. In addition, the Board holds rerun elections only at an appropriate time after the original election is set aside—*i.e.,* after the effects of the unlawful or objectionable conduct have dissipated.[93] We also note that nothing in the Supreme Court's *Gissel* decision suggests the inevitability of lingering effects preventing a fair rerun election, much less that an election should be delayed or preempted prior to any finding in adjudication that unfair labor practices have actually been committed. To the contrary, that decision makes clear the Court's implicit view that typically, fair elections *can* be held after an employer has undisputedly committed unfair labor practices. A rerun election remains the norm after a first election has been set aside based on such misconduct. The extraordinary alternative of imposing an affirmative bargaining order is warranted only when standard remedies stand no or only a slight chance of ameliorating the lingering effects of adjudicated serious unfair labor practices.[94]

One commenter notes that, if an election is held but votes are impounded, the workforce may change by the time the election results are certified.[95] As discussed below, our final-rule amendment retains the proposed vote-and-impound procedure for only a limited category of cases, but certification will in any event be postponed for some period of time if a blocking charge is still pending when an election concludes. In any event, the commenter's observation misses the critical point that our concern is with the harmful effects on employee free choice of election delay, rather than with any post-election delay until a certification of results or representative issues. For various reasons previously stated, blocking charges should neither prevent the timely processing of an otherwise valid petition nor preclude those employees who support it from participating in a timely-conducted election. Considering these factors, we disagree with one commenter's argument that we should maintain the status quo—and its attendant, unnecessary delay in employees' exercise of free choice—because that delay ''is a small price to pay.'' [96] We find instead that it is far too great a price for employees to pay.

As stated above, several commenters allege that our expressed concern about election delay resulting from the current blocking-charge policy is inconsistent with the 2019 Election Rule.[97] They claim that we cannot seriously be concerned about preventing unnecessary delays in the election process because we provided in that rulemaking for pre-election review of unit-scope and voter-eligibility issues. Implicit in this argument is an assumption that the changes made by that final rule institutionalized ''unnecessary'' delays. We could not disagree more. As stated in response to the dissent to that rule, the amendments made there were based on the belief that ''the expedited processes implemented in 2014 at every step of the election process . . . unnecessarily sacrificed prior elements of Board election procedure that better assured a final electoral result that is fundamentally fairer and still provides for the conduct of an election within a reasonable period of time from the filing of a petition.'' 84 FR at 69577. In contrast, the changes that the final rule here makes in the blocking-charge policy *do* address unnecessary delay in the conduct of an election without sacrificing safeguards against unfair labor practice charges that *might* affect the election results. Further, in at least some cases, the delay involved in blocking an election has been months or years, far exceeding the additional days or weeks added to the election processing timeframe by the 2019 Election Rule.

Some commenters assert that eliminating the policy of blocking elections based on pending charges may force the Board to expend additional resources in holding second elections that would not be necessary if initial elections are delayed. We do not consider this to be a waste by any means, and any consequential costs are worth the benefits secured. Preliminarily, it is clearly not the case that unfair labor practices alleged in a charge, even if meritorious, will invariably result in a vote against union representation. If the union prevails despite those unfair labor practices, there will be no second election. In any event, one of the principal duties of the Board is to resolve questions of representation by holding elections, and that duty is not discharged where the Board does not process a representation petition, especially where there is no legitimate basis for delaying an election.[98] As the General Counsel has stated, ''any burden on the Regions in conducting elections where the ballots may never be counted is outweighed by the critical benefit of ensuring employee free choice.''[99]

[91] Comments of AFL–CIO; UA.

[92] Comment of CDW.

[93] One commenter's claim that a federal district court in *Amirault* v. *Shaughnessy,* No. H–84–113, 1984 WL 49161, at *4 (D. Conn. Feb. 8, 1984), issued a temporary restraining order to halt a union-affiliation election under the Labor Management Reporting and Disclosure Act (LMRDA) because of what it speculated would be the harmful effect of that election on any subsequent election has no bearing on the issue here. That case not only is inapposite based on its facts—which involved the effect of union-affiliation opponents being denied the opportunity under the LMRDA to present their views before the holding of a special convention vote—but it also was reversed by the court of appeals, reported at 794 F.2d 676 (2d Cir. 1984) (table). See Reply Comment of AFL–CIO.

[94] See *NLRB* v. *Gissel Packing Co.,* supra, 395 U.S. at 610–616.

[95] Comment of AFSCME.

[96] Comment of Youngdahl.

[97] Comments of SEIU; EPI; Local 32BJ.

[98] Comment of CDW.

[99] Comment of GC Robb.

For the foregoing reasons (and those discussed in the NPRM), we continue to believe that revising the blocking-charge policy to end the practice of delaying an election represents a more appropriately balanced approach to the issue of how to treat election petitions when relevant unfair labor practice charges are pending. It ensures that employees are able to express their preference for or against union representation in a timely held Board election, while maintaining effective means for addressing election interference. This is an outcome that we believe we can, and should, guarantee for every employee covered under the Act, while at the same time imposing minimal burden on the parties to an election and, just as importantly, the employees who vote in those elections.

2. Comments Regarding Other Alternatives

Several commenters contend that there are adequate existing alternatives that make it unnecessary to abolish the blocking-charge policy.

Some commenters observe that regional directors already have discretion to decide to process a petition despite a pending unfair labor practice charge.[100] One commenter states that variation in the exercise of such discretion is to be expected as a consequence of what the commenter characterizes as a law-enforcement context of a prosecutorial determination of merit in the blocking charge.[101] Commenters suggest that, as an alternative to proceeding to an election but impounding the ballots (or delaying the certification), the Board could grant greater discretion to regional directors.[102]

However, one commenter contends that currently, some regional directors reflexively block elections in cases where unfair labor practice charges are filed, even when the underlying offer of proof is weak and the charges are patently frivolous, minor, and/or false.[103] And one commenter asserts that regional directors act arbitrarily in determining which types of charges should block an election by, for instance, largely ignoring the election-related effects of unfair labor practices committed by unions.[104] Further, one commenter notes the substantial inconsistency that already exists across regions, and argues that the opportunity to vote in a timely-conducted election should not depend on employees' geographic locations.[105]

As reflected in these comments, and as discussed in the NPRM, concerns have been raised about regional directors not applying the current blocking-charge policy consistently, thereby creating uncertainty and confusion about when, if ever, parties can expect an election to occur. See Zev J. Eigen & Sandro Garofalo, *Less Is More: A Case for Structural Reform of the National Labor Relations Board,* 98 Minn. L. Rev. 1879 at 1896–1897 (''Regional directors have wide discretion in allowing elections to be blocked, and this sometimes results in the delay of an election for months and in some cases for years—especially when the union resorts to the tactic of filing consecutive unmeritorious charges over a long period of time. This is contrary to the central policy of the Act, which is to allow employees to freely choose their bargaining representative, or to choose not to be represented at all.'').

We do not believe that granting broader discretion to regional directors is a preferable alternative to eliminating altogether the policy of blocking an election based on an unfair labor practice charge. As one commenter notes, the Board is entrusted with setting national labor policy, and it would better fulfill that duty by creating a uniform election schedule, notwithstanding any pending unfair labor practice charges, than by giving regional directors even more discretion to decide whether employees should have a timely opportunity to vote in an election.[106] As another commenter states, the more that employees are left in the dark as to when—much less whether—they will be able to vote, the further deprived they are of laboratory conditions.[107]

It is because of this need for uniformity that we also decline to create an exception, as proposed by one of the commenters, to continue to allow an election to be blocked when it is the petitioner who files the unfair labor practice charge.[108] Doing so would preserve the opportunity for a petitioner to manipulate the timing of the election for maximum advantage. If a petition is filed presenting a question of representation, we believe the election should proceed regardless of who files the petition, although certification may be delayed while the unfair labor practice charge is resolved.

Other commenters suggest that the expedited evidentiary requirement for blocking charge requests adopted in the 2015 Election Rule is a sufficient alternative to the proposed change. In this connection, some commenters claim that the Board has not fully studied the effects of that Rule, or that we should maintain the status quo for an indefinite length of time because of that Rule.[109] We reject those claims. As one commenter suggests, at least some meritless unfair labor practice charges are still being filed, notwithstanding the 2015 Election Rule's requirement of a submission of a perfunctory offer of proof.[110] In any event, as previously discussed, the offer-of-proof requirement is likely to result in prompt dismissal or withdrawal of only the most obviously meritless charges. Beyond that, as also discussed, we find that the better policy protective of employee free choice is to eliminate blocking elections based on any pending unfair labor practice charges, even those that may ultimately be found to have merit. However, the final rule preserves the evidentiary requirements created by the 2015 Election Rule.

Finally, to the extent that the Board's recent decision in *Johnson Controls, Inc.,* 368 NLRB No. 20 (2019), addresses our concern about the post-contract presumption of union majority support in the face of contrary evidence, as one commenter suggests,[111] that decision is not a sufficient alternative to ending the blocking-charge policy. Even under *Johnson Controls,* anticipatory withdrawals based upon evidence of employee disaffection could still be as ineffective as the RM-petition ''safe harbor'' because a union could still file a charge blocking employees from getting to vote in an election, while the employer may feel compelled to retain the employees' existing terms and conditions of employment out of concern that it may otherwise be engaging in objectionable conduct.

3. Modifications to the Proposed Rule and Arguments Regarding Settlements

Some commenters argue that a vote-and-impound procedure for all unfair labor practice charges, as proposed in the NPRM, would not provide the expected salutary effect that would come from a charging party—fully aware of the results of the election—knowing that it was acting either with

[100] Comments of SEIU; Professor Kulwiec.

[101] Comment of IUOE.

[102] See, *e.g.,* Comments of IUOE; CWA.

[103] Comment of NRWLDF.

[104] Id.

[105] Comment of CDW.

[106] Comment of the Chamber.

[107] Comment of COLLE.

[108] Comment of AFL–CIO.

[109] Comments of SEIU; Professor Kulwiec; AFL–CIO; CWA; AFSCME; IBEW.

[110] Comment of CDW.

[111] Comment of UFCW.

the support of or in the teeth of employees' wishes.[112] In particular, as one commenter notes, impoundment of ballots does not fully ameliorate the problems with the current blocking-charge policy because impoundment fails to decrease a union's incentive to delay its decertification by filing meritless blocking charges; makes it more difficult for parties to settle blocking charges, as they would not know the results of the election during their settlement discussions; and further frustrates and confuses employees waiting, possibly for an extended post-election period, to learn the results of the election.[113]

After considering those arguments, we agree with commenters who state that it would be preferable for ballots to be counted immediately after the conclusion of the election, but holding the certification of the election results in abeyance pending the resolution of the unfair labor practice charge.[114] Accordingly, the final rule makes that change with regard to most categories of unfair labor practice charges.

At the same time, however, some types of unfair labor practice charges speak to the very legitimacy of the election process in such a way that warrants different treatment—specifically, those that allege violations of Section 8(a)(1) and 8(a)(2) or Section 8(b)(1)(A) of the Act and that challenge the circumstances surrounding the petition or the showing of interest submitted in support of the petition, and those that allege that an employer has dominated a union in violation of Section 8(a)(2) and that seek to disestablish a bargaining relationship. We believe that in cases involving those types of charges, it is more appropriate to impound the ballots than to promptly count them. Nevertheless, in order to avoid a situation where employees are unaware of the election results indefinitely, we believe it is appropriate to set an outer limit on how long ballots will be impounded. Accordingly, the final rule provides that the impoundment will last for only up to 60 days from the conclusion of the election if the charge has not been withdrawn or dismissed prior to the conclusion of the election, in order to give the General Counsel time to make a merit determination regarding the unfair labor practice charge.[115] We believe that this 60-day period will reasonably provide sufficient time for the General Counsel to investigate the charge and assess its merits without substantially affecting employees' interests in knowing the electoral outcome.[116] Additionally, the final rule specifies that, if a complaint issues with respect to the charge during the 60-day period, then the ballots shall continue to be impounded until there is a final determination regarding the charge and its effects, if any, on the election petition. If the charge is found to have merit in a final Board determination, we will set aside the election and either order a second election or issue an affirmative bargaining order, depending on the nature of the violation or violations found to have been committed. If the charge is withdrawn or dismissed at any time during the 60-day impoundment period, or if the 60-day period ends without a complaint issuing, then the ballots shall be promptly opened and counted. The final rule also specifies that, if unfair labor practice charges are filed serially, the 60-day period will not be extended.

In our view, these two different procedures—a vote-and-count procedure for most categories of charges, and a vote-and-impound procedure for some limited categories of charges—best accommodate the various concerns that the commenters have raised while protecting the rights that we are obligated to safeguard. For that reason, we reject the assertion of some commenters that we have not attempted to balance, or even quantify, the burden and the benefit in adopting these revised procedures.[117]

Finally, we note that we received some comments regarding the proposed rule's effects on settlements.[118] However, the NPRM expressly stated that the Board does not intend this rulemaking to address other election-bar policies, including the settlement bar. 84 FR at 39931 fn. 3. Thus, the rule, by its terms, applies to requests to block an election with an unfair labor practice charge, and it does not apply where a party seeks to interpose a settlement agreement as a bar to an election. Further, the types of settlements, and the circumstances in which they can be reached, are myriad. For all of these reasons, this rule does not address the effect of settlements or disturb the Board's case law addressing the effects of various types of settlements. Any possible changes in the law on those issues are left for other proceedings. Cf. *Mobil Oil Expl. & Producing Se. Inc.,* 498 U.S. at 231 (''[A]n agency need not solve every problem before it in the same proceeding.''); *Advocates for Highway & Auto Safety,* 429 F.3d at 1147 (''Agencies surely may, in appropriate circumstances, address problems incrementally.''). We note that, under existing procedures that this rule does not disturb, a party that files a request for review of a decision and direction of election prior to the election may request extraordinary relief in the form of, among other things, impoundment of some or all of the ballots. See 29 CFR 102.67(j). Thus, there is an existing mechanism that allows a request to keep the ballots impounded in appropriate circumstances.

F. Final-Rule Amendment Regarding Voluntary-Recognition Election Bar

The Board also received numerous comments on the proposed amendment concerning the current immediate voluntary-recognition bar. We have carefully reviewed and considered these comments, as discussed below.

1. Comments About Voluntary Recognition Relative to Board Elections

Two commenters state that voluntary recognition is ''favored,'' quoting *NLRB* v. *Broadmoor Lumber Co.,* 578 F.2d 238, 241 (9th Cir. 1978).[119] In addition, one commenter asserts that the Act does not create separate bargaining obligations or ''different systems of private ordering'' for unions based on whether they achieved their status through voluntary recognition or certification.[120] Further, several commenters note that voluntary recognition predated the Act, and that the Act created the election process only as a means of resolving questions of

[112] Comments of ABC; NRWLDF.

[113] Comment of NRWLDF.

[114] Comment of the Chamber.

[115] To the extent that some commenters suggest that we could impose an outer limit on the duration of the General Counsel's unfair labor practice investigation, we reject those suggestions as beyond our authority. The Board retains the authority to determine the timing of a representation election and disclosure of the results of that election during the investigation of an unfair labor practice charge, but the General Counsel has independent authority under Sec. 3(d) of the Act to investigate the charge, without any limitation on the length of that investigation. See Comments of AFL–CIO; CWA.

[116] We note that the NLRB's 2019 Performance and Accountability Report states that in fiscal year 2019, the Agency's regional offices processed unfair labor practice charges from filing to disposition in a median of 74 days. NLRB, FY 2019 Performance and Accountability Report 7, *https://www.nlrb.gov/sites/default/files/attachments/basic-page/node-1674/nlrb-par-2019-design-508.pdf* (last visited Mar. 23, 2020). Moreover, we would expect that investigations of charges triggering the vote-and-impound procedure could be given priority and conducted expeditiously. These considerations further support our conclusion that a 60-day limit on the duration of ballot impoundment represents a reasonable limitation on employees' interest in learning the outcome of the vote.

[117] Comments of AFL–CIO; UFCW.

[118] Comments of SEIU; AFL–CIO; Local 32BJ.

[119] Comments of Local 32BJ; AFSCME.

[120] Comment of UFCW.

representation when the parties could not resolve them privately.[121]

It is well established that voluntary recognition and voluntary-recognition agreements are lawful. *NLRB* v. *Gissel Packing Co.,* 395 U.S. at 595–600; *United Mine Workers of America* v. *Arkansas Oak Flooring Co.,* 351 U.S. at 72 fn. 8. However, as several commenters note,[122] it also is well established that Board elections are the Act's preferred method for resolving questions of representation.

As an initial matter, the Act itself implicitly supports this principle. As some commenters note, unlike the election bar, the voluntary-recognition bar is not in the Act; it is a Board-created doctrine.[123] Further, the 1947 Taft-Hartley amendments to Section 9 of the Act limited Board certification of exclusive collective-bargaining representatives—and the benefits that result from certification [124]—to unions that prevail in a Board election. While the Act's text does not state an explicit preference for Board elections, the election-year bar and the greater statutory protections accorded to a Board-certified bargaining representative implicitly reflect congressional intent to encourage the use of Board elections as the preferred means for resolving questions concerning representation.

Additionally, both the Board and the courts have long recognized that secret-ballot elections are better than voluntary recognition at protecting employees' Section 7 freedom to choose, or not choose, a bargaining representative. See, *e.g., Linden Lumber Div.* v. *NLRB,* 419 U.S. 301, 304 (1974); *NLRB* v. *Gissel Packing Co.,* 395 U.S. at 602; *Transp. Mgmt. Servs.* v. *NLRB,* 275 F.3d 112, 114 (D.C. Cir. 2002); *NLRB* v. *Cayuga Crushed Stone, Inc.,* 474 F.2d 1380, 1383 (2d Cir. 1973); *Levitz Furniture Co. of the Pacific,* 333 NLRB at 727; *Underground Service Alert,* 315 NLRB 958, 960 (1994). As the United States Supreme Court has stated, ''secret elections are generally the most satisfactory—indeed the preferred—method of ascertaining whether a union has majority support.'' *NLRB* v. *Gissel Packing Co.,* 395 U.S. at 602. Although voluntary recognition is a valid method of obtaining recognition, authorization cards used in a card-check recognition process are ''admittedly inferior to the election process.'' Id. at 603.

As several commenters note, the Board takes prophylactic measures to ensure a free and fair ballot in elections that it conducts (*e.g.,* requiring posting election notices at least 3 days beforehand).[125] Further, as some commenters note, because the Board does not supervise voluntary recognitions, it generally cannot know whether an employer-recognized union has the uncoerced support of a majority of employees.[126] Unlike votes cast in private during Board-conducted secret-ballot elections, card signings are public actions, susceptible to group pressure exerted at the moment of choice. Even if such pressure is not *unlawfully* coercive, it warrants consideration in determining the reliability of an employee's choice. As several commenters note, employees may sign cards because they are susceptible to peer pressure or do not want to appear nonconformist or antagonistic.[127] See, *e.g., NLRB* v. *Village IX, Inc.,* 723 F.2d 1360, 1371 (7th Cir. 1983) (''Workers sometimes sign union authorization cards not because they intend to vote for the union in the election but to avoid offending the person who asks them to sign, often a fellow worker, or simply to get the person off their back, since signing commits the worker to nothing (except that if enough workers sign, the employer may decide to recognize the union without an election).''). Of course, as several commenters also note, signatures on authorization cards may be the result not merely of peer pressure, but of threats, intimidation, coercion, harassment, or other conduct that falls far short of the ''laboratory conditions'' the Board seeks to ensure during elections.[128] Absent an electoral option, the only way for an employee to address this conduct would be to file an unfair labor practice charge, with the prospect of an extended investigation and litigation period to follow, during which the challenged bargaining relationship would continue.

Further, as some commenters note, employees often sign cards due to misunderstandings, misrepresentations, or lack of information about the consequences of unionization.[129] Moreover, as one commenter notes, a card check often is accompanied by formal or informal employer neutrality, which may effectively deprive employees of any exposure to information or argument that might cause them to decline representation.[130]

Some commenters claim that there is no evidence to support these contentions.[131] Relatedly, one commenter claims that workers do not obtain more accurate information during Board election campaigns than they do during voluntary-recognition efforts.[132] However, the ''uninhibited, robust, and wide-open debate'' characteristic of a Board-conducted election better fulfills the national labor policy that Congress has established. See *Chamber of Commerce of U.S.* v. *Brown,* 554 U.S. 60, 68 (2008) (NLRA preempted state law restricting use of state funds to assist, promote, or deter union organizing).

Another advantage of a Board election is that it presents a clear picture of employee voter preference at a single moment. As some commenters note,[133] elections provide a ''snapshot in time'' while card signings may take place over a period of time, during which employee sentiment can change. See, *e.g., Johnson Controls, Inc.,* 368 NLRB No. 20 (six employees signed union authorization cards shortly after signing decertification petition); *Alliant Food Service,* 335 NLRB 695 (2001) (16 employees who signed cards for 1 union subsequently signed cards for another union).

According to one commenter, the fact that an election takes place at a single moment disenfranchises employees who are absent on the day of an election.[134] But, as the General Counsel notes, some employees may be completely unaware of an organizing effort prior to a voluntary recognition because a union needs signatures from only a majority of the unit.[135] It is not unreasonable to conclude that if a union knows or suspects which employees may be inclined to support it, the union may target those employees to sign cards while avoiding employees perceived to be less sympathetic to the union's efforts. In contrast, all unit employees receive advance notice of the opportunity to vote in a Board-conducted representation election. In

[121] Comments of IUOE; AFL–CIO; EPI; IBEW; St. Louis-Kansas City Carpenters Regional Council.

[122] Comments of GC Robb; CDW; Representatives Foxx and Walberg; NRWLDF; CNLP.

[123] Comments of NRWLDF; COLLE; CDW.

[124] Those benefits include a 12-month bar to election petitions under Sec. 9(c)(3) as well as to withdrawal of recognition; protection against recognitional picketing by rival unions under Sec. 8(b)(4)(C); the right to engage in certain secondary and recognitional activity under Sec. 8(b)(4)(B) and 7(A); and, in certain circumstances, a defense to allegations of unlawful jurisdictional picketing under Sec. 8(b)(4)(D).

[125] *E.g.,* Comment of COLLE.

[126] *E.g.,* Comments of NRWLDF; CDW.

[127] Comments of COLLE; CDW; GC Robb; the Chamber.

[128] Comments of NRWLDF; GC Robb; Representatives Foxx and Walberg; the Chamber. See also Reply Comment of CNLP.

[129] Comments of NRWLDF; the Chamber.

[130] Comment of CDW.

[131] Comments of IUOE; Local 32BJ.

[132] Comment of Local 32BJ.

[133] Comments of CDW; GC Robb.

[134] Comment of Local 32BJ.

[135] Comment of GC Robb.

agreement with the General Counsel, we believe that employees who would otherwise be left in the dark regarding a voluntary-recognition drive should have the opportunity to campaign and vote against representation or in favor of a different union [136]—even if that means that employees who are absent on the day of the election (for which they receive advance notice) are unable to vote.[137]

Some commenters contend that laboratory conditions are sometimes destroyed during election campaigns [138] and that pressure from employers or other employees can occur during such campaigns.[139] We agree. However, the Board's election process provides for post-election review of unlawful and other objectionable conduct, and such review may result in the invalidation of the election results and the conduct of a rerun election. There are no guarantees of comparable safeguards in the voluntary-recognition process. This is a meaningful distinction that supports previous court and Board decisions that Board-conducted elections are preferable to voluntary recognition.

One commenter states that the proposed changes to the blocking-charge policy are inconsistent with the rationale stated here—*i.e.,* that conditions attendant to Board elections make such elections preferable to voluntary recognition.[140] We disagree. As previously stated, our revision of the blocking-charge policy is intended to protect the right of employees to a timely election. The *outcome* of that election may still be invalidated by the ultimate resolution of the merits of the blocking charge and its effects on employee free choice, but the timely conduct of the election is entirely consistent with the concept that a secret-ballot Board election is the preferred method for determining whether a union has majority support. Further, nothing in our final-rule amendments precludes the filing of a blocking charge with respect to an election petition filed after voluntary recognition. The same ''laboratory conditions'' standard will apply to the conduct of that election, and the same consequences will ensue if the blocking charge is ultimately found to have merit.

Relatedly, some commenters argue that *Johnson Controls,* supra, undercuts the rationale that a Board election is the preferred means of determining majority support, insofar as ''the non-electoral showing of lack of majority support there is no more reliable than the non-electoral showing of majority support addressed in'' the rule here.[141] We disagree. In *Johnson Controls,* the Board held that proof of an incumbent union's actual loss of majority support, if received by an employer within 90 days prior to contract expiration, conclusively rebuts the union's presumptive continuing majority status when the contract expires. 368 NLRB No. 20, slip op. at 2. However, the Board also held that, in those circumstances, the union may attempt to reestablish that status by filing a Board election petition within 45 days from the date the employer gives notice of an anticipatory withdrawal of recognition. Id. Consequently, *Johnson Controls* established a process parallel to the one we adopt here in the final-rule amendment. That is, after a bargaining relationship has been established *or* repudiated on the basis of a non-Board showing of majority-employee support for this action, employees will still have an immediate limited opportunity for a referendum on that action in a Board-supervised private-ballot election. For that matter, our final amendment of the voluntary-recognition bar provides greater protection to a continuing bargaining relationship than *Johnson Controls* does for majority-based withdrawal of recognition. If no petition is filed within the post-recognition period permitted under the rule, the recognition and contract-bar rules will take effect, potentially postponing any electoral challenge for years. In contrast, even if no petition is filed during the *Johnson Controls* open period following anticipatory repudiation, a petition can be filed at any time after expiration of the parties' final contract.

One commenter contends that the purported preference for Board elections conflicts with the Board's December 14, 2017 Request for Information (RFI) on the 2015 Election Rule, 82 FR 58783, inasmuch as the RFI was allegedly an attempt to weaken the 2015 Election Rule, which made it possible for employees to vote in a ''timelier manner.[142] We disagree with this comment. Nothing in the RFI, which had no effect on the validity of procedures established by the 2015 Election Rule, or in the amendments to those procedures set forth in the Board's 2019 Election Rule, which were founded on independent reasons stated therein, undercut the statutory, judicial, and agency preference for Board elections.

Additionally, some commenters contend that the rule discriminates against voluntary recognition, contrary to various provisions of Section 1 of the Act (''encouraging practices fundamental to the friendly adjustment of industrial disputes''; protecting ''exercise by workers of full freedom of association, self-organization, and designation of representatives of their own choosing, for the purpose of negotiating the terms and conditions of their employment or other mutual aid or protection''; preventing ''industrial strife or unrest''; and ''encouraging the practice and procedure of collective bargaining'').[143] One commenter also asserts that the rule is contrary to Section 8(a)(5) and Section 9(a) of the Act insofar as it ''would place bargaining relationships formed by voluntary recognition at a disadvantage from their inception.'' [144]

On the contrary, the final-rule amendment here does not discriminate against or in any way restrict the lawful voluntary establishment of majority-supported bargaining relationships, nor does it limit the immediate statutory rights and responsibilities that ensue upon commencement of those relationships. The amendment simply provides for a limited post-recognition opportunity for employees to exercise their statutory right of free choice through the preferred means of a Board election as to whether that relationship should continue without the possibility of further challenge for a substantial period of time. In this regard, several commenters correctly note that, currently, the immediate voluntary-recognition bar and the contract bar, together, can block employees' right to an election for 4 years (assuming a 3-year contract)—or even longer if the parties do not begin bargaining right away, as the voluntary-recognition bar period begins not at recognition, but when the parties start bargaining.[145] Given this fact, we believe that the immediate post-recognition imposition

[136] Id.

[137] Moreover, as noted in NLRB Casehandling Manual (Part 2) Representation Proceedings Sec. 11302 (Jan. 2017), election-scheduling details ''are ordinarily based upon the parties' voluntary meeting of the minds (with the regional director's approval), as reflected in an election agreement.'' In the event the regional director has to determine this matter, the manual provides that ''[w]here there is a choice, the regional director should avoid scheduling the election on dates on which all or part of the facility will be closed, on which past experience indicates that the rate of absenteeism will be high, or on days that many persons will be away from the facility on company business or on vacation.'' In either event, the procedures aim to minimize as much as possible the disenfranchisement of employees because they are absent on election day.

[138] Reply Comment of IBEW.

[139] Comments of Local 32BJ; UA.

[140] Comment of SEIU.

[141] Comments of SEIU; NNU.

[142] Comment of EPI.

[143] Comments of AFL–CIO; EPI; UFCW.

[144] Comment of UFCW.

[145] Comments of NRWLDF; CDW; GC Robb.

of an election bar does not sufficiently protect affected employees' statutory right to exercise their choice on collective-bargaining representation through the preferred method of a Board-conducted election. This consideration provides considerable support for the proposed rule.

Further, several commenters contend that voluntary recognition is arguably more democratic than a Board election because it requires a majority of all eligible employees, not just a majority of those who vote in an election.[146] We do not dispute that voluntary recognition must always be based on an absolute majority of bargaining-unit employees, while the result of a Board election will be based on the choice of a majority of unit employees who actually vote. We disagree, however, that this makes voluntary recognition more democratic than a Board election. The conditions under which a choice is expressed, and the safeguards surrounding it, are as much as part of the democratic process as the number of those who register a choice. A secret-ballot election, overseen by a neutral federal agency with the power to prevent or remedy any objectionable conduct affecting the election, provides a far greater assurance of a truly democratic outcome than does the voluntary-recognition process.

2. Comments Alleging That the Rule is Arbitrary

Some commenters assert that requiring notices only in the context of voluntary recognition is arbitrary: Notices are not required when an employer withdraws recognition from a certified union, or when a one-year election bar expires; non-union employers are not required to post notices to employees about how to obtain Board recognition of a union; and in no other context does the Board require that employees be given notice of their right to change their minds about a recent exercise of statutory rights.[147]

It may or may not be true that notices should be required in some of these other contexts. But the rule is not arbitrary merely because it does not address those other contexts. Cf. *Mobil Oil Expl. & Producing Se. Inc.,* 498 U.S. at 231 (''[A]n agency need not solve every problem before it in the same proceeding.''); *Advocates for Highway & Auto Safety,* 429 F.3d at 1147 (''Agencies surely may, in appropriate circumstances, address problems incrementally.''). And we decline to decide, in the context of this rulemaking, that postings should be required in contexts outside the scope of this rule. Accordingly, we reject these comments.

Relatedly, one commenter states that there is no window period for reconsideration and an election petition when an employer lawfully withdraws recognition based on a showing of actual loss of majority support, or after a union loses an election and wants a re-vote just in case employees have changed their minds.[148] We disagree. As stated above, when an employer lawfully withdraws recognition based on a petition or cards showing an actual lack of majority support, employees do have an opportunity for reconsideration and an election: They can immediately file an election petition if they can garner the supporting 30 percent showing of interest for one. And after a union loses an election, the Act itself bars another election for 1 year precisely because employees have already voted in a Board election. This does not mean that the Board should decline to allow employees, in a voluntary-recognition situation where employees have not voted in a Board election, to have a limited period of time to petition for an election where they can express their views by secret ballot.

3. Comments Regarding Post-*Dana* Experience

Several commenters assert that data from the post-*Dana* period do not support the proposed rule because they show that workers requested an election in only a small percentage of cases, and workers voted against the incumbent union in only a fraction of those cases.[149] As discussed in *Lamons Gasket,* as of May 13, 2011, the Board had received 1,333 requests for *Dana* notices. 357 NLRB at 742. In those cases, 102 election petitions were subsequently filed, and 62 elections were held. Id. In 17 of those elections, the employees voted against continued representation by the voluntarily recognized union, including 2 instances in which a petitioning union was selected over the recognized union and 1 instance in which the petition was withdrawn after objections were filed. Id. Thus, only 7.65 percent of *Dana* notice requests resulted in election petitions, only 4.65 percent of *Dana* notices resulted in actual elections, and employees decertified the voluntarily recognized union in only 1.2 percent of the total cases in which *Dana* notices were requested.

On the other hand, in the elections that were held under *Dana,* employees voted against continued representation by the voluntarily recognized union approximately 25 percent of the time. Id. at 751 (Member Hayes, dissenting). According to one commenter, this reversal rate shows that voluntary recognition is not a reliable indicator of majority-employee support.[150]

In our view, the fact that only a small percentage of all *Dana* notices resulted in ending continued representation by the voluntarily recognized union does not mean that the post-recognition open period procedure was unnecessary and should not be restored. The fact that in about 1 out of every 4 *Dana* elections a majority of employees voted to reject continued representation by a voluntarily recognized union is far from meaningless. Neither is the fact that *Dana* elections were held in only a small percentage of cases where the required notice of voluntary recognition and the right to petition for an election was given. In our view, *Dana* served its intended purpose of assuring employee free choice in all of those cases at the outset of a bargaining relationship based on voluntary recognition, rather than 1 to 4 years or more later. Some commenters speculate that we could expect to see the same percentage of reversed outcomes after Board-conducted elections if the statutory election bar did not exist to temporarily bar second elections,[151] or that the reversal rate could represent something like ''buyer's remorse'' rather than the unreliability of authorization cards.[152] Even were there evidence to support such speculation, we nonetheless believe that giving employees an opportunity to exercise free choice in a Board-supervised election without having to wait years to do so is still solidly based on and justified by the policy grounds already stated.

Further, as for the 1231 cases in which *Dana* notices were requested but no petitions were filed, we know nothing about the reasons for that outcome. Specifically, we know nothing about the reliability of the proof of majority support that underlay recognition in each of these cases, nor do we know why no petition was filed. What we do know is that the employers and unions who voluntarily entered into bargaining relationships during *Dana*'s effective period complied with the

[146] Comments of AFT; SEIU; UFCW; St. Louis-Kansas City Carpenters Regional Council; Professor Kulwiec.

[147] Comments of UA; IBEW; AFSCME; SEIU; AFL–CIO; NNU.

[148] Comment of AFSCME.

[149] Comments of Workers United; IUOE; AFL–CIO; NNU; EPI; UFCW; UA; IBEW; Local 32BJ; AFSCME; St. Louis-Kansas City Carpenters Regional Council.

[150] Comment of NRWLDF.

[151] Comments of Local 32BJ; AFL–CIO.

[152] Comment of Local 32BJ.

notice requirement in impressive numbers and, as a consequence, we can be confident that affected employees were adequately informed of their opportunity to file for an election. In sum, *Dana* imposed no apparent material hardship and provided the intended benefits of notice and opportunity to exercise important statutory rights.

One commenter asserts that between Fiscal Year 2012 and Fiscal Year 2019, unlawful-recognition charges made up only about 1.6 percent of total unfair labor practice charges, and the commenter claims that the percentage should have been higher if the Board's animating concerns were founded.[153] Relatedly, another commenter asserts that post–*Lamons Gasket,* only a small percentage of unlawful-recognition charges resulted in a Board order, and that, if the overruling of *Dana* had truly undermined free choice, there should have been an increase in such charges.[154] However, the breakdown of unfair labor practice charges and the reasons for not issuing a Board order can reflect any number of factors, and they do not necessarily indicate that a majority of employees actually support voluntary recognition. These comments are founded on the mistaken premise that the *Dana* procedure and its proposed reinstatement in this rulemaking are primarily intended to address unlawful voluntary recognition. To the contrary, the provision for notice and limited opportunity to petition for a Board election are intended to protect the preferred electoral mechanism from immediate and prolonged foreclosure by any voluntary recognition, lawful or otherwise. Ensuring employee free choice is a central purpose of the Act, and that purpose is furthered by the *Dana* procedure regardless of whether employees ultimately choose to continue their existing representation.

4. Comments Predicting That the Rule Will Have Negative Effects

Some commenters claim that the rule will discourage voluntary recognition.[155] However, employers and unions agree to voluntary recognition for any number of reasons, economic and otherwise, that the rule will not affect. See James J. Brudney, *Neutrality Agreements and Card Check Recognition: Prospects for Changing Paradigms,* 90 Iowa L. Rev. 819, 832–841 (2005) (setting forth various reasons for neutrality and card-check agreements). Further, there is no evidence that, under *Dana,* voluntary recognition was less frequent. In fact, as discussed above, only 7.65 percent of *Dana* notice requests resulted in election petitions—and approximately three-quarters of those resulted in a continuation of the bargaining relationship, with the additional benefits of Board certification. As one commenter notes,[156] this includes a protected 1-year period for negotiation of a collective-bargaining agreement,[157] as opposed to the reasonable period of time for bargaining after voluntary recognition, a period that could be as little as 6 months.

Other commenters argue that the rule will discourage or delay collective bargaining. In this regard, one commenter asserts that the rule ''invites'' employees to file election petitions and that this will delay collective bargaining and representation.[158] Other commenters assert that parties, especially smaller entities, will be less likely to waste limited resources engaging in bargaining that could be for naught.[159] Further, according to several commenters, because a collective-bargaining agreement reached within 45 days would not bar a petition, parties will be more likely to delay bargaining, or at least ''serious'' bargaining—thereby undermining the policies behind both the voluntary-recognition bar (enabling parties to begin bargaining without interruption) and the contract bar (achieving a reasonable balance between industrial stability and employee choice of representative).[160] Moreover, several commenters argue that the delay in full representation will frustrate the exercise of Section 7 rights and send employees a message of futility or cause them to be disillusioned with the union's representation, particularly given that the delay would occur when employees have not yet realized the benefits of collective bargaining.[161]

As an initial matter, the final rule does not affect established precedent holding that an employer's obligation to bargain with the union attaches immediately upon voluntary recognition. During the 45-day notice-posting period, the union can begin representing employees, processing their grievances, and bargaining on their behalf for a first contract. Even if a decertification or rival union petition is filed during the 45-day window period, that will not require or permit the employer to withdraw from bargaining or to refrain from executing a contract with the incumbent union. See *Dresser Industries, Inc.,* 264 NLRB 1088, 1089 (1982); *RCA del Caribe, Inc.,* 262 NLRB 963, 965 (1982). If the union is decertified after a contract has been signed, the contract would lose effect. *Wayne County Neighborhood Legal Services,* 333 NLRB 146, 148 fn.10 (2001); *RCA del Caribe,* 262 NLRB at 966; *Consolidated Fiberglass Products,* 242 NLRB 10 (1979). On the other hand, as noted above, if the union prevails in a post-recognition election, it will have the benefit of an extended one-year period for contract negotiations, during which, absent unusual circumstances, its majority status cannot be challenged.

We also do not agree that the rule ''invites'' employees to file petitions for elections. The rule does not encourage, much less guarantee, the filing of a petition. An employer and a union are both free during the window period to express their views about the perceived benefits of a collective-bargaining relationship. If an employer believes that voluntary recognition is advantageous, it would not necessarily decline to recognize a union simply because there is some risk that a petition will be filed. Similarly, if a union has obtained a solid card majority and has been voluntarily recognized on that basis, it should not be deterred from promptly engaging in meaningful bargaining simply because of the risk of losing that majority in an election. For that matter, in many voluntary-recognition situations, recognition and the execution of a first collective-bargaining agreement occur simultaneously. Although some commenters cite anecdotal evidence that *Dana* procedures occasionally delayed bargaining,[162] there is no evidence in the record for this rulemaking that *Dana* had any meaningful impact on the negotiation of bargaining agreements during the open period or on the rate at which agreements were reached after voluntary recognition.

Some commenters claim that the existence of a pending election petition will cause unions to spend more time campaigning or working on election-related matters rather than doing substantive work on behalf of employees.[163] This may be true in some

[153] Comment of UFCW.

[154] Comment of SEIU.

[155] Comments of LIUNA MAROC; Local 304; SEIU.

[156] Comment of COLLE.

[157] See *Brooks* v. *NLRB,* 348 U.S. 96 (1954).

[158] Comment of IBEW.

[159] Comments of IBEW; SEIU.

[160] Comments of AFSCME; Local 32BJ; UWUA; Senator Murray; IUOE; AFL–CIO; UFCW.

[161] Comments of IBEW; Local 32BJ; SEIU; Professor Kulwiec; AFL–CIO; NNU; UFCW; CWA; AFSCME; St. Louis-Kansas City Carpenters Regional Council.

[162] Comments of AFL–CIO; Local 32BJ.

[163] Comments of Local 32BJ; CWA.

situations. However, we believe that this is a reasonable trade-off for protecting employees' ability to express their views in a secret-ballot election. Moreover, we fail to see the bargaining disadvantage to a recognized union that can solidify, and perhaps expand, its base of support during the post-recognition open period.

One commenter notes that the rule does not contain any mechanism that requires employers to post the notice, raising the possibility that an employer will willfully fail to post the notice and that an agreement reached could later be upended.[164] According to this commenter, this may cause employers, in negotiations, to leverage their compliance with the notice-posting requirement against the union in an attempt to extract more generous substantive contract terms.[165] While this scenario is possible, we have no basis to believe that it will occur, or if it does, that it would not be subject to a unfair labor practice allegation.

One commenter contends that the rule would interfere in collective bargaining in another way. Specifically, this commenter claims, management often asks unions to agree not to discuss the details of ongoing negotiations or share drafts of either party's proposals with workers who are not involved in negotiations.[166] According to this commenter, unions will therefore often face a dilemma if decertification efforts gain support based upon rumors about the negotiating process—specifically, should they allow the rumors to go unchallenged, or respond to them and risk compromising the negotiations? [167] Whatever the likelihood that this would occur, we do not see why a lawfully recognized union would be bound to comply with any nondisclosure request that would interfere with its obligations to represent the unit employees during a post-recognition election campaign.

Several commenters argue that the rule will undercut industrial stability. For example, some commenters assert that the rule will disrupt longstanding and/or stable collective-bargaining relationships by encouraging election campaigns, which can involve heated rhetoric.[168] Another commenter states that the rule will require unions to jump through procedural hoops before they can achieve industrial stability, ''without basically any concomitant benefit to employees.'' [169] First, the final rule here does not apply to longstanding collective-bargaining relationships. At most, in the absence of compliance with notice requirements after initial voluntary recognition, it applies to a post-recognition period extending no longer than the first collective-bargaining agreement. Second, we think it is unlikely that parties who have voluntarily entered into a mutually advantageous collective-bargaining relationship will engage in heated rhetoric in an ensuing election campaign, but if that does happen it is part of the free exchange of views that the Act protects. Third, data from the post-*Dana* period indicates that recognized unions will not often have to jump through the procedural ''hoop'' of an election, and those that do will far more often emerge with a reaffirmation of their majority support and the greater protection of a Board certification. The benefit to employees, as frequently stated here, is the assurance of their statutory right of free choice by providing them the limited opportunity to test a recognized union's majority support through the preferred means of a Board election.

One commenter asserts that, when a company acquires another business, voluntary-recognition agreements help employers and workers by not creating extra concerns during this period of transition; in essence, these agreements help ensure workplace stability at a critical time.[170] But, as discussed above, we do not believe that the rule will materially discourage voluntary-recognition agreements. The final rule also does not disturb existing legal principles governing the obligations of a successor employer.

In addition, one commenter contends that the rule will invite local managers to reverse a national decision to grant voluntary recognition by unlawfully assisting a *Dana* petition, and further contends that this did happen once.[171] There is no basis in the record for finding that this would occur on more than rare occasions, let alone for believing that it would escape detection through the Board's unfair labor practice processes if and when it does occur. It is always the case that bad actors may seek to subvert the Board's representation procedures through unlawful or otherwise objectionable conduct. Remedies exist to address such misconduct, and the bad acts of a few are no reason not to make those procedures more widely available.

One commenter claims that the concomitant change to the immediate contract-bar rule will disturb parties' settled understandings of their rights and invalidate the private bargaining process that the Act is intended to promote.[172] We believe that the modification is a necessary part of the voluntary-recognition-bar modification, with both modifications striking a more appropriate balance between labor-relations stability and employee free choice. Further, the contract-bar modification should incentivize parties to post a notice in order to avoid having the results of their negotiations subsequently invalidated.

5. Comments Regarding Availability of Other Alternatives

Several commenters argue that there are other alternatives and that their availability undercuts the need for the proposed rule, or that other alternatives are superior to the proposed rule. In particular, some commenters assert that employees may file unfair labor practice charges if they believe that voluntary recognition is not based on majority support or is based on coerced support, while non-petitioner employees may not file election-related challenges and objections to Board elections.[173] Further, several commenters note that employees have 6 months to file unfair labor practice charges, while parties have only 7 days to file objections after an election.[174] We do not believe that the availability of unfair labor practice proceedings to challenge the validity of voluntary recognition undercuts the rule. As one commenter notes, unfair labor practice proceedings generally take longer than representation proceedings,[175] and the General Counsel has unlimited discretion to decline to issue a complaint—and can settle the matter with the parties, without Board or court review—thus making it possible that the Board would never adjudicate employees' claims.[176] In any event, the commenters' entire premise is misguided. The Board's unfair labor practice processes are not an alternative to the final-rule amendment. The former, as relevant here, provide a means to challenge the legal validity of a voluntary recognition. As previously indicated, the purpose of the final-rule amendment is *not* to provide a means to challenge the legal validity of voluntary recognition. It is to provide a limited window of time for a referendum on that recognition through the preferred

[164] Comment of Senator Murray.

[165] Id.

[166] Comment of Local 32BJ.

[167] Id.

[168] Comments of IBEW; AFSCME.

[169] Comment of Plumbers and Pipe Fitters.

[170] Comment of CWA.

[171] Comment of Local 32BJ.

[172] Comment of UFCW.

[173] Comments of AFL–CIO; IBEW; Local 32BJ; SEIU; IUOE; St. Louis-Kansas City Carpenters Regional Council.

[174] Comments of AFL–CIO; Local 32BJ; St. Louis-Kansas City Carpenters Regional Council.

[175] Comment of CNLP.

[176] Id.

means and with the numerous advantages of a Board-supervised private-ballot election. Thus, the existing availability of the unfair labor practice process is not a substitute for the rule.

Further, one commenter asserts that the rule is overbroad because it encompasses voluntary recognition based on non-Board secret-ballot elections.[177] According to that commenter, private agencies such as the American Arbitration Association can ensure the integrity of elections, and private election agreements often provide for post-election procedures that parallel the Board's.[178] Another commenter contends that for successful voluntary recognitions, employers and unions have agreed to a process and a set of rules, and have met the voluntary-recognition requirements in a format that a third party or neutral can confirm and verify—and that it would be federal-government overreach for the Board to interfere with these arrangements.[179]

However, another commenter contends that arbitrators merely count cards against a list of employees and do not know how the cards were obtained.[180] In any event, regardless of what agreements employers and unions reach on these types of matters, we believe that there is significant value in allowing employees an opportunity to petition for a Board-conducted election. If they do not choose that option or do not garner sufficient support for an election petition, then nothing in this rule would interfere with the parties' alternative arrangements. Alternatively, if their petition does achieve the necessary support, the resulting Board election is at worst merely duplicative of the parties' private arrangements, and it offers a prevailing union all the advantages of Board certification.

Another commenter notes that employees have the option to petition for an election during an open period between contracts.[181] However, as discussed previously, the recognition bar and the contract bar, together, can last up to 4 years—longer, if there is a gap between recognition and bargaining. In our view, that is an unacceptable burden on employees' ability to file an election petition following voluntary recognition.

One commenter notes that cards signed as a result of deliberate misrepresentations regarding the purpose of the card are invalid for purposes of proving the union's majority status.[182] But the possibility of cards being invalidated would necessarily involve unfair labor practice litigation challenging majority status. This does not constitute a sufficient alternative to a secret-ballot election.

Moreover, one commenter contends that the NPRM failed to explain why the benefits of certification are insufficient to satisfy the Board's expressed preference for elections.[183] This comment assumes that employees are aware of the electoral option and that their vote for union representation would confer certain additional benefits on the representative and the bargaining relationship thus established, but they nevertheless consent to the alternative establishment of a bargaining relationship based on voluntary recognition. We question whether employees are aware of the benefits of certification and have consciously elected to forego them in favor of the voluntary-recognition process. Even if this is so, it does not persuade us that this majority choice should immediately foreclose the possibility of a limited post-recognition opportunity for employees to test or confirm the recognized union's majority status by the preferred means of a Board election.

6. Comments Providing General Critiques of the Proposed Rule

Some commenters assert that the proposed notice-posting policy is contrary to the Board's role as a neutral.[184] We disagree. The rule is merely an attempt to provide for greater protection of employee free choice in selection of a representative; it has no effect on what that choice will be. Moreover, as discussed further in Section III.F.7. below, we have modified the text of the proposed rule, to provide that the *Dana* notice will more neutrally reflect the different options that are available to employees.

Another commenter contends that the rule presumes that freely entered, arms-length contracts are innately suspect, contrary to longstanding jurisprudence.[185] The rule does not rest on this presumption; it merely gives employees a chance, for a limited period, to file a petition for an election to confirm whether such contracts were validly entered.

Additionally, several commenters assert that, because only 30 percent of employees are needed to support a showing of interest, the rule gives employers and a minority of employees the chance to marshal support for ousting the union.[186] According to some commenters, the many (albeit ultimately unsuccessful) petitions filed under *Dana* show that even in cases where a majority of voting employees ultimately favor representation, an anti-union minority is encouraged to keep resisting the majority's will.[187] According to one commenter, just as the Act does not contemplate an election rerun absent objectionable conduct, it also does not contemplate a ''do-over'' organizing period simply because a minority of employees are unhappy.[188]

However, as discussed previously, under *Dana* the Board received only 102 election petitions relative to 1,333 requests for notices over a period of several years. We do not believe that this indicates that a minority of employees repeatedly resist the majority's will by filing petitions. And in any event, we believe that it is important to give all employees an opportunity—a narrow and limited opportunity—to express their free choice by petitioning for an election.

Further, some commenters contend that the rule will waste government and party resources by requiring unnecessary elections.[189] As an initial matter, as noted previously, the data under *Dana* show that, over a period of several years, only 62 elections were held—not a tremendously high number. In any event, we do not consider the elections ''unnecessary,'' regardless of whether they confirm continued representation. We believe that securing employee free choice is worth the commitment of resources. And we note again that in approximately 25 percent of those elections, employees voted to oust the recognized union.

One commenter contends that the NPRM failed to comply with the APA because it did not contain the text of the contemplated notice to employees—and that, without that text, it is impossible to provide meaningful comments.[190] However, in the NPRM, the Board explicitly proposed ''to reinstate the *Dana* notice.'' 84 FR at 39938. The key contents of the *Dana* notice were well established in that decision,[191] and

[177] Comment of AFL–CIO.

[178] Id.

[179] Comment of James T. Springfield.

[180] Comment of NRWLDF.

[181] Comment of IBEW.

[182] Comment of Local 32BJ.

[183] Comment of AFL–CIO.

[184] Comments of IBEW; Senator Murray; NNU; St. Louis-Kansas City Carpenters Regional Council.

[185] Comment of Joel Dillard.

[186] Comments of SEIU; EPI; IUOE; UFCW; AFSCME.

[187] Comment of Local 32BJ.

[188] Comment of IUOE.

[189] Comments of AFSCME; NNU; UFCW; CWA.

[190] Comment of IBEW.

[191] Specifically, in *Dana,* the Board held that the notice should clearly state that (1) the employer (on a specified date) recognized the union as the employees' exclusive bargaining representative

there is no basis for finding that the commenter was precluded from providing meaningful comments merely because the NPRM did not quote the *Dana* notice in its entirety.[192]

In addition, one commenter argues that the Board has failed to consider alternatives like shortening the length of the recognition-bar period.[193] However, we do not believe that this alternative would be sufficient to achieve the goals that we have discussed herein and in the NPRM. Further, it arguably would detract from the labor-relations stability that so many commenters discuss and that we seek to balance with employee free choice. Accordingly, we reject that proffered alternative.

Further, one commenter contends that the NPRM leaves open the possibility of further changes in the law with respect to other discretionary election-bar policies; this highlights both the arbitrary character of the items chosen for resolution here and the Board's failure to achieve its stated goal of ensuring predictability; and, by creating uncertainty about the status of these related doctrines, the Board undermines the bargaining process in other contexts.[194] However, for the reasons stated in Sections III.A. and III.F.2. above, we are not required to make changes to all related doctrines in this current rulemaking. Further, all legal doctrines are subject to change, whether through rulemaking or adjudication, so the mere mention of possible future changes does not create additional uncertainty that undermines the bargaining process. As the Board itself stated in defense of what it described as ''targeted'' amendments to representation procedures in the 2015 Election Rule: ''Of course, an administrative agency, like a legislative body, is not required to address all procedural or substantive problems at the same time. It need not 'choose between attacking every aspect of a problem or not attacking the problem at all.' *Dandridge* v. *Williams,* 397 U.S. 471, 487 (1970). Rather, the Board 'may select one phase of one field and apply a remedy there, neglecting the others.' *FCC* v. *Beach Commc'ns,* 508 U.S. 307, 316 (1993) (quoting *Williamson* v. *Lee Optical of Okla., Inc.,* 348 U.S. 483, 489 (1955)). '[T]he reform may take one step at a time.' Id.'' 79 FR at 74318 (footnote omitted).

For the above reasons, we find that these comments do not support abandoning the proposed rule.[195]

7. Comments Suggesting Changes to the Proposed Rule

The General Counsel recommends that we extend the notice period from 45 days to 1 year.[196] Another commenter supports this recommendation, stating that it would better protect employee free choice because employees, especially those in larger units or units that span multiple locations, need more time to organize to collect a decertification petition; and individual employees often need longer because they do not have ready access to paid organizers or to counsel who can guide them through the Board's election process and the legal rules for collecting petition signatures.[197] In contrast, a different commenter opposes such an extension, claiming that it is draconian; would threaten lawful, voluntary, nascent collective-bargaining relationships by permitting either a minority of employees or a rival union to file a petition during that period; would not promote collective bargaining and industrial peace; would run contrary to congressional intent that elections be conducted only where employers refuse to voluntarily recognize the union; and would thwart the expressed desire of a majority of workers.[198]

Consistent with certain commenters' comments, we believe that the 45-day notice period strikes a reasonable balance between employee free choice and other interests—such as labor-relations stability and preserving lawful, voluntary recognitions—and ensures that both employers and unions have the benefit of the recognition bar for a reasonable period of time following the close of the window period when no petition is filed.[199] Additionally, a 45-day period is consistent with the period established in *Johnson Controls* for union petitions following notice of anticipatory withdrawal of recognition. See 368 NLRB No. 20. Further, as one commenter states, because employers would be responsible for posting and maintaining the Board-provided notice ''throughout this period,'' extending the notice period to 1 year would make additional challenges to compliance more likely.[200] Accordingly, we decline to adopt the recommended change.

The General Counsel also recommends that, at the end of his proposed 1-year period of notice posting, the Board should have discretion to continue to dismiss petitions ''based on the facts and circumstances of the case,'' or to impose a recognition bar ''if circumstances so warrant.'' [201] Other commenters disagree with this recommendation.[202] As one commenter notes, the General Counsel provides no insight into what ''circumstances [would] warrant insulating the collective-bargaining relationship for a limited period of time.'' [203] We agree. In addition to the fact that we have rejected the proposal to extend the posting period to 1 year, we also do not believe that there is sufficient clarity as to how this proposed change would apply. Accordingly, we decline to adopt this suggested alternative.

Additionally, the General Counsel recommends that we modify the proposed amendment so that agreements entered into after the parties' first collective-bargaining agreement would enjoy bar status, regardless of whether the suggested 1-

based on evidence indicating that a majority of employees in a described bargaining unit desire its representation; (2) all employees, including those who previously signed cards in support of the recognized union, have the Sec. 7 right to be represented by a union of their choice or by no union at all; (3) within 45 days from the date of the notice, a decertification petition supported by 30 percent or more of the unit employees may be filed with the NLRB for a secret-ballot election to determine whether or not the unit employees wish to be represented by the union, or 30 percent or more of the unit employees can support another union's filing of a petition to represent them; (4) any properly supported petition filed within the 45-day period will be processed according to the Board's normal procedures; and (5) if no petition is filed within the 45 days from the date of this notice, then the recognized union's status as the unit employees' exclusive majority bargaining representative will not be subject to challenge for a reasonable period of time following the expiration of the 45-day window period, to permit the union and the employer an opportunity to negotiate a collective-bargaining agreement. 351 NLRB at 443.

[192] We note that, as discussed further below—consistent with recommendations from two commenters—the final rule makes some modifications with respect to required elements in tbe new post-recognition notice that differ from the requirements for a *Dana* notice. There also is no basis for finding that commenters reasonably could not have known to submit comments regarding what the notices should, or should not, include. In fact, some commenters did exactly that, and we have responded positively to those comments, as discussed below.

[193] Comment of UFCW.

[194] Id.

[195] In its voluntary-recognition arguments, one commenter refers back to one of its blocking-charge arguments, specifically, that the rule would violate the First and Fourteenth Amendments to, and the Take Care Clause of, the U.S. Constitution, and that it also raises separation-of-powers concerns. See Comment of NNU (citing *Thomas* v. *Collins,* 323 U.S. 516). Once again, this commenter does not explain its argument, and the cited decision does not support the commenter's claim. Thus, we reject this claim as unsupported.

[196] Comment of GC Robb.

[197] Reply Comment of NRWLDF.

[198] Reply Comment of IBEW.

[199] Comments of COLLE; the Chamber; CDW.

[200] Reply Comment of AFL–CIO.

[201] Comment of GC Robb.

[202] Reply Comment of NRWLDF; Reply Comment of AFL–CIO.

[203] Reply Comment of AFL–CIO.

year notice was posted.[204] We agree. Even if there is no election bar for the first contract executed in the absence of compliance with the notice requirements of the amendment, we do not see the need to continue an unrestricted open period for filing petitions during the term of any successor agreement. In this connection, we note that current contract-bar rules created in adjudication permit the filing of petitions during established periods prior to the end of any contract with a term of 3 years or less. See, *e.g., Johnson Controls, Inc.,* 368 NLRB No. 20, slip op. at 8 fn. 45 (discussing open periods for filing petitions in healthcare and nonhealthcare industries). In addition, there is no election bar after the third year of a contract with a longer effective term, nor is there any bar following contract expiration and prior to the effective date of a successor agreement. Under these circumstances, we believe that extant open-period rules provide a sufficient opportunity for employees and rival unions to file petitions and, thus, that it is unnecessary to require a notice posting and another open period upon execution of any successor collective-bargaining agreement. Accordingly, we clarify the rule to specify that a voluntary recognition entered into on or after the effective date of this rule, and ''the first'' collective-bargaining agreement entered into on or after the date of such voluntary recognition, will not bar the processing of an election petition if the requirements of the rule are not met.

The General Counsel also recommends that the final rule specify the content of the notice and that the text of the notice should include several items. First, the General Counsel asserts that the rule should include all of the applicable items from the *Dana* notice. Second, the General Counsel contends that the rule should include information regarding how the contract bar operates during and after the window period and, in particular, should notify employees that they may file a petition within the window period even if the employer and union have already reached a collective-bargaining agreement, and that if they do not challenge the union's status by filing a petition and the parties subsequently reach a collective-bargaining agreement, an election cannot be held for the duration of the collective-bargaining agreement, up to 3 years. Third, the General Counsel argues that the notice should include a more balanced description of employee rights and an affirmation of the Board's neutrality, as the *Dana* notice has been criticized as being too one-sided in its description of employee rights, and therefore susceptible to the impression that the Board is urging employees to reconsider their selection of the new union. To give a more complete explanation of employee rights and to reinforce the Board's neutrality, the General Counsel suggests that the notice should be updated to include the following language:

> Federal law gives employees the right to form, join, or assist a union and to choose not to engage in these protected activities.
>
> An employer may lawfully recognize a union based on evidence indicating that a majority of employees in an appropriate bargaining unit desire its representation.
>
> Once an employer recognizes a union as the employees' exclusive bargaining representative, the employer has an obligation to bargain with the union in good faith in an attempt to reach a collective-bargaining agreement. That obligation is not delayed or otherwise impacted by this notice.
>
> The National Labor Relations Board is an agency of the United States Government and does not endorse any choice about whether employees should keep the current union, file a decertification petition, or support or oppose a representation petition filed by another union.[205]

The AFL–CIO proposes further revisions, specifically, that the following, italicized words be added to the General Counsel's proposed revisions:

> An employer may lawfully recognize a union based on evidence *(such as signed authorization cards)* indicating that a majority of employees in an appropriate unit desire its representation, *even absent an election supervised by the National Labor Relations Board.*
>
> The National Labor Relations Board is an agency of the United States Government and does not endorse any choice about whether employees should keep the current union, *file a petition to certify the current union,* file a decertification petition, or support or oppose a representation petition filed by another union.[206]

We agree that the notice should contain the additions suggested by both the General Counsel and the AFL–CIO. As the General Counsel notes, such wording gives employees a more complete picture of their rights and emphasizes the Board's neutrality in these matters. We also agree that the text of the final rule should include the wording of the notice. We have modified the text of the final rule, § 103.21 accordingly. In addition, consistent with the additions to the notice set forth above, we modify the text of the final rule, § 103.21 to require employers to post a notice informing employees of their right to file ''a petition''—not ''a decertification or rival union petition.''

The General Counsel also argues that, in addition to notice-posting, the Board should require employers to distribute individual notices to employees via a second method of the employers' choosing,[207] and another commenter supports this recommendation.[208] We believe that it is appropriate for the final rule to mirror the requirements that apply to petitions for elections. Accordingly, consistent with the 2019 Election Rule that is scheduled to take effect in Spring of 2020,[209] the instant final rule specifies that the employer shall post the notice ''in conspicuous places, including all places where notices to employees are customarily posted,'' and shall also distribute it ''electronically to employees in the petitioned-for unit, if the employer customarily communicates with its employees electronically.''

G. Final-Rule Amendment Regarding Proof of Majority-Based Recognition in the Construction Industry

The Board received numerous comments on the proposal to redefine the evidence required to prove that a construction-industry employer and labor organization have established a majority-based collective-bargaining relationship under Section 9(a) of the Act. We have carefully reviewed and considered these comments, as discussed below.

1. Comments Regarding Board and Court Precedent

Many commenters support the requirement that positive evidence is needed to prove that a union demanded recognition as the exclusive bargaining representative and that the employer granted it based on a demonstration of majority support. More specifically, the commenters contend that the rule will restore the protection of employee free choice that Congress intended to ensure when it enacted Section 8(f).[210] We agree.

The *Deklewa* Board properly struck a balance between employee free choice and stability in bargaining relationships, consistent with the congressional intent expressed in Section 8(f). As discussed in Section I.B.5. above, Section 8(f) permits construction-industry unions

[204] Comment of GC Robb.

[205] Comment of GC Robb.

[206] Reply Comment of AFL–CIO.

[207] Comment of GC Robb.

[208] Reply Comment of NRWLDF.

[209] See 84 FR at 69591.

[210] Comments of COLLE; Associated General Contractors of America (AGC); GC Robb; NRWLDF; Miller & Long Company, Inc. (M&L); the Chamber; ABC; NFIB.

and employers to enter collective-bargaining relationships absent employee majority support, but such relationships do not bar election petitions. The *Deklewa* Board adopted a presumption that bargaining relationships in the construction industry are governed by Section 8(f), and it made 8(f) agreements enforceable for their term. Moreover, the Board abolished the flawed conversion doctrine and held that 8(f) relationships could develop into 9(a) relationships only through Board election or voluntary recognition—and, in the latter case, only ''where that recognition is based on a clear showing of majority support among the unit employees.'' 282 NLRB at 1387 fn. 53.

The Board's current *Staunton Fuel* standard, which requires only contract language to establish a 9(a) relationship, is contrary to these fundamental principles. See *King's Fire Protection, Inc.,* 362 NLRB 1056, 1063 fn. 24 (2015) (Member Miscimarra, dissenting in part) (observing that the *Staunton Fuel* standard ''is even more troubling than the conversion doctrine that the Board abandoned in *Deklewa*'' because, ''[u]nder [*Staunton Fuel*], mere words are sufficient to cause 'pre-hire' recognition to convert to Sec[tion] 9(a) status, even where . . . there has been no showing of actual employee majority support''). By requiring positive evidence of employee majority support to establish a 9(a) relationship, the instant rule will restore the proper balance of interests—employee free choice on one hand, labor-relations stability on the other—intended by Congress and safeguarded in *Deklewa.*

In addition, many commenters note that the D.C. Circuit repeatedly has rejected the *Staunton Fuel* test, and they urge the Board to adopt the court's position that contract language alone cannot create a 9(a) bargaining relationship.[211] As discussed in Section I.B.5. above, in *Nova Plumbing* and *Colorado Fire Sprinkler,* the D.C. Circuit criticized the Board's reliance solely on contract language, finding it inconsistent with the majoritarian principles set forth by the Supreme Court in *Garment Workers. Colorado Fire Sprinkler,* 891 F.3d at 1038–1039; *Nova Plumbing,* 330 F.3d at 536–537. See also *M & M Backhoe Serv., Inc.* v. *NLRB,* 469 F.3d 1047, 1050 (D.C. Cir. 2006) (explaining that ''a union seeking to convert its section 8(f) relationship to a section 9(a) relationship may either petition for a representation election or demand recognition from the employer by providing proof of majority support,'' and finding a 9(a) relationship based on signed authorization cards).

As the court explained, ''while an employer and a union can get together to create a Section 8(f) pre-hire agreement, *only the employees,* through majority choice, can confer Section 9(a) status on a union.'' *Colorado Fire Sprinkler,* 891 F.3d at 1040 (emphasis in original). Thus, in order ''to rebut the presumption of Section 8(f) status, actual evidence that a majority of employees have thrown their support to the union must exist and, in Board proceedings, that evidence must be reflected in the administrative record.'' Id. As some commenters note, the court's rejection of the Board's reliance solely on contract language is a strong reason to support the instant rule, as every Board decision can be reviewed by the D.C. Circuit. 29 U.S.C. 160(f).

On the other hand, other commenters argue that the proposed rule is not appropriate because the NPRM incorrectly interpreted *Staunton Fuel* and the D.C. Circuit's decisions.[212] Specifically, they argue that the court stated that contract language and intent are relevant factors, so those factors should be determinative where countervailing evidence is weak or nonexistent. Some commenters also rely on the D.C. Circuit's decision in *Allied Mechanical Services, Inc.* v. *NLRB,* 668 F.3d 758 (DC Cir. 2012).

Contrary to the commenters, the court has ''held that 'contract language' and 'intent' of the union and company alone generally cannot overcome the Section 8(f) presumption'' because allowing them to do so ''runs roughshod over the principles of employee choice established in Supreme Court precedent.'' *Colorado Fire Sprinkler,* 891 F.3d at 1039 (internal quotations omitted). Further, although the court has indicated that contract language and intent ''certainly'' are not determinative factors when ''the record contains strong indications that the parties had only a section 8(f) relationship,'' id., its decisions do not compel the inverse proposition—*i.e.,* that contract language and intent *are* determinative where record evidence of 8(f) status is weak. Such a proposition disregards that under *Deklewa,* bargaining relationships in the construction industry are *presumed* to be governed by Section 8(f), and therefore no evidence is required to establish 8(f) status. In any event, the court clearly has not foreclosed requiring positive evidence demonstrating majority support in all cases. And as we have explained, requiring such evidence would effectuate the Act's purposes by protecting employee free choice, accomplish the congressional intent expressed in Section 8(f), and conform to the majoritarian principles set forth by the Supreme Court in *Garment Workers.* In addition, *Allied Mechanical* does not support the commenters' position. In *Allied Mechanical,* the court found that a construction-industry union established 9(a) status by requesting recognition based on signed authorization cards and by entering a settlement agreement that contained an affirmative bargaining order predicated on its previous majority support. 668 F.3d at 768–769. Thus, the union did not solely rely on contract language to demonstrate its 9(a) status.

Moreover, we also note that, in pre–*Staunton Fuel* cases, the United States Courts of Appeals for the First and Fourth Circuits also required a contemporaneous showing of majority support to establish a 9(a) relationship. *American Automatic Sprinkler Sys., Inc.* v. *NLRB,* 163 F.3d 209, 221–222 (4th Cir. 1998) (''The Board's willingness to credit the employer's voluntary recognition absent any contemporaneous showing of majority support would reduce this time-honored alternative to Board-certified election to a hollow form which, though providing the contracting parties stability and repose, would offer scant protection of the employee free choice that is a central aim of the Act.''), cert. denied 528 U.S. 821 (1999); *NLRB* v. *Goodless Elec. Co.,* 124 F.3d 322, 324, 330 (1st Cir. 1997) (''Voluntary recognition requires the union's unequivocal demand for, and the employer's unequivocal grant of, voluntary recognition as the employees' collective[-]bargaining representative based on the union's contemporaneous showing of majority[-]employee support.''). Further, the United States Court of Appeals for the Eighth Circuit relied on both contract language and additional evidence in finding that a construction-industry union established 9(a) status in *NLRB* v. *American Firestop Solutions, Inc.,* 673 F.3d 766, 770–771 (8th Cir. 2012).

In sum, we find that Board and court precedent fully support requiring positive evidence demonstrating majority-employee union support to establish a 9(a) relationship in the construction industry.

[211] Comments of COLLE; AGC; GC Robb; the Chamber; ABC; CDW.

[212] Comments of AFL–CIO; Road Sprinkler Fitters Local Union No. 669 (Local 669); IBEW; IUOE; North America's Building Trades Unions (NABTU); UA.

2. Comments Regarding Employee Free Choice

As many commenters contend, requiring positive evidence of majority-employee union support will also better effectuate the purposes of the Act.[213] The current *Staunton Fuel* standard undermines employees' Section 7 rights by effectively reintroducing the conversion doctrine that the *Deklewa* Board repudiated and by subjecting employees to the contract bar precluding elections for several years, even where there has never been any extrinsic proof that a majority of the employees support the union.[214] As the commenters point out, the protection of employees' Section 7 free-choice rights is a central purpose of the Act, and the rule would protect those rights. Further, as another commenter notes, the rule will also provide greater stability in the construction industry by clarifying the requirements to create 9(a) relationships.[215]

3. Comments Regarding Collusion

Several commenters contend that the Board's current standard turns a blind eye to union and employer collusion in the construction industry, trampling employee free choice.[216] We agree. By allowing unions and employers to enter into 9(a) relationships based on contract language alone, employees' rights can be usurped with a stroke of a pen. Further, as the commenters point out, this is not mere speculation but has been demonstrated in several Board decisions in which parties falsified majority support. See, *e.g., Colorado Fire Sprinkler, Inc.,* 364 NLRB No. 55, slip op. at 5 (Member Miscimarra, dissenting) (noting that parties signed agreement recognizing 9(a) status before single employee hired); *King's Fire Protection, Inc.,* 362 NLRB at 1059 (Member Miscimarra, dissenting in part) (same); *Triple C Maintenance,* 327 NLRB 42, 42 fn. 1 (1998) (pre–*Staunton Fuel,* finding 9(a) relationship based on recognition clause even though no employees when relationship began), enfd. 219 F.3d 1147 (10th Cir. 2000); *Oklahoma Installation Co.,* 325 NLRB 741, 741–742, 745 (1998) (same), enf. denied 219 F.3d 1160 (10th Cir. 2000).

Thus, *Staunton Fuel* has effectively permitted construction-industry unions and employers to collude at the expense of employees. For these reasons, we disagree with other commenters' contention that there is little evidence that the 9(a) process is being abused or that *Staunton Fuel* has negatively affected employee free choice.[217]

4. Comments Regarding Definition of Positive Evidence

Some commenters request that we define what ''positive evidence'' is sufficient to demonstrate majority-employee union support.[218] One commenter contends that the Board should permit authorization cards, dues-checkoff cards, membership applications, or any other evidentiary means to establish majority status, consistent with 9(a) recognition in other industries.[219] Another commenter notes that the preamble to the NPRM referred to extrinsic evidence in the form of employee signatures on authorization cards or a petition, but the text of the proposed rule did not.[220]

Although we find it unnecessary to modify the proposed rule's wording in this regard, we clarify that this rule is not intended to change the current standards regarding the forms of evidence that are acceptable to demonstrate majority support. In *Deklewa,* the Board stated that it did ''not mean to suggest that the normal presumptions would not flow from voluntary recognition accorded to a union by the employer of a stable work force where that recognition is based on a clear showing of majority support among the unit employees, e g., a valid card majority.'' 282 NLRB at 1387 fn. 53 (citing *Island Construction Co.,* 135 NLRB 13 (1962)). ''That is,'' the Board continued, *Deklewa* was not ''meant to suggest that unions have less favored status with respect to construction[-]industry employers than they possess with respect to those outside the construction industry.'' Id. The instant rule is not intended to change that principle. Accordingly, the same contemporaneous showing of majority support that would suffice to establish that employees wish to be represented by a labor organization in collective bargaining with their employer under Section 9(a) in non-construction industries will also suffice to establish recognition under Section 9(a) in construction-industry bargaining relationships. It is well established that signed authorization cards or petitions from a majority of bargaining-unit employees is adequate proof, as is the result of a private election conducted under the auspices of a neutral party pursuant to a voluntary pre-recognition or neutrality agreement. There is less certainty in Board precedent whether other extrinsic evidence, such as that mentioned by Local 669, would be sufficient to prove majority support.[221] Accordingly, we leave any further development of these evidentiary standards to future proceedings. Cf. *Mobil Oil Expl. & Producing Se. Inc.,* 498 U.S. at 231 (''[A]n agency need not solve every problem before it in the same proceeding.''); *Advocates for Highway & Auto Safety,* 429 F.3d at 1147 (''Agencies surely may, in appropriate circumstances, address problems incrementally.'').

5. Comments Regarding Prospective Application

Some commenters argue that the Board should apply the rule only to construction-industry bargaining relationships entered into on or after the date the rule goes into effect.[222] We agree, and we have modified the regulatory text to specify that the rule applies only prospectively to a voluntary recognition extended on or after the effective date of the rule and to any collective-bargaining agreement entered into on or after the date of voluntary recognition extended on or after the effective date of the rule. Relatedly, two commenters question how the rule will affect successor agreements.[223] We clarify that, if the successor agreement is reached by parties that entered into a voluntary 9(a) recognition agreement before the effective date of the rule, then the rule will not apply to that agreement. Further, once parties prove a 9(a) relationship under the rule, they will not be required to reestablish their 9(a) status for successor agreements.

6. Comments Regarding Section 10(b) of the Act

Some commenters urge the Board to incorporate a Section 10(b) 6-month limitation for challenging a construction-industry union's majority status.[224] In *Casale Industries,* the Board held that it would ''not entertain a claim that majority status was lacking at the

[213] Comments of Representatives Foxx and Walberg; CNLP; COLLE; AGC; NRWLDF; the Chamber; ABC; NFIB; CDW. See also Reply Comment of CNLP.

[214] We also note that the *Staunton Fuel* standard gives rise to a post-contract presumption of continuing majority support absent positive evidence that the union has ever enjoyed such support.

[215] Comment of Mechanical Contractors Association of America (MCAA).

[216] Comments of M&L; GC Robb; NRWLDF; the Chamber.

[217] Comments of LIUNA MAROC; IUOE; UA.

[218] See, *e.g.,* Comment of Local 669.

[219] Id.

[220] Comment of AGC.

[221] See discussion of evidentiary factors in *Deklewa,* 282 NLRB at 1383–1384.

[222] Comments of IUOE; LIUNA MAROC.

[223] Comments of MCAA; LIUNA MAROC.

[224] Comments of NABTU; Local 669. See also Reply Comment of Local 669.

time of recognition'' where ''a construction[-]industry employer extends 9(a) recognition to a union, and 6 months elapse without a charge or petition.'' 311 NLRB 951, 953 (1993). The D.C. and Fourth Circuits have expressed doubts regarding that aspect of *Casale,* while the Tenth and Eleventh Circuits have upheld the Board's position. Compare *Nova Plumbing,* 330 F.3d at 539, and *American Automatic Sprinkler Systems,* 163 F.3d 209, 218 fn. 6 (4th Cir. 1998), with *Triple C Maintenance,* 219 F.3d 1147, 1156–1159 (10th Cir. 2000), and *NLRB* v. *Triple A Fire Protection,* 136 F.3d 727, 736–737 (11th Cir. 1998). Some former Board Members also have disagreed with that aspect of *Casale.* See *King's Fire Protection, Inc.,* 362 NLRB at 1062 (Member Miscimarra, dissenting in part); *Saylor's Inc.,* 338 NLRB 330, 332–333 fn. 9 (2002) (Member Cowen, dissenting); *Triple A Fire Protection,* 312 NLRB 1088, 1089 fn. 3 (1993) (Member Devaney, concurring). Cf. *Painters (Northern California Drywall Assn.),* 326 NLRB 1074, 1074 fn. 1 (1998) (Member Brame finding it unnecessary to pass on validity of *Casale*).

For several reasons, we decline to adopt a Section 10(b) 6-month limitation on challenging a construction-industry union's majority status by filing a petition for a Board election, and we overrule *Casale* to the extent that it is inconsistent with the instant rule. Specifically, we overrule *Casale's* holding that the Board will not entertain a claim that majority status was lacking at the time of recognition where a construction-industry employer extends 9(a) recognition to a union and 6 months elapse without a petition.

As an initial matter, we note that Section 10(b) applies only to unfair labor practices and that this aspect of the rule addresses only representation proceedings—*i.e.,* whether an election petition is barred because a construction-industry employer and union formed a 9(a) rather than an 8(f) collective-bargaining relationship.

Further, we agree with the doubts expressed by the D.C. and Fourth Circuits, and by some former Board Members, regarding Section 10(b)'s applicability to challenges to a construction-industry union's purported 9(a) status. *Nova Plumbing,* 330 F.3d at 539; *American Automatic Sprinkler Sys.,* 163 F.3d at 218 fn. 6; *King's Fire Protection, Inc.,* 362 NLRB at 1062 (Member Miscimarra, dissenting in part); *Saylor's,* 338 NLRB at 332–333 fn. 9; *Triple A Fire Protection,* 312 NLRB at 1089 fn. 3. It is not unlawful for a construction-industry employer and union to establish an 8(f) relationship without majority-employee union support. Thus, the issue is whether the parties formed an 8(f) or a 9(a) relationship, and only if the parties formed a 9(a) relationship could there be an unfair labor practice that would trigger Section 10(b)'s 6-month limitation. See also *Brannan Sand & Gravel Co.,* 289 NLRB at 982 (predating *Casale;* nothing ''precludes inquiry into the establishment of construction[-]industry bargaining relationships outside the 10(b) period'' because ''[g]oing back to the beginning of the parties' relationship . . . simply seeks to determine the majority or nonmajority[-]based nature of the current relationship and does not involve a determination that any conduct was unlawful''). In other words, *Casale* begs the question by assuming the very 9(a) status that ought to be the object of inquiry.

In addition, we find that the Board's pertinent reasoning in *Casale* was flawed. See *King's Fire Protection, Inc.,* 362 NLRB at 1062–1063 (Member Miscimarra, dissenting in part). For decades, the Board had held that in other industries, Section 10(b) barred untimely allegations that an employer unlawfully extended 9(a) recognition to a minority union. *North Bros. Ford, Inc.,* 220 NLRB 1021, 1021–1022 (1975) (citing *Machinists Local 1424 (Bryan Mfg.)* v. *NLRB,* 362 U.S. 411 (1960)). In *Casale,* the Board stated that ''[p]arties in the construction industry are entitled to no less protection.'' 311 NLRB at 953. However, the *Casale* Board failed to recognize that employees and rival unions will likely presume that a construction-industry employer and union entered an 8(f) collective-bargaining agreement, which is virtually certain to have a term longer than 6 months. Thus, it is highly unlikely that they will file a petition challenging the union's status within 6 months of recognition.

Finally, and most significantly, we find that *Casale's* requirement that an election petition be filed within 6 months to challenge a purported 9(a) recognition in the construction industry improperly discounts the importance of protecting employee free choice as recognized by Congress in enacting Section 8(f) and by the Board and the Supreme Court in deciding *Deklewa* and *Garment Workers,* respectively. *Garment Workers,* 366 U.S. at 737–741; *King's Fire Protection, Inc.,* 362 NLRB at 1062 (Member Miscimarra, dissenting in part); *John Deklewa & Sons,* 282 NLRB at 1378.

Therefore, we overrule *Casale* in relevant part and will evaluate a construction-industry union's purported 9(a) recognition at any time that an election petition is filed.

7. Comments Regarding Filing Unfair Labor Practice Charges

Some commenters argue that the rule is unnecessary because it is already unlawful for any labor organization to enter into a 9(a) collective-bargaining agreement with any employer absent majority support.[225] They correctly point out that an employer violates the Act by granting Section 9(a) recognition to a union that does not enjoy majority status, and that a union similarly violates the Act by accepting such recognition when it does not represent a majority of employees. The remedy in such situations is to order the parties to cease recognition of the union as employees' collective-bargaining representative and to cease maintaining or giving effect to the collective-bargaining agreement.

The commenters fail to recognize that, until there is a Board decision finding merit to such unfair labor practice allegations, any election petition remains barred. Moreover, when a decision issues finding merit in such allegations, the remedy does not include an election. There is no remedy of a Board election in an unfair labor practice case finding that an employer and union entered into a Section 9(a) collective-bargaining agreement when the union did not enjoy majority support. By requiring positive evidence that a construction-industry union demanded 9(a) recognition and that the employer granted such recognition based on a contemporaneous showing of majority-employee support, the rule better protects employee free choice in a representation proceeding.[226]

8. Comments Regarding Effects on Certain Bargaining Relationships

Some commenters argue that the rule will adversely affect older bargaining relationships in the construction industry and/or small construction-industry unions.[227] They argue that the longer a bargaining relationship lasts, the more difficult it will be for a union to produce positive evidence of majority support when the demand for recognition could have occurred years or even decades prior. Therefore, those bargaining relationships would become

[225] Comments of NABTU; Professor Kulwiec; Senator Murray; Local 669; Springfield. See also Reply Comments of NABTU; Local 669.

[226] We note that the rule applies to the question of whether an election petition is barred in a representation proceeding and does not directly implicate unfair labor practice rules.

[227] Comments of NABTU; AFL–CIO; IUOE; CWA; Professor Kulwiec; Local 304; MRCC; AFT. See also Reply Comment of Local 669.

less stable due to the passage of time. Relatedly, these commenters contend that the rule imposes an onerous new recordkeeping requirement and that small local unions would lack the resources to retain records of employee support.

As explained above, the rule will apply only prospectively to an employer's voluntary recognition extended on or after the effective date of the rule and to any collective-bargaining agreement entered into on or after the date of voluntary recognition extended on or after the effective date of the rule. Thus, the rule will not affect or destabilize longstanding bargaining relationships in the construction industry. Further, although we acknowledge that the rule will incentivize unions to keep a record of majority-employee union support moving forward, we do not consider such a minor administrative inconvenience a sufficient reason to permit employers and unions to circumvent employees' rights.

9. Comments Regarding Frequency of Section 9(a) Agreements in the Construction Industry

Some commenters argue that the rule is not appropriate because the issue of whether a construction-industry employer recognized or entered into a petition-barring agreement with a union as the 9(a) representative of its employees occurs very infrequently.[228] However, what matters here is the statutory right, not how often it is implicated. The Act protects employees' free choice to select their 9(a) bargaining representative. As one commenter notes, even though the rule may affect a small number of cases, that does not mean that there are not good reasons to adopt it.[229]

10. Comments Regarding Issues in Representation Proceedings

Other commenters raise concerns regarding the Board's ability to rule on parol evidence in representation-case proceedings, which are non-adversarial and do not allow credibility determinations.[230] However, in cases where there are authentication issues, the Board expects that the process will be similar to that followed in an administrative investigation of a showing of interest: the Region will examine the signatures and handwriting comparators to determine whether a majority of unit employees supported the union at the time of recognition. Thus, these concerns are unwarranted.

11. Comments Regarding Contract Law

One commenter asserts that contract language alone should be sufficient to demonstrate majority status because principles of contract construction hold parties to their obligations, including contract wording stating that a union has majority support.[231] Relatedly, other commenters argue that the instant rule is contrary to the rules of contract law because it would require extrinsic evidence regardless of how clear the contract language is.[232] However, construction-industry employers and unions may enter a 9(a) relationship only where a majority of employees support the union. Thus, contract language alone is insufficient where a majority of employees never supported the union. Further, requiring positive evidence of majority support, even where contract language initially appears clear, is necessary to ensure that unions and employers do not collude, thereby protecting employee free choice consistent with the congressional intent expressed in Section 8(f) and with the majoritarian principles discussed by the Supreme Court in *Garment Workers,* 366 U.S. at 737.

12. Comments Regarding Adequacy of Justification for Rule

Several commenters argue that the Board failed to adequately justify the proposed rule, asserting that the Board failed to offer evidence in support, analyze relevant data, or consider contrary arguments.[233] We disagree. The Board has fully justified the rule based on available evidence and relevant data, including prior Board precedent in *Deklewa* and its progeny, negative reception by the D.C. Circuit in *Nova Plumbing* and *Colorado Fire Sprinkler,* and the rights protected by the Act, particularly employees' right of free choice in selecting (or refraining from selecting) a 9(a) representative. Further, we have fully considered and addressed all contrary arguments, as demonstrated by our responses in this rulemaking.

13. Comments Suggesting Modifications to the Rule

Some commenters suggest modifications to the rule.

First, some commenters propose that the rule should not apply to RM petitions.[234] However, it is well established that an 8(f) relationship will not bar an RM petition. See *John Deklewa & Sons,* 282 NLRB at 1385 fn. 42. Thus, it is appropriate to require the party seeking to establish 9(a) status to present positive evidence of a contemporaneous showing of majority support, and we reject the commenters' proposal.

Second, some commenters contend that the issue of whether contract language alone can establish 9(a) status has implications beyond elections—*i.e.,* to unfair labor practice proceedings—and that the Board should address those contexts.[235] However, this request is beyond the scope of the rule, which only addresses representation proceedings. Thus, we deny the request. We will address any unfair labor practice issues as they arise in future, appropriate proceedings. Cf. *Mobil Oil Expl. & Producing Se. Inc.,* 498 U.S. at 231 (''[A]n agency need not solve every problem before it in the same proceeding.''); *Advocates for Highway & Auto Safety,* 429 F.3d at 1147 (''Agencies surely may, in appropriate circumstances, address problems incrementally.'').

Third, one commenter proposes to prohibit automatic renewal of 8(f) agreements.[236] But our concern here is to remove obstructions to Section 8(f)'s second proviso, and automatic renewal of 8(f) agreements does not obstruct that proviso because employees and rival unions are free to file election petitions at any time an 8(f) agreement is in effect, as the Board made clear in *Deklewa.* Accordingly, we reject this proposal.

Fourth, one commenter proposes that we require a contemporaneous showing of majority support in all industries because collective-bargaining relationships in other industries are also lawful only if the union had majority support at the time of recognition or Board election.[237] However, the construction industry is unique in allowing voluntary recognition of unions that are supported by a minority of employees or by no employees at all,[238] and this rule is intended to address issues, unique to that industry, that arise when assessing whether a relationship is properly treated as a 9(a), rather than 8(f), relationship. Thus, we reject the commenter's proposal. Relatedly, the same commenter requests that we specify that 9(a) recognition can

[228] Comments of Professor Kulwiec; EPI; IUOE; MRCC; LIUNA MAROC.

[229] Comment of NRWLDF.

[230] Comments of NABTU; IUOE. See also Reply Comment of NABTU.

[231] Comment of Professor Kulwiec.

[232] Comment of Senator Murray; CWA.

[233] Comments of AFL–CIO; NABTU; EPI; United Brotherhood of Carpenters and Joiners of America; UA. See also Reply Comment of NABTU.

[234] Comments of LIUNA MAROC; NABTU.

[235] Comments of AGC; Senator Murray; IUOE.

[236] Comment of M&L.

[237] Comment of CNLP.

[238] An employer in the construction industry may recognize a union as the 8(f) bargaining representative of employees it has yet to hire. Indeed, an 8(f) agreement is often referred to as a ''pre-hire'' agreement.

only occur if an employer employs a substantial and representative complement of employees. We note that the final rule does not disturb established precedent on this point.

Finally, we reject one commenter's argument that a 9(a) relationship should be created only through a Board election.[239] This argument is contrary to well-established precedent permitting voluntary recognition. It is also at odds with language in the Act itself. See Section 9(a), 29 U.S.C. 159(a) (referring to representatives ''designated or selected'' for the purposes of collective bargaining); Section 9(c), 29 U.S.C. 159(c) (providing for a Board-conducted election based on a petition stating, in relevant part, that the employer ''declines to recognize'' a labor organization as employees' 9(a) representative).

14. Comments Requesting Clarifications

Some commenters seek clarifications regarding the rule.

Two commenters question whether employers must review evidence of majority-employee union support at the time of recognition.[240] This rule only requires the party seeking to establish 9(a) status to provide evidence demonstrating that a majority of unit employees supported the union at the time of recognition; the rule does not also require parties to show that the employer reviewed the evidence at that time.

Another commenter seeks clarification regarding whether 9(a) relationships created before the effective date of the rule will automatically revert to 8(f) relationships.[241] As explained, the rule will apply only prospectively to an employer's voluntary recognition extended on or after the effective date of the rule and to any collective-bargaining agreement entered into on or after the date of voluntary recognition extended on or after the effective date of the rule. Thus, the rule will not disrupt longstanding 9(a) relationships.

Two commenters ask whether the new voluntary-recognition window period, discussed in § 103.21(a) of the final rule, will apply to 9(a) bargaining relationships in the construction industry.[242] Although we do not believe it is necessary to modify the wording of the final rule in this regard, the answer is yes—the window period applies, along with the other requirements of § 103.21(a).

[239] Comment of NFIB.

[240] Comments of NABTU; UA.

[241] Comment of AGC.

[242] Comments of the Chamber; Senator Murray.

Finally, one commenter questions how the rule will affect multi-employer bargaining units, me-too agreements, jobsite-only agreements, and voter eligibility.[243] These questions are fact dependent, and we believe that they are more properly addressed as they arise in future, appropriate proceedings.

IV. Justification for the Final Rule

For all of the reasons set forth above and in the NPRM, we believe that all of the aspects of the final rule further the Act's overarching goals of protecting employees' free, informed choice in designating or selecting their representatives, while also promoting industrial stability and collective bargaining and ensuring that unions claiming Section 9(a) representative status have the requisite majority-employee support. Accordingly, we find it appropriate to issue this final rule.

V. Other Statutory Requirements

A. The Regulatory Flexibility Act

Final Regulatory Flexibility Analysis

The Regulatory Flexibility Act of 1980, as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (RFA), 5 U.S.C. 601–612, requires an agency promulgating a final rule to prepare a final regulatory flexibility analysis when the regulation will have a significant impact on a substantial number of small entities. An agency is not required to prepare a final regulatory flexibility analysis if the agency head certifies that the rule will not have a significant economic impact on a substantial number of small entities. 5 U.S.C. 605(b). In the NPRM, although the Board believed that this rule would not have a significant economic impact on a substantial number of small entities, the Board issued its Initial Regulatory Flexibility Analysis (IRFA) to provide the public the fullest opportunity to comment on the proposed rule. See 84 FR at 39953. The Board solicited comments from the public that would shed light on potential compliance costs that may result from the rule and that the Board had not identified or anticipated.

The RFA does not define either ''significant economic impact'' or ''substantial number of small entities.'' [244] Additionally, ''[i]n the absence of statutory specificity, what is 'significant' will vary depending on the economics of the industry or sector to be regulated. The agency is in the best position to gauge the small entity impacts of its regulations.'' [245]

We anticipate that the rule will impose low costs of compliance on small entities, related to reviewing and understanding the substantive changes to the blocking-charge policy, voluntary-recognition-bar doctrine, and modified requirements for proof of majority-based voluntary recognition under Section 9(a) in the construction industry. There may also be a low cost for a small entity to prepare, post, and distribute a notice of voluntary recognition under the modified voluntary-recognition bar. In addition, there may be an unknown cost for small entities to participate in elections that might not have occurred but for the final rule and a de minimis cost for small labor unions representing employees in the building and construction trades to retain proof of their majority support.

1. Statement of the Need for, and Objectives of, the Rule

Detailed descriptions of this final rule, its purpose, objectives, and the legal basis are contained earlier in the **SUMMARY** and **SUPPLEMENTARY INFORMATION** sections. In brief, the final rule includes three provisions that are necessary to accomplish the objective of better protecting the statutory rights of employees to express their views regarding representation. First, the final rule modifies the current blocking-charge policy and implements two new procedures to process representation petitions where a party files or has filed an unfair labor practice charge—a vote-and-impound procedure or a vote-and-count procedure. Next, the final rule modifies the voluntary-recognition-bar doctrine by providing employees and rival unions with a 45-day window period in which to file an election petition after an employer voluntarily recognizes a union based on demonstrated majority support. Lastly, the final rule modifies the requirements for proof of majority-based voluntary recognition under Section 9(a) in the building and construction industry by eliminating the possibility of establishing Section 9(a) status based solely on contract language drafted by the employer and/or union. Thus, the final rule assists the Board in its fundamental obligation to protect employee free choice and Section 7 rights.

[243] Comment of MCAA.

[244] 5 U.S.C. 601.

[245] Small Business Administration Office of Advocacy, A Guide for Government Agencies: How to Comply with the Regulatory Flexibility Act 18 (Aug. 2018), *https://www.sba.gov/sites/default/files/advocacy/How-to-Comply-with-the-RFA-WEB.pdf* (last visited Mar. 23, 2020).

2. Statement of the Significant Issues Raised by the Public Comments in Response to the Initial Regulatory Flexibility Analysis, a Statement of the Assessment of the Agency of Such Issues, and a Statement of any Changes Made in the Proposed Rule as a Result of Such Comments

a. Response to Comments Concerning Estimated Compliance Costs of the Rule

Several commenters criticized the Board's quantification of costs associated with each of the three changes. Generally, the AFL–CIO asserts that the Board's definition of an economic impact is underinclusive, its analysis was limited to easily quantifiable costs, and it failed to attempt to quantify other costs by assessing Board data.

Regarding the blocking-charge policy-modification, the AFL–CIO accuses the Board of incorrectly professing an inability to quantify the cost of participating in additional elections. It asserts that the Board has awarded such costs as a remedy in unfair labor practice cases and, therefore, could quantify such costs in the IRFA. Further, it claims that the Board could have used the same method used to quantify the cost of learning about the rule to quantify the cost of holding an election, *i.e.,* specifying the personnel that would participate in an election, their wage rate, and a projection of hours spent on an election, or could have used election costs awarded in past arbitrations.

Regarding the modification to the voluntary-recognition bar, the International Brotherhood of Electrical Workers asserts that the Board failed to assess the cost of ''delayed bargaining and disruption of bargaining relationships that would be caused by the proposed notice posting requirement.'' However, no data or further information was provided.

Both the AFL–CIO and the International Brotherhood of Electrical Workers generally fault the Board for failing to analyze certain costs associated with the change in the evidence necessary to prove a majority-based bargaining relationship in the construction industry and to thus block an election petition. According to the International Brotherhood of Electrical Workers, the Board further failed to analyze the cost of the disruption to established collective-bargaining relationships in the construction industry that would occur because of the rule.

Respectfully, those commenters do not raise direct economic impacts under the RFA. The RFA does not require a regulatory agency to consider speculative and wholly discretionary responses to the rule, or the indirect impact on every stratum of the economy. What the statute requires is that the agency consider the direct burden that compliance with a new regulation will likely impose on small entities. See *Mid-Tex Elec. Coop., Inc.* v. *FERC,* 773 F.2d 327, 342 (DC Cir. 1985) (''[I]t is clear that Congress envisioned that the relevant 'economic impact' was the impact of compliance with the proposed rule on regulated small entities''); accord *White Eagle Coop. Ass'n* v. *Conner,* 553 F.3d 467, 478 (7th Cir. 2009); *Colorado State Banking Bd.* v. *Resolution Trust Corp.,* 926 F.2d 931, 948 (10th Cir. 1991).

This construction of the RFA, requiring agencies to consider only direct compliance costs, finds support in the text of that Act. Section 603(a) of the RFA states that if an IRFA is required, the IRFA ''shall describe the impact of the proposed rule on small entities.'' 5 U.S.C. 603(a). Although the term ''impact'' is undefined, its meaning can be gleaned from Section 603(b), which recites the required elements of an IRFA. One such element is ''a description of the projected reporting, recordkeeping and other compliance requirements of the proposed rule, including an estimate of the classes of small entities which will be subject to the requirement and the type of professional skills necessary for preparation of the report or record.'' 5 U.S.C. 603(b)(4). Section 604 further corroborates the Board's conclusion, as it contains an identical list of requirements for a final regulatory flexibility analysis (if one is required). 5 U.S.C. 604(b)(4). Additional support for confining the regulatory analysis to direct compliance costs is found in an authoritative guide published by the Office of Advocacy of the United States Small Business Administration (SBA). In that guide—A Guide for Government Agencies: How to Comply with the Regulatory Flexibility Act (SBA Guide) (Aug. 2018), *https://www.sba.gov/sites/default/files/advocacy/How-to-Comply-with-the-RFA-WEB.pdf-the* SBA explains that ''other compliance requirements'' under section 603 include things such as capital costs for equipment, costs of modifying existing processes and procedures, lost sales and profits, changes in market competition, extra costs associated with the payment of taxes or fees, and hiring employees. SBA Guide at 37. These are all direct, compliance-based costs.

In the IRFA, we noted that the only identifiable compliance costs imposed by the proposed rule related to reviewing and understanding the substantive changes and the minimal cost associated with the posting of a notice of voluntary recognition. 84 FR at 39956. Otherwise, there will be no ''reporting, recordkeeping and other compliance requirements'' for small entities. See 5 U.S.C. 603(b)(4) & 604(b)(4). The same is true of the final rule, except to the extent that the final rule requires electronic distribution of notices to employees where an employer customarily communicates with employees electronically—at most, a minimal additional cost.

Consistent with these principles, the Board rejects the view that it must analyze the indirect and speculative costs of delayed bargaining or the disruption of bargaining relationships. The D.C. Circuit has firmly rejected the notion that a regulating agency must analyze every indirect and remote economic impact. See *Mid-Tex Elec. Coop., Inc.,* 773 F.2d at 343 (''Congress did not intend to require that every agency consider every indirect effect that any regulation might have on small businesses in any stratum of the national economy.''). ''[R]equir[ing] an agency to assess the impact on all of the nation's small businesses possibly affected by a rule would be to convert every rulemaking process into a massive exercise in economic modeling, an approach we have already rejected.'' *Cement Kiln Recycling Coal.* v. *EPA,* 255 F.3d 855, 869 (D.C. Cir. 2001) (citing *Mid-Tex Elec. Coop., Inc.,* 773 F.2d at 343).

Notwithstanding the indirect nature of the potential impacts raised by these comments, we also disagree with the notion that the rule will upset existing collective-bargaining relationships. We specifically note that the final rule regarding the requirement of proof to demonstrate majority-based 9(a) status in the construction industry has been clarified to reflect that it will apply only to voluntary recognitions extended on or after the effective date of this rule and to any collective-bargaining agreement entered into on or after the date of voluntary recognition extended on or after the effective date of this rule. Thus, established bargaining relationships will not be disrupted. Further, we believe that the rule will promote employees' statutory right of free choice on questions concerning representation by removing unnecessary barriers to the fair and expeditious resolution of such questions through the preferred means of a Board-conducted secret-ballot election. Labor-management stability will be promoted when employees' rights are respected.

Furthermore, while the Board recognized the possibility that small employers and unions may have to prepare for and participate in elections that may not have occurred but for the rule, such a cost is also speculative. Even if such a cost could be quantified, given how relatively infrequently the issues in this rule arise in Board proceedings, the cost would not affect a substantial number of small entities. As we explain below, the rule would annually impact only 744 out of approximately 6 million small entities. See Section V.A.4. The Board has neither a method to accurately determine the number of elections that may occur as a result of the rule nor a method to quantify the cost of participating in an election. In the cases cited by the AFL–CIO where the Board has awarded elections costs as an extraordinary remedy, the aggrieved party requested costs associated with an election that had already occurred, *Texas Super Foods,* 303 NLRB 209 (1991), or costs associated with ''a prolonged attempt at organization, requiring extraordinary expenditures,'' *J. P. Stevens & Co.,* 244 NLRB 407, 458 (1979), but neither decision stated the amount awarded.[246] The unknown cost of each of those elections was unique to those particular elections, as are the costs associated with all elections. The commenters do not appear to appreciate the number of variables that may come into play when attempting to quantify the cost of an election, such as the size of the petitioned-for unit, number of facilities, geographic location, or strength of opposition or favorability to union organization. Simply put, any attempt to quantify this cost would be incredibly speculative.

b. Response to Comments Concerning Economic Impact on Small Labor Unions

The International Brotherhood of Electrical Workers and the AFL–CIO criticize the Board's IRFA analysis for failing to adequately acknowledge and assess the potential impact of the rule on small labor unions, particularly local labor unions. Neither commenter has identified a specific ''impact'' that the IRFA did not address or that is not addressed in this Section. In reviewing the comments on the IRFA, we find no other compliance costs to small labor unions, other than the very low cost relating to reviewing and understanding the rule (and, in some cases, a de minimis cost to retain records relating to proof of majority status), and no evidence presented shows that any additional indirect cost to small labor unions would constitute a significant impact.

c. Response to Comments Concerning Recordkeeping Requirements

The Board's IRFA stated that there may be a recordkeeping cost imposed on small construction-industry labor unions, relating to the retention of positive evidence that they demanded recognition as the majority-supported collective-bargaining representative of employees in the building and construction industries and that the employer granted such recognition. See 84 FR at 39956. One commenter speculates that the rule will create an onerous new recordkeeping requirement under which a union is required to maintain records indicating its majority support in perpetuity.[247] Another commenter further speculates that small local labor unions lack the sophisticated record-retention systems that would be necessary under the rule.[248] And still another commenter asserts that the rule will require unions to expend funds to retain the evidence of majority support.[249] No commenter has identified any such complex or sophisticated recordkeeping requirement.

The RFA defines a ''recordkeeping requirement'' as ''a requirement imposed by an agency on persons to maintain specified records,'' 5 U.S.C. 601(8), and the rule directly imposes no such requirement but we acknowledge the very high likelihood that small construction industry labor unions will choose to do so. Under this rule, however, there is no reason for a small labor organization to implement a record-retention system that is more sophisticated than their normal-course-of-business records retention. In any event, beyond familiarization costs, the Board finds that the rule imposes only a de minimis additional cost for recordkeeping, and no comment presents empirical evidence to the contrary.

d. Response to Comment Concerning Public Outreach

The AFL–CIO argues that the Board failed to conduct sufficient outreach to small businesses, including small local unions, that will be impacted by the rule. Most of the issues addressed by this rule have been the subject of a robust public debate for several years. And in conjunction with the official publication of the NPRM, the Board worked to widely publicize the proposed rule. Upon issuance, the Board published the NPRM and facts sheets on its website. See NLRB, Election Protection Rule, *https://www.nlrb.gov/about-nlrb/what-we-do/national-labor-relations-board-rulemaking/election-protection-rule* (last visited Mar. 23, 2020). On August 9, 2019, the Board issued a press release, which was published on its website and distributed by email to subscribers, notifying the public of the proposed rule. See NLRB Office of Public Affairs, NLRB Proposes Rulemaking to Protect Employee Free Choice (Aug. 9, 2019) *https://www.nlrb.gov/news-outreach/news-story/nlrb-proposes-rulemaking-protect-employee-free-choice* (last visited Mar. 23, 2020). The press release was also shared on social media through the Board's official Twitter and Facebook accounts. The Board Members themselves have also discussed the proposed rule at various public speaking engagements, including the annual meeting of the Labor and Employment Law Section of the American Bar Association. Given the foregoing efforts and the many comments the Board received in response to the NPRM, we believe the public has been well informed, the pros and cons of the rule have been thoroughly examined, and the impact of the rule on the full range of small business entities governed by it have been brought into sharp focus by individuals, businesses, labor unions, and industry trade groups.

3. Response of the Agency to Any Comments Filed by the Chief Counsel for Advocacy of the Small Business Administration in Response to the Proposed Rule, and a Detailed Statement of any Change Made to the Proposed Rule in the Final Rule as a Result of the Comments

The Chief Counsel of Advocacy of the Small Business Administration did not file any comments in response to the proposed rule.

4. Description of and an Estimate of the Number of Small Entities to Which the Rule Will Apply

To evaluate the impact of the final rule, the Board first identified the universe of small entities that could be impacted by changes to the blocking-charge and voluntary-recognition-bar policies, as well as by elimination of the

[246] The arbitration decision cited by the AFL–CIO, Yale-New Haven Hospital, Arbitration Proceedings Before Margaret M. Kern (Oct. 23, 2007), includes an award of organizing expenses for the union, but there, too, the union calculated and submitted the expenses. Moreover, neither the employer nor the union are within the SBA's small entity size standard. See fns. 250 & 254.

[247] Comment of LIUNA MAROC.

[248] Comment of Professor Kulwiec.

[249] Comment of AFL–CIO.

contract language basis for 8(f) to 9(a) conversion in the construction industry.

a. Blocking-Charge and Voluntary-Recognition-Bar Changes

The changes to the blocking-charge and voluntary-recognition-bar policies will apply to all entities covered by the National Labor Relations Act (''NLRA'' or ''the Act''). According to the United States Census Bureau, there were 5,954,684 businesses with employees in 2016.[250] Of those, 5,934,985 were small businesses with fewer than 500 employees.[251] Although this final rule would apply only to employers who meet the Board's jurisdictional requirements, the Board does not have the means to calculate the number of excluded entities (nor was data received on this particular issue).[252] Accordingly, the Board assumes for purposes of this analysis that the rule could impact the great majority of the 5,934,985 small businesses.

These two changes will also impact all labor unions, as organizations representing or seeking to represent employees. Labor unions, as defined by the NLRA, are entities ''in which employees participate and which exist for the purpose . . . of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work.'' [253] The SBA's ''small business'' standard for ''Labor Unions and Similar Labor Organizations'' is $8 million in annual receipts.[254] In 2012, there were 13,740 labor unions in the U.S.[255] Of these labor unions, 11,245 had receipts of less than $1,000,000; 2,022 labor unions had receipts between $1,000,000 and $4,999,999; and 141 had receipts between $5,000,000 and $7,499,999. In aggregate, 13,408 labor unions (97.6% of total) are small businesses according to SBA standards.

The blocking-charge policy change will be applied as a matter of law only under certain circumstances in a Board proceeding, namely, when a party to a representation proceeding files an unfair labor practice charge and requests a delay in the count of ballots or the certification of results after an election. Therefore, the frequency with which the prior blocking-charge policy arose is indicative of the number of small entities most directly impacted by the final rule. For example, in Fiscal Year 2018, 1,408 petitions were filed and proceeded to an election, and only 4 of those petitions were subject to a blocking charge. Thus, the current blocking-charge policy directly impacted 3.125% of petitions filed in Fiscal Year 2018, parties to which would only constitute a de minimis number of all small entities under the Board's jurisdiction.

Similarly, the number of small entities expected to be most directly impacted by the modified voluntary recognition bar doctrine is also low. When the modified voluntary recognition bar was previously in effect, the Board tracked the number of requests for *Dana* notices, which were used to inform employees that a voluntary recognition had taken place and of their right to file a petition for an election. Those notices are similar to the notices that would be required under this final rule. From September 29, 2007, to May 13, 2011, the Board received 1,333 requests for *Dana* notices, which is an average of 372 requests per year.[256] Assuming each request was made by a distinct employer and involved at least one distinct labor organization, approximately 744 entities of various sizes were impacted each year that the modified voluntary-recognition bar was in effect.[257] Thus, given our historic filing data, these numbers are very small relative to the number of small employers and unions subject to the NLRA and generally impacted by this change.

Throughout the IRFA, the Board requested comments or data that might improve its analysis, 84 FR at 39954, 39957, but no additional data was received regarding the number of small entities and unions to which this change will apply.

b. Elimination of Contract Language Basis for Proving Majority-Based Recognition in the Construction Industry

The Board believes that the proposed elimination of the contract-language basis for proving majority-supported voluntary recognition is relevant only to construction-industry small employers and labor unions because Section 8(f) of the Act applies solely to such entities engaged in the building and construction industries. These construction-industry employers are classified under the NAICS Sector 23 Construction.[258] Of the 640,951

[250] See U.S. Department of Commerce, Bureau of Census, 2016 Statistics of U.S. Businesses (SUSB) Annual Data Tables by Establishment Industry (Dec. 2018), *https://www.census.gov/data/tables/2016/econ/susb/2016-susb-annual.html* (from downloaded Excel Table titled ''U.S., 6-digit NAICS'').

[251] Id. The Census Bureau does not specifically define ''small business'' but does break down its data into firms with fewer than 500 employees and those with 500 or more employees. Consequently, the 500-employee threshold is commonly used to describe the universe of small employers. For defining small businesses among specific industries, the standards are defined by the North American Industry Classification System (NAICS).

[252] Pursuant to 29 U.S.C. 152(6) and (7), the Board has statutory jurisdiction over private-sector employers whose activity in interstate commerce exceeds a minimal level. *NLRB* v. *Fainblatt,* 306 U.S. 601, 606–607 (1939). To this end, the Board has adopted monetary standards for the assertion of jurisdiction that are based on the volume and character of the business of the employer. In general, the Board asserts jurisdiction over employers in the retail business industry if they have a gross annual volume of business of $500,000 or more. *Carolina Supplies & Cement Co.,* 122 NLRB 88 (1959). But shopping-center and office-building retailers have a lower threshold of $100,000 per year. *Carol Management Corp.,* 133 NLRB 1126 (1961). The Board asserts jurisdiction over non-retailers generally where the value of goods and services purchased from entities in other states is at least $50,000. *Siemons Mailing Service,* 122 NLRB 81 (1959). The following employers are excluded from the NLRB's jurisdiction by statute:

Federal, state and local governments, including public schools, libraries, and parks, Federal Reserve banks, and wholly-owned government corporations. 29 U.S.C. 152(2).

Employers that employ only agricultural laborers, those engaged in farming operations that cultivate or harvest agricultural commodities or prepare commodities for delivery. 29 U.S.C. 152 (3).

Employers subject to the Railway Labor Act, such as interstate railroads and airlines. 29 U.S.C. 152(2).

[253] 29 U.S.C. 152(5).

[254] See 13 CFR 121.201.

[255] The Census Bureau only provides data about receipts in years ending in 2 or 7. The 2017 data have not been published, so the 2012 data are the most recent available information regarding receipts. See U.S. Department of Commerce, Bureau of Census, 2012 SUSB Annual Data Tables by Establishment Industry, *https://www2.census.gov/programs-surveys/susb/tables/2012/us_6digitnaics_r_2012.xlsx* (Classification #813930—Labor Unions and Similar Labor Organizations) (last visited Mar. 23, 2020).

[256] *Lamons Gasket,* 357 NLRB at 742.

[257] *Dana Corp.,* 351 NLRB at 441–442 (establishing a 45-day ''window period'' after voluntary recognition during which employees could file an election petition supported by a 30-percent showing of interest seeking decertification or representation by an alternative union).

[258] These NAICS construction-industry classifications include the following codes: 236115: New Single-Family Housing Construction (except For-Sale Builders); 236116: New Multifamily Housing Construction (except For-Sale Builders); 236117: New Housing For-Sale Builders; 236118: Residential Remodelers; 236210: Industrial Building Construction; 236220: Commercial and Institutional Building Construction; 237110: Water and Sewer Line and Related Structures Construction; 237120: Oil and Gas Pipeline and Related Structures Construction; 237130: Power and Communication Line and Related Structures Construction; 237210: Land Subdivision; 237310: Highway, Street, and Bridge Construction; 237990: Other Heavy and Civil Engineering Construction; 238110: Poured Concrete Foundation and Structure Contractors; 238120: Structural Steel and Precast Concrete Contractors; 238130: Framing Contractors; 238140: Masonry Contractors; 238150: Glass and Glazing Contractors; 238160: Roofing Contractors; 238170: Siding Contractors; 238190: Other Foundation, Structure, and Building Exterior Contractors; 238210: Electrical Contractors and Other Wiring Installation Contractors; 238220: Plumbing, Heating, and Air-Conditioning Contractors; 238290: Other Building Equipment Contractors; 238310: Drywall and Insulation Contractors; 238320: Painting and Wall Covering Contractors; 238330: Flooring Contractors; 238340:

employers included in those NAICS definitions, 633,135 are small employers that fall under the SBA ''small business'' standard for classifications in the NAICS Construction sector.[259] In the NPRM, the Board identified 3,929 small labor unions primarily operating in the building and construction trades that fall under the SBA ''small business'' standard for the NAICS classification ''Labor Unions and Similar Labor Organizations'' of annual receipts of less than $7.5 million.[260] In the IRFA, the Board requested comments or data that might improve its analysis regarding the number of construction-industry labor unions affected by the proposed rule, see 84 FR at 39955, but we did not receive any additional data regarding the number of small labor unions to which the rule will apply.

It is unknown how many of those small construction-industry employers elect to enter into a 9(a) bargaining relationship with a small labor union based on language in a collective-bargaining agreement. However, again, the number of cases that involve a question of whether a relationship is governed by Section 8(f) or 9(a) is very small relative to the total number of construction-industry employers and unions. For example, only one case was filed in Fiscal Year 2017 where the Board ultimately had to determine whether a collective-bargaining agreement was governed by Section 8(f) or 9(a).[261] In Fiscal Year 2016, no cases required the Board to determine whether a collective-bargaining agreement was governed by 8(f) or 9(a). One case was filed in Fiscal Year 2015 that came before the Board with the 8(f) or 9(a) collective-bargaining agreement issue.[262]

The historic filing data thus suggests that construction-industry employers and labor unions will only be most directly impacted in a small number of instances relative to the number of those types of small entities identified above.

5. Description of the Projected Reporting, Recordkeeping, and other Compliance Requirements of the Rule, Including an Estimate of the Classes of Small Entities Which will be Subject to the Requirement and the Type of Professional Skills Necessary for Preparation of the Report or Record

The RFA requires agencies to consider the direct burden that compliance with a new regulation will likely impose on small entities.[263] Thus, the RFA requires the Board to determine the amount of ''reporting, recordkeeping and other compliance requirements'' imposed on small entities. In providing its final regulatory flexibility analysis, an agency may provide either a quantifiable or numerical description of the effects of a rule or alternatives to the rule, or ''more general descriptive statements if quantification is not practicable or reliable.'' [264]

We conclude that the final rule imposes no capital costs for equipment needed to meet the regulatory requirements; no lost sales and profits resulting from the proposed rule; no changes in market competition as a result of the proposed rule and its impact on small entities or specific submarkets of small entities; and no costs of hiring employees dedicated to compliance with regulatory requirements.

Small entities may incur some costs from reviewing the rule in order to understand the substantive changes. To become generally familiar with the new vote-and-impound or vote-and-count procedures and the modified voluntary-recognition bar, we estimate that a human-resources specialist at a small employer or labor union may take at most 90 minutes to read the rule. It is also possible that a small employer or labor union may wish to consult with an attorney, which we estimate will require 1 hour. Using the Bureau of Labor Statistics' estimated wage and benefit costs, the Board has assessed these labor costs to be $164.51.[265] The costs associated with the portion of the rule that eliminates the contract-language basis for establishing voluntary recognition under Section 9(a) are limited to small employers and unions in the construction industry. To become generally familiar with that change, in addition to the first two changes, we estimate that a human-resources specialist at a small employer or union in the construction industry may take at most 2 hours to read the entire rule. Consultation with an attorney may take an additional 15 minutes, or 75 minutes to consult with an attorney regarding the entire rule. Thus, the Board has assessed labor costs for small employers and unions in the construction industry to be $211.25.

a. Costs Associated With Establishment of Vote and Impound or Vote-and-Count Procedures

Although we do not foresee any additional compliance costs related to eliminating the blocking-charge policy, this policy change would cause some elections to occur sooner, and in some cases would lead to elections that previously would not have occurred. Arguably, the time compression of holding an election under the Board's typical election timeline may create additional costs for small businesses that do not have in-house legal departments or ready access to outside labor attorneys or consultants, and that consequently need to pay to obtain such assistance. Conversely, because the Board's current blocking-charge policy appears susceptible to manipulation and abuse, the elimination of that policy may result in fewer unfair labor practice charges filed with the intent to forestall employees from exercising their right to vote. This would reduce some costs for small employers by eliminating the need to hire a labor attorney to defend against such charges. It could also create additional costs for small labor unions that have to prepare for an election that may have otherwise been postponed or that may subsequently be set aside. In the IRFA, the Board requested comments or data that might improve its analysis regarding the estimated cost for preparing and participating in elections, see 84 FR at 39956, but—other than the AFL–CIO's comment referenced above—we received no additional data regarding the average cost for preparing for or participating in a Board election.

Tile and Terrazzo Contractors; 238350: Finish Carpentry Contractors; 238390: Other Building Finishing Contractors; 238910: Site Preparation Contractors; 238990: All Other Specialty Trade Contractors. See U.S. Department of Commerce, Bureau of Census, 2012 SUSB Annual Data Tables by Establishment Industry, *https://www2.census.gov/programs-surveys/susb/tables/2012/us_6digitnaics_r_2012.xlsx* (last visited Mar. 23, 2020).

[259] NAICS codes 236115–237130 and 237310–237990 have a small-business threshold of $39.5 million in annual receipts; NAICS code 237210 has a threshold of $30 million in annual receipts; and NAICS codes 238110–238990 have a threshold of $16.5 million in annual receipts. See 13 CFR 121.201.

[260] See 84 FR at 39955.

[261] See *AFP Specialties, Inc.,* Case 07–RD–187706, 2017 WL 2212112, at *1 fn.1 (May 18, 2017).

[262] See *Loshaw Thermal Technology, LLC,* Case 05–CA–158650, 2018 WL 4357198.

[263] *See Mid-Tex Elec. Coop., Inc.* v. *FERC,* 773 F.2d at 342 (''[I]t is clear that Congress envisioned that the relevant 'economic impact' was the impact of compliance with the proposed rule on regulated small entities.'').

[264] *See* 5 U.S.C. 603(b)(4), 604(a)(4).

[265] For wage figures, see May 2018 National Occupancy Employment and Wage Estimates, found at *https://www.bls.gov/oes/current/oes_nat.htm* (last visited Mar. 23, 2020). The Board has been administratively informed that BLS estimates that fringe benefits are approximately equal to 40 percent of hourly wages. Thus, to calculate total average hourly earnings, BLS multiplies average hourly wages by 1.4. In May 2018, average hourly wages for a Human Resources Specialist (BLS #13–1071) were $32.11. The same figure for a lawyer (BLS #23–1011) was $69.34. Accordingly, the Board multiplied each of those wage figures by 1.4 and added them to arrive at its estimate. In the IRFA, we estimated these costs using May 2017 National Occupancy Employment and Wage Estimates.

The Board believes that any costs from participating in quicker elections or elections that would have not otherwise occurred are limited to very few employers, comparing the limited number of Board proceedings where an unfair labor practice charge has been filed contemporaneously with an election petition with the high number of employers that are subject to the Board's jurisdiction.

b. Costs Associated With Modification of the Voluntary-Recognition Bar

In a case in which an employer voluntarily recognizes a union, we estimate that the employer will spend an estimated 1 hour and 45 minutes to comply with the rule. This includes: 30 minutes for the employer (or union) to notify the local regional office of the Board in writing of the grant of voluntary recognition by submitting a copy of the recognition agreement; 60 minutes to open the notice sent from the Board, insert certain information specific to the parties to the voluntary recognition, post the notice physically and electronically (depending on where and how the employer customarily posts notices to employees), and distribute it electronically (if the employer customarily communicates with employees electronically); and 15 minutes to complete the certification-of-posting form to be returned to the Region at the close of the notice-posting period. We assume that these activities will be performed by a human-resources specialist for a total cost of about $78.66.

The Board's modified voluntary-recognition bar will cause elections to be held in a small number of cases in which the election petition previously would have been dismissed, increasing costs for both employers and unions. As stated previously, in the IRFA, the Board requested comments or data that might improve its analysis regarding the estimated cost for preparing for and participating in elections, including those after a grant of voluntary recognition, see 84 FR at 39956, but we received no additional data, other than the AFL–CIO's comment referenced above.

c. Costs Associated With Elimination of Contract-Language Basis for Proving Majority-Based Recognition in the Construction Industry

Under current Board law, a construction-industry employer and union can write into their collective-bargaining agreement that the union showed or offered to show evidence of majority support and, in combination with certain other contractual language, have the bargaining relationship be governed under Section 9(a) as opposed to a presumed 8(f) bargaining relationship. As described above, the final rule eliminates the contract-language basis for establishing a 9(a) bargaining relationship and thereby barring a petition in a representation proceeding. However, the rule continues to allow two other methods to establish a 9(a) bargaining relationship: a Board-certified election and voluntary recognition based on demonstrated majority support. In the handful of cases where an election petition is filed involving one of the approximately 6 million small entities in the United States, both the construction industry employer and labor union would incur the cost of participating in an election. As noted above, we are unable to quantify the cost of preparing for or participating in a Board election. In cases where a construction-industry employer voluntarily recognizes a union based on demonstrated majority support, the union may incur an additional de minimis cost related to the retention of the evidence of majority support, *e.g.,* signed union authorization cards, for a longer period of time if it can no longer rely on contractual language. No data or comments were received relating to such costs, other than those comments described above.

d. Overall Costs

We do not find the estimated $164.51 cost to small employers and unions in order to review and understand the petition-processing procedures and the modified voluntary recognition bar, or the estimated $78.66 cost for an employer to comply with the notice requirements of the modified recognition bar, to be significant within the meaning of the RFA. We find the same with regard to the estimated cost of $211.25 for small employers and unions in the construction industry to review and understand the elimination of the contract-language basis for establishing voluntary recognition under Section 9(a), in addition to the first two changes. In making these findings, one important indicator is the cost of compliance in relation to the revenue of the entity or the percentage of profits affected. Other criteria to be considered are the following:

—Whether the rule will cause long-term insolvency, *i.e.,* regulatory costs that may reduce the ability of the firm to make future capital investment, thereby severely harming its competitive ability, particularly against larger firms;

—Whether the cost of the proposed regulation will (a) eliminate more than 10 percent of the businesses' profits; (b) exceed one percent of the gross revenues of the entities in a particular sector, or (c) exceed five percent of the labor costs of the entities in the sector.

The minimal cost to read and understand the rule, $164.51 or $211.25, will not generate any such significant economic impacts, nor will the minimal cost, $289.91 for employers to comply with the modified recognition-bar notice posting.

6. Description of the Steps the Agency Has Taken To Minimize the Significant Economic Impact on Small Entities Consistent With the Stated Objectives of Applicable Statutes, Including a Statement of the Factual, Policy, and Legal Reasons for Selecting the Alternative Adopted in the Final Rule and Why Each one of the Other Significant Alternatives to the Rule Considered by the Agency Which Affect the Impact on Small Entities was Rejected

Pursuant to 5 U.S.C. 604(a)(6), agencies are directed to examine ''why each one of the other significant alternatives to the rule considered by the agency which affect the impact on small entities was rejected.'' In the IRFA, the Board requested comments identifying any other issues and alternatives that it had not considered. See 84 FR at 39957.

Many comments suggested that the Board withdraw the proposed rule and leave in place the current blocking-charge policy, voluntary-recognition bar, and requirement of proof to show majority-based recognition in the construction industry. We considered and rejected these alternatives for the reasons stated above. Consequently, we reject maintaining the status quo.

The AFL–CIO suggests several alternatives to the proposed modification to the blocking-charge policy, including expedited investigation of possible blocking charges, periodic review of charges that are blocking an election, instructing regional directors to make fuller use of their existing discretion to not block elections, expanding exceptions in the blocking-charge policy, or limiting the application of the new rule to charges not filed by the petitioner.[266] We have discussed, and rejected, these alternatives for the reasons discussed in Section III.E. above.

[266] CWA similarly stresses the existing discretion afforded to regional directors as to whether to process a petition and conduct an election if a charge and request to block an election has been filed.

In the NPRM, the Board considered exempting certain small entities. See 84 FR at 39957. We received no comments on this potential alternative and again reject this exemption as impractical because such a large percentage of employers and unions would be exempt under the SBA definitions, thereby substantially undermining the purpose of the final rule. Additionally, given the very small quantifiable cost of compliance, it is possible that the burden on a small business of determining whether it fell within a particular exempt category might exceed the burden of compliance. Congress gave the Board very broad jurisdiction, with no suggestion that it wanted to limit coverage of any part of the Act to only larger employers. As the Supreme Court has noted, ''[t]he [NLRA] is federal legislation, administered by a national agency, intended to solve a national problem on a national scale.'' *NLRB* v. *Hearst Publ'ns,* 322 U.S. 111, 123 (1944). As such, this alternative is contrary to the objectives of this rulemaking and of the NLRA.

None of the alternatives considered would adequately accomplish the primary objective of issuing this rule—protection of employee free choice—while minimizing costs on small businesses. Accordingly, we believe that promulgating this final rule is the best regulatory course of action.

B. Paperwork Reduction Act

In the NPRM, the Board explained that the proposed rule would not impose any information-collection requirements and accordingly, the proposed rule is not subject to the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.* See 84 FR at 39957. We have not received any substantive comments relevant to the Board's analysis of its obligations under the PRA.

C. Congressional Review Act

The three provisions of the final rule are substantive, and the Board will submit this rule and required accompanying information to the Senate, the House of Representatives, and the Comptroller General as required by the Small Business Regulatory Enforcement Fairness Act, Subtitle E (the Congressional Review Act or CRA), 5 U.S.C. 801–808. Pursuant to the Congressional Review Act, the Office of Information and Regulatory Affairs designated this rule as a major rule. Accordingly, the rule will become effective June 1, 2020.

VI. Final Rule

For the reasons set forth in the preamble, the National Labor Relations Board amends part 103 of title 29 of the Code of Federal Regulations as follows.

List of Subjects in 29 CFR Part 103

Jurisdictional standards, Election procedures, Appropriate bargaining units, Joint Employers, Remedial Orders.

PART 103—OTHER RULES

■ 1. The authority citation for part 103 continues to read:

Authority: 29 U.S.C. 156, in accordance with the procedure set forth in 5 U.S.C. 553.

■ 2. Revise § 103.20 to read as follows:

§ 103.20 Election procedures and blocking charges.

(a) Whenever any party to a representation proceeding files an unfair labor practice charge together with a request that the charge block the election process, or whenever any party to a representation proceeding requests that its previously filed unfair labor practice charge block the election process, the party shall simultaneously file, but not serve on any other party, a written offer of proof in support of the charge. The offer of proof shall provide the names of the witnesses who will testify in support of the charge and a summary of each witness's anticipated testimony. The party seeking to block the election process shall also promptly make available to the regional director the witnesses identified in its offer of proof.

(b) If charges are filed alleging violations other than those described in paragraph (c) of this section, the ballots will be promptly opened and counted at the conclusion of the election.

(c) If charges are filed that allege violations of section 8(a)(1) and 8(a)(2) or section 8(b)(1)(A) of the Act and that challenge the circumstances surrounding the petition or the showing of interest submitted in support of the petition, or a charge is filed that alleges an employer has dominated a union in violation of section 8(a)(2) and seeks to disestablish a bargaining relationship, the regional director shall impound the ballots for up to 60 days from the conclusion of the election if the charge has not been withdrawn or dismissed prior to the conclusion of the election. If a complaint issues with respect to the charge at any point prior to expiration of that 60-day post-election period, then the ballots shall continue to be impounded until there is a final determination regarding the charge and its effect, if any, on the election petition. If the charge is withdrawn or dismissed at any time during that 60-day period, or if the 60-day period ends without a complaint issuing, then the ballots shall be promptly opened and counted. The 60-day period will not be extended, even if more than one unfair labor practice charge is filed serially.

(d) For all charges described in paragraphs (b) or (c) of this section, the certification of results (including, where appropriate, a certification of representative) shall not issue until there is a final disposition of the charge and a determination of its effect, if any, on the election petition.

■ 3. Add § 103.21 to read as follows:

§ 103.21 Processing of petitions filed after voluntary recognition.

(a) An employer's voluntary recognition of a labor organization as exclusive bargaining representative of an appropriate unit of the employer's employees under section 9(a) of the Act, and the first collective-bargaining agreement executed by the parties on or after the date of such voluntary recognition, will not bar the processing of an election petition unless:

(1) The employer and/or the labor organization notifies the Regional Office that recognition has been granted;

(2) The employer posts, in conspicuous places, including all places where notices to employees are customarily posted, a notice of recognition (provided by the Regional Office) informing employees that recognition has been granted and that they have a right to file a petition during a 45-day ''window period'' beginning on the date the notice is posted;

(3) The employer distributes the notice described in paragraph (a)(2) of this section electronically to employees in the petitioned-for unit, if the employer customarily communicates with its employees electronically; and

(4) 45 days from the posting date pass without a properly supported petition being filed.

(5) The notice described in paragraph (a)(2) of this section shall state as follows:

> Federal law gives employees the right to form, join, or assist a union and to choose not to engage in these protected activities.
>
> An employer may lawfully recognize a union based on evidence (such as signed authorization cards) indicating that a majority of employees in an appropriate bargaining unit desire its representation, without an election supervised by the National Labor Relations Board.
>
> Once an employer recognizes a union as the employees' exclusive bargaining representative, the employer has an obligation to bargain with the union in good

faith in an attempt to reach a collective-bargaining agreement, and that obligation is not delayed or otherwise impacted by this notice.

The National Labor Relations Board is an agency of the United States Government and does not endorse any choice about whether employees should keep the recognized union, file a petition to certify the recognized union, file a petition to decertify the recognized union, or support or oppose a representation petition filed by another union.

[Employer] on [date] recognized [Union] as the employees' exclusive bargaining representative based on evidence indicating that a majority of employees in [described bargaining unit] desire its representation.

All employees, including those who previously signed cards in support of [Union], have the right to be represented by a union of their choice or by no union at all.

Within 45 days from the date of this notice, a petition supported by 30 percent or more of the unit employees may be filed with the National Labor Relations Board for a secret-ballot election to determine whether or not the unit employees wish to be represented by [Union], or 30 percent or more of the unit employees can support another union's filing of a petition to represent them.

Any properly supported petition filed within the 45-day window period will be processed according to the National Labor Relations Board's normal procedures.

A petition may be filed within the 45-day window period even if [Employer] and [Union] have already reached a collective-bargaining agreement.

If no petition is filed within the 45-day window period, the Union's status as the unit employees' exclusive bargaining representative will be insulated from challenge for a reasonable period of time, and if [Employer] and [Union] reach a collective-bargaining agreement during that insulated reasonable period, an election cannot be held for the duration of that collective-bargaining agreement, up to 3 years.

(b) This section shall be applicable to an employer's voluntary recognition on or after the effective date of this rule.

■ 4. Add § 103.22 to read as follows:

§ 103.22 Proof of majority-based bargaining relationship between employer and labor organization in the construction industry.

(a) A voluntary recognition or collective-bargaining agreement between an employer primarily engaged in the building and construction industry and a labor organization will not bar any election petition filed pursuant to section 9(c) or 9(e) of the Act absent positive evidence that the union unequivocally demanded recognition as the section 9(a) exclusive bargaining representative of employees in an appropriate bargaining unit, and that the employer unequivocally accepted it as such, based on a contemporaneous showing of support from a majority of employees in an appropriate unit. Collective-bargaining agreement language, standing alone, will not be sufficient to provide the showing of majority support.

(b) This section shall be applicable to an employer's voluntary recognition extended on or after the effective date of this rule and to any collective-bargaining agreement entered into on or after the date of voluntary recognition extended on or after the effective date of this rule.

Dated: March 24, 2020.

Roxanne L. Rothschild,

Executive Secretary.

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Part IV

The President

Executive Order 13911—Delegating Additional Authority Under the Defense Production Act With Respect to Health and Medical Resources To Respond to the Spread of COVID–19
Executive Order 13912—National Emergency Authority To Order the Selected Reserve and Certain Members of the Individual Ready Reserve of the Armed Forces to Active Duty
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Presidential Documents

Title 3—

The President

Executive Order 13911 of March 27, 2020

Delegating Additional Authority Under the Defense Production Act With Respect to Health and Medical Resources To Respond to the Spread of COVID–19

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the Defense Production Act of 1950, as amended (50 U.S.C. 4501 *et seq.*) (the ''Act''), the National Emergencies Act (50 U.S.C. 1601 *et seq.*), and section 301 of title 3, United States Code, it is hereby ordered as follows:

Section 1. *Policy.* In Proclamation 9994 of March 13, 2020 (Declaring a National Emergency Concerning the Novel Coronavirus Disease (COVID–19) Outbreak), I declared a national emergency recognizing the threat that the novel (new) coronavirus known as SARS–CoV–2 poses to our Nation's healthcare systems. In recognizing the public health risk, I noted that on March 11, 2020, the World Health Organization announced that the outbreak of COVID–19 (the disease caused by SARS–CoV–2) can be characterized as a pandemic. I also noted that while the Federal Government, along with State and local governments, have taken preventive and proactive measures to slow the spread of the virus and to treat those affected, the spread of COVID–19 within our Nation's communities threatens to strain our Nation's healthcare systems.

To deal with this threat, on March 18, 2020, I issued Executive Order 13909 (Prioritizing and Allocating Health and Medical Resources to Respond to the Spread of COVID–19), in which I delegated to the Secretary of Health and Human Services the prioritization and allocation authority under section 101 of the Act with respect to health and medical resources needed to respond to the spread of COVID–19. And on March 23, 2020, I issued Executive Order 13910 (Preventing Hoarding of Health and Medical Resources to Respond to the Spread of COVID–19), in which I delegated to the Secretary of Health and Human Services the authority under section 102 of the Act to combat hoarding and price gouging with respect to such resources.

To ensure that our healthcare systems are able to surge capacity and capability to respond to the spread of COVID–19, it is the policy of the United States to expand domestic production of health and medical resources needed to respond to the spread of COVID–19, including personal protective equipment and ventilators. Accordingly, I am delegating authority under title III of the Act to guarantee loans by private institutions, make loans, make provision for purchases and commitments to purchase, and take additional actions to create, maintain, protect, expand, and restore domestic industrial base capabilities to produce such resources. To enable greater cooperation among private businesses in expanding production of and distributing such resources, I am also delegating my authority under section 708(c) and (d) of the Act (50 U.S.C. 4558(c), (d)) to provide for the making of voluntary agreements and plans of action by the private sector.

Sec. 2. *Delegation of Authority Under Title III of the Act.* (a) Notwithstanding Executive Order 13603 of March 16, 2012 (National Defense Resources Preparedness), the Secretary of Health and Human Services and the Secretary of Homeland Security are each delegated, with respect to responding to the spread of COVID–19 within the United States, the authority of the President conferred by sections 301, 302, and 303 of the Act (50 U.S.C. 4531, 4532, and 4533), and the authority to implement the Act in subchapter

III of chapter 55 of title 50, United States Code (50 U.S.C. 4554, 4555, 4556, and 4560).

(b) The Secretary of Health and Human Services and the Secretary of Homeland Security may each use the authority under sections 301, 302, and 303 of the Act, in consultation with the Secretary of Defense and the heads of other executive departments and agencies as he deems appropriate, to respond to the spread of COVID–19.

(c) To provide additional authority to respond to the national emergency I declared in Proclamation 9994, the requirements of section 301(a)(2), section 301(d)(1)(A), and section 303(a)(1) through (a)(6) of the Act are waived during the period of that national emergency.

(d) To provide additional authority to respond to the national emergency I declared in Proclamation 9994, the Secretary of Health and Human Services and the Secretary of Homeland Security are each authorized to submit for my approval under section 302(d)(2)(B) of the Act a proposed determination that any specific loan is necessary to avert an industrial resource or critical technology shortfall that would severely impair national defense capability.

(e) Before exercising the authority delegated under this section with respect to health or medical resources, the Secretary of Homeland Security shall consult with the Secretary of Health and Human Services.

Sec. 3. *Delegation of Authority Under Title VII of the Act.* (a) Notwithstanding Executive Order 13603, the Secretary of Health and Human Services and the Secretary of Homeland Security are each delegated, with respect to responding to the spread of COVID–19 within the United States, the authority of the President conferred by section 708(c)(1) and (d) of the Act. The Secretary of Health and Human Services shall provide to the Secretary of Homeland Security notice of any use of such delegated authority.

(b) The delegation made in this section is made upon the condition that the Secretary of Health and Human Services or the Secretary of Homeland Security consult with the Attorney General and with the Federal Trade Commission, and obtain the prior approval of the Attorney General, after consultation by the Attorney General with the Federal Trade Commission, as required by section 708(c)(2) of the Act, except when such consultation is waived under subsection (c) of section 3 of this order and section 708(c)(3) of the Act.

(c) The Secretary of Health and Human Services and the Secretary of Homeland Security are each authorized to submit for my approval under section 708(c)(3) of the Act any proposed determination that any specific voluntary agreement or plan of action is necessary to meet national defense requirements resulting from an event that degrades or destroys critical infrastructure.

(d) Before exercising the authority delegated under this section with respect to health or medical resources, the Secretary of Homeland Security shall consult with the Secretary of Health and Human Services.

Sec. 4. *Additional Delegations.* (a) Notwithstanding Executive Order 13603, the Secretary of Health and Human Services and the Secretary of Homeland Security are each delegated, with respect to responding to the spread of COVID–19 within the United States, the authority of the President conferred by section 107 of the Act (50 U.S.C. 4517).

(b) In addition to the delegations of authority in Executive Order 13909 and Executive Order 13910, the authority of the President conferred by sections 101 and 102 of the Act (50 U.S.C. 4511, 4512) is delegated to the Secretary of Homeland Security with respect to health and medical resources needed to respond to the spread of COVID–19 within the United States.

(c) The Secretary of Homeland Security may use the authority under section 101 of the Act to determine, in consultation with the heads of

other executive departments and agencies as appropriate, the proper nationwide priorities and allocation of health and medical resources, including by controlling the distribution of such materials (including applicable services) in the civilian market, for responding to the spread of COVID–19 within the United States.

(d) Before exercising the authority under section 102 of the Act, the Secretary of Homeland Security shall consult with the Secretary of Health and Human Services.

(e) The Secretary of Homeland Security shall periodically consider whether the designations made by him under section 102 of the Act pursuant to section 4(b) of this order remain necessary. Upon finding that such designation of material is no longer necessary, the Secretary of Homeland Security shall promptly publish a notice of withdrawal of the designation in the *Federal Register,* and in such other manner as he deems appropriate.

Sec. 5. *Implementing Rules and Regulations.* The Secretary of Health and Human Services and the Secretary of Homeland Security shall each adopt and revise appropriate rules and regulations as may be necessary to implement this order.

Sec. 6. *Policy Coordination.* The Assistant to the President for Trade and Manufacturing Policy shall serve as National Defense Production Act Policy Coordinator.

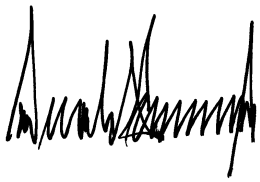
Sec. 7. *General Provisions.* (a) Nothing in this order shall be construed to impair or otherwise affect:

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

(ii) the functions of the Director of the Office of Management and Budget 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.



THE WHITE HOUSE,
March 27, 2020.

[FR Doc. 2020–06969
Filed 3–31–20; 11:15 am]
Billing code 3295–F0–P

Presidential Documents

Executive Order 13912 of March 27, 2020

National Emergency Authority To Order the Selected Reserve and Certain Members of the Individual Ready Reserve of the Armed Forces to Active Duty

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the National Emergencies Act (50 U.S.C. 1601 *et seq.*), and in furtherance of Proclamation 9994 of March 13, 2020 (Declaring a National Emergency Concerning the Novel Coronavirus Disease (COVID–19) Outbreak), which declared a national emergency by reason of the threat that the novel (new) coronavirus known as SARS–CoV–2 poses to our Nation's healthcare systems, I hereby order as follows:

Section 1. *Emergency Authority.* To provide additional authority to the Secretaries of Defense and Homeland Security to respond to the national emergency declared by Proclamation 9994, the authorities under section 12302 of title 10, United States Code, and sections 2127, 2308, 2314, and 3735 of title 14, United States Code, are invoked and made available, according to their terms, to the Secretaries of Defense and Homeland Security. The Secretaries of the Army, Navy, and Air Force, at the direction of the Secretary of Defense, and the Secretary of Homeland Security with respect to the Coast Guard when it is not operating as a service in the Navy, are authorized to order to active duty not to exceed 24 consecutive months, such units, and individual members of the Ready Reserve under the jurisdiction of the Secretary concerned, not to exceed 1,000,000 members on active duty at any one time, as the Secretary of Defense and, with respect to the Coast Guard when it is not operating as a service in the Navy, the Secretary of Homeland Security consider necessary. The Secretary of Defense or the Secretary of Homeland Security, as applicable, will ensure appropriate consultation is undertaken with relevant state officials with respect to the utilization of National Guard Reserve Component units activated under this authority.

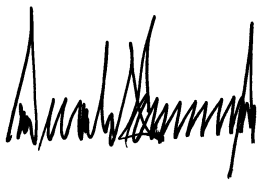
Sec. 2. *General Provisions.* (a) Nothing in this order shall be construed to impair or otherwise affect:

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

(ii) the functions of the Director of the Office of Management and Budget 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.



THE WHITE HOUSE,
March 27, 2020.

[FR Doc. 2020–06985
Filed 3–31–20; 11:15 am]
Billing code 3295–F0–P

Presidential Documents

Memorandum of March 28, 2020

Providing Federal Support for Governors' Use of the National Guard To Respond to COVID–19

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 is the policy of the United States to take measures to assist State Governors in their responses to all threats and hazards to the American people in their respective States and territories. Considering the profound and unique public health risks posed by the ongoing outbreak of COVID–19, the disease caused by the novel (new) coronavirus known as SARS–CoV–2 (''the virus''), the need for close cooperation and mutual assistance between the Federal Government and the States is greater than at any time in recent history. In recognizing this serious public health risk, I noted that on March 11, 2020, the World Health Organization announced that the COVID–19 outbreak can be characterized as a pandemic. On March 13, 2020, I declared a national emergency recognizing the threat that SARS–CoV–2 poses to the Nation's healthcare systems. I also determined that same day that the COVID–19 outbreak constituted an emergency, of nationwide scope, pursuant to section 501(b) of the Stafford Act (42 U.S.C. 5191(b)). All States have activated their Emergency Operations Centers and are working to fight the spread of the virus and attend to those who have symptoms or who are already infected with COVID–19. To provide maximum support to the Governors of the States of Florida, Louisiana, Maryland, Massachusetts, and New Jersey and the territories of Guam and Puerto Rico as they make decisions about the responses required to address local conditions in each of their respective States and as they request Federal support under the Stafford Act, I am taking the actions set forth in sections 2 and 3 of this memorandum:

Sec. 2. *One Hundred Percent Federal Cost Share.* To maximize assistance to the Governors of the States of Florida, Louisiana, Maryland, Massachusetts, and New Jersey and the territories of Guam and Puerto Rico 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 100 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. 3. *Support of Operations or Missions to Prevent and Respond to the Spread of COVID–19.* I am directing the Secretary of Defense, to the maximum extent feasible and consistent with mission requirements (including geographic proximity), to request pursuant to 32 U.S.C. 502(f) that the Governors of the States of Florida, Louisiana, Maryland, and New Jersey and the territories of Guam and Puerto Rico order National Guard forces to perform duty to fulfill mission assignments, on a fully reimbursable basis, that FEMA

issues to the Department of Defense for the purpose of supporting their respective State, territorial, and local emergency assistance efforts under the Stafford Act.

Sec. 4. *Termination.* The 100 percent Federal cost share provided for in this memorandum and in my memorandum dated March 22, 2020 (Providing Federal Support for Governors' Use of the National Guard to Respond to COVID–19), shall terminate 30 days from the date of this memorandum.

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

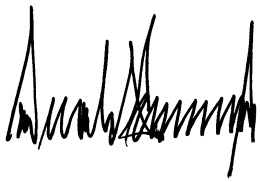
(i) the authority granted by law to an executive department or agency, or the head thereof; or

(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.*



THE WHITE HOUSE,
Washington, March 28, 2020

[FR Doc. 2020–06987
Filed 3–31–20; 11:15 am]
Billing code 5001–06–P

Presidential Documents

Memorandum of March 30, 2020

Providing Federal Support for Governors' Use of the National Guard To Respond to COVID–19

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. *Purpose.* It is the policy of the United States to take measures to assist State Governors under the Stafford Act in their responses to all threats and hazards to the American people in their respective States and territories. Considering the profound and unique public health risks posed by the ongoing outbreak of COVID–19, the disease caused by the novel (new) coronavirus known as SARS–CoV–2 (''the virus''), the need for close cooperation and mutual assistance between the Federal Government and the States is greater than at any time in recent history. In recognizing this serious public health risk, I noted that on March 11, 2020, the World Health Organization announced that the COVID–19 outbreak can be characterized as a pandemic. On March 13, 2020, I declared a national emergency recognizing the threat that SARS–CoV–2 poses to the Nation's healthcare systems. I also determined that same day that the COVID–19 outbreak constituted an emergency, of nationwide scope, pursuant to section 501(b) of the Stafford Act (42 U.S.C. 5191(b)). All States have activated their Emergency Operations Centers and are working to fight the spread of the virus and attend to those who have symptoms or who are already infected with COVID–19. To provide maximum support to the Governors of the States of Connecticut, Illinois, and Michigan as they make decisions about the responses required to address local conditions in each of their respective States and as they request Federal support under the Stafford Act, I am taking the actions set forth in sections 2 and 3 of this memorandum:

Sec. 2. *One Hundred Percent Federal Cost Share.* To maximize assistance to the Governors of the States of Connecticut, Illinois, and Michigan 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 100 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 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. 3. *Support of Operations or Missions to Prevent and Respond to the Spread of COVID–19.* I am directing the Secretary of Defense, to the maximum extent feasible and consistent with mission requirements (including geographic proximity), to request pursuant to 32 U.S.C. 502(f) that the Governors of the States of Connecticut, Illinois, Massachusetts, and Michigan order National Guard forces to perform duty to fulfill mission assignments, on a fully reimbursable basis, that FEMA issues to the Department of Defense for the purpose of supporting their respective State and local emergency assistance efforts under the Stafford Act.

Sec. 4. *Termination.* The 100 percent Federal cost share provided for in this memorandum shall terminate 30 days from the date of this memorandum.

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

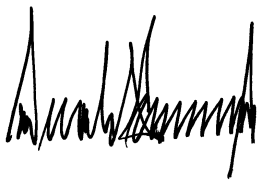
(i) the authority granted by law to an executive department or agency, or the head thereof; or

(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.*



THE WHITE HOUSE,
Washington, March 30, 2020

[FR Doc. 2020–06989
Filed 3–31–20; 11:15 am]
Billing code 5001–06–P

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Federal Register

Vol. 85, No. 63

Wednesday, April 1, 2020

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TABLE OF EFFECTIVE DATES AND TIME PERIODS—APRIL 2020

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When a date falls on a weekend or holiday, the next Federal business day is used. (See 1 CFR 18.17)

A new table will be published in the first issue of each month.

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