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# Presidential Documents

**Executive Order 13927 of June 4, 2020**

## Accelerating the Nation's Economic Recovery From the COVID–19 Emergency by Expediting Infrastructure Investments and Other Activities

By the authority vested in me as President by the Constitution and the laws of the United States of America, I hereby determine and authorize as follows:

**Section 1**. *Purpose*. The 2019 novel coronavirus known as SARS–CoV–2, the virus causing outbreaks of the disease COVID–19, has significantly disrupted the lives of Americans. In Proclamation 9994 of March 13, 2020 (Declaring a National Emergency Concerning the Novel Coronavirus Disease (COVID–19) Outbreak), I declared, pursuant to the National Emergencies Act, 50 U.S.C. 1601 *et seq.*, that the COVID–19 outbreak in the United States constituted a national emergency that posed a threat to our national security (''the national emergency''). 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)).

Since I declared this national emergency, the American people have united behind a policy of mitigation strategies, such as social distancing, to reduce the spread of COVID–19. The unavoidable result of the COVID–19 outbreak and these necessary mitigation measures has been a dramatic downturn in our economy. National unemployment claims have reached historic levels. In the days between the national emergency declaration and May 23, 2020, more than 41 million Americans filed for unemployment, and the unemployment rate reached 14.7 percent. In light of this and other developments, I have determined that, without intervention, the United States faces the likelihood of a potentially protracted economic recovery with persistent high unemployment.

From the beginning of my Administration, I have focused on reforming and streamlining an outdated regulatory system that has held back our economy with needless paperwork and costly delays. Antiquated regulations and bureaucratic practices have hindered American infrastructure investments, kept America's building trades workers from working, and prevented our citizens from developing and enjoying the benefits of world-class infrastructure.

The need for continued progress in this streamlining effort is all the more acute now, due to the ongoing economic crisis. Unnecessary regulatory delays will deny our citizens opportunities for jobs and economic security, keeping millions of Americans out of work and hindering our economic recovery from the national emergency.

In tandem with this regulatory reform, I will continue to use existing legal authorities to respond to the full dimensions of the national emergency and its economic consequences. These authorities include statutes and regulations that allow for expedited government decision making in exigent circumstances.

**Sec. 2**. *Policy*. Agencies, including executive departments, should take all appropriate steps to use their lawful emergency authorities and other authorities to respond to the national emergency and to facilitate the Nation's economic recovery. As set forth in this order, agencies should take all reasonable measures to speed infrastructure investments and to speed other

actions in addition to such investments that will strengthen the economy and return Americans to work, while providing appropriate protection for public health and safety, natural resources, and the environment, as required by law. For purposes of this order, the term ''agencies'' has the meaning given that term in section 3502(1), of title 44, United States Code, except for the agencies described in section 3502(5) of title 44.

**Sec. 3**. *Expediting the Delivery of Transportation Infrastructure Projects*. (a) To facilitate the Nation's economic recovery, the Secretary of Transportation shall use all relevant emergency and other authorities to expedite work on, and completion of, all authorized and appropriated highway and other infrastructure projects that are within the authority of the Secretary to perform or to advance.

(b) No later than 30 days of the date of this order, the Secretary of Transportation shall provide a summary report, listing all projects that have been expedited pursuant to subsection (a) of this section (''expedited transportation projects''), to the Director of the Office of Management and Budget (OMB), the Assistant to the President for Economic Policy, and the Chairman of the Council on Environmental Quality (CEQ). Such report may be combined, as appropriate, with any other reports required by this order.

(c) Within 30 days following the submission of the initial summary report described in subsection (b) of this section, the Secretary of Transportation shall provide a status report to the OMB Director, the Assistant to the President for Economic Policy, and the Chairman of CEQ that shall list any additions or other changes to the list described in subsection (b) of this section. Such status reports shall thereafter be provided to these officials at least every 30 days for the duration of the national emergency, and may be combined, as appropriate, with any other reports required by this order.

**Sec. 4**. *Expediting the Delivery of Civil Works Projects Within the Purview of the Army Corps of Engineers*. (a) To facilitate the Nation's economic recovery, the Secretary of the Army, acting through the Assistant Secretary of the Army for Civil Works, shall use all relevant emergency and other authorities to expedite work on, and completion of, all authorized and appropriated civil works projects that are within the authority of the Secretary of the Army to perform or to advance.

(b) No later than 30 days of the date of this order, the Secretary of the Army, acting through the Assistant Secretary of the Army for Civil Works, shall provide a summary report, listing all such projects that have been expedited (''expedited Army Corps of Engineers projects''), to the OMB Director, the Assistant to the President for Economic Policy, and the Chairman of CEQ. Such report may be combined, as appropriate, with any other reports required by this order.

(c) Within 30 days following the submission of the initial summary report described in subsection (b) of this section, the Secretary of the Army, acting through the Assistant Secretary of the Army for Civil Works, shall provide a status report to the OMB Director, the Assistant to the President for Economic Policy, and the Chairman of CEQ. Each such report shall list the status of all expedited Army Corps of Engineers projects and shall list any additions or other changes to the list described in subsection (b) of this section. Such status reports shall thereafter be provided to these officials at least every 30 days for the duration of the national emergency and may be combined, as appropriate, with any other reports required by this order.

**Sec. 5**. *Expediting the Delivery of Infrastructure and Other Projects on Federal Lands*. (a) As used in this section, the term ''Federal lands'' means any land or interests in land owned by the United States, including leasehold interests held by the United States, except Indian trust land.

(b) To facilitate the Nation's economic recovery, the Secretary of Defense, the Secretary of the Interior, and the Secretary of Agriculture shall use

all relevant emergency and other authorities to expedite work on, and completion of, all authorized and appropriated infrastructure, energy, environmental, and natural resources projects on Federal lands that are within the authority of each of the Secretaries to perform or to advance.

(c) No later than 30 days of the date of this order, the Secretary of Defense, the Secretary of the Interior, and the Secretary of Agriculture shall each provide a summary report, listing all such projects that have been expedited (''expedited Federal lands projects''), to the OMB Director, the Assistant to the President for Economic Policy, and the Chairman of CEQ. Such report may be combined, as appropriate, with any other reports required by this order.

(d) Within 30 days following the submission of the initial summary report described in subsection (c) of this section, the Secretary of Defense, the Secretary of the Interior, and the Secretary of Agriculture shall each provide a status report to the OMB Director, the Assistant to the President for Economic Policy, and the Chairman of CEQ. Each such report shall list the status of all expedited Federal lands projects and shall list any additions or other changes to the list described in subsection (c) of this section. Such status reports shall thereafter be provided to these officials at least every 30 days for the duration of the national emergency and may be combined, as appropriate, with any other reports required by this order.

**Sec. 6**. *National Environmental Policy Act (NEPA) Emergency Regulations and Emergency Procedures*. The Council on Environmental Quality has provided appropriate flexibility to agencies for complying with the National Environmental Policy Act (NEPA), 42 U.S.C. 4321 *et seq.*, in emergency situations. Such flexibility is expressly authorized in CEQ's regulations, contained in title 40, Code of Federal Regulations, that implement the procedural provisions of NEPA (the ''NEPA regulations''), which were first issued in 1978. These regulations provide that when emergency circumstances make it necessary to take actions with significant environmental impacts without observing the regulations, agencies may consult with CEQ to make alternative arrangements to take such actions. Using this authority, CEQ has appropriately approved alternative arrangements in a wide variety of pressing emergency situations. These emergencies have included not only natural disasters and threats to the national defense, but also threats to human and animal health, energy security, agriculture and farmers, and employment and economic prosperity.

(a) No later than 30 days of the date of this order, the heads of all agencies:

(i) shall identify planned or potential actions to facilitate the Nation's economic recovery that:

(A) may be subject to emergency treatment as alternative arrangements pursuant to CEQ's NEPA regulations and agencies' own NEPA procedures;

(B) may be subject to statutory exemptions from NEPA;

(C) may be subject to the categorical exclusions that agencies have included in their NEPA procedures pursuant to the NEPA regulations;

(D) may be covered by already completed NEPA analyses that obviate the need for new analyses; or

(E) may otherwise use concise and focused NEPA environmental analyses; and

(ii) shall provide a summary report, listing such actions, to the OMB Director, the Assistant to the President for Economic Policy, and the Chairman of CEQ. Such report may be combined, as appropriate, with any other reports required by this order.

(b) To facilitate the Nation's economic recovery, the heads of all agencies are directed to use, to the fullest extent possible and consistent with applicable law, emergency procedures, statutory exemptions, categorical exclusions, analyses that have already been completed, and concise and focused analyses,

consistent with NEPA, CEQ's NEPA regulations, and agencies' NEPA procedures.

(c) Within 30 days following the submission of the initial summary report described in subsection (a)(ii) of this section, each agency shall provide a status report to the OMB Director, the Assistant to the President for Economic Policy, and the Chairman of CEQ. Each such report shall list actions taken within the categories described in subsection (a)(i) of this section, shall list the status of any previously reported planned or potential actions, and shall list any new planned or potential actions within these categories. Such status reports shall thereafter be provided to these officials at least every 30 days for the duration of the national emergency and may be combined, as appropriate, with any other reports required by this order.

(d) The Chairman of CEQ shall be available to consult promptly with agencies and to take other prompt and appropriate action concerning the application of CEQ's NEPA emergency regulations.

**Sec. 7**. *Endangered Species Act (ESA) Emergency Consultation Regulations*. (a) No later than 30 days of the date of this order, the heads of all agencies:

(i) shall identify planned or potential actions to facilitate the Nation's economic recovery that may be subject to the regulation on consultations in emergencies, *see* 50 C.F.R. 402.05, promulgated by the Secretary of the Interior and the Secretary of Commerce pursuant to the Endangered Species Act (ESA), 16 U.S.C. 1531 *et seq.*; and

(ii) shall provide a summary report, listing such actions, to the Secretary of the Interior, the Secretary of Commerce, the OMB Director, the Assistant to the President for Economic Policy, and the Chairman of CEQ. (The Secretary of the Interior and the Secretary of Commerce shall provide such summary reports, listing such actions on behalf of their respective agencies, to each other and for internal use throughout their respective agencies, as well as to the OMB Director, the Assistant to the President for Economic Policy, and the Chairman of CEQ.) Such report may be combined, as appropriate, with any other reports required by this order.

(b) The heads of all agencies are directed to use, to the fullest extent possible and consistent with applicable law, the ESA regulation on consultations in emergencies, to facilitate the Nation's economic recovery.

(c) Within 30 days following the submission of the initial summary report described in subsection (a)(ii) of this section, the head of each agency shall provide a status report to the Secretary of the Interior, the Secretary of Commerce, the OMB Director, the Assistant to the President for Economic Policy, and the Chairman of CEQ. (The Secretary of the Interior and the Secretary of Commerce shall provide such status reports, listing such actions on behalf of their respective agencies, to each other and for internal use throughout their respective agencies, as well as to the OMB Director, the Assistant to the President for Economic Policy, and the Chairman of CEQ.) Each such report shall list actions taken within the categories described in subsection (a)(i) of this section, shall list the status of any previously reported planned or potential actions, and shall list any new planned or potential actions within these categories. Such status reports shall thereafter be provided to these officials at least every 30 days for the duration of the national emergency and may be combined, as appropriate, with any other reports required by this order.

(d) The Secretary of the Interior shall ensure that the Director of the Fish and Wildlife Service, or the Director's authorized representative, shall be available to consult promptly with agencies and to take other prompt and appropriate action concerning the application of the ESA's emergency regulations. The Secretary of Commerce shall ensure that the Assistant Administrator for Fisheries for the National Marine Fisheries Service, or the Assistant Administrator's authorized representative, shall be available for such consultation and to take such other action.

**Sec. 8**. *Emergency Regulations and Nationwide Permits Under the Clean Water Act (CWA) and Other Statutes Administered by the Army Corps of Engineers*. (a) No later than 30 days of the date of this order, the heads of all agencies, including the Secretary of the Army, acting through the Assistant Secretary of the Army for Civil Works:

(i) shall identify planned or potential actions to facilitate the Nation's economic recovery that may be subject to emergency treatment pursuant to the regulations and nationwide permits promulgated by the Army Corps of Engineers, or jointly by the Corps and the Environmental Protection Agency (EPA), pursuant to section 404 of the Clean Water Act, 33 U.S.C. 1344, section 10 of the Rivers and Harbors Act of March 3, 1899, 33 U.S.C. 403, and section 103 of the Marine Protection Research and Sanctuaries Act of 1972, 33 U.S.C. 1413 (collectively, the ''emergency Army Corps permitting provisions''); and

(ii) shall provide a summary report, listing such actions, to the Secretary of the Army, acting through the Assistant Secretary of the Army for Civil Works; the OMB Director; the Assistant to the President for Economic Policy; and the Chairman of CEQ. Such report may be combined, as appropriate, with any other reports required by this order.

(b) The heads of all agencies are directed to use, to the fullest extent possible and consistent with applicable law, the emergency Army Corps permitting provisions, to facilitate the Nation's economic recovery.

(c) Within 30 days following the submission of the initial summary report described in subsection (a)(ii) of this section, each agency shall provide a status report to the Secretary of the Army, acting through the Assistant Secretary of the Army for Civil Works; the OMB Director; the Assistant to the President for Economic Policy; and the Chairman of CEQ. Each such report shall list actions taken within subsection (a)(i) of this section, shall list the status of any previously reported planned or potential actions, and shall list any new planned or potential actions that fall within subsection (a)(i). Such status reports shall thereafter be provided to these officials at least every 30 days for the duration of the national emergency and may be combined, as appropriate, with any other reports required by this order.

(d) The Secretary of the Army, acting through the Assistant Secretary of the Army for Civil Works, shall be available to consult promptly with agencies and to take other prompt and appropriate action concerning the application of the emergency Army Corps permitting provisions. The Administrator of the EPA shall provide prompt cooperation to the Secretary of the Army and to agencies in connection with the discharge of the responsibilities described in this section.

**Sec. 9**. *Other Authorities Providing for Emergency or Expedited Treatment of Infrastructure Improvements and Other Activities*. (a) No later than 30 days of the date of this order, all heads of agencies:

(i) shall review all statutes, regulations, and guidance documents that may provide for emergency or expedited treatment (including waivers, exemptions, or other streamlining) with regard to agency actions pertinent to infrastructure, energy, environmental, or natural resources matters;

(ii) shall identify planned or potential actions, including actions to facilitate the Nation's economic recovery, that may be subject to emergency or expedited treatment (including waivers, exemptions, or other streamlining) pursuant to those statutes and regulations; and

(iii) shall provide a summary report, listing such actions, to the OMB Director, the Assistant to the President for Economic Policy, and the Chairman of CEQ. Such report may be combined, as appropriate, with any other reports required by this order.

(b) Consistent with applicable law, agencies shall use such statutes and regulations to the fullest extent permitted to facilitate the Nation's economic recovery.

(c) Within 30 days following the submission of the initial summary report described in subsection (a)(iii) of this section, each agency shall provide a status report to the OMB Director, the Assistant to the President for Economic Policy, and the Chairman of CEQ. Each such report shall list actions taken within subsection (a)(ii) of this section, shall list the status of any previously reported planned or potential actions, and shall list any new planned or potential actions that fall within subsection (a)(ii). Such status reports shall thereafter be provided to these officials at least every 30 days for the duration of the national emergency and may be combined, as appropriate, with any other reports required by this order.

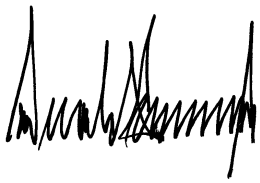
**Sec. 10**. *General Provisions*. (a) Nothing in this order shall be construed to impair or otherwise affect:

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

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

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

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



THE WHITE HOUSE,
*June 4, 2020.*

[FR Doc. 2020–12584
Filed 6–8–20; 8:45 am]
Billing code 3295–F0–P

# Presidential Documents

**Memorandum of June 4, 2020**

## Protecting United States Investors From Significant Risks From Chinese Companies

**Memorandum for the Secretary of the Treasury[,] the Assistant to the President for Economic Policy[, and] the Assistant to the President for National Security Affairs**

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

**Section 1.** *Purpose*. United States capital markets have long been the driving engine of the global economy. The combination of robust disclosure requirements, clear and effective regulation, fair enforcement, and a free market system have made the United States the premier jurisdiction in the world for raising capital. Investors trust the financial information provided by United States public companies and know that fraudulent activities will promptly be addressed by United States financial regulators. As a result, companies from around the world want to list on United States stock exchanges and raise money in the United States.

Chinese companies are no exception. For decades, Chinese companies have availed themselves of the benefits of United States financial markets, and capital raised in the United States has helped fuel China's rapid economic growth. While China reaps advantages from American markets, however, the Chinese government has consistently prevented Chinese companies and companies with significant operations in China from abiding by the investor protections that apply to all companies listing on United States stock exchanges. It is both wrong and dangerous for China to benefit from our capital markets without complying with critical protections that investors in those markets rightfully expect and deserve. China's actions to thwart our transparency laws raise significant risks for investors. The time has come to take firm action in an orderly fashion to put an end to the practice that has tacitly permitted companies with significant Chinese operations to flout protections United States law requires for investors in United States markets.

For example, the Chinese government refuses to allow audit firms registered with the Public Company Accounting Oversight Board (PCAOB) to provide audit working papers to the PCAOB so that it can fulfill its statutory obligation to inspect audit work and enforce audit standards. Recently, the Chinese government enacted a statute that expressly prevents audit firms from providing this information without the prior consent of Chinese financial regulators. Preventing the PCAOB from complying with its statutory mandate means that investors cannot have confidence in the financial reports of audited companies and creates significant risks to investors in the securities listed on United States stock exchanges.

The Securities and Exchange Commission (SEC) and PCAOB have pressed China for years to allow companies to provide greater transparency in financial information, to no avail. Concerns about China's efforts to thwart transparency requirements suggest significant risks even for investors in Chinese companies listed on United States stock exchanges. Such companies may not provide appropriate and safe investments for investors, including pension funds, which owe fiduciary duties to their beneficiaries.

For these reasons, we must take firm, orderly action to end the Chinese practice of flouting American transparency requirements without negatively affecting American investors and financial markets. We must ensure that laws providing protections for investors in American financial markets are fully enforced for companies listed on United States stock exchanges.

**Sec. 2.** *President's Working Group on Financial Markets.* Executive Order 12631 of March 18, 1988 (Working Group on Financial Markets), established the President's Working Group on Financial Markets (PWG), which is chaired by the Secretary of the Treasury, or his designee, and includes the Chairman of the Board of Governors of the Federal Reserve System, the Chairman of the SEC, and the Chairman of the Commodity Futures Trading Commission, or their designees. The Secretary of the Treasury shall convene the PWG to discuss the risks to investors described in section 1 of this memorandum and other risks to American investors and financial markets posed by the Chinese government's failure to uphold its international commitments to transparency and accountability and its refusal to permit companies to comply with United States law.

**Sec. 3.** *Report.* Within 60 days of the date of this memorandum, the PWG shall submit to the President, through the Assistant to the President for National Security Affairs and the Assistant to the President for Economic Policy, a report that includes:

(a) Recommendations for actions the executive branch may take to protect investors in United States financial markets from the failure of the Chinese government to allow PCAOB-registered audit firms to comply with United States securities laws and investor protections;

(b) Recommendations for actions the SEC or PCAOB should take, including inspection or enforcement actions, with respect to PCAOB-registered audit firms that fail to provide requested audit working papers or otherwise fail to comply with United States securities laws; and

(c) Recommendations for additional actions the SEC or any other Federal agency or department should take as a means to protect investors in Chinese companies, or companies from other countries that do not comply with United States securities laws and investor protections, including initiating a notice of proposed rulemaking that would set new listing rules or governance safeguards. Any such actions should take into account the impact on investors and ensure the continued fair and orderly operation of United States financial markets.

**Sec. 4.** *General Provisions.* (a) Nothing in this memorandum shall be construed to impair or otherwise affect:

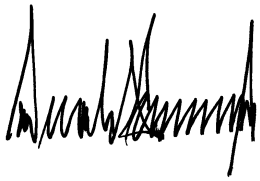
(i) the authority granted by law to an executive department or agency, or the head thereof; or

(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 the Treasury is authorized and directed to publish this memorandum in the *Federal Register*.



THE WHITE HOUSE,
*Washington, June 4, 2020*

[FR Doc. 2020–12585
Filed 6–8–20; 8:45 am]
Billing code 4811–33–P

# Rules and Regulations

Federal Register
Vol. 85, No. 111
Tuesday, June 9, 2020

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

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

## DEPARTMENT OF TRANSPORTATION

## Federal Aviation Administration

## 14 CFR Part 39

**[Docket No. FAA–2019–1076; Product Identifier 2019–NM–173–AD; Amendment 39–19914; AD 2020–11–10]**

**RIN 2120–AA64**

## Airworthiness Directives; Bombardier, Inc., Airplanes

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

**ACTION:** Final rule.

**SUMMARY:** The FAA is adopting a new airworthiness directive (AD) for certain Bombardier, Inc., Model BD–100–1A10 airplanes. This AD was prompted by a report of an in-flight event where a flightcrew observed a SPOILER FAIL message and had difficulty maintaining roll control of the airplane. This AD requires revising the existing airplane flight manual (AFM) to provide the flightcrew with procedures related to roll spoiler failures that reduce the flightcrew workload during this type of failure scenario. The FAA is issuing this AD to address the unsafe condition on these products.

**DATES:** This AD is effective July 14, 2020.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of July 14, 2020.

**ADDRESSES:** For service information identified in this final rule, contact Bombardier, Inc., 200 Côte-Vertu Road West, Dorval, Québec H4S 2A3, Canada; North America toll-free telephone 1–866–538–1247 or direct-dial telephone 1–514–855–2999; email *ac.yul@aero.bombardier.com;* internet *https://www.bombardier.com.* You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St. Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2019–1076.

### Examining the AD Docket

You may examine the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2019–1076; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

**FOR FURTHER INFORMATION CONTACT:** Darren Gassetto, Aerospace Engineer, Mechanical Systems and Administrative Services Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7323; fax 516–794–5531; email *9-avs-nyaco-cos@faa.gov.*

**SUPPLEMENTARY INFORMATION:**

### Discussion

Transport Canada Civil Aviation (TCCA), which is the aviation authority for Canada, has issued Canadian AD CF–2019–29, dated August 12, 2019 (also referred to as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for certain Bombardier, Inc., Model BD–100–1A10 airplanes. You may examine the MCAI in the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2019–1076.

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain Bombardier, Inc., Model BD–100–1A10 airplanes. The NPRM published in the **Federal Register** on January 22, 2020 (85 FR 3553). The NPRM was prompted by a report of an in-flight event where a flightcrew observed a SPOILER FAIL message and had difficulty maintaining roll control of the airplane. The NPRM proposed to require revising the existing AFM to provide the flightcrew with procedures related to roll spoiler failures that reduce the flightcrew workload during this type of failure scenario. The FAA is issuing this AD to address uncommanded deployment of the multi-function spoiler at certain positions, which in combination with specific flap positions and airspeeds, could create an unacceptably high flightcrew workload in maintaining roll control of the airplane and could possibly lead to loss of controllability of the airplane. See the MCAI for additional background information.

### Comments

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

### Request To Use the Latest Service Information

Net Jets requested that the FAA use the latest service information. Net Jets stated that Bombardier has released Challenger 350 Airplane Flight Manual, Publication No. CH 350 AFM, Revision 24, dated January 15, 2020.

The FAA agrees to clarify. Paragraph (g) of this AD specifies to revise the Non-Normal Procedures section of the existing AFM to incorporate the information in Section 05–23, ''Flight Controls,'' of Bombardier Challenger 350, Airplane Flight Manual, Publication No. CH 350 AFM, Revision 22, dated July 8, 2019 (for the applicable airplanes). The language in paragraph (g) of this AD is designed to allow incorporating the specific information in Section 05–23, regardless of the revision level of the AFM, so long as the language is identical to the information in Section 05–23, ''Flight Controls,'' Revision 22. The FAA has not changed this AD in this regard.

### Conclusion

The FAA reviewed the relevant data, considered the comment received, and determined that air safety and the public interest require adopting this final rule as proposed, except for minor editorial changes. The FAA has determined that these minor changes:

- Are consistent with the intent that was proposed in the NPRM for addressing the unsafe condition; and

• Do not add any additional burden upon the public than was already proposed in the NPRM.

**Related Service Information Under 1 CFR Part 51**

Bombardier has issued Challenger 300 Airplane Flight Manual, Publication No. CSP 100–1, Revision 56, dated July 8, 2019; and Challenger 350 Airplane Flight Manual, Publication No. CH 350 AFM, Revision 22, dated July 8, 2019. This service information describes non-normal procedures for flight controls. These documents are distinct since they apply to different airplane serial numbers. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

**Costs of Compliance**

The FAA estimates that this AD affects 577 airplanes of U.S. registry. The FAA estimates the following costs to comply with this AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

| Labor cost | Parts cost | Cost per product | Cost on U.S. operators |
|---|---|---|---|
| 1 work-hour × $85 per hour = $85 | $0 | $85 | $49,045 |

**Authority for This Rulemaking**

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

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

**Regulatory Findings**

This AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify that this AD:

(1) Is not a ''significant regulatory action'' under Executive Order 12866,

(2) Will not affect intrastate aviation in Alaska, and

(3) Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

**List of Subjects in 14 CFR Part 39**

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

**Adoption of the Amendment**

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

## PART 39—AIRWORTHINESS DIRECTIVES

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

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

**§ 39.13 [Amended]**

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

**2020–11–10 Bombardier, Inc.:** Amendment 39–19914; Docket No. FAA–2019–1076; Product Identifier 2019–NM–173–AD.

**(a) Effective Date**

This AD is effective July 14, 2020.

**(b) Affected ADs**

None.

**(c) Applicability**

This AD applies to Bombardier, Inc., Model BD–100–1A10 airplanes, certificated in any category, serial numbers 20003 through 20788 inclusive.

**(d) Subject**

Air Transport Association (ATA) of America Code 27, Flight controls.

**(e) Reason**

This AD was prompted by a report of an in-flight event where a flightcrew observed a SPOILER FAIL message and had difficulty maintaining roll control of the airplane. The FAA is issuing this AD to address uncommanded deployment of the multi-function spoiler at certain positions, which in combination with specific flap positions and airspeeds, could create an unacceptably high flightcrew workload in maintaining roll control of the airplane and could possibly lead to loss of controllability of the airplane.

**(f) Compliance**

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

**(g) Airplane Flight Manual (AFM) Revisions**

Within 30 days after the effective date of this AD: Revise the Non-Normal Procedures section of the existing AFM to incorporate the information in Section 05–23, ''Flight Controls,'' of the applicable AFM specified in figure 1 to paragraph (g) of this AD.

**Figure 1 to paragraph (g) –** *Airplane flight manual*

| Airplane Serial Numbers | AFM | AFM Revision Number | AFM Revision Date |
|---|---|---|---|
| 20003 through 20500 inclusive | Bombardier Challenger 300 AFM, Publication No. CSP 100-1 | 56 | July 8, 2019 |
| 20501 through 20788 inclusive | Bombardier Challenger 350 AFM, Publication No. CH 350 AFM | 22 | July 8, 2019 |

**(h) Other FAA AD Provisions**

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, New York ACO Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the certification office, send it to ATTN: Program Manager, Continuing Operational Safety, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7300; fax 516–794–5531. Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain instructions from a manufacturer, the instructions must be accomplished using a method approved by the Manager, New York ACO Branch, FAA; or Transport Canada Civil Aviation (TCCA); or Bombardier, Inc.'s TCCA Design Approval Organization (DAO). If approved by the DAO, the approval must include the DAO-authorized signature.

**(i) Related Information**

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) Canadian AD CF–2019–29, dated August 12, 2019, for related information. This MCAI may be found in the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2019–1076.

(2) For more information about this AD, contact Darren Gassetto, Aerospace Engineer, Mechanical Systems and Administrative Services Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7323; fax 516–794–5531; email *9-avs-nyaco-cos@faa.gov.*

**(j) Material Incorporated by Reference**

(1) The Director of the Federal Register approved the incorporation by reference (IBR) of the service information listed in this paragraph under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) You must use this service information as applicable to do the actions required by this AD, unless this AD specifies otherwise.

(i) Bombardier Challenger 300 Airplane Flight Manual, Publication No. CSP 100–1, Revision 56, dated July 8, 2019.

(ii) Bombardier Challenger 350 Airplane Flight Manual, Publication No. CH 350 AFM, Revision 22, dated July 8, 2019.

(3) For service information identified in this AD, contact Bombardier, Inc., 200 Côte-Vertu Road West, Dorval, Québec H4S 2A3, Canada; North America toll-free telephone 1–866–538–1247 or direct-dial telephone 1–514–855–2999; email *ac.yul@aero.bombardier.com;* internet *https://www.bombardier.com.*

(4) You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

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

Issued on May 28, 2020.

**Lance T. Gant,**

*Director, Compliance & Airworthiness Division, Aircraft Certification Service.*

[FR Doc. 2020–12374 Filed 6–8–20; 8:45 am]

**BILLING CODE 4910–13–P**

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 39**

**[Docket No. FAA–2020–0099; Product Identifier 2019–NM–169–AD; Amendment 39–19917; AD 2020–11–13]**

**RIN 2120–AA64**

## July 14, 2020 Airworthiness Directives; De Havilland Aircraft of Canada Limited (Type Certificate Previously Held by Bombardier, Inc.) Airplanes

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

**ACTION:** Final rule.

**SUMMARY:** The FAA is superseding Airworthiness Directive (AD) 2010–23–04, which applied to all De Havilland Aircraft of Canada Limited Model DHC–8–400 series airplanes. AD 2010–23–04 required repetitive detailed inspections of the nacelle attachment fittings for cracks, a conductivity inspection of the nacelle attachment fittings, and replacement if necessary. This AD continues to require these inspections and replacement if necessary, removes a certain inspection requirement for certain airplanes, and adds a new requirement to replace the rear spar fitting and nacelle attaching structure with a new nacelle attachment fitting. This AD was prompted by a determination that it is necessary to do a replacement with new nacelle attachment fittings. The FAA is issuing this AD to address the unsafe condition on these products.

**DATES:** This AD is effective July 14, 2020.

The Director of the Federal Register approved the incorporation by reference

of certain publications listed in this AD as of July 14, 2020.

**ADDRESSES:** For service information identified in this final rule, contact De Havilland Aircraft of Canada Limited, Q-Series Technical Help Desk, 123 Garratt Boulevard, Toronto, Ontario M3K 1Y5, Canada; telephone 416–375–4000; fax 416–375–4539; email *thd@dehavilland.com;* internet *https://dehavilland.com.* You may view this referenced service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0099.

**Examining the AD Docket**

You may examine the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0099; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

**FOR FURTHER INFORMATION CONTACT:** Andrea Jimenez, Aerospace Engineer, Airframe and Propulsion Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7330; fax 516–794–5531; email *9-avs-nyaco-cos@faa.gov.*

**SUPPLEMENTARY INFORMATION:**

**Discussion**

Transport Canada Civil Aviation (TCCA), which is the aviation authority for Canada, has issued Canadian AD CF–2010–30R2, dated July 30, 2019, (also referred to as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for all De Havilland Aircraft of Canada Limited (Type Certificate previously held by Bombardier, Inc.) Model DHC–8–400, –401, and –402 airplanes. You may examine the MCAI in the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0099.

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to supersede AD 2010–23–04, Amendment 39–16493 (75 FR 68174, November 5, 2010) (''AD 2010–23–04''). AD 2010–23–04 applied to all De Havilland Aircraft of Canada Limited Model DHC–8–400 series airplanes. The NPRM published in the **Federal Register** on March 12, 2020 (85 FR 14423). The NPRM was prompted by reports of cracked nacelle attachment fittings, which a preliminary investigation determined to be caused by stress corrosion, and a determination that it is necessary to install new nacelle attachment fittings in order to address the unsafe condition. The NPRM proposed to continue to require repetitive detailed inspections of the nacelle attachment fittings for cracks, a conductivity inspection of the nacelle attachment fittings, and replacement if necessary. The NPRM also proposed to remove a certain inspection requirement for certain airplanes, and add a new requirement to replace the rear spar fitting and nacelle attaching structure with a new nacelle attachment fitting. The FAA is issuing this AD to address reports of cracked nacelle attachment fittings, which, if not detected and corrected, could compromise the structural integrity of the nacelle attachment fitting and possibly result in collapse of the landing gear. See the MCAI for additional background information.

**Comments**

The FAA gave the public the opportunity to participate in developing this final rule. The FAA received no comments on the NPRM or on the determination of the cost to the public.

**Conclusion**

The FAA reviewed the relevant data and determined that air safety and the public interest require adopting this final rule as proposed, except for minor editorial changes. The FAA has determined that these minor changes:

- Are consistent with the intent that was proposed in the NPRM for addressing the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the NPRM.

**Related Service Information Under 1 CFR Part 51**

Bombardier, Inc. has issued Service Bulletin 84–54–14, Revision K, dated August 7, 2018. This service bulletin describes procedures for a conductivity inspection of the nacelle attachment fittings, repetitive detailed inspections of the nacelle attachment fittings for cracks, and replacement of the fitting.

Bombardier, Inc. has also issued Service Bulletin 84–54–16, Revision D, dated August 7, 2018. This service information describes procedures for replacing the rear spar nacelle attachment fitting and associated structure with a new nacelle attachment fitting, part number (P/N) 8Z9305. The replacement includes applicable related investigative and corrective actions. The related investigative actions include an inspection of the internal bore and external surface of the main landing gear yoke pins, the drag strut pins, and the stabilizer brace pins for signs of corrosion and damage; and an inspection of the inner bore and outer surface of the coat hangar pins for signs of corrosion and damage. The corrective actions include repair, rework, or replacement.

Bombardier, Inc. has also issued Modification Summary Package IS4Q5400012, Revision B, dated July 11, 2012. This service information describes procedures for applying a fay sealant gasket to the rear spar access fitting access panel.

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

**Costs of Compliance**

The FAA estimates that this AD affects 54 airplanes of U.S. registry.

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

ESTIMATED COSTS FOR REQUIRED ACTIONS

| Action | Labor cost | Parts cost | Cost per product | Cost on U.S. operators |
|---|---|---|---|---|
| Retained actions from AD 2010–23–04. | 3 work-hours × $85 per hour = $255. | $0 | $255 | $13,770. |
| New actions | 320 work-hours × $85 per hour = $27,200. | Up to $104,739 | Up to $131,939 | Up to $7,124,706. |

**Authority for This Rulemaking**

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

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

**Regulatory Findings**

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

For the reasons discussed above, I certify that this AD:

(1) Is not a ''significant regulatory action'' under Executive Order 12866,

(2) Will not affect intrastate aviation in Alaska, and

(3) Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

**List of Subjects in 14 CFR Part 39**

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

**Adoption of the Amendment**

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

## PART 39—AIRWORTHINESS DIRECTIVES

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

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

**§ 39.13 [Amended]**

■ 2. The FAA amends § 39.13 by removing Airworthiness Directive (AD) 2010–23–04, Amendment 39–16493 (75 FR 68174, November 5, 2010), and adding the following new AD:

**2020–11–13 De Havilland Aircraft of Canada Limited (Type Certificate previously held by Bombardier, Inc.):** Amendment 39–19917; Docket No. FAA–2020–0099; Product Identifier 2019–NM–169–AD.

**(a) Effective Date**

This AD is effective July 14, 2020.

**(b) Affected ADs**

This AD replaces AD 2010–23–04, Amendment 39–16493 (75 FR 68174, November 5, 2010) (''AD 2010–23–04'').

**(c) Applicability**

This AD applies to De Havilland Aircraft of Canada Limited (Type Certificate previously held by Bombardier, Inc.) Model DHC–8–400, –401, and –402 airplanes, certificated in any category, serial numbers 4001 and subsequent.

**(d) Subject**

Air Transport Association (ATA) of America Code 54, Nacelles/pylons.

**(e) Reason**

This AD was prompted by reports of cracked nacelle attachment fittings, which a preliminary investigation determined to be caused by stress corrosion. The FAA is issuing this AD to address this condition, which, if not detected and corrected, could compromise the structural integrity of the nacelle attachment fitting and possibly result in collapse of the landing gear.

**(f) Compliance**

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

**(g) Retained Detailed and Conductivity Inspections and Replacement, With Revised Service Information and Revised Replacement Instructions**

This paragraph restates the requirements of paragraph (g) of AD 2010–23–04, with revised service information and revised replacement instructions. For airplanes having serial numbers 4001 through 4304 inclusive, 4314, and 4315: Within 100 flight hours after November 22, 2010 (the effective date of AD 2010–23–04), do a detailed inspection for cracking, and a conductivity inspection on each of the 4 nacelle attachment fittings, in accordance with the Accomplishment Instructions of Bombardier Service Bulletin 84–54–14, Revision K, dated August 7, 2018. Repeat the detailed inspection at intervals not to exceed 300 flight hours, except as provided by paragraph (i) of this AD. Accomplishing the replacement specified in paragraph (g)(1)(ii) or (g)(2)(ii)(B) of this AD terminates the inspections required by this paragraph.

(1) If any nacelle attachment fitting is found cracked, before further flight, do the action specified in paragraph (g)(1)(i) or (ii) of this AD. As of the effective date of this AD, only the action specified in paragraph (g)(1)(ii) of this AD may be done.

(i) Replace the fitting with a new fitting in accordance with paragraph (2) of Part A of the Accomplishment Instructions of Bombardier Service Bulletin 84–54–14, Revision K, dated August 7, 2018.

(ii) Replace the rear spar nacelle attachment fitting and associated structure with a new nacelle attachment fitting, part number (P/N) 8Z9305, and do all applicable related investigative and corrective actions, in accordance with Part B of the Accomplishment Instructions of Bombardier Service Bulletin 84–54–16 Revision D, dated August 7, 2018. Do all applicable related investigative and corrective actions before further flight.

(2) If the conductivity of any test points on any fitting is found to be greater than 45.0 percent International Annealed Copper Standard (IACS) or if the conductivity of any test points on any fitting is found to be less than 38.0 percent IACS, do the actions required by paragraphs (g)(2)(i) and (ii) of this AD.

(i) Within 24 hours after accomplishing the conductivity inspection specified in paragraph (g) of this AD, do a detailed inspection of the nacelle attachment fitting for cracking, in accordance with the Accomplishment Instructions of Bombardier Service Bulletin 84–54–14, Revision K, dated August 7, 2018, and repeat thereafter at intervals not to exceed 24 hours. If cracking is found, before further flight, replace the fitting with a new fitting in accordance with the requirements of paragraph (g)(2)(ii) of this AD. Replacement of the fitting terminates the daily detailed inspection requirements of this paragraph.

(ii) Except as required by paragraph (g)(2)(i) of this AD: Within 300 flight hours after accomplishing the conductivity inspection specified in paragraph (g) of this AD, do the action specified in paragraph (g)(2)(ii)(A) or (B) of this AD. As of the effective date of this AD, only the action specified in paragraph (g)(2)(ii)(B) of this AD may be done.

(A) Replace the fitting with a new fitting in accordance with paragraph (2) of Part A of the Accomplishment Instructions of Bombardier Service Bulletin 84–54–14, Revision K, dated August 7, 2018.

(B) Replace the rear spar nacelle attachment fitting and associated structure with a new nacelle attachment fitting, P/N 8Z9305, and do all applicable related investigative and corrective actions, in accordance with Part B of the Accomplishment Instructions of Bombardier Service Bulletin 84–54–16 Revision D, dated August 7, 2018. Do all applicable related investigative and corrective actions before further flight.

**(h) Retained Inspections and Replacement, With Revised Service Information, Revised Affected Airplanes, and Revised Replacement Instructions**

This paragraph restates the requirements of paragraph (i) of AD 2010–23–04, with revised service information, revised affected airplanes, and revised replacement instructions. For airplanes having serial numbers 4305 through 4313 inclusive, and 4316 through 4380 inclusive, and airplanes that have replaced nacelle attachment fitting(s) with P/N 854146663: Within 1,200

flight hours after November 22, 2010 (the effective date of AD 2010–23–04), do a detailed inspection for cracking on each of the 4 nacelle attachment fittings, in accordance with the Accomplishment Instructions of Bombardier Service Bulletin 84–54–14, Revision K, dated August 7, 2018. If any nacelle attachment fitting is found cracked, before further flight, do the action specified in paragraph (h)(1) or (2) of this AD. As of the effective date of this AD, only the action specified in paragraph (h)(2) of this AD may be done. Thereafter, repeat the detailed inspection at intervals not to exceed 300 flight hours, except as provided by paragraph (i) of this AD. Accomplishing the replacement specified in paragraph (h)(2) of this AD terminates the inspections required by this paragraph.

(1) Replace the fitting with a new fitting in accordance with paragraph (2) of Part A of the Accomplishment Instructions of Bombardier Service Bulletin 84–54–14, Revision K, dated August 7, 2018.

(2) Replace the rear spar nacelle attachment fitting and associated structure with a new nacelle attachment fitting, P/N 8Z9305, and do all applicable related investigative and corrective actions, in accordance with Part B of the Accomplishment Instructions of Bombardier Service Bulletin 84–54–16 Revision D, dated August 7, 2018. Do all applicable related investigative and corrective actions before further flight.

**(i) Retained Inspection Compliance Time, With Revised Service Information**

This paragraph restates the requirements of paragraph (j) of AD 2010–23–04, with revised service information. For any fitting that is replaced in accordance with paragraph (3) of Part A of the Accomplishment Instructions of Bombardier Service Bulletin 84–54–14, Revision J, dated September 17, 2010; or paragraph (2) of Part A of the Accomplishment Instructions of Bombardier Service Bulletin 84–54–14, Revision K, dated August 7, 2018, as specified in paragraph (g) or (h) of this AD: Within 1,200 flight hours after replacing the fitting, do a detailed inspection of that replaced fitting as specified in paragraph (g) or (h) of this AD, and repeat the detailed inspection thereafter at intervals not to exceed 300 flight hours. Accomplishing the replacement specified in paragraph (g)(1)(ii), (g)(2)(ii)(B), or (h)(2) of this AD terminates the inspections required by this paragraph.

**(j) Retained Credit for Previous Actions (Replacing the Fitting), With Revised Paragraph References**

This paragraph restates the credit provided in paragraph (k) of AD 2010–23–04, with revised paragraph references. Accomplishing the replacement of the nacelle fittings in accordance with any Bombardier service bulletin identified in figure 1 to paragraphs (j) and (k) of this AD before November 22, 2010 (the effective date of AD 2010–23–04) is also acceptable for compliance with the fitting replacements specified in paragraphs (g)(1)(i), (g)(2)(ii)(A), and (h)(1) of this AD.

**Figure 1 to paragraphs (j) and (k) –** *Acceptable Service Information*

| Bombardier Service Bulletin | Revision | Dated |
|---|---|---|
| 84-54-14 | Original | April 16, 2010 |
| 84-54-14 | A | April 22, 2010 |
| 84-54-14 | B | June 11, 2010 |
| 84-54-14 | C | June 30, 2010 |
| 84-54-14 | D | July 5, 2010 |
| 84-54-14 | E | August 19, 2010 |
| 84-54-14 | F | August 20, 2010 |
| 84-54-14 | G | September 9, 2010 |
| 84-54-14 | H | September 10, 2010 |

**(k) Retained Credit for Previous Actions (Inspections), With No Changes**

This paragraph restates the credit provided in paragraph (l) of AD 2010–23–04, with no changes. Accomplishment of the inspections required by paragraphs (g) and (h) of this AD before November 22, 2010 (the effective date of AD 2010–23–04) in accordance with any Bombardier service bulletin identified in figure 1 to paragraphs (j) and (k) of this AD is acceptable for compliance with the corresponding actions required by paragraphs (g) and (h) of this AD.

**(l) New Requirements of This AD: Modification of the Rear Spar Fitting and Nacelle Attaching Structure**

For airplanes with nacelle attachment fitting P/N 85414663: Unless already done as specified in paragraph (g)(1)(ii), (g)(2)(ii)(B), or (h)(2) of this AD: Within 8,000 flight hours or 48 months, whichever occurs first, from the effective date of this AD, replace the rear spar nacelle attachment fitting and associated structure with a new nacelle attachment fitting, P/N 8Z9305, and do all applicable related investigative and corrective actions, in accordance with Part B of the Accomplishment Instructions of Bombardier Service Bulletin 84–54–16, Revision D, dated August 7, 2018. Do all applicable related investigative and corrective actions before further flight.

**(m) New Credit for Previous Actions**

(1) This paragraph provides credit for actions required by paragraphs (g) and (h) of this AD that are identified in Bombardier Service Bulletin 84–54–14, Revision K, dated August 7, 2018, if those actions were performed before the effective date of this AD using Bombardier Service Bulletin 84–54–14, Revision J, dated September 17, 2010, which was incorporated by reference in AD 2010–23–04; except as provided by paragraph (p) of this AD.

(2) This paragraph provides credit for accomplishing the replacement of the rear spar fitting and nacelle attaching structure required by paragraph (l) of this AD, if those actions were performed before the effective date of this AD using the service information specified in paragraphs (m)(2)(i) through (iii) of this AD.

(i) Bombardier Service Bulletin 84–54–16, dated April 29, 2011.

(ii) Bombardier Service Bulletin 84–54–16, Revision A, dated August 1, 2011.

(iii) Bombardier Service Bulletin 84–54–16, Revision C, dated January 31, 2017.

(3) This paragraph provides credit for accomplishing the replacement of the rear spar fitting and nacelle attaching structure required by paragraph (l) of this AD, if those actions were performed before the effective date of this AD using Bombardier Service Bulletin 84–54–16, Revision B, dated October 6, 2016. Although Bombardier Service Bulletin 84–54–16, Revision B, dated October 6, 2016, incorrectly stated that airworthiness limitations (AWLs) or damage tolerance inspections (DTIs) are not affected, they are affected. Refer to the applicable AWLs for Post/Pre-Modification Summary (ModSum) 4–113697 and Bombardier Service Bulletin 84–54–16 in the existing maintenance requirements manual.

(4) This paragraph provides credit for accomplishing the action identified in Bombardier Service Bulletin 84–54–14, Revision K, dated August 7, 2018, that are required by paragraphs (g) and (h) of this AD, if those actions were performed before the effective date of this AD using the service information specified in paragraphs (m)(4)(i) through (iv) of this AD.

(i) Bombardier Service Bulletin 84–54–15, dated August 20, 2010.

(ii) Bombardier Service Bulletin 84–54–15, Revision A, dated October 25, 2010. (iii) Bombardier Service Bulletin 84–54–15, Revision B, dated February 2, 2017. (iv) Bombardier Service Bulletin 84–54–15, Revision C, dated August 7, 2018.

**(n) Terminating Action for Certain Actions in Paragraphs (g), (h), and (i) of This AD**

Accomplishing the modification of the rear spar fitting and nacelle attaching structure required by paragraph (l) of this AD terminates the repetitive inspection required by paragraphs (g), (h), and (i) of this AD for that airplane.

**(o) Parts Installation Limitations**

As of the effective date of this AD, no person may install a rear spar nacelle attachment fitting P/N 85414663 on any airplane.

**(p) Credit for Alternative to Certain Credit Actions**

For airplanes on which Bombardier Service Bulletin 84–54–14, Revision J, dated September 17, 2010, was accomplished before the effective date of this AD: As an alternative to applying sealant to each fitting and access panel as specified in paragraph C.(1) of the Accomplishment Instructions of Bombardier Service Bulletin 84–54–14, Revision J, dated September 17, 2010, the use of the instructions of Bombardier Modification Summary Package IS4Q5400012, Revision B, dated July 11, 2012, to apply sealant is also acceptable if accomplished before the effective date of this AD.

**(q) Other FAA AD Provisions**

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, New York ACO Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the certification office, send it to ATTN: Program Manager, Continuing Operational Safety, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7300; fax 516–794–5531.

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

(ii) AMOCs approved previously for AD 2010–23–04, are approved as AMOCs for the corresponding provisions of this AD.

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain instructions from a manufacturer, the instructions must be accomplished using a method approved by the Manager, New York ACO Branch, FAA; or Transport Canada Civil Aviation (TCCA); or De Havilland Aircraft of Canada Limited's TCCA Design Approval Organization (DAO). If approved by the DAO, the approval must include the DAO-authorized signature.

**(r) Related Information**

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) Canadian AD CF–2010–30R2, dated July 30, 2019, for related information. This MCAI may be found in the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0099.

(2) For more information about this AD, contact Andrea Jimenez, Aerospace Engineer, Airframe and Propulsion Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7330; fax 516–794–5531; email *9-avs-nyaco-cos@faa.gov.*

(3) Service information identified in this AD that is not incorporated by reference is available at the addresses specified in paragraphs (s)(3) and (4) of this AD.

**(s) Material Incorporated by Reference**

(1) The Director of the Federal Register approved the incorporation by reference (IBR) of the service information listed in this paragraph under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) You must use this service information as applicable to do the actions required by this AD, unless this AD specifies otherwise.

(i) Bombardier Service Bulletin 84–54–14, Revision K, dated August 7, 2018.

(ii) Bombardier Service Bulletin 84–54–16, Revision D, dated August 7, 2018.

(iii) Bombardier Modification Summary Package IS4Q5400012, Revision B, dated July 11, 2012.

(3) For service information identified in this AD, contact De Havilland Aircraft of Canada Limited, Q-Series Technical Help Desk, 123 Garratt Boulevard, Toronto, Ontario M3K 1Y5, Canada; telephone 416–375–4000; fax 416–375–4539; email *thd@dehavilland.com;* internet *https://dehavilland.com.*

(4) You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

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

Issued on May 29, 2020.

**Lance T. Gant,**

*Director, Compliance & Airworthiness Division, Aircraft Certification Service.*

[FR Doc. 2020–12379 Filed 6–8–20; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF THE INTERIOR

## National Park Service

## 36 CFR Part 13

**[NPS–AKRO–27791; PPAKAKROZ5, PPMPRLE1Y.L00000]**

**RIN 1024–AE38**

## Alaska; Hunting and Trapping in National Preserves

**AGENCY:** National Park Service, Interior.

**ACTION:** Final rule.

**SUMMARY:** The National Park Service amends its regulations for sport hunting and trapping in national preserves in Alaska. This rule removes regulatory provisions issued by the National Park Service in 2015 that prohibited certain sport hunting practices otherwise permitted by the State of Alaska. These changes are consistent with Federal law providing for State management of hunting and trapping in Alaska preserves.

**DATES:** This rule is effective July 9, 2020.

**FOR FURTHER INFORMATION CONTACT:** Donald Striker, Acting Regional Director, Alaska Regional Office, 240 West 5th Ave., Anchorage, AK 99501. Phone (907) 644–3510. Email: *AKR_Regulations@nps.gov.*

**SUPPLEMENTARY INFORMATION:**

**Background.**

On October 23, 2015, the National Park Service (NPS) published a final rule (2015 Rule) to amend its regulations for hunting and trapping in national preserves in Alaska. 80 FR 64325. The 2015 Rule imposed prohibitions on certain types of harvest practices that are or could be authorized by the State of Alaska in national preserves. The specific practices addressed by the rule are: Taking any black bear, including cubs and sows with cubs, with artificial light at den sites; harvesting brown bears over bait; taking wolves and coyotes (including pups) during the denning season (between May 1 and August 9); taking swimming caribou; taking caribou from motorboats under power; taking black bears over bait; and, using dogs to hunt black bears. In addition, the 2015 rule prohibited any State authorization or management action from being allowed in Alaska preserves if it related to a predator reduction effort, meaning with the intent or potential to alter or manipulate natural populations or processes in order to increase harvest of ungulates by humans. The prohibition of these practices is inconsistent with State of Alaska hunting regulations found at 5 AAC Part 85.

Since early 2017, several actions have occurred which lead the NPS to reconsider portions of the 2015 rule that affect hunting and trapping opportunities on Alaska preserves and contradict State harvest regulations and wildlife management decisions. On March 2, 2017, Secretary Zinke signed Secretary's Order 3347, Conservation Stewardship and Outdoor Recreation, in order to ''enhance conservation stewardship, increase outdoor recreation, and improve the management of game species and their habitat.'' On September 15, 2017, Secretary Zinke signed Secretary's Order 3356, Hunting, Fishing, Recreational Shooting, and Wildlife Conservation Opportunities and Coordination with State, Tribes, and Territories, to ''enhance and expand upon Secretary's Order 3347 and further implement the recommendations provided by the Secretary.'' On September 10, 2018, Secretary Zinke issued a memorandum to the heads of Department of the Interior bureaus recognizing States as the first-line authorities for fish and wildlife management and expressing a commitment to defer to States in this regard except as otherwise required by Federal law. The memorandum further directed agencies to review all regulations, policies, and guidance pertaining to fish and wildlife conservation and management, specifically provisions that are more restrictive than otherwise applicable State provisions.

Additionally, on April 3, 2017, a U.S. Fish and Wildlife Service rule for Alaska National Wildlife Refuges that was nearly identical in substance to the aspects of the 2015 Rule at issue in this rulemaking was repealed under the authority of the Congressional Review Act. *See* Public Law 115–20, 131 Stat. 86. House and Senate sponsors of the law strongly criticized those aspects of the NPS's 2015 Rule, *e.g.,* 163 Cong. Rec. H1260 (Feb. 16, 2017), S1864–69 (Mar. 21, 2017), but acknowledged that repeal through the Congressional Review Act was time-barred, *id.* at S1868 (remarks of Sen. Murkowski). With the passage of a joint resolution of disapproval, the U.S. Fish and Wildlife Service cannot promulgate substantially similar regulations until specifically authorized by law. 5 U.S.C. 801(b)(2). While refuges operate under different frameworks than national preserves, this action by Congress was taken into account when interpreting consistency with the authorities and principles that were common to both rulemakings, including statutory requirements for wildlife management activities to be carried out under State law, as well as in considering how to complement regulations on surrounding lands and waters to the extent legally practicable.

In light of the aforementioned actions and resulting analysis, the NPS has revisited its approach regarding the authorizations that are the subject of this rule, focusing on the statutory scheme that requires the management of hunting and trapping in preserves under State law and reserves limited closure authority to NPS for enumerated purposes. This rule complements State regulations by more closely aligning harvest opportunities in national preserves with harvest opportunities on surrounding lands. *See* Secretary's Order 3347, Sec. 1 and 2; and Secretary's Order 3356, Sec. 4.b.(4) and 4.d.(7); September 10, 2018, Memorandum. As mandated by the Alaska National Interest Lands Conservation Act of 1980 (ANILCA), Public Law 96–487, 94 Stat. 2383, the NPS has consistently deferred to State laws, regulations, and management of hunting and trapping, other than for subsistence uses by rural Alaska residents under Federal regulations, in national preserves since their establishment in 1980. This rule acknowledges this longstanding deference to State law required by statute in removing the hunting and trapping prohibitions identified in this rule.

Both the 2015 rule and the individual preserve closures that preceded it were intended to prevent any ''conflict with laws and policies applicable to NPS areas that require preserving natural wildlife populations'' and the State authorizations at issue in this rule were not ''allowed on NPS lands'' for that reason. 80 FR 64326–27. The harvest prohibitions were based on a view of the NPS legal and policy framework that was at odds with statutory mandates, and not on concerns over wildlife population-level effects from allowing those uses. 80 FR 64334. The NPS has carefully reassessed whether the State hunting and trapping authorizations applicable within Alaska preserves are prohibited by other law or policy.

As a part of the National Park System, each preserve must be ''administered in accordance with the provisions of any statute made specifically applicable to that area.'' General Authorities Act of 1970, Public Law 91–383, Sec. 2(b), 84 Stat. 826. ANILCA specifically provides that ''the taking of fish and wildlife for sport purposes and subsistence uses, and trapping shall be allowed in a national preserve under applicable State and Federal law and regulation[.]'' 16 U.S.C. 3201. The Alaska Statehood Act of 1958 provided for the transfer of ''the administration and management of the fish and wildlife resources of Alaska'' from the Federal Government to the State of Alaska. Public Law 85–508, Sec. 6(e), 72 Stat. 341; Executive Order 10857, Dec. 29, 1959; Letter to Sam Rayburn, Speaker of the House of Representatives, from Fred A. Seaton, Secretary of the Interior, Apr. 27, 1959 (''I hereby certify that the Alaska State Legislature has made adequate provision for the administration, management, and conservation of the fish and wildlife resources of Alaska in the broad national interest.''). This general Federal-State relationship was confirmed in 43 CFR 24.1(a), which found that ''Federal authority exists for specified purposes while State authority regarding fish and resident wildlife remains the comprehensive backdrop applicable in the absence of specific, overriding Federal law.''

This specific Federal-State relationship was also confirmed in ANILCA, in which Congress established

and set aside national preserves in Alaska as NPS-administered units where sport hunting and trapping shall continue being managed by the State of Alaska, except that the ''Secretary may designate zones where and periods when no hunting, fishing, trapping, or entry may be permitted for reasons of public safety, administration, floral and faunal protection, or public use and enjoyment.'' Public Law 96–487, Secs. 203, 1313, 1314, 94 Stat. 2483–84; *see also* S. Rep. No. 96–413, at 307–08 (1979) (describing the Senate Committee on Energy and Natural Resources' intent to ''preserv[e] the status quo with regard to the responsibility and authority of the State to manage fish and wildlife, and . . . [a]t the same time . . . confir[m] the status quo with regard to the authority of the Secretary to manage the wildlife habitat on federal lands'' and noting ''the statutory requirement that the taking of fish and wildlife be allowed does not deprive the Secretary of his traditional authority to close public lands . . . to the taking of fish and wildlife under statutory criteria'').

As stated in a 1981 NPS rulemaking to begin implementing the just-passed ANILCA, the ''desire to continue sport fishing and hunting on all public lands in Alaska [was] a consistent and dominant theme of the public participation process during the development and final passage'' of ANILCA. 46 FR 5642. In 1983, NPS promulgated 36 CFR 2.2(b)(1), providing that ''[h]unting shall be allowed in park areas where such activity is specifically mandated by Federal statutory law.'' The NPS Management Policies provided the following guidance: ''In the administration of mandated uses, park managers must allow the use; however, they do have the authority to and must manage and regulate the use to ensure, to the extent possible, that impacts on park resources from that use are acceptable.'' Management Policies 2006, Sec. 1.4.3.1. As described in more detail below, analysis including more recent harvest data and the best available science does not demonstrate potential for unacceptable impacts to park resources from removing the prohibitions at issue in this rule.

In a 1982 Master Memorandum of Understanding, both the Alaska Department of Fish and Game (ADFG) and NPS agreed that ANILCA ''and subsequent implementing regulations recognize that the resources and uses of Service lands in Alaska are substantially different than those of similar lands in other states and mandate continued subsistence uses in designated National Parks plus sport hunting and fishing, subsistence, and trapping uses in National Preserves under applicable State and Federal laws and regulations[.]'' As outlined above, this includes NPS authority to, after consultation with ADFG, prohibit sport hunting, fishing, or trapping ''for reasons of public safety, administration, floral and faunal protection, or public use and enjoyment.'' 16 U.S.C. 3201. Although the 2015 rule predominantly stemmed from finding state authorizations that ''liberalize predator harvest in areas that included national preserves'' were in ''conflict with laws and policies applicable to NPS areas that require preserving natural wildlife populations[,]'' it also referenced a need to ''protect fauna and provide for public use and enjoyment consistent with ANILCA'' as well as ''public safety concerns associated with baiting.'' 80 FR 64326, 64329. Whether or to what extent these findings and reasons continue to apply was examined throughout the course of this rulemaking, and is explored in greater detail in the Responses to Comments.

In addition to reconsidering the 2015 Rule in light of the requirements in ANILCA, new population data and information, and Congressional action, the NPS completed an Environmental Assessment, which was revised after the public comment period on this rule (as revised, the EA) to analyze the impacts these hunting methods would have on national preserves in Alaska. Similar to its findings in 2015, the EA concludes that under this rule, for the foreseeable future, healthy populations of wildlife will continue to exist in a manner consistent with the range of natural variability. This conclusion is based upon the low levels of additional take that are anticipated to occur under this rule. The NPS's findings regarding low levels of additional take are based upon harvest data from 2012–2016 that were not available to the NPS when it promulgated the 2015 Rule. This new data was provided by the State, and is more fully discussed in the EA (see EA, section 3.2.2). The conclusions in the EA are also based on the NPS's authority to take action whenever necessary to protect NPS resources and values from unacceptable impacts, including implementing specific, local closures to hunting and trapping pursuant to ANILCA. 16 U.S.C. 3201.

As stated in the EA, allowing the State regulations to apply within national preserves is not anticipated to cause population-level effects, and any reductions in opportunities for take of predator species over the long-term, or increases in prey species, are expected to be minimal and localized. Under Article VIII, Section 4, of the Alaska Constitution, the State manages take of wildlife under a ''sustained yield principle'' which ''denotes conscious application insofar as practicable of principles of management intended to sustain the yield of the resource being managed'' and ''balance[s] maximum use of natural resources with their continued availability to future generations.'' *See* The Alaska Constitutional Convention, Proposed Constitution for the State of Alaska: A Report to the People of Alaska (1956). In accordance with this principle, which applies to both predator and prey populations, the State has assured the NPS that, in the event harvest were to increase beyond sustainable levels, the ADFG would close seasons by emergency order, if immediate action was necessary, and/or recommend more conservative seasons, bag limits, and/or methods to the Alaska Board of Game for future hunting seasons.

Application of the statutes and policies at issue is addressed in more detail in the Responses to Comments below, but generally, the NPS finds that the potential effect of the harvest practices does not threaten impairment of park resources under the Organic Act or the maintenance of healthy populations under ANILCA. Having reconsidered its prior position in light of specific mandates under ANILCA for Alaska preserves, revised guidance, new information, and the impacts permitting these hunting methods on national preserves in Alaska would have, the NPS has now determined that its 2015 characterization of the harvest methods as conflicting with NPS laws and policies was inconsistent with applicable law allowing hunting and trapping in national preserves. For these reasons, as explained in more detail below, the NPS promulgates this rule.

**Proposed Rule and Responses to Comments**

On May 22, 2018, the NPS published the proposed rule in the **Federal Register**. 83 FR 23621. This rule was open for an initial 60-day public comment. The NPS extended the comment period twice, first on July 19, 2018, 83 FR 34094, and again on September 6, 2018, 83 FR 45203, in response to requests from the public for more time to review the proposal. In total, the comment period was open for 168 days including both extensions. The comment period closed on November 6, 2018. The NPS invited comments through the mail, hand delivery, and through the Federal eRulemaking Portal at *http://www.regulations.gov.* The NPS received approximately 211,780 pieces of correspondence on the proposed rule

with a total of 489,101 signatures. Of the 211,780 pieces of correspondence, approximately 176,000 were form letters and approximately 35,000 were unique comments.

The NPS also held several government to government consultation meetings with the State of Alaska and Alaska Native tribes and corporations. Consultation meetings were requested by the State, 12 tribal entities, and two corporations; meetings were conducted in February, March, and October of 2018.

A summary of the pertinent issues raised in the comments received and NPS responses are provided below. After consultation, considering public comments, and revising the EA, the NPS did not make any changes in the final rule.

*1. Comment:* Several commenters stated that the proposed rule violates the mandate in the NPS Organic Act that the NPS regulate the use of the National Park System to conserve the scenery, natural and historic objects, and wildlife in such manner and by such means as will leave them unimpaired for the enjoyment of future generations. 54 U.S.C. 100101.

*NPS Response:* Through the Organic Act, Congress granted the NPS broad discretion over how to regulate activities within National Park System units. In national preserves in Alaska, however, Congress narrowed the scope of the NPS's discretion with respect to the harvest of wildlife, directing that national preserves shall be managed ''in the same manner as a national park . . . except that the taking of fish and wildlife for sport purposes and subsistence uses, and trapping shall be allowed in a national preserve under applicable State and Federal law and regulation[.]'' 16 U.S.C. 3201. No specific provision in the Organic Act as limited by ANILCA prohibits the harvest methods that are the subject of this rule, and the NPS has determined this rule will not result in unacceptable impacts or an impairment of park resources. *See* Non-Impairment Determination appended to the Finding of No Significant Impact for the EA. In light of new policy direction, revised guidance, newly available harvest data showing low levels of take, State law requiring the management of wildlife under the sustained yield principle, and a review of the impacts permitting these hunting methods on national preserves in Alaska would have, the NPS has determined that its 2015 determination that the harvest practices violated the Organic Act failed to take into account applicable statutory requirements under ANILCA.

The EA concludes that due to the low levels of additional take anticipated under this rule, and considering the NPS's closure authority under ANILCA, healthy populations of wildlife will continue to exist in a manner consistent with the range of natural variability for the foreseeable future. Finally, for reasons discussed in the response to Comment 5, the NPS has concluded State management provided by ANILCA modifies and does not violate applicable NPS Management Policies that explain how the NPS implements the Organic Act and other laws that apply to the National Park System. Accordingly, the NPS has reconsidered its position in the 2015 Rule and concluded that allowing the hunting practices at issue in this rule would not violate the Organic Act.

*2. Comment:* Several commenters stated that the proposed rule violates Sec. 101(b) of ANILCA, which states that Congress intends that the statute provide for the maintenance of sound populations of wildlife species.

*NPS Response:* ANILCA states that Congress intended the statute to provide for the maintenance of sound populations of, and habitat for, wildlife species. 16 U.S.C. 3101(b). Specific to national preserves, each was established to allow for continued hunting and trapping under State management and, among other reasons, ''to protect habitat for and populations of fish and wildlife.'' 16 U.S.C. 410hh, 410hh–1. Three units include references to natural processes and/or biological processes in describing how the unit is to be managed. 16 U.S.C. 410hh(1) (Aniakchak National Preserve: ''to study, interpret, and assure continuation of the natural process of biological succession''), 410hh(8) (Noatak National Preserve: ''To maintain the environmental integrity of the Noatak River and adjacent uplands within the preserve in such a manner as to assure the continuation of geological and biological processes unimpaired by adverse human activity''), 410hh(10) (Yukon-Charley Rivers National Preserve: ''To maintain the environmental integrity of the entire Charley River basin, including streams, lakes and other natural features, in its undeveloped natural condition for public benefit and scientific study''). Title VIII of ANILCA, pertaining to subsistence uses, refers multiple times to managing for ''conservation of healthy populations'' of wildlife in national preserves. ANILCA also requires the NPS to allow the taking of wildlife for sport purposes in national preserves under applicable State and Federal law and regulation. 16 U.S.C. 3201, 3202. Therefore some level of sport hunting is appropriate and compatible with the various provisions of the law.

ANILCA does not address specific harvest methods; rather, it defers to State fish and game management to establish methods and means and provides limited closure authority to the NPS for the protection of resources. It provides that agencies should manage wildlife using recognized principles of fish and wildlife management. 16 U.S.C. 3101(c), 3112(1). The State's legal framework for managing wildlife in Alaska is based on the principle of sustained yield, *see* Alaska Constitution Article VIII, Section 4, which is defined as ''achievement and maintenance in perpetuity of the ability to support a high level of human harvest of game, subject to preferences among beneficial uses, on an annual or periodic basis.'' AS 16.05.255. The State's constitutional mandate for sustained yield is consistent with NPS Management Policies, which state that the NPS ''manages [wildlife] harvest to allow for self-sustaining populations of harvested species.'' NPS Management Policies 2006, Sec. 4.4.3. The State asserts that it is legally obligated to implement this framework in a way that will maintain sustainable populations of wildlife. The State also maintains that the effects on wildlife populations from allowing these harvest methods in particular locations within national preserves will likely be negligible based on its analysis of similar harvest practices elsewhere in the state. This conclusion is consistent with the findings in the EA that population-level effects are not anticipated, and healthy populations of wildlife would continue to exist in a manner consistent with the range of natural variability. The State of Alaska assures the NPS that it is required to and will take immediate action if necessary to ensure sustainable population levels. This stated approach for managing wildlife is consistent with the direction in ANILCA to maintain sound populations of wildlife species.

The rule also does not diminish the limited closure authority of the NPS to designate areas and periods of time where sport hunting and trapping would not be allowed in national preserves for reasons of public safety, administration, floral and faunal protection, or public use and enjoyment. 16 U.S.C. 3201. ANILCA specifically granted this authority to the Secretary, and the NPS could implement specific, local closures if, when, and where necessary to prevent unacceptable impacts. For these reasons, this rule is consistent with the requirement in ANILCA to provide for the maintenance

of sound populations of wildlife species in national preserves.

*3. Comment:* Several commenters expressed confusion about the term ''sport hunting'' and stated that the proposed rule violates ANILCA because it authorizes methods of sport hunting that are not ''sporting.''

*NPS Response:* ANILCA states that ''the taking of fish and wildlife for sport purposes and subsistence uses, and trapping shall be allowed in a national preserve under applicable State and Federal law and regulation.'' 16 U.S.C. 3201. Although ANILCA defines ''subsistence uses'' under 16 U.S.C. 3113, it does not define ''sport purposes.'' ANILCA defines who may engage in subsistence hunting under Title VIII, but does not restrict or otherwise define who may engage in sport hunting in national preserves. ANILCA is also silent in regard to harvest methods that can, and cannot, be used for sport purposes. Lacking any indication in the statute that Congress intended the phrase ''sport purposes'' to have a specialized meaning, the NPS finds that the term was used by Congress merely to distinguish subsistence hunting from other types of hunting. Thus, it is the NPS's position that hunting for ''sport purposes'' is the harvest of wildlife in national preserves in Alaska that is authorized under applicable State and Federal law and that does not qualify as subsistence hunting under Title VIII. This represents a change from the 2015 rule in how the NPS has implemented ANILCA's authorization for sport hunting.

In ANILCA Sec. 1314, regarding the ''Taking of Fish and Wildlife,'' Congress expressly retained the status quo regarding the respective responsibilities and authorities of ''the State of Alaska for management of fish and wildlife on the public lands'' and ''the Secretary over the management of the public lands.'' 16 U.S.C. 3202. The legislative history explains that, ''for the National Park System components, this provision intends to make applicable in Alaskan Parks and Preserves the same Federal-State relations on fish and wildlife management that apply in lower 48 State national parks and preserves.'' 126 Cong. Rec. S15129, S15131 (Dec. 1, 1980).

With few exceptions, compendiums in National Park System units where Congress has mandated hunting, trapping, and fishing are consistent with State harvest regulations. In its comments on the proposed rule, the State noted that ''national park units with mandated hunting in other states also allow activities that the proposed NPS Alaska rule will allow.'' State of Alaska letter to NPS Regional Director re: RIN 1024–AE38, p. 13 (Nov. 2, 2018) (2018 State Comments). This included, at the time, 25 national park units with year-round coyote seasons, six of which allow the use of artificial light, seven units which allow hunting black bears with dogs, and four which allow the harvest of black bears over bait. Moreover, unlike national preserves in Alaska, some of the units which allow these practices have explicit statutory closure authority for wildlife management or faunal protection and management in their enabling legislation.

The position taken by the NPS in this final rule is supported by the State's comments on the proposed rule, which likewise determined that the methods that are the subject of this rule qualify as taking wildlife for ''sport purposes'' under ANILCA. It also furthers the direction in Secretary's Order 3356 and the September 10, 2018, Memorandum that hunting regulations for NPS lands and waters should complement the regulations on the surrounding lands and waters to the extent legally practicable.

*4. Comment:* Several commenters stated that allowing sport hunters to use the same harvest methods as subsistence users frustrates ANILCA's subsistence preference in Title VIII.

*NPS Response:* The NPS recognizes that this rule increases harvest opportunities for individuals hunting under State regulations in national preserves, which could increase competition with rural Alaska resident subsistence users in these locations. The NPS does not expect that the State's allowance of these harvest practices in national preserves will increase harvest levels to the degree that there are population-level impacts. This is supported by the NPS's analysis and conclusions in its ANILCA Section 810 Subsistence Evaluation and Finding appended to the EA. Qualified rural Alaska resident subsistence users will continue to have the opportunity to hunt in accordance with Federal subsistence regulations. Title VIII of ANILCA ensures rural Alaska residents have a priority for customary and traditional consumptive uses of fish and wildlife resources in national preserves in Alaska where conservation concerns require limitations on harvest. 16 U.S.C. 3114. This rule does not change the methods and means for Federal subsistence harvest in national preserves and does not change the priority for subsistence uses in ANILCA. The Federal Subsistence Board has the authority to address competition among user groups in a variety of ways in order to provide a priority for rural Alaska resident subsistence users where there is a conservation concern.

Further, rural Alaska resident subsistence users may harvest wildlife in national preserves under Federal subsistence regulations or State regulations, depending on the advantage. Some of the State authorizations that would no longer be prohibited under this rule were initially requested by rural Alaska resident subsistence users to allow cultural and traditional harvest and resource management practices to continue in their use area, which can include proposals to the State of Alaska Board of Game and/or the Federal Subsistence Board to either allow for or prevent certain harvest practices from being allowed in Alaska preserves.

For example, in addressing proposals to allow take of cubs and females with cubs in dens as ''an opportunity for local people to take meat and to practice these customary and traditional methods,'' the Alaska Board of Game clarified the limited allowance was ''an attempt to move towards this goal of recognizing some of the customary and traditional practices that go on out in the Bush. A way people get food . . . this is in no way part of any predator management program.'' *See* Transcript of Nov. 10, 2008 Public Meeting of the Alaska Board of Game, *quoted in* 2018 State Comments, Att. C, at p. 70. This perspective is supported by the proposals to the Board, which reasoned that the fact ''these practices were conducted for generations without any substantial, long-lasting or irreversible effects to predator populations is testimony to their ecological integrity, as well as substantiating assertions by Alaska's indigenous people that their traditional harvest activities were/are essentially a part of the evolved ecosystem(s).'' Proposal 55 from Orutsararmiut Native Council to the Alaska Board of Game (Nov. 2008).

Subsistence users can also participate directly in the Federal Subsistence Management Program through statewide Subsistence Regional Advisory Councils, and Subsistence Resource Commissions advising on specific NPS-administered areas. The Wrangell-St. Elias National Park Subsistence Resource Commission has requested the 2015 rule be rescinded multiple times. At its October 2018 meeting, the Western Interior Subsistence Regional Advisory Council voted unanimously to support the adoption of State regulations in Alaska preserves, as proposed in this rule. Some concerns for subsistence users tend to reflect the complexity of regulating harvest in

Alaska, which council members agreed would be simplified by ''having Federal, State, and Park Service regulations match each other as much as possible.'' Transcript of Oct. 10, 2018 Public Meeting of the Western Interior Federal Subsistence Regional Advisory Council at p. 86:10–12.

The Eastern Interior Subsistence Regional Advisory Council maintained a similar position in its comments on the proposed rule. The Council found the ''regulations proposed for removal interfere with long-standing cultural practices of rural residents on and off park lands. Wildlife does not recognize administrative boundaries, so the application of different rules on NPS and State lands in areas of mixed land administration creates confusion and intrusion into traditional practices, which interferes with wildlife conservation. In addition, these rules are inconsistent with the rules adopted by the Federal Subsistence Board, adding unnecessary confusion for rural residents.'' Eastern Interior Subsistence Regional Advisory Council letter to NPS Regional Director, p. 2 (Nov. 5, 2018). The Council also noted that the 2015 rule had been ''adopted despite the Council's strong objection to it based on potential negative effects on Federally qualified subsistence users[,]'' including their ''abilities to continue traditional practices with their families, while only allowing 'sport' uses on National Preserves.'' *Id.* The Council continued to observe that ''[m]any rural subsistence users hunt and trap under general State regulations and greatly benefit from those more liberal methods, seasons, and bag limits.'' Eastern Interior Subsistence Regional Advisory Council letter to NPS Regional Director, p. 2 (Nov. 20, 2014).

*5. Comment:* Several commenters stated that the proposed rule violates Sec. 4.4.3 of NPS Management Policies with regard to prohibiting predator control. Several commenters stated that the proposed rule violates Secs. 4.1, 4.4.1, 4.4.1.2, 4.4.2 of NPS Management Policies with regard to protecting natural ecosystems and processes.

*NPS Response:* NPS Management Policies explain how the NPS generally will implement the laws that apply to the National Park System, including the NPS Organic Act, and explain how the NPS will manage activities on lands and waters within the System. NPS Management Policies state that the legislative requirements of ANILCA, although not cited directly in the various policies, must be complied with in the interpretation and application of the management policies. NPS Management Policies 2006, Hierarchy of Authorities. NPS Management Policies can only be applied in a manner consistent with ANILCA's mandates, including the special status of the national preserves as park units where hunting and trapping are allowed under State and Federal law. As explained in the response to Comment 2, ANILCA provides for the management of sound populations, with the purposes for three units calling for maintenance of natural and/or biological processes, while at the same time mandating sport hunting.

While NPS Management Policies state that ''activities to reduce the numbers of native species for the purpose of increasing numbers of harvested species (*i.e.* predator control)'' are not allowed on lands managed by the NPS, NPS Management Policies 2006, Sec. 4.4.3, ANILCA provides that the ''taking of fish and wildlife for sport purposes and subsistence uses, and trapping shall be allowed in a national preserve under applicable State and Federal law and regulation[,]'' 16 U.S.C. 3201. It is the NPS' position that hunting for ''sport purposes'' is the harvest of wildlife in national preserves in Alaska that is authorized under applicable State and Federal law and that does not qualify as subsistence hunting under Title VIII, as outlined in the response to Comment 3. The NPS is also not allowing these hunting practices in national preserves in Alaska for the purpose of reducing predators, because the State has not provided for predator control activities in Alaska preserves. The State of Alaska's purpose in authorizing these practices is to expand hunting opportunities, rather than as part of a formal predator control or other program designed to reduce a population below sustainable levels. *See* 2018 State Comments, at p. 22.

In the 2015 Rule, the NPS concluded that the harvest methods prohibited by that rule were inconsistent with NPS Management Policies in Sec. 4.4.3 because the NPS believed that the State's allowance of those methods was motivated by the goal of increasing the number of prey species. The NPS recognizes that requests submitted to the State of Alaska for liberalized harvest methods in game management units (GMUs) that include land within national preserves may have been motivated by a desire to reduce predators in order to increase prey. The NPS also recognizes that individual board members may have voted based in part on a desire to reduce predators. Nonetheless, these are management considerations reserved to the State under ANILCA. The State has shown that ''general hunting and trapping regulations are developed under sustained yield concepts for both predator and prey populations where there is a harvestable surplus,'' and are distinct from actions which ''aim to reduce predator populations and improve prey populations.'' *Id.* The State has also explained that the harvest methods that are the subject of this rule ''simply reflect the existence of an abundant population of wildlife and a small segment of the public's desire to hunt them that fit within the sustained yield concept of scientific management Alaska follows.'' *Id.* at p. 18.

The NPS acknowledges that the State made similar assertions about the purpose of the harvest methods subject to this rule in its comments on the 2015 Rule and related environmental assessment (2014 EA), and that the NPS reached a different conclusion then. In reaching this conclusion, the NPS has carefully considered its statutory requirements and authorities, including that its policies must be applied consistent with ANILCA, all of the State's representations and explanations regarding its purposes for the harvest practices, as well as the fact that the NPS's own environmental analysis finds that allowing the harvest methods identified in this rule will still support healthy populations of wildlife within preserves. These findings are supported by 2012–2016 harvest data provided by the State to the NPS. The NPS is also now viewing the State's communications from the perspective inspired by Congressional disapproval and required by revised guidance and policy direction announced by the Secretary since the promulgation of the 2015 Rule. The NPS has determined that the State's representations and explanations regarding the authorizations at issue, as well as the legal and administrative requirements that support them, are more relevant to NPS action than the motivations of individual requesters or state game board members, especially in light of the recent reiteration of the State's position.

Finally, the EA concludes that the hunting practices at issue will not have a significant effect on predator and prey populations and therefore will not have the effect of predator reduction or predator control, regardless of any perception of the purpose of the hunting practices. Based upon the NPS's purpose in complying with its statutory responsibilities to allow for harvest opportunities under State and Federal law, the State's comments on the 2015 Rule, and the State's November 2018 letter asserting that such activities serve to provide hunter opportunity rather than to reduce predators or increase

prey, and on the lack of any significant effect of predator reduction in practice, the NPS concludes these hunting activities do not violate Sec. 4.4.3 of the NPS Management Policies in light of the specific statutory requirements related to national preserves.

Several provisions of NPS Management Policies require the NPS to protect natural ecosystems and processes, including the natural abundances, diversities, distributions, densities, age-class distributions, populations, habitats, genetics, and behaviors of wildlife. NPS Management Policies 2006, Secs. 4.1, 4.4.1, 4.4.1.2, 4.4.2. These policies can be read to be at odds with hunting and trapping, and so it is understandable that Congress established national preserves, new and distinct units of the National Park System where the differentiating characteristic is that harvest is allowed under State and Federal law. As mentioned above, while the NPS Management Policies call for maintaining natural populations, they must be read in the context of ANILCA's specific legal mandate to allow sport hunting in national preserves, which by its very nature is a human intrusion upon natural cycles, and ANILCA's call for preserves to be managed for sound populations of wildlife using limited closure authority. By specifically mandating that hunting be allowed, Congress intended to authorize management for something less than populations untouched by human influence, and this is how the NPS and the State have managed national preserves since ANILCA was enacted.

Section 1.4.3.1 of NPS Management Policies provides that, ''[i]n the administration of mandated uses, park managers must allow the use; however, they do have the authority to and must manage and regulate the use to ensure, to the extent possible, that impacts on park resources from that use are acceptable.'' ANILCA limits this authority to closures for specified purposes, including the protection of wildlife. The State maintains that any effects to the natural abundances, diversities, distributions, densities, age-class distributions, populations, habitats, genetics, and behaviors of wildlife from implementing its regulations are likely negligible. ADFG letter to NPS Regional Director re: RIN 1024–AE21 (Nov. 26, 2014) (2014 State Comments). While data are limited, the State reports that increased harvest opportunities provided by its regulations have not resulted in meaningful effects on predator or prey abundance. Based upon the analysis in the EA, the NPS believes additional take that could occur from the harvest methods identified in this rule, as currently allowed by the State, would not likely alter natural predator-prey dynamics at the population level or have a significant foreseeable adverse impact to wildlife populations (including natural variability in terms of the range of natural variability), or otherwise impair park resources. As noted above, the NPS retains the authority to designate areas and periods of time where sport hunting and trapping would not be allowed in national preserves for purposes of protecting wildlife. 16 U.S.C. 3201. For these reasons, the NPS does not believe these harvest practices violate NPS Management Policies Secs. 4.1, 4.4.1, 4.4.1.2, 4.4.2.

*6. Comment:* Several commenters stated that the proposed rule does not advance the purposes of Secretary's Orders 3347 and 3356 because it would only affect harvest opportunities on 6% of lands in the State of Alaska and would not have any effect on harvest under Federal subsistence regulations.

*NPS Response:* Section 1 of Secretary's Order 3347 identifies the purpose of the Order by stating that the Department of the Interior shall increase ''outdoor recreation opportunities, including hunting and fishing, for all Americans.'' Section 2 says that the Department will ''expand recreational and conservation opportunities for all Americans,'' including through the ''expansion and enhancement of hunting opportunities.'' Section 4.b.(4) of Secretary's Order 3356 directs the NPS to identify whether hunting opportunities on NPS lands could be expanded.

Allowing hunting and trapping opportunities under State law on national preserves is consistent with the direction in Secretary's Orders 3347 and 3356. The Orders do not establish a minimum acreage, percentage of the hunting population, or access threshold that would qualify as an expansion of hunting opportunities as that policy goal is articulated in the Orders. This rule would remove Federal restrictions on harvest methods that currently apply to hunters on more than 22,000,000 acres of NPS-administered land.

In addition to allowing for State hunting and trapping opportunities, this rule would comply with the direction in Secretary's Order 3356 to more closely align NPS management of wildlife with that of the State. Section 4.d. of Secretary's Order 3356 requires the NPS to work cooperatively with State wildlife agencies to ensure that hunting regulations for NPS lands and waters complement the regulations on the surrounding lands and waters to the extent legally practicable. As stated above, this rule more closely aligns with Federal law by aligning hunting opportunities in national preserves with hunting opportunities allowed by the State of Alaska on surrounding lands, ensuring State law applies inside the preserves.

*7. Comment:* Several commenters stated that bear baiting creates a public safety hazard. Commenters noted that bait stations are often placed near roads and trails without proper signage which further increases the public safety risk and the risk of bears being taken in defense of life or property.

*NPS Response:* The NPS acknowledges that negative human-bear interactions occur throughout the State. It is difficult to determine, however, which if any such interactions are attributable to bears obtaining food rewards specifically from bear baiting. That said, the NPS recognizes that some bears that are attracted to bait stations, but not harvested, could pose a threat to public safety. Further, such bears may be more prone to being taken in defense of life or property. The NPS also recognizes that bears occur throughout Alaska and that people engaging in outdoor activities on NPS lands may encounter them. Adverse human-bear interactions are rare, but the consequences of such interactions can be severe (serious injury or death).

Bear baiting in national preserves would occur in the midst of nearly 20 million acres of very sparsely populated and remote areas, with few visitor facilities or services on site, if any. Human-bear interactions from bear baiting are likely to be rare—except for hunters seeking bears—both due to the lack of observed bear conditioning to associate bait stations with humans and the relatively few people in such remote areas to interact with bears. The State registers thousands of black bear bait stations yearly, and has done so for many years, but to date, it and other states which allow this practice have not detected problems that can be directly attributed to bear baiting. *See* 2014 State Comments, Att., at p. 14. The State also noted that ''[e]stablishing, maintaining and cleaning up bear bait stations involves significant labor and materials and is typically conducted off of road or trail systems. All but one preserve in Alaska is many miles from the road system and hunters are not likely to use those areas for this use due to the extra cost and effort involved when easier to access locations are available.'' 2018 State Comments, Att. B, at p. 54.

Alaska Department of Fish and Game regulations for bear bait stations will serve to mitigate risk to public safety, as they include requirements for site registration, signage, site cleanup and removal, and minimum distances from maintained roads, trails, houses, businesses and developed recreational facilities. The NPS will work with the State to take actions to sustain and improve compliance with these risk-mitigation regulations and will attempt to address any site-specific issues related to bear baiting through the Alaska Board of Game, to the maximum extent allowed by Federal law. ANILCA continues to provide the ability to enact specific closures if necessary in the future.

The NPS recognizes that, even with safety measures in place, the practice of bear baiting could increase the frequency of adverse human-bear interactions for visitors to national preserves. The EA observes that, ''[b]y design, baiting of bears alters their behavior to increase their predictability and facilitate harvest.'' EA, Sec. 3.2.2. Herrero (2002:41–44) referred to bears that become used to people through regular contact as ''habituated'' bears, and noted that if such bears also obtain food rewards, such as garbage that they associate with people, they can become ''food conditioned.'' Habituated and food conditioned bears are more likely to become a nuisance and be taken in defense of life or property, and they pose an elevated public safety risk. Herrero (1970, 1976, 2002).

However, bear baiting differs in that bears do not necessarily associate baits with humans, and thus may not become food conditioned or habituated, as defined by Herrero (2002). Paquet (1991:2), *cited in* Hristienko and McDonald (2007) reported that bears exposed to bait in Manitoba did not become nuisance animals. Similarly, in its decades of experience, the State has found ''no evidence to support the claim that use of bait leads to food conditioned bears. Instead all information indicates just the opposite, which is that in areas where bear baiting is allowed there are fewer Defense of Life and Property (DLP) and agency kills.'' 2018 State Comments, Att. B, at pp. 52–53; *see also* 2014 State Comments, Att., at p. 10 (arguing against the claim that prohibiting bear baiting would reduce nuisance bears as ''contrary to the observations of subsistence users, state wildlife biologists, and state law enforcement officers that baiting can help to reduce nuisance bear problems'').

ANILCA and the Organic Act provide for a variety of public uses in national preserves, and some of the uses inherently detract from others, for example flightseeing and backcountry camping in designated wilderness. In these and many other cases, the NPS must exercise its discretion in managing competing authorized or mandated uses. Here, considering that habituation and safety issues related to bear baiting are expected to be rare, and the authority the NPS has to enact local closures if and where necessary, the NPS is removing Federal prohibitions on the harvest methods that are the subject of this rule. This will allow the State to determine whether bear baiting is allowed within national preserves consistent with ANILCA, and will also ensure State mitigations for human-bear interactions can be employed.

*8. Comment:* Several commenters stated that bear baiting is inconsistent with the NPS's efforts to educate visitors about the risks of feeding wildlife and the importance of securing food to prevent adverse human-bear interactions.

*NPS Response:* Consistent with NPS regulations that prohibit feeding wildlife, the NPS advises park visitors not to feed wildlife and to keep food and other attractants secure in order to avoid attracting bears. ANILCA allows sport hunting under State law, however, and State regulations allow individuals to take bears over bait in specific areas, some of which may be located within national preserves. If there is a tension between allowing bear baiting and prohibiting visitors from feeding bears, this is to be resolved in management considerations. The NPS's approach on this issue is informed by the Congressional mandate to allow sport hunting under State law. As stated above, the State has adopted regulations for bait stations to help prevent adverse human-bear interactions. Additionally, as noted in the EA, bear baiting differs from the act of feeding bears, in that bears do not necessarily associate baits with humans, Hristienko and McDonald (2007), and thus may not become food conditioned or habituated, Herrero (2002). Visitor feeding of bears, both in Alaska and elsewhere (such as Yellowstone National Park), has resulted in bears associating humans with food.

*9. Comment:* Several commenters stated that bear baiting violates the Wilderness Act by degrading the untrammeled and undeveloped qualities of wilderness character.

*NPS Response:* State management practices, including bear baiting, are allowed by ANILCA in the national preserves, including within designated wilderness. As discussed in the EA, implementation of this rule would have a minimal adverse impact on the untrammeled quality of wilderness in small and scattered locations by intentionally altering wildlife behavior. In addition, the presence of bear bait stations and associated debris would temporarily, in such small and scattered locations, degrade the undeveloped quality of wilderness. Overall, due to the low level of additional take expected under the proposed action, and the large areas of designated wilderness in national parks and preserves in Alaska, wilderness character would continue to exist in a manner similar to current conditions in accordance with statutory requirements in ANILCA and the Wilderness Act.

Furthermore, ANILCA provides that designated wilderness is to be administered in accordance with the Wilderness Act except as otherwise expressly provided for by ANILCA. ANILCA includes several special provisions for wilderness areas in Alaska. These special provisions are referred to as ''non-conforming'' uses. Relevant to sport hunting, ANILCA requires the NPS to permit, subject to reasonable regulation to ensure compatibility, the establishment and use of temporary facilities and equipment directly and necessarily related to the taking of wildlife. 16 U.S.C. 3204(a). The establishment and use of bait stations in wilderness areas for the purpose of taking bears under State laws and regulations qualifies as an allowed, non-conforming use under this provision. The State requirements pertaining to clean-up and prompt removal of bait stations are consistent with protection of the areas while allowing for the Congressionally-mandated activity of sport hunting under applicable State and Federal law and regulation within national preserves.

For these reasons, although bear baiting has minimal adverse impacts to wilderness character in small and scattered locations, this rule would not impair wilderness character and would ensure compliance with both ANILCA and the Wilderness Act.

*10. Comment:* Some commenters stated available data are inadequate to evaluate the impact of liberalized hunting regulations on predators or prey. Some stated the proposed rule disregards scientific recommendations and conclusions made to and by the NPS through the public consultation process for the 2015 rule.

*NPS Response:* The NPS recognizes that data necessary to evaluate potential impacts of hunting on predators and their prey are difficult and costly to

obtain. Neither the NPS nor the State of Alaska consistently collect population-level abundance or demographic data for black bears, brown bears, or wolves in GMUs that overlap with national preserves. Rather, the NPS typically evaluates historical harvest data, often in the context of evaluating proposals submitted to the Alaska Board of Game, to determine if significant impacts on predator populations are likely. Similarly, in preparing the EA, the NPS analyzed harvest data provided by the State for black bears, brown bears, and wolves in GMUs overlapping national preserves. National preserves composed less than 11% of the land area of those GMUs, so hunting regulations in each GMU were largely unconstrained by the 2015 Rule or prior restrictions imposed by the NPS. Based in part on harvest data from 2012–2016 and consideration of potential additional harvest under current State regulations allowed by this rule, the NPS determined that, in general, meaningful population-level impacts on black bears, brown bears, or wolves are unlikely. The NPS will continue to work with the State to obtain and analyze harvest and population data, with particular attention to the most easily accessible areas. The NPS retains the authority under ANILCA to designate areas and periods of time where sport hunting and trapping would not be allowed in national preserves for purposes of protecting wildlife.

In making its determinations, the NPS did not disregard scientific recommendations or conclusions arising from the public consultation process for the 2015 Rule. The 2015 Rule was based upon ''the NPS legal and policy framework[.]'' 80 FR 64328 (Frequently Asked Questions section). The NPS evaluated predator harvest and its influence on predator-prey systems in the context of population-level (*i.e.,* GMU-scale) impacts rather than localized impacts. *See* EA, Sec. 3.2.2. Further, the overall conclusion in the Finding of No Significant Impact (FONSI) for the EA supporting the current rule—a determination that the proposed action will not result in significant adverse impacts—is consistent with NPS statements made in the Finding of No Significant Impact for the 2015 Rule, which noted how neither of its alternatives was ''likely to have a significant effect on park resources.''

The NPS reached its conclusions in the EA and FONSI that support the current rule by evaluating the management implications of available scientific literature and other data, some of which is new information not used or available during the public consultation process for the 2015 rule. With regard to effects on wildlife, the 2014 EA stated, ''[l]ocalized effects on individual animals, family groups, and packs may be substantial (*e.g.,* direct mortality, increased mortality risk due to loss of family or group members, and food conditioning).'' The EA supporting the current rule reaches a similar conclusion relative to mortality risks; however, the effects were not found to be ''substantial.'' As documented in the EA, the NPS considered harvest data from 2012–2016 and determined that there is likely to be only a low level of additional take of predators from preserves under the proposed action.

With regard to impacts related to bear baiting, data not included in the 2015 Rule and EA, cited in Hristienko and McDonald (2007), suggest that, when managed correctly, there is no evidence to suggest that black bears exposed to baits are destined to become problem bears. *See* EA, Sec. 3.2.2. The EA supporting the current rule clarifies that food conditioned bears are those that become habituated to humans first, then learn to associate food with humans and thereby become a potential nuisance and public safety risk. Herrero (2002). Therefore, baiting that is conducted in a manner consistent with required mitigations (*e.g.,* signage, setback, cleanup) is unlikely to result in food conditioning.

The NPS acknowledges that several sources included in the 2014 EA are not used in the EA supporting the current rule. During its review of Boertje et al. (2012) for the current rule, the NPS determined the study does not apply as used in the 2014 EA because that study included impacts of targeted wolf control actions on the nutritional status and distribution of caribou. Such actions contrast with the practices that would be allowed under this rule, which are intended to expand hunting opportunities in preserves rather than to reduce predator populations.

Commenters also pointed out that the following sources included in the 2014 EA are not included in the current EA: Barber-Meyer et al. (2008), Beschta and Ripple (2010), Evans et al. (2006), Ripple et al. (2014), and Ruth et al. (2004). These sources were cited once in the 2014 EA to support the conclusion that, when striving to maintain natural processes, some consideration of the effects of designed management perturbations on an entire suite of species, their interactions, trophic cascades, and system stability is necessary. The NPS acknowledges and has considered these concepts, but based on the entirety of the information reviewed during the EA process, the NPS has determined that population-level effects that would alter the natural processes listed are unlikely. The NPS will continue to work with the State to monitor harvest and, where practicable, status of predator and prey populations, and retains the authority under ANILCA to designate areas and periods of time where sport hunting and trapping would not be allowed.

**Final Rule**

The NPS is removing paragraphs (f) and (g) of 36 CFR 13.42. Paragraph (f) states that State of Alaska management actions or laws or regulations that authorize taking of wildlife are not adopted in park areas if they are related to predator reduction efforts, which are defined as efforts with the intent or potential to alter or manipulate natural predator-prey dynamics and associated natural ecological processes, in order to increase harvest of ungulates by humans. Removing this provision will expand harvest opportunities, complement regulations on lands and waters within and surrounding national preserves, and defer to the State in regard to fish and wildlife management, which is consistent with the NPS Organic Act, ANILCA, and 43 CFR part 24. This provision has not been utilized by the NPS since it was promulgated in 2015 and the NPS believes that removing it will help provide regulatory certainty to park users about what hunting practices are or are not allowed in national preserves.

Paragraph (g) sets forth a table of prohibited methods of taking wildlife for sport purposes in national preserves in Alaska. Most of these prohibited methods are also prohibited by the State of Alaska. Some of them, however, conflict with authorizations by the State of Alaska as explained above.

The NPS believes that removing paragraphs (f) and (g) is consistent with Congressional direction for the management of Alaska preserves and will better implement the policy direction announced in Secretary's Orders 3347 and 3356 by increasing hunting opportunities in national preserves and promoting consistency between Federal regulations and State wildlife harvest regulations. In addition, this rule removes the definitions of ''Big game'', ''Cub bear'', ''Fur animal'', and ''Furbearer'' from § 13.1 because those terms are only used in paragraphs (f) and (g).

**Compliance With Other Laws, Executive Orders and Department Policy**

**Regulatory Planning and Review (Executive Orders 12866 and 13563)**

Executive Order 12866 provides that the Office of Information and Regulatory Affairs in the Office of Management and Budget will review all significant rules. The Office of Information and Regulatory Affairs has determined that this rule is significant because it will raise novel legal or policy issues.

Executive Order 13563 reaffirms the principles of Executive Order 12866 while calling for improvements in the Nation's regulatory system to promote predictability, to reduce uncertainty, and to use the best, most innovative, and least burdensome tools for achieving regulatory ends. The Executive order directs agencies to consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public where these approaches are relevant, feasible, and consistent with regulatory objectives. Executive Order 13563 emphasizes further that regulations must be based on the best available science and that the rulemaking process must allow for public participation and an open exchange of ideas. The NPS has developed this rule in a manner consistent with these requirements.

**Reducing Regulation and Controlling Regulatory Costs (Executive Order 13771)**

Enabling regulations are considered deregulatory under guidance implementing E.O. 13771 (M–17–21). This rule would remove prohibitions on certain methods of taking wildlife for sport purposes in national preserves in Alaska, thereby enabling those activities where they are allowed by State law.

**Regulatory Flexibility Act**

This rule will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This certification is based on the cost-benefit and regulatory flexibility analyses found in the report entitled ''Cost-Benefit and Regulatory Flexibility Analyses: Proposed Revisions to Sport Hunting and Trapping Regulations in National Preserves in Alaska'' which can be viewed online at *http://parkplanning.nps.gov/akro.*

**Small Business Regulatory Enforcement Fairness Act**

This rule is not a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. This rule:

(a) Does not have an annual effect on the economy of $100 million or more.

(b) Will not cause a major increase in costs or prices for consumers, individual industries, Federal, state, or local government agencies, or geographic regions.

(c) Does not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises.

**Unfunded Mandates Reform Act (2 U.S.C. 1531** et seq.**)**

This rule does not impose an unfunded mandate on state, local, or tribal governments or the private sector of more than $100 million per year. This rule does not have a significant or unique effect on state, local or tribal governments or the private sector. It addresses public use of national park lands, and imposes no requirements on other agencies or governments. A statement containing the information required by the Unfunded Mandates Reform Act is not required.

**Takings (Executive Order 12630)**

This rule does not effect a taking of private property or otherwise have takings implications under Executive Order 12630. A takings implication assessment is not required.

**Federalism (Executive Order 13132)**

Under the criteria in section 1 of Executive Order 13132, this rule does not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement. This rule only affects use of federally administered lands and waters, and seeks to align Federal and state regulations on lands and waters within and surrounding the preserves. A federalism summary impact statement is not required.

**Civil Justice Reform (Executive Order 12988)**

This rule complies with the requirements of Executive Order 12988. This rule:

(a) Meets the criteria of section 3(a) requiring that all regulations be reviewed to eliminate errors and ambiguity and be written to minimize litigation; and

(b) Meets the criteria of section 3(b)(2) requiring that all regulations be written in clear language and contain clear legal standards.

**Consultation With Indian Tribes (Executive Order 13175 and Department Policy)**

The Department of the Interior strives to strengthen its government-to government relationship with Indian Tribes through a commitment to consultation with Indian Tribes and recognition of their right to self-governance and tribal sovereignty. We have evaluated this rule under the criteria in Executive Order 13175 and under the Department's tribal consultation and Alaska Native Claims Settlement Act (ANCSA) Native Corporation policies and have determined that this rule may have substantial direct effect on federally recognized Indian tribes. The NPS invited Alaska Native tribes and corporations to consult on the proposed rule and has consulted with those tribes and corporations that have requested consultation.

**Paperwork Reduction Act**

This rule does not contain information collection requirements, and a submission to the Office of Management and Budget under the Paperwork Reduction Act is not required. The NPS may not conduct or sponsor and you are not required to respond to a collection of information unless it displays a currently valid OMB control number.

**National Environmental Policy Act**

This rule does not constitute a major Federal action significantly affecting the quality of the human environment. The NPS prepared the EA and determined that a detailed statement under the National Environmental Policy Act of 1969 (NEPA) is not required because the NPS reached the FONSI. The EA and FONSI are available online at *http://parkplanning.nps.gov/akro.*

**Effects on the Energy Supply (Executive Order 13211)**

This rule is not a significant energy action under the definition in Executive Order 13211. A Statement of Energy Effects in not required.

**List of Subjects in 36 CFR Part 13**

Alaska, National parks, Reporting and recordkeeping requirements.

In consideration of the foregoing, the National Park Service amends 36 CFR part 13 as set forth below:

## PART 13—NATIONAL PARK SYSTEM UNITS IN ALASKA

■ 1. The authority citation for part 13 continues to read as follows:

**Authority:** 16 U.S.C. 3124; 54 U.S.C. 100101, 100751, 320102; Sec. 13.1204 also issued under Sec. 1035, Pub. L. 104–333, 110 Stat. 4240.

**§ 13.1 [Amended]**

■ 2. In § 13.1 remove the definitions of ''Big game'', ''Cub bear'', ''Fur animal'', and ''Furbearer''.

**§ 13.42 [Amended]**

■ 3. In § 13.42, remove and reserve paragraphs (f) and (g).

**George Wallace,**

*Assistant Secretary for Fish and Wildlife and Parks.*

[FR Doc. 2020–10877 Filed 6–8–20; 8:45 am]

**BILLING CODE 4310–EJ–P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Parts 9 and 721

**[EPA–HQ–OPPT–2019–0442; FRL–10008–71]**

**RIN 2070–AB27**

## Significant New Use Rules on Certain Chemical Substances (19–4.B)

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule.

**SUMMARY:** EPA is issuing significant new use rules (SNURs) under the Toxic Substances Control Act (TSCA) for chemical substances which are the subject of premanufacture notices (PMNs). This action requires persons to notify EPA at least 90 days before commencing manufacture (defined by statute to include import) or processing of any of these chemical substances for an activity that is designated as a significant new use by this rule. The required notification initiates EPA's evaluation of the chemical under the conditions of use within the applicable review period. Persons may not commence manufacture or processing for the significant new use until EPA has conducted a review of the notice, made an appropriate determination on the notice, and has taken such actions as are required as a result of that determination.

**DATES:** This rule is effective on August 10, 2020. For purposes of judicial review, this rule shall be promulgated at 1 p.m. (e.s.t.) on June 23, 2020.

**FOR FURTHER INFORMATION CONTACT:** *For technical information contact:* Kenneth Moss, Chemical Control Division (7405M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: (202) 564–9232; 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 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 one or more subject chemical substances (NAICS codes 325 and 324110), *e.g.,* chemical manufacturing and petroleum refineries.

This action may also 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 provisions promulgated at 19 CFR 12.118 through 12.127 and 19 CFR 127.28. Chemical importers must certify that the shipment of the chemical substance complies with all applicable rules and Orders under TSCA. Importers of chemicals subject to these SNURs must certify their compliance with the SNUR requirements. The EPA policy in support of import certification appears at 40 CFR part 707, subpart B. In addition, any persons who export or intend to export a chemical substance that is the subject of this rule are subject to the export notification provisions of TSCA section 12(b) (15 U.S.C. 2611(b)) (see 40 CFR 721.20), and must comply with the export notification requirements in 40 CFR part 707, subpart D.

### II. Background

*A. What action is the Agency taking?*

EPA is finalizing a SNUR under TSCA section 5(a)(2) for chemical substances which were the subject of PMNs P–16–92, P–17–346, P–17–347/348/349/350/351/352, P–17–395, P–18–35, P–18–103, P–18–155/156, P–18–286, P–18–392, P–19–29, and P–19–62. These SNURs require persons who intend to manufacture or process any of these chemical substances for an activity that is designated as a significant new use to notify EPA at least 90 days before commencing that activity.

Previously, in the **Federal Register** of August 14, 2019 (84 FR 40371) (FRL–9997–73), EPA proposed a SNUR for these chemical substances in 40 CFR part 721, subpart E. More information on the specific chemical substances subject to this final rule can be found in the **Federal Register** documents proposing the SNUR. The record for the SNUR was established in the docket under docket ID number EPA–HQ–OPPT–2019–0442. That docket includes information considered by the Agency in developing the proposed and final rules, public comments submitted for the rule, and EPA's responses to public comments received on the proposed rule.

*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, including the four bulleted TSCA section 5(a)(2) factors listed in Unit III. As described in Unit V., the general SNUR provisions are found at 40 CFR part 721, subpart A.

*C. Applicability of General Provisions*

General provisions for SNURs appear in 40 CFR part 721, subpart A. These provisions describe persons subject to the rule, recordkeeping requirements, exemptions to reporting requirements, and applicability of the rule to uses occurring before the effective date of the rule. Provisions relating to user fees appear at 40 CFR part 700. According to 40 CFR 721.1(c), persons subject to these SNURs must comply with the same significant new use notice (SNUN) requirements and EPA regulatory procedures as submitters of PMNs under TSCA section 5(a)(1)(A). In particular, these requirements include the information submission requirements of TSCA section 5(b) and 5(d)(1), the exemptions authorized by TSCA section 5(h)(1), (h)(2), (h)(3), and (h)(5), and the regulations at 40 CFR part 720. Once EPA receives a SNUN, EPA must either determine that the significant new use under the conditions of use is not likely to present an unreasonable risk of injury or take such regulatory action as is associated with an alternative determination before the manufacture or processing for the significant new use can commence. If EPA determines that

the significant new use is not likely to present an unreasonable risk, EPA is required under TSCA section 5(g) to make public, and submit for publication in the **Federal Register**, a statement of EPA's findings.

**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 addition to these factors enumerated in TSCA section 5(a)(2), the statute authorizes EPA to consider any other relevant factors. In determining what would constitute a significant new use for the chemical substances that are the subject of these SNURs, EPA considered relevant information about the toxicity of the chemical substances, and potential human exposures and environmental releases that may be associated with the conditions of use of the substances, in the context of the four bulleted TSCA section 5(a)(2) factors listed in this unit. During its review of these chemicals, EPA identified certain conditions of use that are not intended by the submitters, but reasonably foreseen to occur. EPA is proposing to designate those reasonably foreseen conditions of use as significant new uses.

**IV. Public Comments on Proposed Rule and EPA Responses**

EPA received public comments from three identifying entities on the proposed rule. The Agency's responses are described in a separate Response to Public Comments document contained in the public docket for this rule, EPA–HQ–OPPT–2019–0442.

**V. Substances Subject to This Rule**

EPA is establishing significant new use and recordkeeping requirements for chemical substances in 40 CFR part 721, subpart E. In Unit IV of the August 14, 2019 proposed rule, EPA provided the following information for each chemical substance:

- PMN number.
- Chemical name (generic name, if the specific name is claimed as confidential business information (CBI)).
- Chemical Abstracts Service (CAS) Registry number (if assigned for non-confidential chemical identities).
- Basis for the SNUR.
- Potentially Useful Information. This is information identified by EPA that would help characterize the potential health and/or environmental effects of the chemical substance 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 these rules.

The regulatory text section of these rules specifies the activities designated as significant new uses. Certain new uses, including production volume limits and other uses designated in the rules, may be claimed as CBI.

The chemical substances that are the subject of these SNURs completed premanufacture review. In addition to those conditions of use intended by the submitter, EPA has identified certain other reasonably foreseen conditions of use. EPA has preliminarily determined that the chemicals under their intended conditions of use are not likely to present an unreasonable risk. However, EPA has not assessed risks associated with the reasonably foreseen conditions of use for these chemicals. As such, EPA is designating these reasonably foreseen conditions of use and/or other potential circumstances of use as significant new uses. As a result, before any of those uses may occur, they must first go through a separate, subsequent EPA review and determination process associated with a SNUN.

**VI. Rationale and Objectives of the Rule**

*A. Rationale*

During review of the PMNs submitted for the chemical substances that are the subject of these SNURs and as further discussed in Unit IV. of the August 14, 2019 proposed rule, EPA identified certain reasonably foreseen conditions of use and/or other circumstances different from the intended conditions of use identified in the PMNs and determined that those changes could result in changes in the type or form of exposure to the chemical substances and/or increased exposures to the chemical substances and/or changes in the reasonably anticipated manner and methods of manufacturing, processing, distribution in commerce, and disposal of the chemical substances.

*B. Objectives*

EPA is issuing these SNURs because the Agency wants:

- To receive notice of any person's intent to manufacture or process a listed chemical substance for the described significant new use before that activity begins.
- To have an opportunity to review and evaluate data submitted in a SNUN before the notice submitter begins manufacturing or processing a listed chemical substance for the described significant new use.
- To be obligated to make a determination under TSCA section 5(a)(3) regarding the use described in the SNUN, under the conditions of use. The Agency will either determine under section 5(a)(3)(C) that the significant new use is not likely to present an unreasonable risk, including an unreasonable risk to a potentially exposed or susceptible subpopulation identified as relevant by the Administrator under the conditions of use, or make a determination under section 5(a)(3)(A) or (B) and take the required regulatory action associated with the determination, before manufacture or processing for the significant new use of the chemical substance can occur.

Issuance of a SNUR for a chemical substance does not signify that the chemical substance is listed on the TSCA Chemical Substance Inventory (TSCA Inventory). Guidance on how to determine if a chemical substance is on the TSCA Inventory is available on the internet at *http://www.epa.gov/opptintr/existingchemicals/pubs/tscainventory/index.html.*

**VII. Applicability of the Significant New Use Designation**

To establish a significant new use, EPA must determine that the use is not ongoing. The chemical substances subject to this rule have undergone premanufacture review. In cases where EPA has not received a notice of commencement (NOC) and the chemical substance has not been added to the TSCA Inventory, no person may commence such activities without first submitting a PMN. Therefore, for chemical substances for which an NOC has not been submitted EPA concludes that the designated significant new uses are not ongoing.

EPA designated August 14, 2019 (the date of web posting of the proposed rule) as the cutoff date for determining whether the new use is ongoing. The objective of EPA's approach has been to ensure that a person could not defeat a SNUR by initiating a significant new use before the effective date of the final rule.

In the unlikely event that a person began commercial manufacture or processing of the chemical substances for a significant new use identified as of August 14, 2019, that person will have to cease any such activity upon the effective date of the final rule. To resume their activities, that person would have to first comply with all applicable SNUR notification requirements and wait until EPA has conducted a review of the notice, made an appropriate determination on the notice, and has taken such actions as are required with that determination.

## VIII. Development and Submission of Information

EPA recognizes that TSCA section 5 does not require development of 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 to or reasonably ascertainable by them (see 40 CFR 720.50). However, upon review of PMNs and SNUNs, the Agency has the authority to require appropriate testing. Unit IV. of the August 14, 2019 proposed rule lists potentially useful information for all SNURs listed here. Descriptions are provided for informational purposes. The potentially useful information identified in Unit IV. of the proposed rule 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.

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 in vertebrate animals, EPA encourages consultation 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 described in Unit IV. of the proposed rule may not be the only means of providing information to evaluate the chemical substance associated with the significant new uses. However, submitting a SNUN without any test data may increase the likelihood that EPA will take action under TSCA section 5(e) or 5(f). EPA recommends that potential SNUN submitters contact EPA early enough so that they will be able to conduct the appropriate tests.

SNUN submitters should provide detailed information on the following:

- Human exposure and environmental release that may result from the significant new use of the chemical substances.
- Information on risks posed by the chemical substances compared to risks posed by potential substitutes.

## IX. Procedural Determinations

By this rule, EPA is establishing certain significant new uses which have been claimed as CBI subject to Agency confidentiality regulations at 40 CFR part 2 and 40 CFR part 720, subpart E. Absent a final determination or other disposition of the confidentiality claim under 40 CFR part 2 procedures, EPA is required to keep this information confidential. EPA promulgated a procedure to deal with the situation where a specific significant new use is CBI, at 40 CFR 721.1725(b)(1).

Under these procedures a manufacturer or processor may request EPA to determine whether a proposed use would be a significant new use under the rule. The manufacturer or processor must show that it has a *bona fide* intent to manufacture or process the chemical substance and must identify the specific use for which it intends to manufacture or process the chemical substance. If EPA concludes that the person has shown a *bona fide* intent to manufacture or process the chemical substance, EPA will tell the person whether the use identified in the *bona fide* submission would be a significant new use under the rule. Since most of the chemical identities of the chemical substances subject to these SNURs are also CBI, manufacturers and processors can combine the *bona fide* submission under the procedure in 40 CFR 721.1725(b)(1) with that under 40 CFR 721.11 into a single step.

If EPA determines that the use identified in the *bona fide* submission would not be a significant new use, *i.e.,* the use does not meet the criteria specified in the rule for a significant new use, that person can manufacture or process the chemical substance so long as the significant new use trigger is not met. In the case of a production volume trigger, this means that the aggregate annual production volume does not exceed that identified in the *bona fide* submission to EPA. Because of confidentiality concerns, EPA does not typically disclose the actual production volume that constitutes the use trigger. Thus, if the person later intends to exceed that volume, a new *bona fide* submission would be necessary to determine whether that higher volume would be a significant new use.

## X. 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 720.40 and 721.25. E–PMN software is available electronically at *http://www.epa.gov/opptintr/newchems.*

## XI. Economic Analysis

EPA has evaluated the potential costs of establishing SNUN requirements for potential manufacturers and processors of the chemical substances subject to this rule. EPA's complete economic analysis is available in the docket under docket ID number EPA–HQ–OPPT–2019–0442.

## XII. 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 action establishes SNURs for several new chemical substances that were the subject of PMNs. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011).

### *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 the

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 action. 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 activities in this action have already been approved by OMB pursuant to the 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 using 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 SNUR will 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 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 action. As such, EPA has determined that this action does 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 will 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 (64 FR 43255, August 10, 1999).

*F. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments*

This action does not have Tribal implications because it is not expected to have substantial direct effects on Indian Tribes. This action does not significantly nor uniquely affect the communities of Indian Tribal governments, nor does it involve or impose any requirements that affect Indian Tribes. Accordingly, the requirements of Executive Order 13175 (65 FR 67249, November 9, 2000), do not apply to this action.

*G. Executive Order 13045: Protection of Children From Environmental Health Risks 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 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 action 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)*

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).

**XIII. Congressional Review Act (CRA)**

Pursuant to the CRA (5 U.S.C. 801 *et seq.*), EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

**List of Subjects**

*40 CFR Part 9*

Environmental protection, Reporting and recordkeeping requirements.

*40 CFR Part 721*

Environmental protection, Chemicals, Hazardous substances, Reporting and recordkeeping requirements.

Dated: May 13, 2020.

**Tala Henry,**

*Deputy Director, Office of Pollution Prevention and Toxics.*

Therefore, 40 CFR parts 9 and 721 are amended as follows:

## PART 9—[AMENDED]

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

**Authority:** 7 U.S.C. 135 *et seq.,* 136–136y; 15 U.S.C. 2001, 2003, 2005, 2006, 2601–2671; 21 U.S.C. 331j, 346a, 31 U.S.C. 9701; 33 U.S.C. 1251 *et seq.,* 1311, 1313d, 1314, 1318, 1321, 1326, 1330, 1342, 1344, 1345 (d) and (e), 1361; E.O. 11735, 38 FR 21243, 3 CFR, 1971–1975 Comp. p. 973; 42 U.S.C. 241, 242b, 243, 246, 300f, 300g, 300g–1, 300g–2, 300g–3, 300g–4, 300g–5, 300g–6, 300j–1, 300j–2, 300j–3, 300j–4, 300j–9, 1857 *et seq.,* 6901–6992k, 7401–7671q, 7542, 9601–9657, 11023, 11048.

■ 2. In § 9.1, add §§ 721.11330 through 721.11345 in numerical order under the undesignated center heading ''Significant New Uses of Chemical Substances'' to read as follows:

**§ 9.1 OMB approvals under the Paperwork Reduction Act.**

* * * * *

| 40 CFR citation | OMB control No. |
|---|---|
| * * * * * | |
| **Significant New Uses of Chemical Substances** | |
| * * * * * | |
| 721.11330 | 2070–0012 |
| 721.11331 | 2070–0012 |
| 721.11332 | 2070–0012 |
| 721.11333 | 2070–0012 |
| 721.11334 | 2070–0012 |
| 721.11335 | 2070–0012 |
| 721.11336 | 2070–0012 |
| 721.11337 | 2070–0012 |
| 721.11338 | 2070–0012 |
| 721.11339 | 2070–0012 |
| 721.11340 | 2070–0012 |
| 721.11341 | 2070–0012 |
| 721.11342 | 2070–0012 |
| 721.11343 | 2070–0012 |
| 721.11344 | 2070–0012 |
| 721.11345 | 2070–0012 |
| * * * * * | |

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## PART 721—[AMENDED]

■ 3. The authority citation for part 721 continues to read as follows:

**Authority:** 15 U.S.C. 2604, 2607, and 2625(c).

■ 4. Add §§ 721.11330 through 721.11345 to subpart E to read as follows:

## Subpart E—Significant New Uses for Specific Chemical Substances

Sec.

721.11330 Polymer of polyethylene polyamine and alkanediol diglycidyl ether (generic).
721.11331 Triarylalkyl phosphonium halide salt (generic).
721.11332 Oxirane, 2-methyl-, polymer with oxirane, mono(2-butyloctyl) ether.
721.11333 Oxirane, 2-methyl-, polymer with oxirane, mono(2-hexyldecyl) ether.
721.11334 Oxirane, 2-methyl-, polymer with oxirane, mono(2-octyldodecyl) ether.
721.11335 Oxirane, 2-methyl-, polymer with oxirane, mono(2-decyltetradecyl) ether.
721.11336 Oxirane, 2-methyl-, polymer with oxirane, mono(2-dodecylhexadecyl) ether.
721.11337 Oxirane, 2-methyl-, polymer with oxirane, mono(2-tetradecyloctadecyl) ether.
721.11338 Alkyl tri dithiocarbamate tri salt (generic).
721.11339 Methacrylic acid heterocyclic alkyl ester (generic).
721.11340 Alkylnitrile imidazole (generic).
721.11341 Crosslinked polymer of alkyl acrylamides, acrylate esters, and alkyl acrylamide sulfonate salt (generic).
721.11342 Propane, 1,1,1,3,3,3-hexafluoro-2-methoxy-.
721.11343 Heteromonocycle, alkenyl alkyl (generic).
721.11344 Phosphonium, tributylethyl-, diethyl phosphate (1:1).
721.11345 Hydrochlorofluoroolefin (generic).

* * * * *

**§ 721.11330 Polymer of polyethylene polyamine and alkanediol diglycidyl ether (generic).**

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as polymer of polyethylene polyamine and alkanediol diglycidyl ether (PMN P–16–92) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(j).

(ii) [Reserved]

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (c) and (i) are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

(3) *Determining whether a specific use is subject to this section.* The provisions of § 721.1725(b)(1) apply to paragraph (a)(2)(i) of this section.

**§ 721.11331 Triarylalkyl phosphonium halide salt (generic).**

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as triarylalkyl phosphonium halide salt (PMN P–17–346) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(j).

(ii) *Release to water.* Requirements as specified in § 721.90(a)(4), (b)(4), and (c)(4) where N=5.

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (c), (i), and (k) are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

(3) *Determining whether a specific use is subject to this section.* The provisions of § 721.1725(b)(1) apply to paragraph (a)(2)(i) of this section.

**§ 721.11332 Oxirane, 2-methyl-, polymer with oxirane, mono(2-butyloctyl) ether.**

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified as oxirane, 2-methyl-, polymer with oxirane, mono(2-butyloctyl) ether (PMN P–17–347, CAS No. 252756–20–0) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(j) and (s) (5,000 kilograms). It is a significant new use to manufacture, process or use the PMN substances in a manner that results in inhalation exposure.

(ii) [Reserved]

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (c) and (i) are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

(3) *Determining whether a specific use is subject to this section.* The provisions of § 721.1725(b)(1) apply to paragraph (a)(2)(i) of this section.

**§ 721.11333 Oxirane, 2-methyl-, polymer with oxirane, mono(2-hexyldecyl) ether.**

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified as oxirane, 2-methyl-, polymer with oxirane, mono(2-hexyldecyl) ether (PMN P–17–348, CAS No. 125005–52–9) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(j) and (s) (5,000 kilograms). It is a significant new use to manufacture, process or use the PMN substances in a manner that results in inhalation exposure.

(ii) [Reserved]

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (c) and (i) are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

(3) *Determining whether a specific use is subject to this section.* The provisions of § 721.1725(b)(1) apply to paragraph (a)(2)(i) of this section.

**§ 721.11334 Oxirane, 2-methyl-, polymer with oxirane, mono(2-octyldodecyl) ether.**

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified as oxirane, 2-methyl-, polymer with oxirane, mono(2-octyldodecyl) ether (PMN P–17–349, CAS No. 102640–44–8) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(j) and (s) (5,000 kilograms). It is a significant new use to manufacture, process or use the PMN substances in a manner that results in inhalation exposure.

(ii) [Reserved]

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (c) and (i) are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

(3) *Determining whether a specific use is subject to this section.* The provisions of § 721.1725(b)(1) apply to paragraph (a)(2)(i) of this section.

**§ 721.11336 Oxirane, 2-methyl-, polymer with oxirane, mono(2-dodecylhexadecyl) ether.**

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified as oxirane, 2-methyl-, polymer with oxirane, mono(2-dodecylhexadecyl) ether (PMN P–17–351, CAS No. 102640–42–6) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(j) and (s) (5,000 kilograms). It is a significant new use to manufacture, process or use the PMN substances in a manner that results in inhalation exposure.

(ii) [Reserved]

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (c) and (i) are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

(3) *Determining whether a specific use is subject to this section.* The provisions of § 721.1725(b)(1) apply to paragraph (a)(2)(i) of this section.

**§ 721.11335 Oxirane, 2-methyl-, polymer with oxirane, mono(2-decyltetradecyl) ether.**

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified as oxirane, 2-methyl-, polymer with oxirane, mono(2-decyltetradecyl) ether (PMN P–17–350, CAS No, 72484–69–6) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(j) and (s) (5,000 kilograms). It is a significant new use to manufacture, process or use the PMN substances in a manner that results in inhalation exposure.

(ii) [Reserved]

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (c) and (i) are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

(3) *Determining whether a specific use is subject to this section.* The provisions of § 721.1725(b)(1) apply to paragraph (a)(2)(i) of this section.

**§ 721.11337 Oxirane, 2-methyl-, polymer with oxirane, mono(2-tetradecyloctadecyl) ether.**

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified as oxirane, 2-methyl-, polymer with oxirane, mono(2-tetradecyloctadecyl) ether (PMN P–17–352, CAS No. 102640–46–0) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(j) and (s) (5,000 kilograms). It is a significant new use to manufacture, process or use the PMN substances in a manner that results in inhalation exposure.

(ii) [Reserved]

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (c) and (i) are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

(3) *Determining whether a specific use is subject to this section.* The provisions of § 721.1725(b)(1) apply to paragraph (a)(2)(i) of this section.

**§ 721.11338 Alkyl tri dithiocarbamate tri salt (generic).**

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as alkyl tri dithiocarbamate tri salt (PMN P–17–395) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(j). It is a significant new use to manufacture, process, or use the substance in a manner that results in inhalation exposure.

(ii) *Release to water.* Requirements as specified in § 721.90(a)(4), (b)(4), and (c)(4) where N=1.

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (c), (i), and (k) are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

(3) *Determining whether a specific use is subject to this section.* The provisions of § 721.1725(b)(1) apply to paragraph (a)(2)(i) of this section.

**§ 721.11339 Methacrylic acid heterocyclic alkyl ester (generic).**

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as methacrylic acid heterocyclic alkyl ester (PMN P–18–35) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(j).

(ii) [Reserved]

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (c) and (i) are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

(3) *Determining whether a specific use is subject to this section.* The provisions of § 721.1725(b)(1) apply to paragraph (a)(2)(i) of this section.

**§ 721.11340 Alkylnitrile imidazole (generic).**

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as alkylnitrile imidazole (PMN P–18–103) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Industrial, commercial, and consumer activities.* It is a significant new use to manufacture, process or use the PMN substance for use other than as an intermediate for amine manufacture. It is a significant new use to manufacture, process or use the PMN substance in a manner that results in inhalation exposure.

(ii) [Reserved]

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (c) and (i) are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

**§ 721.11341 Crosslinked polymer of alkyl acrylamides, acrylate esters, and alkyl acrylamide sulfonate salt (generic).**

(a) *Chemical substances and significant new uses subject to reporting.* (1) The chemical substances identified generically as crosslinked polymer of alkyl acrylamides, acrylate esters, and alkyl acrylamide sulfonate salt (PMNs P–18–155 and P–18–156) are subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(j). It is a significant new use to manufacture the PMN substances with greater than 10% of the particles less than 10 microns.

(ii) [Reserved]

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (c) and (i) are applicable to manufacturers and processors of these substances.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

(3) *Determining whether a specific use is subject to this section.* The provisions of § 721.1725(b)(1) apply to paragraph (a)(2)(i) of this section.

**§ 721.11342 Propane, 1,1,1,3,3,3-hexafluoro-2-methoxy-.**

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified as propane, 1,1,1,3,3,3-hexafluoro-2-methoxy- (PMN P–18–286, CAS No. 13171–18–1) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(j). It is a significant new use to manufacture, process or use the substance without the transport container loading process described in the PMN.

(ii) [Reserved]

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (c) and (i) are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

(3) *Determining whether a specific use is subject to this section.* The provisions of § 721.1725(b)(1) apply to paragraph (a)(2)(i) of this section.

**§ 721.11343 Heteromonocycle, alkenyl alkyl (generic).**

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as heteromonocycle, alkenyl alkyl (PMN P–18–392) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(j).

(ii) [Reserved]

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (c) and (i) are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

(3) *Determining whether a specific use is subject to this section.* The provisions of § 721.1725(b)(1) apply to paragraph (a)(2)(i) of this section.

**§ 721.11344 Phosphonium, tributylethyl-, diethyl phosphate (1:1).**

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified as phosphonium, tributylethyl-, diethyl phosphate (1:1) (PMN P–19–29, CAS No. 20445–94–7) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(j).

(ii) *Release to water.* Requirements as specified in § 721.90(a)(4), (b)(4), and (c)(4) where N=51.

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (c), (i), and (k) are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

(3) *Determining whether a specific use is subject to this section.* The provisions of § 721.1725(b)(1) apply to paragraph (a)(2)(i) of this section.

**§ 721.11345 Hydrochlorofluoroolefin (generic).**

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as hydrochlorofluoroolefin (PMN P–19–62) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(j).

(ii) [Reserved]

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (c) and (i) are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

(3) *Determining whether a specific use is subject to this section.* The provisions of § 721.1725(b)(1) apply to paragraph (a)(2)(i) of this section.

[FR Doc. 2020–10986 Filed 6–8–20; 8:45 am]

**BILLING CODE 6560–50–P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

**[EPA–R10–OAR–2019–0640, FRL–10007–75–Region10]**

### Air Plan Approval; OR; Emission Standard Definition Rule Revision

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is approving a revision to the Oregon State Implementation Plan (SIP) submitted on September 5, 2019. The submission revises the SIP to incorporate by reference a more recent update to the emission standards for specific industries by defining the specific Code of Federal Regulations (CFR) edition referenced throughout the revised rule. The EPA is also approving non-substantive revisions to the SIP to correct typographical errors. The EPA has determined the changes are consistent with Clean Air Act requirements.

**DATES:** This final rule is effective July 9, 2020.

**ADDRESSES:** The EPA has established a docket for this action under Docket ID No. EPA–R10–OAR–2019–0640. All documents in the docket are listed on the *https://www.regulations.gov* website. Although listed in the index, some information is not publicly available, *e.g.,* confidential business information or other information the disclosure of which is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly-available docket materials are available at *https://www.regulations.gov,* or please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information.

**FOR FURTHER INFORMATION CONTACT:** Christi Duboiski, EPA Region 10, 1200 6th Avenue—Suite 155, Seattle, WA 98101, at (360) 753–9081, or *duboiski.christi@epa.gov.*

**SUPPLEMENTARY INFORMATION:** Throughout this document, whenever ''we,'' ''us,'' or ''our'' is used, it means the EPA.

#### I. Background

On September 5, 2019, Oregon submitted a revised regulation to the EPA for approval into the Oregon SIP. On February 7, 2020, we proposed to approve the submitted changes (85 FR 7262). The reasons for our proposed approval were stated in the proposed rule and will not be re-stated here.

#### II. Response to Comment

The public comment period for our proposed action ended on March 9, 2020. We received one comment, submitted anonymously, which generally supported the proposed action. The commenter also expressed the opinion that environmental well-being ought to take on more significance in government policy decisions. The EPA has reviewed the comment and we consider the comment to be outside the scope of this action or a generalized critique of the EPA. We do not consider this comment to be adverse to this action. The comment lacks the required specificity to the proposed SIP revision and the relevant requirements of Clean Air Act (CAA) section 110. Moreover, the comment does not address a specific regulation or provision in question or recommend a different action on the SIP submission from what ''we'' proposed. Therefore, we are finalizing our action as proposed. The full text of the comment is in the docket for this action.

#### III. Final Action

The EPA is approving, and incorporating by reference into the Oregon SIP, the submitted change to OAR Chapter 340, Division 236 Emission Standards for Specific Industries, Section 0010 *Definitions,* State effective July 19, 2019. The EPA is also approving the corrected typographical errors as a ''housekeeping'' exercise.

#### IV. Incorporation by Reference

In this document, the EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, we are finalizing the incorporation by reference of Oregon Administrative Rules as described in the amendments to 40 CFR part 52 set forth below. The EPA has made, and will continue to

make, these materials generally available through *https://www.regulations.gov* and at the EPA Region 10 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information). Therefore, these materials have been approved by the EPA for inclusion in the SIP, have been incorporated by reference by the 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 the EPA's approval, and will be incorporated by reference in the next update to the SIP compilation.[1]

## V. Statutory and Executive Order Review

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

- Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Is not an Executive Order 13771 (82 FR 9339, February 2, 2017) regulatory action because SIP approvals are exempted under Executive Order 12866;
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act; and
- Does not provide the EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible 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 the EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications and it will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

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

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by August 10, 2020. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2)).

### 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.

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

Dated: May 7, 2020.

**Christopher Hladick,**

*Regional Administrator, Region 10.*

For the reasons stated in the preamble, 40 CFR part 52 is amended as follows:

## PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

### Subpart MM—Oregon

■ 2. In § 52.1970:
■ a. In paragraph (c):
■ i. Amend table 2 by:
■ A. Revising the entries ''236–0010'' and ''256–0330''; and
■ B. Removing the heading ''Oregon Department of Forestry—Chapter 629'' and adding in its place the heading ''Chapter 629—Oregon Department of Forestry'', removing the heading ''Department of Oregon State Police'' and adding in its place the heading ''Department of State Police'', and removing the heading ''Office of State Fire Marshall—Chapter 837'' and adding in its place the heading ''Chapter 837—Office of State Fire Marshall'';
■ ii. Amend table 4 by revising the table heading and footnote number 1; and
■ b. In paragraph (e):
■ i. Table 2 is amended by revising the entry for ''011–0010''; and
■ ii. Table 5 is amended by:
■ A. Under the heading ''Attainment and Maintenance Planning—Particulate Matter ($PM_{10}$)'', revising the third entry for ''$PM_{10}$ Attainment Plan'' ''LaGrande''; and
■ B. Under the heading ''Section 5—Control Strategies for Attainment and Nonattainment Areas'' revising the entry ''Motor Vehicle Inspection and Maintenance''.

The revisions read as follows:

**§ 52.1970 Identification of plan.**

* * * * *

(c) * * *

[1] The EPA approves the requirements in Table 4 of this paragraph (c) only to the extent they apply to (1) pollutants for which NAAQS have been established (criteria pollutants) and precursors to those criteria pollutants as determined by the EPA for the applicable geographic area; and (2) any additional pollutants that are required to be regulated under Part C of Title I of the CAA, but only for the purposes of meeting or avoiding the requirements of Part C of Title I of the CAA.

TABLE 2—EPA APPROVED OREGON ADMINISTRATIVE RULES (OAR) [1]

| State citation | Title/subject | State effective date | EPA approval date | Explanations |
|---|---|---|---|---|
| **CHAPTER 340—DEPARTMENT OF ENVIRONMENTAL QUALITY** | | | | |
| * | * | * | * | * |
| **Division 236—Emission Standards for Specific Industries** | | | | |
| * | * | * | * | * |
| 236–0010 ..... | Definitions ..... | 07/19/2019 | 6/9/2020, [Insert **Federal Register** citation] .. | |
| * | * | * | * | * |
| **Division 256—Motor Vehicles** | | | | |
| * | * | * | * | * |
| **Emission Control System Inspection** | | | | |
| * | * | * | * | * |
| 256–0330 ..... | Department of Defense Personnel Participating in the Privately Owned Vehicle Import Control Program. | 10/14/1999 | 11/22/2004, 69 FR 67819 ..... | |
| * | * | * | * | * |

[1] EPA's approval is limited to the extent the provisions relate to section 110 of the Clean Air Act and determining compliance with and for purposes of implementation of the SIP-approved requirements.

* * * * *

TABLE 4—EPA APPROVED LANE REGIONAL AIR PROTECTION AGENCY (LRAPA) RULES FOR LANE COUNTY, OREGON [1]

| LRAPA citation | Title/subject | State effective date | EPA approval date | Explanations |
|---|---|---|---|---|
| * | * | * | * | * |

[1] The EPA's approves the requirements in Table 4 of this paragraph (c) only to the extent they apply to (1) pollutants for which NAAQS have been established (criteria pollutants) and precursors to those criteria pollutants as determined by the EPA for the applicable geographic area; and (2) any additional pollutants that are required to be regulated under Part C of Title I of the CAA, but only for the purposes of meeting or avoiding the requirements of Part C of Titles I of the CAA.

* * * * * (e) * * *

TABLE 2—OREGON ADMINISTRATIVE RULES APPROVED BUT NOT INCORPORATED BY REFERENCE

| State citation | Title/subject | State effective date | EPA approval date | Explanations |
|---|---|---|---|---|
| * | * | * | * | * |
| **Division 11—Rules of General Applicability and Organization** | | | | |
| * | * | * | * | * |
| 011–0010 ..... | Notice of Rulemaking ..... | 1/06/2014 | 10/23/2015, 80 FR 64346 ..... | |
| * | * | * | * | * |

* * * * *

TABLE 5—STATE OF OREGON AIR QUALITY CONTROL PROGRAM APPROVED BUT NOT INCORPORATED BY REFERENCE

| Name of SIP provision | Applicable geographic or nonattainment area | State submittal date | EPA approval date | Explanations |
|---|---|---|---|---|
| * | * | * | * | * |
| **Attainment and Maintenance Planning-Particulate Matter ($PM_{10}$)** | | | | |
| * | * | * | * | * |
| $PM_{10}$ Attainment Plan | La Grande | 11/15/1991 | 2/15/1995, 60 FR 8563 | |
| * | * | * | * | * |
| **Section 5—Control Strategies for Attainment and Nonattainment Areas** | | | | |
| Motor Vehicle Inspection and Maintenance. | Statewide | 11/05/1999; 9/15/2000; 1/27/2000; 1/10/2003; and 4/22/2004. | 11/22/2004, 69 FR 67819 | |
| * | * | * | * | * |

* * * * *

[FR Doc. 2020–10229 Filed 6–8–20; 8:45 am]

BILLING CODE 6560–50–P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Administration for Children and Families

### 45 CFR Parts 302, 303, 305, 307, and 309

**RIN 0970–AC75**

### Child Support

**AGENCY:** Office of Child Support Enforcement (OCSE), Administration for Children and Families (ACF), Department of Health and Human Services (HHS).

**ACTION:** Final rule; technical corrections.

**SUMMARY:** This rule is intended to eliminate regulations that are outdated or unnecessary and to make technical amendments to the Flexibility, Efficiency, and Modernization in Child Support Enforcement (FEM) final rule, published on December 20, 2016, including to amend the compliance date for review and adjustment of child support orders. The Office of Child Support Enforcement is also making conforming amendments to the regulations as a result of the Bipartisan Budget Act of 2018.

**DATES:** This final rule is effective on July 9, 2020. The compliance dates, or the dates that States must comply with the final rule, differ among the various sections of the Federal regulations. The reasons for delaying compliance dates include State legislative changes, system modifications, procedural updates, etc.

For more information on compliance dates, see **SUPPLEMENTARY INFORMATION.**

**FOR FURTHER INFORMATION CONTACT:** The OCSE Division of Policy and Training at *OCSE.DPT@acf.hhs.gov.* Deaf and hearing impaired individuals may call the Federal Dual Party Relay Service at 1–800–877–8339 between 8 a.m. and 7 p.m. Eastern Time.

**SUPPLEMENTARY INFORMATION:**

#### Compliance Dates

The compliance date, or the date by which the States must follow the rule, will be August 10, 2020 except, as noted below:

- *Review and adjustment of child support orders* [45 CFR 303.8(b)(7)(ii)]: For those States that consider incarceration to be voluntary unemployment, this final rule will delay the compliance date for sending notices [45 CFR 303.8(b)(7)(ii)] to 1 year after completion of the first quadrennial review of the State's guidelines that commences on or after December 21, 2017.
- *Annual collection fee for individuals not receiving title IV–A assistance* [45 CFR 302.33(e)]: The compliance date is October 1, 2018 unless the Secretary of Health and Human Services determines that State legislation (other than legislation appropriating funds) is required for a State to meet the requirements in section 454(6)(B)(ii) of the Social Security Act [42 U.S.C. 654(6)(B)(ii)]. In such a case, the State shall not be regarded as failing to meet such requirements before the first day of the first calendar quarter beginning after the first regular session of the State legislature that begins after February 9, 2018. For the purposes of determining this date, for States with a 2-year legislative session, each year of the session is deemed to be a separate regular session of the State legislature.
- *Quarterly wage and unemployment compensation claims reporting to the National Directory of New Hires* [45 CFR 303.108(c)]: The compliance date for reporting quarterly wage information is 1 year after the publication of the final rule. However, if State law revisions are needed, the compliance date is the first day of the second calendar quarter beginning after the close of the first regular session of the State legislature that begins after July 9, 2020.
- *Functional requirements for computerized support enforcement systems in operation by October 1, 2000* [45 CFR 307.11(c)(3)(i) and(ii)]: The compliance date for system enhancements to add Social Security Retirement (SSR) with concurrent Supplemental Security Income (SSI) to prevent garnishment of these funds from the noncustodial parent's financial account will be February 4, 2021.

#### I. Statutory Authority

This final rule is published under the authority granted to the Secretary of Health and Human Services by section 1102 of the Social Security Act (Act) [42 U.S.C. 1302]. Section 1102 of the Act authorizes the Secretary to publish regulations, not inconsistent with the Act, as may be necessary for the efficient administration of the functions for which the Secretary is responsible under the Act. Additionally, the Secretary has authority under section 452(a)(1) of the Act [42 U.S.C. 652(a)(1)], through a designee, to ''establish such

standards for State programs for locating noncustodial parents, establishing paternity, and obtaining child support . . . as [the designee] determines to be necessary to assure that such programs will be effective.'' Rules promulgated under section 452(a)(1) must meet two conditions. First, the Secretary's designee must find that the rule meets one of the statutory objectives of ''locating noncustodial parents, establishing paternity, and obtaining child support.'' Second, the Secretary's designee must determine that the rule is necessary to ''assure that such programs will be effective.''

Section 454(13) of the Act [42 U.S.C. 654(13)] requires a State plan to ''provide that the State will comply with such other requirements and standards as the Secretary determines to be necessary to the establishment of an effective program for locating noncustodial parents, establishing paternity, obtaining support orders, and collecting support payments and provide that information requests by parents who are residents of other States be treated with the same priority as requests by parents who are residents of the State submitting the plan.''

This final rule is published in accordance with the following sections of the Act: Section 451—Appropriation; section 452—Duties of the Secretary; section 453—Federal parent locator service; section 453A—State directory of new hires; section 454—State plan for child and spousal support; section 454A—Automated data processing; section 455—Payments to States; section 459—Consent by the United States to income withholding, garnishment, and similar proceedings for enforcement of child support and alimony obligations; section 460—Civil actions to enforce support obligations; section 464—Collection of past-due support from Federal tax refunds; section 466—Requirement of statutorily prescribed procedures to improve effectiveness of child support enforcement; and section 467—State guidelines for child support awards.

## II. Background

This final rule carries out the President's directives in Executive Orders (E.O.) 13771 and 13777. Executive Order 13777 requires each agency to establish a Regulatory Reform Task Force that shall evaluate existing regulations (as defined in section 4 of E.O. 13771) and make recommendations to the agency head regarding their repeal, replacement, or modification, consistent with applicable law. This rule eliminates identified regulatory requirements that are outdated and unnecessary. Additionally, this regulation makes a few technical amendments and needed policy adjustments.

This Technical Corrections final rule addresses several updates we will discuss in Section III, and the three substantive changes mentioned here. First, OCSE is amending the compliance date for *Review and adjustment of child support orders* in § 303.8(b)(7)(ii). The changes addressed in this rule, makes a technical change, that will allow those States that consider incarceration to be voluntary unemployment additional time to comply with the FEM final rule.

Second, on February 9, 2018, the President signed the Bipartisan Budget Act of 2018, Public Law 115–123. Section 53117 of Public Law 115–123, Modernizing child support enforcement fees, amends section 454(6)(B)(ii) of the Social Security Act to increase the annual collection fee from $25 to $35 for services provided by the State child support agency to individuals not receiving title IV–A assistance, *i.e.,* Temporary Assistance for Needy Families (TANF). The law also revises the amount from $500 to $550 that the State must collect and disburse to the family before imposing the fee each Federal fiscal year. This final rule codifies these statutory requirements.

Finally, to obtain more timely National Directory of New Hires (NDNH) data, the Office of Child Support Enforcement (OCSE) is amending § 303.108(c) to reduce the timeframe to report wage information to the NDNH from the end of the fourth month following the reporting period to the end of the second month following the reporting period. This is a change from the Notice of Proposed Rulemaking, due to recommendations in comments received on the proposed rule, and is outlined in the response to comments under Section III.

## III. Summary Descriptions of the Regulatory Provisions and Response to Comments

The following is a summary of the regulatory provisions included in the final rule and, where appropriate, how these provisions differ from what was initially included in the Notice of Proposed Rulemaking (NPRM). The NPRM was published in the **Federal Register** on December 18, 2018 (83 FR 64803 through 64807). The regulatory provisions included in this final rule are discussed by section, and includes the rationale when changes from the NPRM were necessary.

OCSE received 43 sets of comments from States, the Department of Labor, workforce agencies, and other interested entities. We posted 30 sets of comments on *www.regulations.gov;* 11 comments were duplicate responses (when the same commenter submitted the same response more than once or via alternate methods *e.g.,* mail and online), and 2 comments were not posted because they were outside of the scope of the NPRM. The posted comments were from the following groups: 21 State child support agencies, 3 national child support organizations, 5 State workforce agencies, and 1 national workforce agency.

Generally, the comments received on the NPRM were in agreement or support of the proposed changes. However, there were comments that sought further clarification or addressed concerns with the proposed changes. Therefore, in this section, OCSE will discuss those comments seeking clarification or addressing specific concerns. In drafting the final rule, OCSE closely reviewed the comments and made a number of adjustments in response to those comments. Additionally, some provisions did not receive any comment. Immediately following the Summary Description for each provision, OCSE includes the Response to Comments and provides the rationale for any changes made to the proposed rule.

### *Section 302.33: Services to Individuals Not Receiving Title IV–A Assistance*

OCSE proposed to revise 45 CFR 302.33(e) because section 454(6)(B)(ii) of the Social Security Act, on which it is based, was amended by Section 53117 of the Bipartisan Budget Act of 2018, Public Law 115–123, Modernizing Child Support Enforcement Fees. The $25 annual fee was increased to $35 by this statutory amendment. In addition, this amendment changed the amount the State must collect and disburse to the family each year before imposing and collecting the annual fee which was changed from $500 to $550. OCSE received four comments in support of this provision.

*Summary of Regulatory Changes:* For the reasons described in the proposed rule and above, 45 CFR 302.33(e) is adopted as proposed.

### *Section 302.51: Distribution of Support Collections*

This section has been added to the final rule to address a technical correction needed in the regulations in section 45 CFR 302.51(a)(5), regarding the corresponding change made to § 302.33(e) which updates the annual fee from $25 to $35 based on the Bipartisan Budget Act of 2018. We are removing ''$25'' and replacing it with

''$35'' to update the annual fee amount. This change was not proposed in the NPRM and therefore no comments were received.

*Section 303.7: Provision of Services in Intergovernmental IV–D Cases*

This section has been added to the final rule to address a technical correction needed in the regulations in section 45 CFR 303.7(f), regarding the corresponding change made to § 302.33(e) which updates the annual fee from $25 to $35 based on the Bipartisan Budget Act of 2018. We are removing ''$25'' and replacing it with ''$35'' to update the annual fee amount. This change was not proposed in the NPRM and therefore no comments were received.

*Section 303.11: Case Closure Criteria*

OCSE proposed to revise 45 CFR 303.11(b)(9)(ii) to allow case closure when the noncustodial parent is also receiving concurrent Supplemental Security Income (SSI) and Social Security Retirement (SSR) benefits. The rationale for closing concurrent SSI/Social Security Disability Income (SSDI) cases applies equally to concurrent SSI/SSR cases because the noncustodial parent meets the low-income means-tested criteria for the SSI program. The concurrent SSI/SSR noncustodial parent receives no more income than a SSI/SSDI recipient. SSDI and SSR benefits are related in that SSR benefits take the place of SSDI when an individual reaches retirement age. Additionally, this provision remains optional, and provides States with the flexibility to close the case when deemed appropriate by the State. OCSE received nine comments in support of this provision. Additionally, OCSE received two comments suggesting that the case closure code be broadened to include other means tested programs and one commenter asked if the case closure criteria is still optional.

*Comment:* One commenter agreed with the proposed provision, and suggested that OCSE broaden this closure code to include any case where the noncustodial parent's only source of income is a means-tested income program equal to or less than if the noncustodial parent qualified for SSI. This commenter stated the rationale would be the same and would not lead to some cases being unable to close due to an unequal treatment of participants.

*Response:* OCSE understands that there are other income categories that may seem related, however, this case closure provision is specific to noncustodial parents who receive SSI payments.

*Comment:* One commenter suggested that Social Security Survivor's benefits should be included ahead of including Social Security Retirement and believed this should be added to this criteria.

*Response:* OCSE disagrees. We are including SSR as a technical correction to this provision because of its close association with SSDI, as described here and under § 307.11. Considering any other benefits at this time is outside the scope of the regulation. As previously stated, a recipient receives concurrent SSI and either SSDI or SSR benefits under title II of the Act when the disabled noncustodial parent qualifies for the means-tested SSI benefits on the basis of his or her income and assets, but also qualifies for the SSDI or SSR benefits. In these cases, the Social Security Administration pays a combination of benefits up to the SSI benefit level. Therefore, a recipient who receives a concurrent SSI/SSDI or SSI/SSR benefit receives no additional money if they transition from a SSDI benefit to a SSR benefit because the recipient reached the appropriate retirement age. As such, only those cases that the State deems appropriate to close under § 303.11(b)(9)(ii) may be considered.

*Comment:* One commenter asked if this case closure criteria is still optional.

*Response:* Yes. This case closure criterion remains optional. The IV–D agency should review those cases where the noncustodial parent is a recipient of SSI to determine on a case-by-case basis if it is appropriate to continue to enforce obligations for child support when other forms of income may be available or to close the case.

*Summary of Regulatory Changes:* For the reasons described in the proposed rule and above, and considering the comments received, OCSE finalizes 45 CFR 303.11(b)(9)(ii) as proposed.

*Section 303.71: Requests for Full Collection Services by the Secretary of the Treasury*

OCSE proposed to remove 45 CFR 303.71, ''Requests for full collection services by the Secretary of the Treasury.'' Due to the low number of cases currently being referred, and the availability of other more effective enforcement procedures, OCSE is removing this provision. States have not submitted any new cases for this enforcement procedure since 2013. Since the inception of this provision, we have made a number of more effective enforcement procedures available to States. Given that States are no longer widely using this enforcement tool, we are streamlining the regulations by removing this provision. However, this provision is statutory, therefore the removal of § 303.71 will not impact a State's ability to use this procedure, pursuant to section 452(b) of the Act [42 U.S.C. 652(b)], if it so chooses. Five commenters agreed with the provision and two commenters agreed with the provision and requested that OCSE publish guidance.

*Comment:* Two commenters agreed with the proposed provision, and suggested publication of guidance to clarify when States can use this enforcement action.

*Response:* States may contact *scollections@acf.hhs.gov* for guidance if they elect to use this provision.

*Summary of Regulatory Changes:* For the reasons described in the proposed rule and above, and considering the comments received, OCSE removes 45 CFR 303.71 as proposed.

*Section 303.73: Applications To Use the Courts of the United States To Enforce Court Orders*

OCSE proposed to remove 45 CFR 303.73, ''Applications to use the courts of the United States to enforce court orders,'' because it is no longer necessary. As stated in the NPRM, this provision involves a State seeking to use the Federal courts to enforce a child support order against an absent parent in another State, by applying to the Secretary for permission to use a United States district court for such purpose based on instructions issued by OCSE. This provision, originally promulgated at 45 CFR 302.72 in 1975, was needed to enforce interstate orders. Since then, the ''Preventing Sex Trafficking and Strengthening Families Act,'' enacted on September 29, 2014 (Pub. L. 113–183), amended section 466(f) of the Social Security Act, 42 U.S.C. 666, requiring all States to enact the 2008 amendments to the Uniform Interstate Family Support Act ''officially adopted as of September 30, 2008 by the National Conference of Commissioners on Uniform State Laws'' (referred to as UIFSA 2008). UIFSA 2008 makes the requirements in this provision obsolete since it establishes procedures for enforcing interstate orders.

Currently, all States are using UIFSA 2008, which defines a tribunal as a court, administrative agency, or quasi-judicial entity authorized to establish, enforce, or modify support orders or to determine parentage of a child. UIFSA also establishes rules/standards related to personal, subject matter, and long-arm jurisdiction, and establishes procedures on registering/enforcing foreign orders. However, OCSE acknowledges that there are still statutory provisions, in sections

452(a)(8) and 460 of the Act, 42 U.S.C. 652(a)(8) and 660 that permit States to apply to the Secretary for permission to use a United States district court, and that Action Transmittal, issued February 6, 1976 (OCSE–AT–76–1) and revised May 12, 1976 (OCSE–AT–76–8), provides guidance for use of Federal courts and instructions to State IV–D agencies for preparation and submission of applications for certification to use a U.S. district court. OCSE received four comments in support of this proposed change.

*Summary of Regulatory Changes:* For the reasons described in the proposed rule and above, OCSE removes 45 CFR 303.73 as proposed.

*Section 303.108: Quarterly Wage and Unemployment Compensation Claims Reporting to the National Directory of New Hires*

Section 453A(g)(2)(B) of the Act, 42 U.S.C. 653a(g)(2), requires that the State Directory of New Hires shall, on a quarterly basis, furnish to the NDNH information concerning the wages and unemployment compensation paid to individuals, by such dates, in such format, and containing such information as the Secretary of Health and Human Services shall specify in regulations. In accordance with 45 CFR 303.108(c), the State must report quarterly wage information no later than the end of the fourth month following the reporting period. However, the State reports quarterly unemployment compensation claim information no later than the end of the first month following the reporting period.

In the NPRM, OCSE proposed to change that provision to reduce the timeframe for reporting quarterly wage data, proposing that States report by the end of the first month following the reporting period. This would align the timeframes for when States must report wage and unemployment compensation claims data to the NDNH and help ensure State child support programs receive data more timely to locate parents and to establish and enforce support orders. However, the timeframe OCSE proposed garnered alternate suggestions from several commenters, including the Department of Labor, national labor organizations, State workforce agencies, and child support agencies. In addition, OCSE received two comments regarding compliance with implementing the requirement.

*Comment:* Several commenters expressed that the timeframe proposed by the NPRM does not provide sufficient time for the State to report quarterly wage data to the NDNH, based on the timeframe that employers must report to their States. Commenters stated that most States permit employers to file their wage reports up through the end of the month after a calendar quarter ends. This would mean that those States would need to provide the data to the NDNH on the same deadline. Commenters advised that States provide information that has actually been received and processed into their systems, and they are unable to do so with the same deadline as employers. As an alternative, several commenters suggested moving the deadline to report quarterly wage information to the NDNH to no sooner than the end of the second month after a calendar quarter.

*Response:* OCSE agrees with the alternative suggestion to change the reporting timeframe from the proposed end of the first month following the reporting period to the end of the second month following the reporting period. This will assist in streamlining the receipt of timely data to the NDNH and help State child support programs receive data to locate parents and to establish and enforce support orders in a more timely manner.

*Comment:* Some commenters suggested moving the deadline to report quarterly wage information to the NDNH to no sooner than the end of the third month after a calendar quarter.

*Response:* OCSE understands that, due to varying systems and employer deadlines, more time would be preferable. However, we received feedback from the Department of Labor and a national labor organization. They have provided an alternative to the proposed change in the NPRM. They suggested moving the deadline to report quarterly wage information to the NDNH to no later than the end of the second month after a calendar quarter, and OCSE agrees.

*Comment:* One commenter stated that there is concern regarding the significant system changes required to implement this provision, and stated that timely reporting may not always be possible because of potentially conflicting reporting requirements placed on child support agencies, State workforce development agencies, and employers and indicated that it is impossible to know if implementation was possible.

*Response:* OCSE understands the complexities of implementation. In the final rule, OCSE adopts a timeframe for reporting quarterly wage data to the NDNH different than the timeframe proposed in the NPRM, so that reporting is due by the end of the second month following the reporting period. In addition, States will have one year from the publication date of the final rule to comply with this change. For those States that will be required to change their State law, the compliance date will be the first day of the second calendar quarter beginning after the close of the first regular session of the State legislature that begins after July 9, 2020.

*Comment:* One commenter suggested that the compliance date for implementation of the proposed changes to § 303.108 should be delayed, if a State needs to adopt changes in State law.

*Response:* OCSE agrees and has amended the compliance date from the NPRM. The compliance date of this provision in the final rule is 1 year after the publication of the final rule unless State law revisions are needed, in which case the compliance date is the first day of the second calendar quarter beginning after the close of the first regular session of the State legislature that begins after July 9, 2020.

*Summary of Regulatory Changes:* For the reasons described in the proposed rule and above, and considering the comments received, OCSE finalizes § 303.108(c) by changing the timeframe for reporting quarterly wage data to the end of the second month following the reporting period, instead of the end of the first month as proposed.

*Section 305.65: State Cooperation in Audit*

This section has been added to the final rule to address a technical correction needed in the regulations in section 45 CFR 305.65(b), regarding definitions of part 305, which are found in § 305.1. We are removing ''§ 305.2'' and replacing it with ''§ 305.1'' to correct the section citation. This change was not proposed in the NPRM and therefore no comments were received.

*Section 307.11: Functional Requirements for Computerized Support Enforcement Systems in Operation by October 1, 2000*

OCSE proposed several revisions to § 307.11(c)(3) (i) and (ii). The first proposed change was a technical correction to the FEM final rule to include noncustodial parents who receive concurrent Supplemental Security Income (SSI) and Social Security Retirement (SSR) benefits under title II of the Act. In the FEM final rule, § 307.11(c)(3)(i) precludes garnishment of financial accounts for SSI recipients and concurrent SSI and SSDI recipients. Paragraph (c)(3)(ii) requires the State to make the SSI recipient whole if the State inappropriately garnishes the SSI benefit or concurrent SSI and SSDI benefits from the noncustodial parent's

financial account and return these monies within 5 business days after the State becomes aware that the noncustodial parent was inappropriately garnished. In the NPRM for this rule, OCSE proposed amending these provisions to also apply these requirements to concurrent SSI and SSR benefits. As indicated in the NPRM, a disabled noncustodial parent qualifies for the means-tested SSI benefit on the basis of his or her income and assets, but also qualifies for the SSDI or SSR benefits because of employment credits. Individuals eligible to receive SSR may be eligible to receive SSI benefits when their SSR benefit is below SSI income and assets limits. Given that the noncustodial parent is eligible for concurrent benefits, meets the SSI means-tested criteria, and receives the same benefit amount as a SSI beneficiary, the state should not garnish the SSDI or the SSR portion from the noncustodial parent's financial account.

Second, OCSE proposed to amend § 307.11(c)(3)(i) and (ii) by adding ''or through an income withholding order'' as an additional method of garnishment of funds that would be subject to the requirements in these paragraphs, in addition to garnishment of funds from the noncustodial parent's financial account. OCSE received several comments regarding the proposed changes to § 307.11(c)(3)(i) and (ii). Most did not approve or agree with the proposed changes. However, OCSE also received comments that were in favor of the proposed changes. As stated in the FEM Final Rule, OCSE emphasizes that it makes no changes to its policy regarding recipients of title II benefits being subject to garnishment, as outlined in section 459(h)(1)(A)(ii)(I) of the Act, 42 U.S.C. 659(h)(1)(A)(ii)(I). When a recipient receives title II benefits only, those benefits are subject to garnishment, as can be found in Dear Colleague Letters (DCL), and Policy Interpretation Questions (PIQ) (DCL–13–06; PIQ–09–01; DCL–00–103). Title II benefits, such as SSDI and SSR benefits, are considered remuneration from employment, and therefore, State or Tribal child support agencies are allowed to continue to garnish the benefits of child support directly from the Federal payor as authorized under section 459(h) of the Act. States can request Title II and Title XVI information through the State Verification and Exchange System (SVES) when they submit a locate request through their statewide system or the Child Support Portal.

*Comment:* Two commenters mentioned that the 5 days to return the funds received via income withholding, already sent to families is problematic.

*Response:* OCSE understands the concern regarding the timeframe by which funds must be returned, and it has made some adjustments in the final rule. The FEM final rule currently requires the State to refund any funds improperly garnished within 5 business days after the agency determines that SSI payments or concurrent SSI payments and SSDI benefits were incorrectly garnished from the noncustodial parent's financial account. This Technical Corrections final rule, amends paragraphs (c)(3)(i) and (ii) to include concurrent SSI and SSR recipients, but the number of days remains unchanged. In this final rule, OCSE adds a new optional component under paragraph (c)(3)(iii), which outlines that the State should return funds improperly garnished from an income withholding order in accordance with § 303.100(a)(8).

*Comment:* Three commenters requested that we not make the return of concurrent SSI and SSDI or SSR retroactive.

*Response:* This policy applies once the regulation is in effect and states have until February 4, 2021 to be compliant with § 307.11(c)(3)(i) and (ii). There is no requirement that the policy be applied retroactively. States will need to return funds improperly garnished from financial accounts within 5 business days after determining the payments were incorrectly garnished. However, if those funds were from an income withholding order, the State should return funds improperly garnished in accordance with § 303.100(a)(8) for States adopting § 307.11(c)(3)(iii).

*Summary of Regulatory Changes:* For the reasons described in the proposed rule and above, and considering the comments received, OCSE finalizes the proposed revision to § 307.11(c)(3) with changes. OCSE amends paragraphs (c)(3)(i) and (ii) to include concurrent SSI and SSR recipients, however, the income withholding provision that was proposed has been modified in this final rule. Instead, OCSE adds, in the final rule, a new paragraph (c)(3)(iii) to include an optional component for States regarding noncustodial parents who receive concurrent SSI payments and either SSDI or SSR benefits under title II of the Act. For those noncustodial parents who are beneficiaries of SSI and concurrent SSDI or SSR, the State has the option to prevent garnishment of the concurrent SSI and SSDI or SSR payment through an income withholding order, and return funds incorrectly withheld in accordance with 45 CFR 303.100(a)(8) when deemed appropriate by the State. This optional provision will give States flexibility regarding concurrent SSI and SSDI or SSR benefits in cases involving noncustodial parents living at or below the subsistence level.

*Section 307.30: Federal Financial Participation at the 90 Percent Rate for Statewide Computerized Support Enforcement Systems*

OCSE proposed removing § 307.30 because this section is outdated. OCSE no longer has the authority to provide enhanced Federal financial participation (FFP) funding at the 90 percent rate for statewide computerized support enforcement systems. The 90 percent enhanced funding was only available for expenditures for the planning, design, development, installation, or enhancement of a statewide computerized support enforcement system during the Federal fiscal years 1996 and 1997. OCSE received three comments in support of the proposed removal.

*Summary of Regulatory Changes:* For the reasons described in the proposed rule and above, OCSE removes 45 CFR 307.30 as proposed.

*Section 307.31: Federal Financial Participation at the 80 Percent Rate for Computerized Support Enforcement Systems*

OCSE proposed removing § 307.31 because this section is outdated. OCSE no longer has the authority to provide enhanced FFP funding at the 80 percent rate for statewide computerized support enforcement systems. The 80 percent enhanced funding was only available for expenditures for the planning, design, development, installation, or enhancement of a statewide computerized support enforcement system until September 30, 2001. OCSE received two comments in support of the proposed removal.

*Summary of Regulatory Changes:* For the reasons described in the proposed rule and above, OCSE removes 45 CFR 307.31 as proposed.

*Section 309.20: Who submits a Tribal IV–D program application and where?*

OCSE proposed revising § 309.20(b) to remove an outdated address and add ''Federal Office of Child Support Enforcement''. OCSE did not receive any comments on this provision.

*Summary of Regulatory Changes:* For the reasons described in the proposed rule and above, OCSE removes 45 CFR 309.20 as proposed.

*Section 309.75: What administrative and management procedures must a Tribe or Tribal organization include in a Tribal IV–D plan?*

An Interim Final Rule effective December 26, 2014 (79 FR 75871), issued jointly by the Office of Management and Budget (OMB), HHS, and a number of Federal agencies, implements ''Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards'' (UAR). OCSE proposed revising the reference regarding OMB Circular A–133, which was superseded by the UAR effective December 26, 2014 (79 FR 75871), to the updated reference 45 CFR part 75, subpart F. OCSE did not receive any comments on this provision.

*Summary of Regulatory Changes:* For the reasons described in the proposed rule and above, OCSE revises 45 CFR 309.75 as proposed.

*Section 309.155: What uses of Tribal IV–D program funds are not allowable?*

OCSE proposed revising the reference in § 309.155(g) regarding OMB Circular A–87, which was superseded by the UAR effective December 26, 2014 (79 FR 75871) to the updated reference 45 CFR part 75, subpart E. OCSE did not receive any comments on this provision.

*Summary of Regulatory Changes:* For the reasons described in the proposed rule and above, OCSE revises 45 CFR 309.155 as proposed.

*Section 309.170: What statistical and narrative reporting requirements apply to Tribal IV–D programs?*

This section has been added to address a technical change needed in the regulations in § 309.170(a), regarding the OCSE–34 form and an update to the reporting timeframe. The form was previously designated as OCSE–34A, however it is now OCSE–34 and the reporting period for the first three quarters of the funding period has changed from 30 days to 45 days. This change was not proposed in the NPRM and therefore no comments were received.

*Summary of Regulatory Changes:* For the reasons described above, OCSE finalizes the technical change to 45 CFR 309.170(a) by replacing ''OCSE–34A'' with ''OCSE–34,'' and changing ''30 days'' to ''45 days.''

## IV. Regulatory Review

*Paperwork Reduction Act*

The Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.,* provides that 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 it is approved by OMB under the PRA. All Departments are required by the PRA to submit to OMB for review and approval any reporting or recordkeeping requirements inherent in a proposed or final rule. For this final rule, States will need to resubmit the State plan preprint page 3.8–3, which is a PRA collection activity already covered under OMB Control number 0970–0017 as part of the ''State Plan for Child Support Collection and Establishment of Paternity Under Title IV–D of the Social Security Act.'' This final rule imposes no additional information collection requirements under the Paperwork Reduction Act of 1995, 44 U.S.C. 3507(d); as a result, no new PRA approval needs to be sought or obtained.

There is one amended and one new optional provision as a result of these regulations, which are one-time enhancements to statewide child support systems. The description and total estimated burden for the changes are described in the chart below.

| Section and purpose | Instrument | Number of respondents: 54 | Average burden hours per response | Total cost | National federal share | National state share |
|---|---|---|---|---|---|---|
| Added requirement under § 307.11(c)(3)(i) and (ii) to include Social Security Retirement (SSR) as part of the automated procedure to identify the recipient of Supplemental Security Income (SSI). | Systems Modification | One time system enhancement. | 100 hours × $100 × 54 States. | $540,000 | $356,400 | $183,600 |
| Added optional requirement under § 307.11(c)(3)(iii) to prevent garnishing through an income withholding order related to SSI or to return incorrectly garnished funds. | Systems Modification | One time system enhancement. | 100 hours × $100 × 27 States. | 270,000 | 178,200 | 91,800 |
| Totals | | | 8,100 hours | 810,000 | 534,600 | 275,400 |

The systems enhancements above will add SSR to existing State systems functional requirements under § 307.11(c)(3)(i) and (ii) and, optionally, under § 307.11(c)(3)(iii). For the optional enhancement, we estimate half of the States, or approximately 27, will opt to implement. OCSE has not included a burden estimate in this rule to update the amount and collection threshold for the annual fee under § 302.33(e) because most States have already enacted this statutory change, since it was promulgated February 2018.

*Regulatory Flexibility Analysis*

The Secretary certifies that, under 5 U.S.C. 605(b), as enacted by the Regulatory Flexibility Act (Pub. L. 96–354), this rule will not result in a significant impact on a substantial number of small entities. The primary impact is on State governments. State governments are not considered small entities under the Act.

*Regulatory Impact Analysis*

Executive Orders 12866, 13563, and 13771

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 potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. OMB has determined that this rule is a significant regulatory action under E.O. 12866. This rule has been reviewed by OMB.

While there are some costs associated with these regulations, they are not economically significant as defined under E.O. 12866. One economic impact of the final rule is associated with the change in the annual fee from $25 to $35 under 45 CFR 302.33(e). Based on data collected on the OCSE–34 Child Support Enforcement Program Quarterly Collection Report, OCSE estimates the impact of this change to be approximately $17 million, which represents a transfer from States and parents to the Federal Government. An

area with associated Federal costs is modifying the child support statewide automated system for one-time system enhancements to accommodate amended and optional criteria to identify noncustodial parents receiving SSI and concurrent SSR. The following estimates were derived from our table in section IV under Paperwork Reduction Act. The total cost for the required systems enhancement is estimated at $540,000 and for the optional systems enhancement is $270,000. These costs are to modify statewide IV–D systems for the States at a cost of $100 an hour (with an assumption that 27 States will implement the optional provision). The total net cost to modify statewide systems in the final rule is $810,000, and the total Federal costs is $534,600. This rule is not subject to the requirements of E.O. 13771 because this rule results in no more than de minimis costs.

*Unfunded Mandates Reform Act of 1995*

The Unfunded Mandates Reform Act (Pub. L. 104–4) requires agencies to prepare an assessment of anticipated costs and benefits before promulgating any rule that may result in an annual expenditure by State, local, and Tribal governments, in the aggregate, or by the private sector, of $100 million or more (adjusted annually for inflation). That threshold level is currently approximately $154 million. This rule does not impose any mandates on State, local, or Tribal governments, or the private sector that will result in an annual expenditure of $154 million or more.

*Congressional Review*

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), the Office of lnformation and Regulatory Affairs designated this rule as not a 'major rule' as defined by 5 U.S.C. 804(2).

*Assessment of Federal Regulations and Policies on Families*

Section 654 of the Treasury and General Government Appropriations Act of 1999 requires Federal agencies to determine whether a policy or regulation may affect family well-being. If the agency's determination is affirmative, then the agency must prepare an impact assessment addressing seven criteria specified in the law. This regulation makes technical changes in the child support regulations. This regulation will not have an adverse impact on family well-being as defined in the legislation.

*Executive Order 13132*

Executive Order 13132 prohibits an agency from publishing any rule that has federalism implications if the rule either imposes substantial direct compliance costs on State and local governments and is not required by statute, or the rule preempts State law, unless the agency meets the consultation and funding requirements of section 6 of the Executive Order. This rule does not have federalism impact as defined in the Executive Order.

**List of Subjects**

*45 CFR Part 302*

Child support, State Plan Requirements.

*45 CFR Part 303*

Child support, Standards for program operations.

*45 CFR Part 305*

Child support, Program performance measures, Standards, Financial incentives, and Penalties.

*45 CFR Part 307*

Child support, Computerized support enforcement systems.

*45 CFR Part 309*

Child support, Tribal child support enforcement (IV–D) program.

(Catalog of Federal Domestic Assistance Programs No. 93.563, Child Support Enforcement Program.)

Dated: May 29, 2020.

**Lynn A. Johnson,**

*Assistant Secretary for Children and Families.*

Approved: May 29, 2020.

**Alex M. Azar II,**

*Secretary.*

For the reasons discussed above, the Department of Health and Human Services amends 45 CFR chapter III as follows:

## PART 302—STATE PLAN REQUIREMENTS

■ 1. The authority citation for part 302 continues to read as follows:

**Authority:** 42 U.S.C. 651 through 658, 659a, 660, 664, 666, 667, 1302, 1396a(a)(25), 1396b(d)(2), 1396b(o), 1396b(p), and 1396(k).

**§ 302.33 [Amended]**

■ 2. Amend § 302.33 by:

■ a. Removing ''Annual $25 fee'' and adding in its place ''Annual collection fee'' in the paragraph (e) subject heading;

■ b. Removing the dollar amount ''$25'' and adding in its place''$35'' wherever it appears in paragraphs (e)(1) introductory text and (e)(2), (4), and (5); and

■ c. Removing the dollar amount ''$500'' and adding in its place ''$550'' in paragraphs (e)(1)(i) and (e)(3) introductory text.

**§ 302.51 [Amended]**

■ 3. Amend § 302.51 in paragraphs (a)(5)(i) and (ii) by removing the dollar amount ''$25'' and adding in its place ''$35'' wherever it appears.

## PART 303—STANDARDS FOR PROGRAM OPERATIONS

■ 4. The authority citation for part 303 continues to read as follows:

**Authority:** 42 U.S.C. 651 through 658, 659a, 660, 663, 664, 666, 667, 1302, 1396a(a)(25), 1396b(d)(2), 1396b(o), 1396b(p), and 1396(k), and 25 U.S.C. 1603(12) and 1621e.

**§ 303.7 [Amended]**

■ 5. Amend § 303.7 in paragraph (f) by removing the dollar amount ''$25'' and adding in its place ''$35'' wherever it appears.

■ 6. Amend § 303.11 by revising paragraph (b)(9)(ii) to read as follows:

**§ 303.11 Case closure criteria.**

* * * * *

(b) * * *

(9) * * *

(ii) Both SSI payments and either Social Security Disability Insurance (SSDI) or Social Security Retirement (SSR) benefits under title II of the Act.

* * * * *

**§ 303.71 [Removed]**

■ 7. Remove § 303.71.

**§ 303.73 [Removed]**

■ 8. Remove § 303.73.

■ 9. Amend § 303.108 by revising the subject heading and the first sentence in paragraph (c) to read as follows:

**§ 303.108 Quarterly wage and unemployment compensation claims reporting to the National Directory of New Hires.**

* * * * *

(c) *What timeframes apply for reporting quarterly wage and unemployment compensation claims data?* The State shall report wage information for the reporting period no later than the end of the second month following the reporting period. * * *

* * * * *

## PART 305—PROGRAM PERFORMANCE MEASURES, STANDARDS, FINANCIAL INCENTIVES, AND PENALTIES

■ 10. The authority citation for part 305 continues to read as follows:

**Authority:** 42 U.S.C. 609(a)(8), 652(a)(4) and (g), 658a, and 1302.

**§ 305.65 [Amended]**

■ 11. Amend § 305.65 by removing ''§ 305.2'' and adding in its place ''§ 305.1'' in paragraph (b).

## PART 307—COMPUTERIZED SUPPORT ENFORCEMENT SYSTEMS

■ 12. The authority citation for part 307 continues to read as follows:

**Authority:** 42 U.S.C. 652 through 658, 664, 666 through 669A, and 1302.

■ 13. Amend § 307.11 by revising paragraphs (c)(3)(i) and (ii), and adding paragraph (c)(3)(iii) as follows:

**§ 307.11 Functional requirements for computerized support enforcement systems in operation by October 1, 2000.**

* * * * *

(c) * * *

(3) * * *

(i) Identify cases which have been previously identified as involving a noncustodial parent who is a recipient of Supplemental Security Income (SSI) payments or concurrent SSI payments and Social Security Disability Insurance (SSDI) or Social Security Retirement (SSR) benefits under title II of the Act, to prevent garnishment of these funds from the noncustodial parent's financial account; and

(ii) Return funds to a noncustodial parent, within 5 business days after the agency determines that SSI payments or concurrent SSI payments and SSDI or SSR benefits under title II of the Act, in the noncustodial parent's financial account have been incorrectly garnished.

(iii) At the option of the State, identify cases involving a noncustodial parent who is a recipient of concurrent SSI payments and either SSDI or SSR benefits under title II of the Act and prevent garnishment of these funds from the noncustodial parent through an income withholding order; and return funds to a noncustodial parent in accordance with § 303.100(a)(8), after the agency determines that concurrent SSI payments and either SSDI or SSR benefits have been incorrectly garnished from the noncustodial parent through an income withholding order.

* * * * *

**§ 307.30 [Removed]**

■ 14. Remove § 307.30.

**§ 307.31 [Removed]**

■ 15. Remove § 307.31.

## PART 309—TRIBAL CHILD SUPPORT ENFORCEMENT (IV–D) PROGRAM

■ 16. The authority citation for part 309 continues to read as follows:

**Authority:** 42 U.S.C. 655(f) and 1302.

**§ 309.20 [Amended]**

■ 17. Amend § 309.20 in paragraph (b) by removing the words ''Tribal Child Support Enforcement Program, 370 L'Enfant Promenade, SW, Washington, DC 20447'' and adding in their place the words ''Federal Office of Child Support Enforcement''.

**§ 309.75 [Amended]**

■ 18. Amend § 309.75 in paragraph (d) by removing the words ''OMB Circular A–133'' and adding in their place the words ''45 CFR part 75, subpart F''.

**§ 309.155 [Amended]**

■ 19. Amend § 309.155 in paragraph (g) by removing the words ''OMB Circular A–87'' and adding in their place the words ''45 CFR part 75, subpart E''.

**§ 309.170 [Amended]**

■ 20. Amend § 309.170 in paragraph (a) by removing the words ''OCSE–34A'' and adding in their place the words ''OCSE–34'', and by removing ''30'' and adding in its place ''45''.

[FR Doc. 2020–12188 Filed 6–8–20; 8:45 am]

**BILLING CODE 4184–42–P**

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 51

**[WC Docket No. 18–155; FCC 19–94; FRS 16745]**

## Updating the Intercarrier Compensation Regime To Eliminate Access Arbitrage

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule; announcement of compliance date.

**SUMMARY:** In this document, the Commission announces that the Office of Management and Budget (OMB) has approved, for a period of three years, the information collection associated with rules for notifications related to access stimulation adopted in the Commission's *Report and Order and Modification to Section 214 Authorizations,* FCC 19–94, and that compliance with the modified rules is now required. This document is consistent with the *Report and Order and Modification to Section 214 Authorizations,* FCC 19–94, which states the Commission will publish a document in the **Federal Register** announcing a compliance date for the modified rule section and revise the rule accordingly.

**DATES:**

*Effective date:* This rule is effective June 9, 2020.

*Compliance date:* Compliance with § 51.914(b) and (e) published 84 FR 57629 on October 28, 2019, is required as of June 9, 2020.

**FOR FURTHER INFORMATION CONTACT:** Susan Bahr of the Wireline Competition Bureau, Pricing Policy Division, at (202) 418–0573, or email: at *Susan.Bahr@fcc.gov.*

**SUPPLEMENTARY INFORMATION:** This document announces that on March 31, 2020 OMB approved, for a period of three years, the information collection requirements contained in the *Report and Order and Modification to Section 214 Authorizations,* FCC 19–94, published at 84 FR 57629 on October 28, 2019. The OMB Control Number is 3060–0298. The Commission publishes this document as an announcement of the compliance date of the rule. This document also removes § 51.914(f) of the Commission's rules, which advised that compliance was not required until OMB approval was obtained.

If you have any comments on the burden estimates listed below, or how the Commission can improve the collections and reduce any burdens caused thereby, please contact Nicole Ongele, Federal Communications Commission, Room 1–A620, 445 12th Street SW, Washington, DC 20554, regarding OMB Control Number 3060–0298. Please include the applicable OMB Control Number in your correspondence. The Commission will also accept your comments via email at *PRA@fcc.gov.*

To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an email to *fcc504@fcc.gov* or call the Consumer and Governmental Affairs Bureau at (202) 418–0530 (voice), or (202) 418–0432 (TTY).

### Synopsis

As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3507), the FCC is notifying the public that it received final OMB approval on March

31, 2020, for the information collection requirements contained in 47 CFR 51.914(b), (e). Under 5 CFR part 1320, an agency may not conduct or sponsor a collection of information unless it displays a current, valid OMB Control Number.

No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act that does not display a current, valid OMB Control Number. The OMB Control Number is 3060–0298.

The foregoing notice is required by the Paperwork Reduction Act of 1995, Public Law 104–13, October 1, 1995, and 44 U.S.C. 3507.

The total annual reporting burdens and costs for the respondents are as follows:

*OMB Control Number:* 3060–0298.

*OMB Approval Date:* March 31, 2020.

*OMB Expiration Date:* March 31, 2023.

*Title:* Part 61, Tariffs (other than the Tariff Review Plan).

*Form Number:* N/A.

*Respondents:* Business or other for-profit entities.

*Number of Respondents and Responses:* 2,840 respondents; 5,605 responses.

*Estimated Time per Response:* 1–50 hours.

*Frequency of Response:* On occasion, annual, biennial, and one-time reporting requirements.

*Obligation to Respond:* Required to obtain or retain benefits. Statutory authority for this information collection is contained in 47 U.S.C. Sections 151–155, 201–205, 208, 251–271, 403, 502 and 503 of the Communications Act of 1934, as amended.

*Total Annual Burden:* 196,677 hours.

*Total Annual Cost:* $1,444,800.

*Privacy Act Impact Assessment:* No impact(s).

*Nature and Extent of Confidentiality:* There is no need for confidentiality with this collection of information.

*Needs and Uses:* In this collection, the Commission added § 51.914 in the *Report and Order and Modification to Section 214 Authorizations* which was adopted on September 26, 2019 and released on September 27, 2019. The Commission made access-stimulating local exchange carriers (LECs) financially responsible for the terminating tandem switching and transport service access charges associated with the delivery of traffic from an interexchange carrier (IXC) to the access-stimulating LEC end office or its functional equivalent. Access-stimulating LECs must provide notice of their assumption of financial responsibility to the Commission by filing a record of their access-stimulating status and acceptance of financial responsibility in the Commission's WC Docket No. 18–155, and must provide notice to any affected IXCs and intermediate access providers of the same, within 45 days of the effective date of the Order or within 45 days of commencing Access Stimulation, whichever is later, subject to the FCC obtaining approval of § 51.914(b) by the Office of Management and Budget (OMB). If, after approval of this requirement by OMB, access-stimulating LECs no longer engage in access stimulation, they must also file notice of that change in status with the Commission and with any affected IXCs and intermediate access providers, pursuant to § 51.914(e).

The information collected through carriers' tariffs is used by the Commission and state commissions to determine whether services offered are just and reasonable, as the Act requires. The tariffs and any supporting documentation are examined in order to determine if the services are offered in a just and reasonable manner.

**List of Subjects in 47 CFR Part 51**

Communications common carriers, Telecommunications.

Federal Communications Commission.

**Marlene Dortch,**

*Secretary, Office of the Secretary.*

**Final Rules**

For the reason discussed in the preamble, the Federal Communications Commission amends 47 CFR part 51 as follows:

## PART 51—INTERCONNECTION

■ 1. The authority citation for part 51 continues to read as follows:

**Authority:** 47 U.S.C. 151–55, 201–05, 207–09, 218, 225–27, 251–52, 271, 332 unless otherwise noted.

**§ 51.914 [Amended]**

■ 2. Amend § 51.914 by removing paragraph (f).

[FR Doc. 2020–10346 Filed 6–8–20; 8:45 am]

BILLING CODE 6712–01–P

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

### 50 CFR Part 648

**[Docket No: 200428–0122; RTID 0648–XX043]**

## Fisheries of the Northeastern United States; Atlantic Herring Fishery; 2020 Management Area 3 Sub-Annual Catch Limit Harvested

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

**ACTION:** Temporary rule; closure.

**SUMMARY:** NMFS is closing the directed fishery for Herring Management Area 3. This closure is required because NMFS projects that 92 percent of the catch amount for Management Area 3 has been caught. This action is intended to prevent overharvest of Atlantic herring in Management Area 3, which will result in additional quota reductions next year.

**DATES:** Effective 00:01 hr local time, June 6, 2020, through December 31, 2020.

**FOR FURTHER INFORMATION CONTACT:** Aly Pitts, Fishery Management Specialist, and (978) 281–9352.

**SUPPLEMENTARY INFORMATION:** The Regional Administrator of the Greater Atlantic Regional Office monitors Atlantic herring fishery catch in each of the management areas based on vessel and dealer reports, state data, and other available information. The regulations at 50 CFR 648.201 require that when Atlantic herring catch will reach 92 percent of the Management Area 3 sub-annual catch limit (sub-ACL), federally permitted vessels are prohibited from fishing for, possessing, transferring, receiving, landing, or selling more than 2,000 lb (907.2 kg) of Atlantic herring per trip or calendar day in or from the specified management area.

The Regional Administrator has projected, based on vessel and dealer reports, and other available information, that the Atlantic herring fleet will have caught 92 percent of the Management Area 3 sub-ACL by June 6, 2020. Therefore, effective 00:01 hr local time, June 6, 2020, vessels may not fish for, possess, transfer, receive, land, or sell more than 2,000 lb (907.2 kg) of Atlantic herring per trip or calendar day, in or from Management Area 3, through December 31, 2020. Vessels that have entered port before 00:01 hr local time, June 6, 2020, may land and sell more

than 2,000 lb (907.2 kg) of Atlantic herring from Area 3 from that trip. A vessel may transit through Area 3 with more than 2,000 lb (907.2 kg) of Atlantic herring on board, provided all herring was caught outside of Area 3 and all fishing gear is stowed and not available for immediate use as defined by § 648.2.

Effective 00:01 hr local time, June 6, 2020, through 24:00 hr local time, December 31, 2020, federally permitted dealers may not purchase, possess, receive, sell, barter, trade or transfer more than 2,000 lb (907.2 kg) of Atlantic herring per trip or calendar day from Area 3 from a vessel issued and holding a valid Federal herring permit, unless it is from a trip landed by a vessel that entered port before 00:01 hr local time, June 6, 2020.

### Classification

This action is required by 50 CFR part 648 and is exempt from review under Executive Order 12866.

NMFS finds good cause pursuant to 5 U.S.C. 553(b)(3)(B) to waive prior notice and the opportunity for public comment because it would be contrary to the public interest and impracticable. NMFS also finds good cause to waive the 30-day delayed effectiveness in accordance with 5 U.S.C 553(d)(3). NMFS is required by Federal regulation to implement a 2,000-lb (907.2-kg) Atlantic herring possession limit for Management Area 3 through the calendar year when 92 percent of the area quota is projected to be harvested. The 2020 Atlantic herring fishing year began on January 1, 2020. Data indicating the Atlantic herring fleet will have landed at least 92 percent of the 2020 sub-ACL allocated to Management Area 3 only recently became available. High-volume catch and landings in this fishery increase total catch relative to the sub-ACL quickly, especially in this fishing year where annual catch limits are unusually low. If implementation of this closure is delayed to solicit prior public comment, the sub-ACL for Management Area 3 for this fishing year will likely be exceeded; thereby, undermining the conservation objectives of the FMP. If sub-ACLs are exceeded, the excess must also be deducted from a future sub-ACL and would reduce future fishing opportunities.

In addition, the public had prior notice and full opportunity to comment on this process when these provisions were put in place. The public expects these actions to occur in a timely way consistent with the fishery management plan's objectives.

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

Dated: June 4, 2020.

**Hélène M.N. Scalliet,**

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

[FR Doc. 2020–12468 Filed 6–4–20; 4:15 pm]

**BILLING CODE 3510–22–P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

### 50 CFR Part 660

**[Docket No. 180625576–8999–02]**

**RIN 0648–BJ81**

## Magnuson-Stevens Act Provisions; Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; 2019–2020 Biennial Specifications and Management Measures; Inseason Adjustments

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

**ACTION:** Final rule; inseason adjustments to biennial groundfish management measures.

**SUMMARY:** This final rule announces routine inseason adjustments to management measures in commercial groundfish fisheries. This action is intended to allow commercial fishing vessels to access more abundant groundfish stocks, while protecting overfished and depleted stocks.

**DATES:** Effective June 9, 2020.

**FOR FURTHER INFORMATION CONTACT:** Gretchen Hanshew, phone: 206–526–6147 or email: *gretchen.hanshew@noaa.gov.*

### Electronic Access

This rule is accessible via the internet at the Office of the Federal Register website at *https://www.federalregister.gov.* Background information and documents are available at the Pacific Fishery Management Council's website at *http://www.pcouncil.org/.*

**SUPPLEMENTARY INFORMATION:**

### Background

The Pacific Coast Groundfish Fishery Management Plan (PCGFMP) and its implementing regulations at 50 CFR part 660, subparts C through G, regulate fishing for over 90 species of groundfish off the coasts of Washington, Oregon, and California. The Pacific Fishery Management Council (Council) develops groundfish harvest specifications and management measures for two-year periods (*i.e.,* a biennium). NMFS published the final rule to implement harvest specifications and management measures for the 2019–2020 biennium for most species managed under the PCGFMP on December 12, 2018 (83 FR 63970). In general, the management measures set at the start of the biennial harvest specifications cycle help the various sectors of the fishery attain, but not exceed, the catch limits for each stock. The Council, in coordination with Pacific Coast Treaty Indian Tribes and the States of Washington, Oregon, and California, recommends adjustments to the management measures during the fishing year to achieve this goal. At its April 4–10, 2020 meeting, the Council recommended increased trip limits for limited entry fixed gear (LEFG) and open access (OA) fisheries for sablefish, lingcod, canary rockfish, yellowtail rockfish, nearshore rockfish, shelf rockfish, slope rockfish and flatfish.

Pacific Coast groundfish fisheries are managed using harvest specifications or limits (*e.g.,* overfishing limits [OFL], acceptable biological catch [ABC], annual catch limits [ACL] and harvest guidelines [HG]) recommended biennially by the Council and based on the best scientific information available at that time (50 CFR 660.60(b)). During development of the harvest specifications, the Council also recommends mitigation measures (*e.g.,* trip limits, area closures, and bag limits) that are meant to mitigate catch so as not to exceed the harvest specifications. The harvest specifications and mitigation measures developed for the 2019–2020 biennium used data through the 2017 fishing year. Each of the adjustments to mitigation measures discussed below are based on updated fisheries information that was unavailable when the analysis for the current harvest specifications was completed. As new fisheries data becomes available, adjustments to mitigation measures are projected to help harvesters achieve but not exceed the harvest limits. Measures implemented in this rule took into account fisheries data through the end of March, 2020.

The increased trip limits were requested by industry stakeholders and the Groundfish Advisory Subpanel (GAP) to relieve some restrictions for non-trawl commercial fisheries off the coasts of Washington, Oregon, and California, and to allow increased potential for utilization of available stocks where markets exist. The trip limit increases in this action are intended to expand access to certain fish stocks for the commercial non-trawl

fleets during overall market declines and state restrictions that may limit fishing effort, and will help meet the current and rising demand of smaller domestic markets that are providing fresh fish to coastal communities and grocers. These increases to trip limits are intended to provide some relief to coastal fishing communities that have sustained severe disruptions in markets and decreases in tourist income due to state fishery closures.

**Limited Entry Fixed Gear and Open Access Trip Limits**

Due to changes in markets and state restrictions, projections of catch through the end of the year were expected to remain low, given lower than expected effort and landings. For example, sablefish landings north of 36° N lat. were expected to reach only 40 to 70 percent of its non-trawl allocation under the existing trip limits through the end of the year, down from a projected 68 to 93 percent attainment through the end of the year, when 2020 trip limits were previously set at the end of 2019 (85 FR 250, January 3, 2020).

The Council recommended, and NMFS is implementing, trips limits that provide economic benefits for fishery participants coastwide, but, primarily provide increased opportunity in California and Oregon, because Washington does not have a nearshore fishery. Trip limit changes north of 40°10′ N lat. for LEFG and OA Pacific groundfish fisheries for periods 3–6 (*i.e.,* May–December) are described in Tables 1 and 3. Trip limit changes south of 40°10′ N lat. for LEFG and OA Pacific groundfish fisheries for periods 3–6 (*i.e.,* May–December) are described in Tables 2 and 4.

TABLE 1—TRIP LIMIT INCREASES FOR LEFG PACIFIC GROUNDFISH FISHERIES NORTH OF 40°10′ N LAT. BY SPECIES/STOCK COMPLEX

| Species/stock complex | Area | Trip limits |
|---|---|---|
| Minor Slope Rockfish & Darkblotched rockfish | North of 40°10′ N lat | Old: ''6,000 lb (2,722 kg)/2 month''.<br>New: ''8,000 lb (3,629 kg)/2 months''. |
| Sablefish | North of 40°10′ N lat | Old: ''1,300 lb (590 kg) week, not to exceed 3,900 lb (1,769 kg)/2 months''.<br>New: ''1,500 lb (680 kg) week, not to exceed 4,500 lb (2,041 kg)/2 months''. |
| Dover sole, arrowtooth flounder, petrale sole, English sole, starry flounder, Other Flatfish. | North of 40°10′ N lat | Old: ''5,000 lb (2,268 kg)/month''.<br>New: ''10,000 lb (4,536 kg)/month''. |
| Minor Shelf Rockfish, Shortbelly, & Widow Rockfish | North of 40°10′ N lat | Old: ''200 lb (91 kg)/month''.<br>New: ''800 lb (363 kg)/month''. |
| Yellowtail rockfish | North of 40°10′ N lat | Old: ''1,000 lb (454 kg)/month''.<br>New: ''3,000 lb (1,361 kg)/month''. |
| Canary rockfish | North of 40°10′ N lat | Old: ''300 lb (136 kg)/2 months''.<br>New: ''3,000 lb (1,361 kg)/2 months''. |
| Minor Nearshore Rockfish, Washington Black rockfish & Oregon Black/blue/deacon rockfish. | 42° N lat. to 40°10′ N lat | Old: ''7,000 lb (3,175 kg)/2 months, no more than 1,500 lb (680 kg) of which may be species other than black rockfish''.<br>New: ''7,000 lb (3,175 kg)/2 months, no more than 2,000 lb (907 kg) of which may be species other than black rockfish''. |
| Lingcod | North of 42° N lat | Old: ''2,600 lb (1,179 kg)/2 months''.<br>New: ''4,000 lb (1,814 kg)/2 months''. |
| | 42° N lat. to 40°10′ N lat | Old: ''1,400 lb (635 kg)/2 months''.<br>New: ''2,000 lb (907 kg)/2 months''. |

TABLE 2—TRIP LIMIT INCREASES FOR LEFG PACIFIC GROUNDFISH FISHERIES SOUTH OF 40°10′N LAT. BY SPECIES/STOCK COMPLEX AND AREA

| Species/stock complex | Area | Trip limits |
|---|---|---|
| Minor Slope Rockfish & Darkblotched rockfish | South of 40°10′ N lat | Old:''40,000 lb (18,144 kg)/2 months, of which no more than 4,000 lb (1,814 kg) may be blackgill rockfish''.<br>New: ''40,000 lb (18,144 kg)/2 months, of which no more than 5,500 lb (2,495 kg) may be blackgill rockfish''. |
| Sablefish | 40°10′ N lat. to 36° N lat | Old: ''1,300 lb (590 kg) week, not to exceed 3,900 lb (1,769 kg)/2 months''.<br>New: ''1,500 lb (680 kg) week, not to exceed 4,500 lb (2,041 kg)/2 months''. |
| Dover sole, arrowtooth flounder, petrale sole, English sole, starry flounder, Other Flatfish. | South of 40°10′ N lat | Old: ''5,000 lb (2,268 kg)/month''.<br>New: ''10,000 lb (4,536 kg)/month''. |
| Minor Shelf Rockfish, Shortbelly rockfish, Widow Rockfish (including Chilipepper between 40°10 N lat.–34°27 N lat. | 40°10′ N lat. to 34°27′ N lat | Old: ''Minor shelf rockfish, shortbelly, widow rockfish, & chilipepper: 2,500 lb (1,134 kg)/2 months, of which no more than 500 lb (227 kg) may be any species other than chilipepper.''.<br>New: ''8,000 lbs (3,629 kg)/2 months, of which no more than 500 lb (227 kg) may be vermilion''. |
| | South of 34°27′ N lat | Old: ''4,000 lb (1,814 kg)/2 months''.<br>New: ''5,000 lbs (2,268 kg)/2 months, of which no more than 4,000 lb (1,814 kg) may be vermilion rockfish''. |

TABLE 2—TRIP LIMIT INCREASES FOR LEFG PACIFIC GROUNDFISH FISHERIES SOUTH OF 40°10′N LAT. BY SPECIES/STOCK COMPLEX AND AREA—Continued

| Species/stock complex | Area | Trip limits |
|---|---|---|
| Chilipepper | South of 34°27′ N lat | Old: ''2,000 lb (907 kg)/2 months, this opportunity only available seaward of the non-trawl RCA''.<br>New: ''4,000 lb (1,814 kg)/2 months, this opportunity only available seaward of the non-trawl RCA''. |
| Canary rockfish | 40°10′ N lat. to 34°27′ N lat | Old: ''300 lb (136 kg)/2 months''.<br>New: ''3,500 lb (1,588 kg)/2 months''. |
| | South of 34°27′ N lat | Old: ''300 lb (136 kg)/2 months''.<br>New: ''3,500 lb (1,588 kg)/2 months''. |
| Minor Nearshore Rockfish, California Black rockfish, & Oregon Black/Blue/Deacon rockfish. | South of 40°10′ N lat.; Shallow nearshore. | Old: ''1,200 lb (544 kg)/2 months''.<br>New: ''2,000 lb (907 kg)/2 months''. |
| | South of 40°10′ N lat.; Deeper nearshore. | Old: ''1,200 lb (544 kg)/2 months''.<br>New: ''2,000 lb (907 kg)/2 months''. |
| Lingcod | South of 40°10′ N lat | Old: ''1,200 lb (544 kg)/2 months''.<br>New: ''1,500 lb (680 kg)/2 months''. |

TABLE 3—TRIP LIMIT INCREASES FOR OA PACIFIC GROUNDFISH FISHERIES NORTH OF 40°10′ N LAT. BY SPECIES/STOCK COMPLEX AND AREA

| Species/stock complex | Area | Trip limits |
|---|---|---|
| Minor Slope Rockfish & Darkblotched rockfish | North 40°10′ N lat | Old: ''500 lb (227 kg)/month''.<br>New: ''1,000 lb (454 kg)/month''. |
| Sablefish | North of 40°10′ N lat | Old: ''300 lb (136 kg) day; or one landing per week up to 1,200 lb (544 kg), not to exceed 2,400 lb (1089 kg)/2 months''.<br>New: ''300 lb day (136 kg); or one landing per week up to 1,500 lb (680 kg), not to exceed 3,000 lb (1,361 kg)/2 months''. |
| Dover sole, arrowtooth flounder, petrale sole, English sole, starry flounder, Other Flatfish. | North of 40°10′ N lat | Old: ''3,000 lb (1,361 kg)/month, no more than 300 lb (136 kg) of which may be species other than Pacific sanddabs''.<br>New: ''5,000 lb (2,268 kg)/month''. |
| Minor Shelf Rockfish, Shortbelly, & Widow Rockfish | North of 40°10′ N lat | Old: ''200 lb (91 kg)/month''.<br>New: ''800 lb (363 kg)/month'', |
| Yellowtail rockfish | North of 40°10′ N lat | Old: ''500 lb (227 kg)/month''.<br>New: ''1,500 lb (680 kg)/month''. |
| Canary rockfish | North of 40°10′ N lat | Old: ''300 lb (136 kg)/2 months''.<br>New: ''1,000 lb (454 kg)/2 months''. |
| Minor Nearshore Rockfish, Washington Black rockfish & Oregon Black/blue/deacon rockfish. | 42° N lat. to 40°10′ N lat | Old: ''7,000 lb (3,175 kg)/2 months, no more than 1,500 lb (680 kg) of which may be species other than black rockfish''.<br>New: ''7,000 lb (3,175 kg)/2 months, no more than 2,000 lb (907 kg) of which may be species other than black rockfish''. |
| Lingcod | North of 42° N lat | Old: ''1,200 lb (544 kg)/month''.<br>New: ''2,000 lb (907 kg)/month''. |
| | 42° N lat. to 40°10′ N lat | Old: ''600 lb (272 kg)/month''.<br>New: ''1,000 lb (454 kg)/month''. |

TABLE 4—TRIP LIMIT INCREASES FOR OA PACIFIC GROUNDFISH FISHERIES SOUTH OF 40°10′ N LAT. BY SPECIES/STOCK COMPLEX AND AREA

| Species/stock complex | Area | Trip limits |
|---|---|---|
| Minor Slope Rockfish & Darkblotched rockfish | South of 40°10′ N lat | Old: ''10,000 lb (4,536 kg)/2 months, of which no more than 800 lb (363 kg) may be blackgill rockfish''.<br>New: ''10,000 lb (4,536 kg)/2 months, of which no more than 1,500 lb (680 kg) may be blackgill rockfish''. |
| Sablefish | 40°10′ N lat. to 36° N lat | Old: ''300 lb (136 kg) day; or one landing per week up to 1,200 lb (544 kg), not to exceed 2,400 lb (1,089 kg)/2 months''.<br>New: ''300 lb (136 kg) day; or one landing per week up to 1,500 lb (680 kg), not to exceed 3,000 lb (1,361 kg)/2 months. |
| Dover sole, arrowtooth flounder, petrale sole, English sole, starry flounder, Other Flatfish. | South of 40°10′ N lat | Old: ''3,000 lb (1,361 kg)/month, no more than 300 lb (136 kg) of which may be species other than Pacific sanddabs''.<br>New: ''5,000 lb (2,268 kg)/month''. |

TABLE 4—TRIP LIMIT INCREASES FOR OA PACIFIC GROUNDFISH FISHERIES SOUTH OF 40°10′ N LAT. BY SPECIES/STOCK COMPLEX AND AREA—Continued

| Species/stock complex | Area | Trip limits |
|---|---|---|
| Minor Shelf Rockfish, Shortbelly, Widow rockfish and Chilipepper. | 40°10′ N lat. to 34°27′ N lat | Old: "400 lb (181 kg)/2 months". New: "4,000 lb (1,814 kg)/2 months, of which no more than 400 lb (181 kg) may be vermilion". |
| | South of 34°27′ N lat | Old: "1,500 lb (680 kg)/2 months". New: "3,000 lb (1,361 kg)/2 months, of which no more than 1,500 lb (680 kg) may be vermilion rockfish". |
| Canary rockfish | South of 40°10′ N lat | Old: "300 lb (136 kg)/2 months". New: "1,500 lb (680 kg)/2 months". |
| Minor Nearshore Rockfish, California Black rockfish, & Oregon Black/Blue/Deacon rockfish. | South of 40°10′ N lat.; Shallow nearshore. | Old: "1,200 lb (544 kg)/2 months". New: "2,000 lb (907 kg)/2 months". |
| | South of 40°10′ N lat.; Deeper nearshore. | Old: "1,200 lb (544 kg)/2 months". New: "2,000 lb (907 kg)/2 months". |
| Lingcod | South of 40°10′ N lat | Old: "500 lb (227 kg)/month". New: "700 lb (318 kg)/month". |

The changes are expected to increase landings for most species. For example, for lingcod, the current coastwide estimate for LEFG and OA mortality is 212.5 mt. With these trip limit increases, total coastwide LEFG and OA landings of lingcod could increase to between 258 and 289 mt, and ex-vessel revenue could increase by a high of $537,000. The actual increase in landings will vary depending upon new entrants to the OA fishery, full attainment of trip limits, and access to healthy, stable markets. Harvest of these species' non-trawl allocations are projected to increase between 0.07 percent and 66.7 percent from expected 2020 catch under current regulations and loss of markets, depending on the stock. Harvest is not expected to approach or exceed 2020 catch limits through the end of the year (Table 5). Therefore, the changes in trip limits do not change projected impacts compared to the impacts evaluated in the 2019–2020 harvest specifications because the harvest specifications assume that the entire ACL is harvested.

TABLE 5—PROJECTED CATCHES THROUGH THE END OF 2020 COMPARED TO STOCK-SPECIFIC 2020 ACLS, WHERE APPLICABLE

| Stock | 2020 ACL (mt) | Projected impacts before this inseason action (percent of ACL) [1] | Projected impacts with this inseason action (percent of ACL) [2] |
|---|---|---|---|
| Canary rockfish | 1,368 | 91.7 | 96 |
| Lingcod North of 40°10′ N lat | 4,541 | 60.4 | 61.8 |
| Lingcod South of 40°10′ N lat | 869 | 83.3 | 85.4 |
| Darkblotched rockfish | 815 | 95.9 | 96.0 |
| Minor Slope Rockfish North of 40°10′ N lat | 1,732 | 84.2 | 84.2 |
| Nearshore Rockfish South of 40°10′ N lat | 1,163 | 61.1 | 70.0 |
| Sablefish North of 36° N lat | 5,723 | 77–86 | 85–94 |
| Yellowtail rockfish North of 40°10′ N lat | 5,986 | 92.4 | 92.4 |
| Yelloweye Rockfish [3] | 49 | 53 | 56 |
| Cowcod [3] | 10 | 70 | 90 |

[1] Assumes full harvest of allocations in individual fishing quota (IFQ) fisheries, exempted fisheries, and tribal fisheries. Assumes no changes to trip limits or RCA boundaries from what was scheduled to be in place for 2020, as of December 2019.

[2] Assumes full harvest of allocations in IFQ fisheries, exempted fisheries, and tribal fisheries. Assumes trip limit and RCA boundary adjustments recommended by the Council are implemented.

[3] These values were considered a range of projections due to uncertainty. This table presents the highest projection from the range of impacts considered by the Council.

The projected increase in landings is expected to occur with only minor increases in bycatch of non-target species, including yelloweye rockfish and cowcod. Modifications to the trip limits are projected to increase mortality of yelloweye rockfish, which is the last remaining rebuilding groundfish species, between 0.6–1.8 mt. Projected mortality of yelloweye rockfish due to the increased trip limits remains within the ACL, with less than 60 percent of the ACL projected to be harvested. While there is uncertainty in projections, projected impacts to the yelloweye rockfish mortality in the LEFG and OA fisheries could double from what is projected to occur and total impacts, when combined with all other sources, would still be below the ACL. Therefore, the changes in trip limits do not change projected impacts compared to the impacts evaluated in the 2019–2020 harvest specifications because the harvest specifications assume that the entire ACL is harvested.

## Classification

This final rule makes routine inseason adjustments to groundfish fishery management measures, based on the best scientific information available, consistent with the PCGFMP and its implementing regulations.

This action is taken under the authority of 50 CFR 660.60(c) and is exempt from review under Executive Order 12866.

The aggregate data upon which these actions are based are available for public inspection by contacting Gretchen

Hanshew in NMFS West Coast Region (see **FOR FURTHER INFORMATION CONTACT**, above), or view at the NMFS West Coast Groundfish website: *http://www.westcoast.fisheries.noaa.gov/fisheries/groundfish/index.html.*

Pursuant to 5 U.S.C. 553(b), NMFS finds good cause to waive prior public notice and an opportunity for public comment on this action, as notice and comment would be impracticable and contrary to the public interest. The adjustments to management measures in this document ease restrictive trip limits on groundfish fisheries in Washington, Oregon and California. No aspect of this action is controversial, and changes to trip limits were anticipated in the final rule for the 2019–2020 harvest specifications and management measures which published on December 12, 2018 (83 FR 63970).

At its April 2020 meeting, the Council recommended increases to the commercial trip limits be implemented as soon as possible so that the few harvesters that have viable markets can harvest available quotas that would otherwise be unharvested during a lull in fishing effort. Each of the adjustments to commercial management measures in this rule will create more harvest opportunity and allow fishermen to better attain species that are currently under attained without causing any additional impacts to the fishery that were not previously considered. Each of these recommended adjustments also rely on new catch data that were not available and thus not considered during the 2019–2020 biennial harvest specifications process. New catch information through March 2020 shows that harvest of these target species (sablefish, lingcod, canary rockfish, yellowtail rockfish, nearshore rockfish, shelf rockfish, slope rockfish and flatfish) has been much lower than anticipated due to diminished effort due to current market conditions expressed by industry and the Council. Without the actions taken in this final rule, fishermen that have access to markets might find it challenging to meet demand, while overall harvest will be much diminished from that projected during the 2019–2020 biennial harvest specifications process. Markets will likely take time to recover from current conditions. As they do, further action can be considered based on updated fishery data to keep harvest of these groundfish species below their respective management points (*i.e.,* HG, ACL, and non-trawl allocation), while providing fishing opportunity to meet market demands, through the end of the year.

These coastwide trip limit adjustments are anticipated to help offset economic losses to coastal communities from state fishery closures and stagnant markets. Coastal communities, across all three states, would normally be expecting approximately $68.3 million in economic contributions from recreational fishing between March–May 2020. Recreational fisheries closures or delayed seasons in all three states will severely limit the expected economic contributions that those fisheries provide to coastal communities. In commercial fisheries, effort is down due to market issues, and the changes in this final rule could provide up to an additional $2 million in ex-vessel revenue to harvesters, not including benefits to communities and associated businesses, from what was estimated without this action. Delaying implementation to allow for public comment would likely reduce the economic benefits to the commercial fishing industry and the businesses that rely on that industry because it is unlikely the new regulations would be published and could be implemented before the end of the calendar year. Therefore, providing a comment period for this action could significantly limit the economic benefits to the fishery, and would hamper the achievement of optimum yield from the affected fisheries.

Therefore, the NMFS finds reason to waive the 30-day delay in effectiveness pursuant to 5 U.S.C. 553(d)(1) so that this final rule may become effective upon publication in the **Federal Register**. The adjustments to management measures in this document affect commercial fisheries by increasing opportunity and relieving participants of the more restrictive trip limits. These adjustments were requested by the Council's advisory bodies, as well as members of industry during the Council's April 2020 meetings, and recommended unanimously by the Council. No aspect of this action is controversial, and changes of this nature were anticipated in the biennial harvest specifications and management measures established through a notice and comment rulemaking for 2019–2020 (83 FR 63970; December 12, 2018).

**List of Subjects in 50 CFR Part 660**

Fisheries, Fishing, and Indian fisheries.

Dated: June 4, 2020.

**Hélène M.N. Scalliet,**

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

For the reasons set out in the preamble, 50 CFR part 660 is amended as follows:

## PART 660—FISHERIES OFF WEST COAST STATES

■ 1. The authority citation for part 660 continues to read as follows:

**Authority:** 16 U.S.C. 1801 *et seq.,* 16 U.S.C. 773 *et seq.,* and 16 U.S.C. 7001 *et seq.*

■ 2. Table 2 (North) to part 660, subpart E, is revised to read as follows:

**Table 2 (North) to Part 660, Subpart 3—Non-Trawl Rockfish Conservation Areas and Trip Limits for Limited Entry Fixed Fear North of 40°10′ N Lat.**

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**Table 2 (North) to Part 660, Subpart E -- Non-Trawl Rockfish Conservation Areas and Trip Limits for Limited Entry Fixed Gear North of 40°10' N. lat.**

Other limits and requirements apply -- Read §§660.10 through 660.399 before using this table 06/01/2020

| | | JAN-FEB | MAR-APR | MAY-JUN | JUL-AUG | SEP-OCT | NOV-DEC |
|---|---|---|---|---|---|---|---|
| **Rockfish Conservation Area (RCA)[1/]:** | | | | | | | |
| 1 | North of 46°16' N. lat. | shoreline - 100 fm line[1/] | | | | | |
| 2 | 46°16' N. lat. - 42°00' N. lat. | 30 fm line[1/] - 100 fm line[1/] | | | | | |
| 3 | 42°00' N. lat. - 40°10' N. lat. | 30 fm line[1/] - 100 fm line[1/] | | | | | |
| **See §§660.60 and 660.230 for additional gear, trip limit and conservation area requirements and restrictions. See §§660.70-660.74 and §§660.76-660.79 for conservation area descriptions and coordinates (including RCAs, YRCAs, CCAs, Farallon Islands, Cordell Banks, and EFHCAs).** | | | | | | | |
| State trip limits and seasons may be more restrictive than Federal trip limits or seasons, particularly in waters off Oregon and California. | | | | | | | |
| 4 | **Minor Slope Rockfish[2/] & Darkblotched rockfish** | 6,000 lb/2 month | | 8,000 lb/2 month | | | |
| 5 | **Pacific ocean perch** | 1,800 lb/ 2 months | | | | | |
| 6 | **Sablefish** | 1,300 lb week, not to exceed 3,900 lbs/2months | | 1,500 lb/ week, not to exceed 4,500 lbs/ 2 months | | | |
| 7 | **Longspine thornyhead** | 10,000 lb/ 2 months | | | | | |
| 8 | **Shortspine thornyhead** | 2,000 lb/ 2 months | | | 2,500 lb/ 2 months | | |
| 9 | **Dover sole, arrowtooth flounder, petrale sole, English sole, starry flounder, Other Flatfish[3/]** | 5,000 lb/ month | | 10,000 lb/ month | | | |
| 10 | | South of 42° N. lat., when fishing for "other flatfish," vessels using hook-and-line gear with no more than 12 hooks per line, using hooks no larger than "Number 2" hooks, which measure 0.44 in (11 mm) point to shank, and up to two 1 lb (0.45 kg) weights per line, are not subject to the RCAs. | | | | | |
| 11 | **Whiting** | 10,000 lb/ trip | | | | | |
| 12 | **Minor Shelf Rockfish[2/], Shortbelly, & Widow rockfish** | 200 lb/ month | | 800 lb/ month | | | |
| 13 | **Yellowtail rockfish** | 1,000 lb/ month | | 3,000 lb/ month | | | |
| 14 | **Canary rockfish** | 300 lb/ 2 months | | 3,000 lb/ 2 months | | | |
| 15 | **Yelloweye rockfish** | CLOSED | | | | | |
| 16 | **Minor Nearshore Rockfish, Washington Black rockfish & Oregon Black/blue/deacon rockfish** | | | | | | |
| 17 | North of 42°00' N. lat. | 5,000 lb/ 2 months, no more than 1,200 lb of which may be species other than black rockfish or blue/deacon rockfish[4/] | | | | | |
| 18 | 42°00' N. lat. - 40°10' N. lat. | 8,500 lb/ 2 months, no more than 1,500 lb of which may be species other than black rockfish | 7,000 lb/ 2 months, no more than 1,500 lb of which may be species other than black rockfish | 7,000 lb/ 2 months, no more than 2,000 lb of which may be species other than black rockfish | | | |
| 19 | **Lingcod[5/]** | | | | | | |
| 20 | North of 42°00' N. lat. | 2,600 lb/2 months | | 4,000 lb/ 2 months | | | |
| 21 | 42°00' N. lat. - 40°10' N. lat. | 1,400 lb/2 months | | 2,000 lb/ 2 months | | | |
| 22 | **Pacific cod** | 1,000 lb/ 2 months | | | | | |
| 23 | **Spiny dogfish** | 200,000 lb/ 2 months | | 150,000 lb/ 2 months | 100,000 lb/ 2 months | | |
| 24 | **Longnose skate** | Unlimited | | | | | |
| 25 | **Other Fish[6/]& Cabezon in California** | Unlimited | | | | | |
| 26 | **Oregon Cabezon/Kelp Greenling** | Unlimited | | | | | |
| 27 | **Big skate** | Unlimited | | | | | |

TABLE 2 (North)

1/ The Rockfish Conservation Area is an area closed to fishing by particular gear types, bounded by lines specifically defined by latitude and longitude coordinates set out at §§ 660.71-660.74. This RCA is not defined by depth contours (with the exception of the 20-fm depth contour boundary south of 42° N. lat.), and the boundary lines that define the RCA may close areas that are deeper or shallower than the depth contour. Vessels that are subject to RCA restrictions may not fish in the RCA, or operate in the RCA for any purpose other than transiting.

2/ Bocaccio, chilipepper and cowcod are included in the trip limits for Minor Shelf Rockfish and splitnose rockfish is included in the trip limits for Minor Slope Rockfish.

3/ "Other flatfish" are defined at § 660.11 and include butter sole, curlfin sole, flathead sole, Pacific sanddab, rex sole, rock sole, and sand sole.

4/ For black rockfish north of Cape Alava (48°09.50' N. lat.), and between Destruction Is. (47°40' N. lat.) and Leadbetter Pnt. (46°38.17' N. lat.), there is an additional limit of 100 lb or 30 percent by weight of all fish on board, whichever is greater, per vessel, per fishing trip.

5/ The minimum size limit for lingcod is 22 inches (56 cm) total length North of 42° N. lat. and 24 inches (61 cm) total length South of 42° N. lat.

6/ "Other Fish" are defined at § 660.11 and include kelp greenling off California and leopard shark.

**To convert pounds to kilograms, divide by 2.20462, the number of pounds in one kilogram.**

■ 3. Table 2 (South) to part 660, subpart E, is revised to read as follows:

**Table 2 (South) to Part 660, Subpart E—Non-Trawl Rockfish Conservation Areas and Trip Limits for Limited Entry Fixed Gear South of 40°10′ N Lat.**

**Table 2 (South) to Part 660, Subpart E -- Non-Trawl Rockfish Conservation Areas and Trip Limits for Limited Entry Fixed Gear South of 40°10' N. lat.**

Other limits and requirements apply -- Read §§660.10 through 660.399 before using this table — 06/01/2020

TABLE 2 (South)

| | | JAN-FEB | MAR-APR | MAY-JUN | JUL-AUG | SEP-OCT | NOV-DEC |
|---|---|---|---|---|---|---|---|
| | **Rockfish Conservation Area (RCA)[1/]:** | | | | | | |
| 1 | 40°10' N. lat. - 34°27' N. lat. | 40 fm line[1/] - 125 fm line[1/] | | | | | |
| 2 | South of 34°27' N. lat. | 75 fm line[1/] - 150 fm line[1/] (also applies around islands) | | | | | |
| | **See §§660.60 and 660.230 for additional gear, trip limit and conservation area requirements and restrictions. See §§660.70-660.74 and §§660.76-660.79 for conservation area descriptions and coordinates (including RCAs, YRCAs, CCAs, Farallon Islands, Cordell Banks, and EFHCAs).** | | | | | | |
| | State trip limits and seasons may be more restrictive than Federal trip limits or seasons, particularly in waters off Oregon and California. | | | | | | |
| 3 | **Minor Slope rockfish[2/] & Darkblotched rockfish** | 40,000 lb/ 2 months, of which no more than 1,375 lb may be blackgill rockfish | | 40,000 lb/ 2 months, of which no more than 5,500 lb may be blackgill rockfish | | | |
| 4 | **Splitnose rockfish** | 40,000 lb/ 2 months | | | | | |
| 5 | **Sablefish** | | | | | | |
| 6 | 40°10' N. lat. - 36°00' N. lat. | 1,300 lb week, not to exceed 3,900 lbs/2months | | 1,500 lb/ week, not to exceed 4,500 lbs/ 2 months | | | |
| 7 | South of 36°00' N. lat. | 2,000 lb/ week | | | | | |
| 8 | **Longspine thornyhead** | 10,000 lb/ 2 months | | | | | |
| 9 | **Shortspine thornyhead** | | | | | | |
| 10 | 40°10' N. lat. - 34°27' N. lat. | 2,000 lb/ 2 months | | 2,500 lb/ 2 months | | | |
| 11 | South of 34°27' N. lat. | 3,000 lb/ 2 months | | | | | |
| 12 | **Dover sole, arrowtooth flounder, petrale sole, English sole, starry flounder, Other Flatfish[3/]** | 5,000 lb/ month | | 10,000 lb/ month | | | |
| 13 | | South of 42° N. lat., when fishing for "other flatfish," vessels using hook-and-line gear with no more than 12 hooks per line, using hooks no larger than "Number 2" hooks, which measure 0.44 in (11 mm) point to shank, and up to two 1 lb (0.45 kg) weights per line, are not subject to the RCAs. | | | | | |
| 14 | **Whiting** | 10,000 lb/ trip | | | | | |
| 15 | **Minor Shelf Rockfish[2/], Shortbelly rockfish, Widow rockfish (including Chilipepper between 40°10' - 34°27' N. lat.)** | | | | | | |
| 16 | 40°10' N. lat. - 34°27' N. lat. | Minor shelf rockfish, shortbelly, widow rockfish, & chilipepper: 2,500 lb/ 2 months, of which no more than 500 lb may be any species other than chilipepper. | | 8,000 lb/ 2 months, of which no more than 500 lbs may be vermilion rockfish | | | |
| 17 | South of 34°27' N. lat. | 4,000 lb/ 2 months | CLOSED | 5,000 lb/ 2 months, of which no more than 4,000 lb may be vermilion rockfish | | | |
| 18 | **Chilipepper** | | | | | | |
| 19 | 40°10' N. lat. - 34°27' N. lat. | Chilipepper included under minor shelf rockfish, shortbelly and widow rockfish limits - - See above | | | | | |
| 20 | South of 34°27' N. lat. | 2,000 lb/ 2 months, this opportunity only available seaward of the non-trawl RCA | | 4,000 lb/ 2 months, this opportunity only available seaward of the non-trawl RCA | | | |
| 21 | **Canary rockfish** | | | | | | |
| 22 | 40°10' N. lat. - 34°27' N. lat. | 300 lb/ 2 months | | 3,500 lb/ 2 months | | | |
| 23 | South of 34°27' N. lat. | 300 lb/ 2 months | CLOSED | 3,500 lb/ 2 months | | | |
| 24 | **Yelloweye rockfish** | CLOSED | | | | | |
| 25 | **Cowcod** | CLOSED | | | | | |
| 26 | **Bronzespotted rockfish** | CLOSED | | | | | |

| Table 2 (South) continued | | | | | | 06/01/2020 |
|---|---|---|---|---|---|---|
| 27 | **Bocaccio** | | | | | TABLE 2 (South) cont'd |
| 28 | 40°10' N. lat. - 34°27' N. lat. | 1,500 lb/ 2 months | | | | |
| 29 | South of 34°27' N. lat. | 1,500 lb/ 2 months | CLOSED | 1,500 lb/ 2 months | | |
| 30 | **Minor Nearshore Rockfish, California Black rockfish, & Oregon Black/Blue/Deacon rockfish** | | | | | |
| 31 | Shallow nearshore[4/] | 1,200 lb/ 2 months | CLOSED | 2,000 lb/ 2 months | | |
| 32 | Deeper nearshore[5/] | 1,200 lb/ 2 months | CLOSED | 2,000 lb/ 2 months | | |
| 33 | **California Scorpionfish** | 1,500 lb/ 2 months | CLOSED | 1,500 lb/ 2 months | | |
| 34 | **Lingcod[6/]** | 1,200 lb/ 2 months | CLOSED | 1,500 lb/ 2 months | | |
| 35 | **Pacific Cod** | 1,000 lb/ 2 months | | | | |
| 36 | **Spiny dogfish** | 200,000 lb/ 2 months | | 150,000 lb/ 2 months | 100,000 lb/ 2 months | |
| 37 | **Longnose skate** | Unlimited | | | | |
| 38 | **Other Fish[7/] & Cabezon in California** | Unlimited | | | | |
| 39 | **Big Skate** | Unlimited | | | | |

1/ The Rockfish Conservation Area is an area closed to fishing by particular gear types, bounded by lines specifically defined by latitude and longitude coordinates set out at §§ 660.71-660.74. This RCA is not defined by depth contours (with the exception of the 20-fm depth contour boundary south of 42° N. lat.), and the boundary lines that define the RCA may close areas that are deeper or shallower than the depth contour. Vessels that are subject to RCA restrictions may not fish in the RCA, or operate in the RCA for any purpose other than transiting.

2/ Pacific ocean perch is included in the trip limits for Minor Slope Rockfish. Blackgill rockfish have a species specific trip sub-limit within the Minor Slope Rockfish cumulative limit. Yellowtail rockfish are included in the trip limits for Minor Shelf Rockfish. Bronzespotted rockfish have a species specific trip limit.

3/ "Other Flatfish" are defined at § 660.11 and include butter sole, curlfin sole, flathead sole, Pacific sanddab, rex sole, rock sole, and sand sole.

4/ "Shallow Nearshore" are defined at § 660.11 under "Groundfish" (7)(i)(B)(*1*).

5/ "Deeper Nearshore" are defined at § 660.11 under "Groundfish" (7)(i)(B)(*2*).

6/ The commercial mimimum size limit for lingcod is 24 inches (61 cm) total length South of 42° N. lat.

7/ "Other Fish" are defined at § 660.11 and include kelp greenling off California and leopard shark.

**To convert pounds to kilograms, divide by 2.20462, the number of pounds in one kilogram.**

■ 4. Table 3 (North) to part 660, subpart F, is revised to read as follows:

**Table 3 (North) to Part 660, Subpart F—Non-Trawl Rockfish Conservation Areas and Trip Limits for Open Access Gears North of 40°10′ N Lat.**

**Table 3 (North) to Part 660, Subpart F -- Non-Trawl Rockfish Conservation Areas and Trip Limits for Open Access Gears North of 40°10' N. lat.**

**Other limits and requirements apply -- Read §§660.10 through 660.399 before using this table** 06/01/2020

| | | JAN-FEB | MAR-APR | MAY-JUN | JUL-AUG | SEP-OCT | NOV-DEC |
|---|---|---|---|---|---|---|---|
| | **Rockfish Conservation Area (RCA)[1/]:** | | | | | | |
| 1 | North of 46°16' N. lat. | shoreline - 100 fm line[1/] | | | | | |
| 2 | 46°16' N. lat. - 42°00' N. lat. | 30 fm line[1/] - 100 fm line[1/] | | | | | |
| 3 | 42°00' N. lat. - 40°10' N. lat. | 30 fm line[1/] - 100 fm line[1/] | | | | | |
| | **See §§660.60, 660.330 and 660.333 for additional gear, trip limit and conservation area requirements and restrictions. See §§660.70-660.74 and §§660.76-660.79 for conservation area descriptions and coordinates (including RCAs, YRCAs, CCAs, Farallon Islands, Cordell Bank, and EFHCAs).** | | | | | | |
| | State trip limits and seasons may be more restrictive than Federal trip limits or seasons, particularly in waters off Oregon and California. | | | | | | |
| 4 | **Minor Slope Rockfish[2/] & Darkblotched rockfish** | 500 pounds/month | | 1,000 lb/ month | | | |
| 5 | **Pacific ocean perch** | 100 lb/ month | | | | | |
| 6 | **Sablefish** | 300 lb day; or one landing per week up to 1,200 lb, not to exceed 2,400 lb/2 months | | 300 lb day; or one landing per week up to 1,500 lb, not to exceed 3,000 lb/2 months | | | |
| 7 | **Shortpine thornyheads** | 50 lb/ month | | | | | |
| 8 | **Longspine thornyheads** | 50 lb/ month | | | | | |
| 9 | **Dover sole, arrowtooth flounder, petrale sole, English sole, starry flounder, Other Flatfish[3/]** | 3,000 lb/ month, no more than 300 lb of which may be species other than Pacific sanddabs. | | 5,000 lb/ month | | | |
| 10 | | South of 42° N. lat., when fishing for "Other Flatfish," vessels using hook-and-line gear with no more than 12 hooks per line, using hooks no larger than "Number 2" hooks, which measure 0.44 in (11 mm) point to shank, and up to two 1 lb (0.45 kg) weights per line are not subject to the RCAs. | | | | | |
| 11 | **Whiting** | 300 lb/ month | | | | | |
| 12 | **Minor Shelf Rockfish[2/], Shortbelly rockfish, & Widow rockfish** | 200 lb/ month | | 800 lb/ month | | | |
| 13 | **Yellowtail rockfish** | 500 lb/ month | | 1,500 lb/ month | | | |
| 14 | **Canary rockfish** | 300 lb/ 2 months | | 1,000 lb/ 2 months | | | |
| 15 | **Yelloweye rockfish** | CLOSED | | | | | |
| 16 | **Minor Nearshore Rockfish, Washington Black rockfish, & Oregon Black/Blue/Deacon rockfish** | | | | | | |
| 17 | North of 42°00' N. lat. | 5,000 lb/ 2 months, no more than 1,200 lb of which may be species other than black rockfish or blue/deacon rockfish [4/] | | | | | |
| 18 | 42°00' N. lat. - 40°10' N. lat. | 8,500 lb/ 2 months, no more than 1,500 lb of which may be species other than black rockfish | 7,000 lb/ 2 months, no more than 1,500 lb of which may be species other than black rockfish | 7,000 lb/ 2 months, no more than 2,000 lb of which may be species other than black rockfish | | | |
| 19 | **Lingcod[5/]** | | | | | | |
| 20 | North of 42°00' N. lat. | 1,200 lb/month | | 2,000 lbs/ month | | | |
| 21 | 42°00' N. lat. - 40°10' N. lat. | 600 lb/ month | | 1,000 lb/ month | | | |
| 22 | **Pacific cod** | 1,000 lb/ 2 months | | | | | |
| 23 | **Spiny dogfish** | 200,000 lb/ 2 months | | 150,000 lb/ 2 months | 100,000 lb/ 2 months | | |
| 24 | **Longnose skate** | Unlimited | | | | | |
| 25 | **Big skate** | Unlimited | | | | | |
| 26 | **Other Fish[6/] & Cabezon in California** | Unlimited | | | | | |
| 27 | **Oregon Cabezon/Kelp Greenling** | Unlimited | | | | | |

TABLE 3 (North)

| Table 3 (North). Continued | | | 06/01/2020 |
|---|---|---|---|
| 28 | **SALMON TROLL** *(subject to RCAs when retaining all species of groundfish, except for yellowtail rockfish and lingcod, as described below)* | | TABLE 3 (North) cont'd |
| 29 | North | Salmon trollers may retain and land up to 1 lb of yellowtail rockfish for every 2 lbs of salmon landed, with a cumulative limit of 200 lb/month, both within and outside of the RCA. This limit is within the 200 lb per month combined limit for minor shelf rockfish, widow rockfish and yellowtail rockfish, and not in addition to that limit. Salmon trollers may retain and land up to 1 lingcod per 5 Chinook per trip, plus 1 lingcod per trip, up to a trip limit of 10 lingcod, on a trip where any fishing occurs within the RCA. This limit only applies during times when lingcod retention is allowed, and is not "CLOSED." This limit is within the per month limit for lingcod described in the table above, and not in addition to that limit. All groundfish species are subject to the open access limits, seasons, size limits and RCA restrictions listed in the table above, unless otherwise stated here. | |
| 30 | **PINK SHRIMP NON-GROUNDFISH TRAWL** *(not subject to RCAs)* | | |
| 31 | North | **Effective April 1 - October 31:** Groundfish: 500 lb/day, multiplied by the number of days of the trip, not to exceed 1,500 lb/trip. The following sublimits also apply and are counted toward the overall 500 lb/day and 1,500 lb/trip groundfish limits: lingcod 300 lb/month (minimum 24 inch size limit); sablefish 2,000 lb/month; canary, thornyheads and yelloweye rockfish are PROHIBITED. All other groundfish species taken are managed under the overall 500 lb/day and 1,500 lb/trip groundfish limits. Landings of these species count toward the per day and per trip groundfish limits and do not have species-specific limits. The amount of groundfish landed may not exceed the amount of pink shrimp landed. | |

1/ The Rockfish Conservation Area is an area closed to fishing by particular gear types, bounded by lines specifically defined by latitude and longitude coordinates set out at §§ 660.71-660.74. This RCA is not defined by depth contours (with the exception of the 20-fm depth contour boundary south of 42° N. lat.), and the boundary lines that define the RCA may close areas that are deeper or shallower than the depth contour. Vessels that are subject to RCA restrictions may not fish in the RCA, or operate in the RCA for any purpose other than transiting.

2/ Bocaccio, chilipepper and cowcod rockfishes are included in the trip limits for Minor Shelf Rockfish. Splitnose rockfish is included in the trip limits for Minor Slope Rockfish.

3/ "Other flatfish" are defined at § 660.11 and include butter sole, curlfin sole, flathead sole, Pacific sanddab, rex sole, rock sole, and sand sole.

4/ For black rockfish north of Cape Alava (48°09.50' N. lat.), and between Destruction Is. (47°40' N. lat.) and Leadbetter Pnt. (46°38.17' N. lat.), there is an additional limit of 100 lbs or 30 percent by weight of all fish on board, whichever is greater, per vessel, per fishing trip.

5/ The minimum size limit for lingcod is 22 inches (56 cm) total length North of 42° N. lat. and 24 inches (61 cm) total length South of 42° N. lat.

6/ "Other fish" are defined at § 660.11 and include kelp greenling off California and leopard shark.

**To convert pounds to kilograms, divide by 2.20462, the number of pounds in one kilogram.**

■ 5. Table 3 (South) to part 660, subpart F, is revised to read as follows:

**Table 3 (South) to Part 660, Subpart F—Non-Trawl Rockfish Conservation Areas and Trip Limits for Open Access Gears South of 40°10′ N Lat.**

**Table 3 (South) to Part 660, Subpart F -- Non-Trawl Rockfish Conservation Areas and Trip Limits for Open Access Gears South of 40°10' N. lat.**

**Other limits and requirements apply -- Read §§660.10 through 660.399 before using this table** 06/01/2020

| | | JAN-FEB | MAR-APR | MAY-JUN | JUL-AUG | SEP-OCT | NOV-DEC |
|---|---|---|---|---|---|---|---|
| **Rockfish Conservation Area (RCA)[1/]:** | | | | | | | |
| 1 | 40°10' N. lat. - 34°27' N. lat. | 40 fm line[1/] - 125 fm line[1/] | | | | | |
| 2 | South of 34°27' N. lat. | 75 fm line[1/] - 150 fm line[1/] (also applies around islands) | | | | | |
| **See §§660.60 and 660.230 for additional gear, trip limit and conservation area requirements and restrictions. See §§660.70-660.74 and §§660.76-660.79 for conservation area descriptions and coordinates (including RCAs, YRCAs, CCAs, Farallon Islands, Cordell Banks, and EFHCAs).** | | | | | | | |
| State trip limits and seasons may be more restrictive than Federal trip limits or seasons, particularly in waters off Oregon and California. | | | | | | | |
| 3 | **Minor Slope Rockfish[2/] & Darkblotched rockfish** | 10,000 lb/ 2 months, of which no more than 475 lb may be blackgill rockfish | | 10,000 lb/ 2 months, of which no more than 1,500 lb may be blackgill rockfish | | | |
| 4 | **Splitnose rockfish** | 200 lb/ month | | | | | |
| 5 | **Sablefish** | | | | | | |
| 6 | 40°10' N. lat. - 36°00' N. lat. | 300 lb/ day, or one landing per week up to 1,200 lb, not to exceed 2,400 lb/ 2 months | | 300 lb/ day, or one landing per week up to 1,500 lb, not to exceed 3,000 lb/ 2 months | | | |
| 7 | South of 36°00' N. lat. | 300 lb day; or one landing per week up to 1,600 lb not to exceed 4,800 lb/2 months | | | | | |
| 8 | **Shortpine thornyheads and longspine thornyheads** | | | | | | |
| 9 | 40°10' N. lat. - 34°27' N. lat. | CLOSED | | | | | |
| 10 | South of 34°27' N. lat. | 50 lb/ day, no more than 1,000 lb/ 2 months | | | | | |
| 11 | **Dover sole, arrowtooth flounder, petrale sole, English sole, starry flounder, Other Flatfish[3/]** | 3,000 lb/ month, no more than 300 lb of which may be species other than Pacific sanddabs. | | 5,000 lb/ month | | | |
| 12 | | South of 42° N. lat., when fishing for "other flatfish," vessels using hook-and-line gear with no more than 12 hooks per line, using hooks no larger than "Number 2" hooks, which measure 0.44 in (11 mm) point to shank, and up to two 1 lb (0.45 kg) weights per line are not subject to the RCAs. | | | | | |
| 13 | **Whiting** | 300 lb/ month | | | | | |
| 14 | **Minor Shelf Rockfish[2/], Shortbelly, Widow rockfish and Chilipepper** | | | | | | |
| 15 | 40°10' N. lat. - 34°27' N. lat. | 400 lb/ 2 months | CLOSED | 4,000 lb/ 2 months, of which no more than 400 lbs may be vermilion rockfish | | | |
| 16 | South of 34°27' N. lat. | 1,500 lb/ 2 months | | 3,000 lb/ 2 months, of which no more than 1,500 lbs may be vermilion rockfish | | | |
| 17 | **Canary rockfish** | 300 lb/ 2 months | CLOSED | 1,500 lb/ 2 months | | | |
| 18 | **Yelloweye rockfish** | CLOSED | | | | | |
| 19 | **Cowcod** | CLOSED | | | | | |
| 20 | **Bronzespotted rockfish** | CLOSED | | | | | |
| 21 | **Bocaccio** | 500 lb/ 2 months | CLOSED | 500 lb/ 2 months | | | |
| 22 | **Minor Nearshore Rockfish, California Black rockfish, & Oregon Black/Blue/Deacon rockfish** | | | | | | |
| 23 | Shallow nearshore[4/] | 1,200 lb/ 2 months | CLOSED | 2,000 lb/ 2 months | | | |
| 24 | Deeper nearshore[5/] | 1,200 lb/ 2 months | CLOSED | 2,000 lb/ 2 months | | | |
| 25 | **California scorpionfish** | 1,500 lb/ 2 months | CLOSED | 1,500 lb/ 2 months | | | |
| 26 | **Lingcod[6/]** | 500 lb/month | CLOSED | 700 lb/ month | | | |
| 27 | **Pacific cod** | 1,000 lb/ 2 months | | | | | |
| 28 | **Spiny dogfish** | 200,000 lb/ 2 months | | 150,000 lb/ 2 months | 100,000 lb/ 2 months | | |
| 29 | **Longnose skate** | Unlimited | | | | | |
| 30 | **Big skate** | Unlimited | | | | | |
| 31 | **Other Fish[7/] & Cabezon in California** | Unlimited | | | | | |

TABLE 3 (South)

*Table 3 (South). Continued* 06/01/2020

| | | | JAN-FEB | MAR-APR | MAY-JUN | JUL-AUG | SEP-OCT | NOV-DEC |
|---|---|---|---|---|---|---|---|---|
| 32 | **RIDGEBACK PRAWN AND, SOUTH OF 38°57.50' N. LAT., CA HALIBUT AND SEA CUCUMBER NON-GROUNDFISH TRAWL** | | | | | | | |
| 33 | **NON-GROUNDFISH TRAWL Rockfish Conservation Area (RCA) for CA Halibut, Sea Cucumber & Ridgeback Prawn:** | | | | | | | |
| 34 | | *40°10' N. lat. - 38°00' N. lat.* | *100 fm line[1/] - 200 fm line[1/]* | *100 fm line[1/] - 150 fm line[1/]* | | | | *100 fm line[1/] - 200 fm line[1/]* |
| 35 | | *38°00' N. lat. - 34°27' N. lat.* | *100 fm line[1/] - 150 fm line[1/]* | | | | | |
| 36 | | *South of 34°27' N. lat.* | *100 fm line[1/] - 150 fm line[1/] along the mainland coast; shoreline - 150 fm line[1/] around islands* | | | | | |
| 37 | | | Groundfish: 300 lb/trip. Species-specific limits described in the table above also apply and are counted toward the 300 lb groundfish per trip limit. The amount of groundfish landed may not exceed the amount of the target species landed, except that the amount of spiny dogfish landed may exceed the amount of target species landed. Spiny dogfish are limited by the 300 lb/trip overall groundfish limit. The daily trip limits for sablefish coastwide and thornyheads south of Pt. Conception and the overall groundfish "per trip" limit may not be multiplied by the number of days of the trip. Vessels participating in the California halibut fishery south of 38°57.50' N. lat. are allowed to (1) land up to 100 lb/day of groundfish without the ratio requirement, provided that at least one California halibut is landed and (2) land up to 3,000 lb/month of flatfish, no more than 300 lb of which may be species other than Pacific sanddabs, sand sole, starry flounder, rock sole, curlfin sole, or California scorpionfish (California scorpionfish is also subject to the trip limits and closures in line 29). | | | | | |
| 38 | **PINK SHRIMP NON-GROUNDFISH TRAWL GEAR** *(not subject to RCAs)* | | | | | | | |
| 39 | | South | Effective April 1 - October 31: Groundfish: 500 lb/day, multiplied by the number of days of the trip, not to exceed 1,500 lb/trip. The following sublimits also apply and are counted toward the overall 500 lb/day and 1,500 lb/trip groundfish limits: lingcod 300 lb/ month (minimum 24 inch size limit); sablefish 2,000 lb/ month; canary rockfish, thornyheads and yelloweye rockfish are PROHIBITED. All other groundfish species taken are managed under the overall 500 lb/day and 1,500 lb/trip groundfish limits. Landings of all groundfish species count toward the per day, per trip or other species-specific sublimits described here and the species-specific limits described in the table above do not apply. The amount of groundfish landed may not exceed the amount of pink shrimp landed. | | | | | |

TABLE 3 (South) cont'd

1/ The Rockfish Conservation Area is an area closed to fishing by particular gear types, bounded by lines specifically defined by latitude and longitude coordinates set out at §§ 660.71-660.74. This RCA is not defined by depth contours (with the exception of the 20-fm depth contour boundary south of 42° N. lat.), and the boundary lines that define the RCA may close areas that are deeper or shallower than the depth contour. Vessels that are subject to RCA restrictions may not fish in the RCA, or operate in the RCA for any purpose other than transiting.

2/ POP is included in the trip limits for minor slope rockfish. Blackgill rockfish have a species specific trip sub-limit within the minor slope rockfish cumulative limits. Yellowtail rockfish is included in the trip limits for minor shelf rockfish. Bronzespotted rockfish have a species specific trip limit.

3/ "Other flatfish" are defined at § 660.11 and include butter sole, curlfin sole, flathead sole, Pacific sanddab, rex sole, rock sole, and sand sole.

4/ "Shallow Nearshore" are defined at § 660.11 under "Groundfish" (7)(i)(B)(*1*).

5/ "Deeper Nearshore" are defined at § 660.11 under "Groundfish" (7)(i)(B)(*2*).

6/ The commercial mimimum size limit for lingcod is 24 inches (61 cm) total length South of 42° N. lat.

7/ "Other fish" are defined at § 660.11 and includes kelp greenling off California and leopard shark.

**To convert pounds to kilograms, divide by 2.20462, the number of pounds in one kilogram.**

[FR Doc. 2020–12503 Filed 6–8–20; 8:45 am]

**BILLING CODE 3510–22–C**

# Proposed Rules

Federal Register
Vol. 85, No. 111
Tuesday, June 9, 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 966

**[Doc. No. AMS–SC–20–0004; SC20–966–1 PR]**

## Tomatoes Grown in Florida; Modification of Handling Requirements

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Proposed rule.

**SUMMARY:** This proposed rule invites comment on recommendations from the Florida Tomato Committee (Committee) to change the handling requirements in the Marketing Order regulating the handling of tomatoes grown in Florida. This action would revise the exemption, container, and definition sections under the handling requirements and would update language to reflect current industry practices.

**DATES:** Comments must be received by July 9, 2020.

**ADDRESSES:** Interested persons are invited to submit written comments concerning this proposal. Comments must be sent to the Docket Clerk, Marketing Order and Agreement Division, Specialty Crops Program, AMS, USDA, 1400 Independence Avenue SW, STOP 0237, Washington, DC 20250–0237; Fax: (202) 720–8938; or internet: *http://www.regulations.gov.* All comments should reference the document number and the date and page number of this issue of the **Federal Register** and will be made available for public inspection in the Office of the Docket Clerk during regular business hours, or can be viewed at: *http://www.regulations.gov.* All comments submitted in response to this proposal 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 the comments will be made public on the internet at the address provided above.

**FOR FURTHER INFORMATION CONTACT:** Steven W. Kauffman, Marketing Specialist, or Christian D. Nissen, Regional Director, Southeast Marketing Field Office, Marketing Order and Agreement Division, Specialty Crops Program, AMS, USDA; Telephone: (863) 324–3375, Fax: (863) 291–8614, or Email: *Steven.Kauffman@usda.gov* or *Christian.Nissen@usda.gov.*

Small businesses may request information on complying with this regulation by contacting Richard Lower, Marketing Order and Agreement Division, Specialty Crops Program, AMS, USDA, 1400 Independence Avenue SW, STOP 0237, Washington, DC 20250–0237; Telephone: (202) 720–2491, Fax: (202) 720–8938, or Email: *Richard.Lower@usda.gov.*

**SUPPLEMENTARY INFORMATION:** This action, pursuant to 5 U.S.C. 553, proposes an amendment to regulations issued to carry out a marketing order as defined in 7 CFR 900.2(j). This proposed rule is issued under Marketing Agreement No. 125 and Order No. 966, as amended (7 CFR part 966), regulating the handling of tomatoes grown in Florida. Part 966 (referred to as the ''Order'') is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''Act.'' The Committee locally administers the Order and is comprised of producers operating within the production area.

The Department of Agriculture (USDA) is issuing this proposed rule in conformance with Executive Orders 13563 and 13175. This action falls within a category of regulatory actions that the Office of Management and Budget (OMB) exempted from Executive Order 12866 review. Additionally, because this proposed rule does not meet the definition of a significant regulatory action, it does not trigger the requirements contained in Executive Order 13771. See OMB's Memorandum titled ''Interim Guidance Implementing Section 2 of the Executive Order of January 30, 2017, titled 'Reducing Regulation and Controlling Regulatory Costs' '' (February 2, 2017).

This proposed rule has been reviewed under Executive Order 12988, Civil Justice Reform. This proposed rule is not intended to have retroactive effect.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to a marketing order may file with USDA a petition stating that the marketing order, any provision of the marketing order, or any obligation imposed in connection with the marketing order is not in accordance with law and request a modification of the marketing order or to be exempted therefrom. A handler is afforded the opportunity for a hearing on the petition. After the hearing, USDA would rule on the petition. The Act provides that the district court of the United States (U.S.) in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction to review USDA's ruling on the petition, provided an action is filed not later than 20 days after the date of the entry of the ruling.

This proposed rule invites comments on revising the exemption, container, and definition sections in the handling requirements of the Order. The Committee believes implementing the recommended changes would allow the tomato industry to meet its domestic market needs for quality, stabilize returns to producers, and bring the handling requirements in line with current industry practices. The Committee unanimously recommended these changes at its meeting on November 12, 2019.

Section 966.5 defines ''tomatoes'' to include all varieties of the edible fruit (Lycopersicon esculentum) commonly known as tomatoes and grown within the production area. Section 966.52 provides authority to the Committee to establish handling requirements for tomatoes grown within the regulated area. This includes, in part, establishing grade, size, quality, and maturity requirements, as well as weight, capacity, dimensions, markings, and pack requirements, which may be used in the handling of tomatoes. Section 966.60 requires Florida tomatoes be inspected and certified by authorized representatives of the Federal or Federal-State Inspection Service (FSIS), or such other inspection service as the Secretary shall designate.

Section 966.323 sets forth the handling requirements for Florida tomatoes, specifying the grade, size, and container requirements, including definitions and exemptions. The handling requirements also establish packout reporting requirements.

The Committee met on August 21, October 2, and November 12, 2019, to examine and discuss updates to the handling requirements. The Committee considered the major changes in the Florida tomato industry, including the types of tomatoes produced, production methods, and the container applications used at the handling operations. Following these discussions, the Committee's recommendations were to: Remove the exemption for pear shaped or Roma type tomatoes, revise the exemption and definition sections for greenhouse and hydroponic tomatoes, adjust the pack and container requirements, and update language to reflect current industry practices.

Over the last twenty years, the varieties of tomatoes produced in Florida for the fresh market have changed. When the handling requirements were created, Florida production of Roma tomatoes were a smaller portion of the fresh market and other varieties like Grape tomatoes were not yet developed. In recent years the production of Roma tomatoes has grown and is now a significantly larger portion of fresh market sales.

The average volume of fresh Florida Roma tomato shipments from the last three seasons reported by USDA Market News is 7,324,400 25-pound containers. This number is consistent with the Committee estimates of fresh market Roma tomatoes handled in the production area. The average volume reported by USDA Market News over the three-year period from 1999 to 2001 is 6,217,200 25-pound containers.

During the twenty-year period from 1999 to 2019, the total volume of regulated round tomatoes in Florida has decreased by half. According to USDA Market News shipping point data, total Florida production has decreased from approximately 60 million 25-pound containers for the 1999–20 season to 30 million for the 2018–19 season. Roma tomatoes have an increased market share representing nearly a quarter of the total tomato volume produced in the production area.

Further, according to the Global Agricultural Trade System (GATS) and Committee data, imports of Roma tomatoes from Mexico has quadrupled from approximately 12 million in 1999 to 48 million 25-pound containers in 2019. Over this 20-year period, based on USDA Market News and Committee reports, total U.S. fresh round tomato shipments from Florida and imported from Mexico [during the regulated period] decreased from approximately 92 million to 76 million 25-pound containers while U.S. Roma shipments increased from approximately 18 million to 52 million 25-pound containers.

These shipment numbers indicate Roma production as a percentage of the entire fresh tomato market in the U.S. has increased dramatically. This trend is demonstrated in taking the change between the 1999–2000 and 2018–2019 seasonal volume of Roma tomatoes as a percentage of total production for comparison. The proportion of Roma tomatoes as a percentage of total tomato shipments from both Florida and Mexico has increased from 19.6 percent (18 million divided by 92 million × 100) to 68.4 percent (52 million divided by 76 million × 100) during the regulated months. The increase in Roma volume and its proportion of the U.S. fresh market has impacted the Florida industry and the U.S. tomato market.

When Roma tomatoes were first exempt from the handling requirements, they were a niche market item and represented a minor portion of sales. With Roma production representing an increasing share of Florida tomato production, and a growing share of the domestic tomato market, the Committee discussed removing the handling requirements exemption for Roma tomatoes and requiring them to meet same grade and maturity requirements as round tomatoes.

Committee members indicated that Roma tomatoes can have quality defects such as puffing and scars. The puffing makes the Roma tomato soft and scars are not favorable to consumers in the marketplace. Since these quality factors were not regulated, there were concerns the quality factors were negatively affecting the returns on Roma varieties as well as other fresh market varieties. The Committee recognized the benefits of having the existing grade and maturity requirements for round tomatoes and agreed that establishing requirements for Roma tomatoes would help improve quality and help stabilize returns to the industry's producers by keeping low quality tomatoes out of the fresh market.

Consequently, the Committee unanimously recommended removing the exemptions for Roma tomatoes except the size requirements. The Committee recommended leaving the size exemption in place for Roma tomatoes since they are naturally smaller than round varieties, which makes it difficult for them to meet the existing size requirements. Handlers of Roma varieties are not currently required to register with the Committee or pay assessments on Roma varieties shipped, since they are exempt from requirements in the Order. With this proposed change, Roma tomatoes would be subject to grade, pack and container, inspection, and reporting requirements, and handlers would be subject to paying assessment fees.

Committee members and FSIS stated they are not aware of any Florida handlers that only handle Roma tomatoes. Members did indicate it is possible that some producers are only producing Roma tomatoes and that some small operations may be shipping Roma varieties inside the regulated area. The Committee estimates that handlers currently registered with the Committee are handling 90 to 95 percent of the Roma volume produced in the production area. Further, as registered handlers, they are familiar with the inspection, assessment, and reporting requirements established in the Order. Thus, handlers should be well-positioned to accommodate this change.

The Committee also discussed the growth in alternative production methods, especially in the area of protected culture production. Protected culture production is now more prevalent, sophisticated, and diverse than it was ten years ago, and includes the use of shade structures and other types of portable structures for use with field production. While most Florida growers still produce in an open-field environment, there has been some movement toward protected culture production in both high and low technology structures within the production area.

Currently, greenhouse and hydroponic production are exempt from the handling requirements. The regulations define ''greenhouse tomatoes'' as tomatoes grown indoors. With more producers considering the use of protected culture production and other production technologies, there have been questions as to what meets the definition of greenhouse. Committee members agreed it was important to provide the industry with more clarity regarding this exemption, so producers are clear about which production types are exempt from the handling requirements.

Protected culture tomato production can include rudimentary shade cloth and tunnel structures, to more sophisticated shade houses, to high-tech greenhouses and hothouses. Shade-house production often utilizes structures placed in the open field environment in order to protect the plants from adverse weather conditions, and the structures are often portable in nature. Greenhouse and hydroponic production usually mean permanent structures built of glass or similar materials that provide a controlled environment. The costs and the

environmental factors that affect production are also vastly different between a controlled environment verses a shade-house operation in the field.

Greenhouse and hydroponic tomatoes have been exempted from the handling requirements given that their cost of production, growing conditions, and market segment were historically different compared to field-grown tomatoes. However, there are some products in the national market grown in covered production, particularly those grown in lower technology shade houses, which may compete directly with tomatoes Florida growers produce in the open field. As such, the Committee believes it is important to be more precise in what production practices warrant an exemption.

With the increase in shade-house and other in- field technologies competing with field grown tomatoes for markets at similar price points, the Committee determined the exemption definition should be adjusted to better reflect the growing conditions that are significantly different than an open-field environment and production methods utilized in the production area. Committee members agreed that shade-house and similar production methods should not be granted an exemption since these methods of production do not significantly differ from that of open-field production. Further, these types of technologies are being used within the production area. Conversely, Committee staff has identified only one producer using permanent greenhouse structures in the production area.

As such, the Committee recommended revising the exemption and definition paragraphs of the handling requirements pertaining to greenhouse and hydroponic tomatoes to better define what types of production methods are exempt. This action would eliminate the current exemptions for greenhouse and hydroponic production and would establish a new exemption and definition for controlled environment production.

The new definition would define ''controlled environment'' to mean tomatoes grown in a soilless medium, in above ground containers, using hydroponic methods within a fully-enclosed permanent aluminum or fixed steel structure clad in glass, impermeable plastic, or polycarbonate, using automated irrigation and climate control, and with the surface dirt completely concealed under concrete or a synthetic lining (*e.g.* polypropylene ground cover). Tomatoes produced in a structure meeting the requirements of controlled environment would remain exempt from the handling requirements. The controlled environment definition was developed with input from the production area greenhouse and hydroponic producer. The Committee expects greenhouse and hydroponic operations in the production area currently exempt to meet the proposed definition of ''controlled environment.'' The proposed definition would provide producers with better clarity on which production types would meet the exemption requirements.

The Committee also recommended clarifying the exempt types of tomatoes under the handling requirements by adding tomatoes-on-the-vine or cluster type tomatoes (TOV), Campari (cocktail), and grape tomatoes. These varieties were not a large portion of the market when the handling requirements were last updated, but now are produced by growers in the production area. Like cherry tomatoes, which already have a specific exemption, these varieties are specialty varieties, and the Committee was not interested in regulating these varieties at this time. This change would clarify that these varieties are exempt from Order requirements, along with cherry tomatoes.

The Committee also recommended modifying the exemption relating to net weight requirements to better reflect current industry practices. Specialty packed, yellow meated, and place packed tomatoes are currently exempt from the net weight and the weight marking requirements of the handling regulations. In its discussions, the Committee recognized there has been considerable innovation over the last 10 years in packaging for retail sales. While most retail packaging had been done by repackers, there has been an increase in such packaging by handlers. Several handlers now hand place tomatoes into single or two-layer containers known as place-packed. Some handlers also pack directly into sleeves, bags, and clamshells for retail-ready sales.

With this type of packaging, it is very difficult to pack to any set weight requirement as they are normally packed to a count rather than based on weight. Consequently, the Committee recommended adding language that would also exempt retail-ready packaging from the net weight and marking requirements. The Committee also recommended defining ''retail-ready packaging'' as tomatoes packed by a first handler into consumer packs (sleeves, bags, clamshells) of two pounds or less. The Committee also recommended removing the definition for ''specialty packed red ripe tomatoes'' as no one in the production area packs to meet that definition. The Committee believes these changes would make the regulations easier to understand and better reflect current market conditions.

In another industry change, it has become more common for handlers to use Reusable Plastic Containers (RPCs) for packing tomatoes rather than corrugated cardboard containers. RPCs can be washed and sanitized for reuse and this makes them practical for packing at handling operations. Also, there are retailers that prefer to receive their tomatoes in RPCs. Additionally, the use of RPCs is more prevalent by those handlers packing Roma varieties that would also be required to meet container requirements under this action. However, RPCs and their use are not specifically included in the existing container requirements. As part of the recommended updates to the handling requirements, the Committee agreed that language regarding the use of RPCs should be added to the container requirements.

Committee members voted to revise the container requirements to include the use of RPCs along with language to ensure containers used are clean and sanitized prior to reuse. The Committee also recommended modifying the current container language that states containers in which the tomatoes are packed ''must be clean and bright in appearance without marks, stains, or other evidence of previous use'' to specifically apply to corrugated cardboard containers, so use and guidance is provided for both RPCs and cardboard containers.

Finally, this proposed rule would also make several other changes to the handling requirements to update language and to reflect current industry practices. Such changes include adding or revising paragraph headings to provide additional clarity, including Roma type tomatoes under the packout reporting requirements, and updating contact information.

This action would revise the exemption, container, and definition sections in the handling requirements. Implementing the recommended changes would allow the Florida tomato industry to meet its domestic market needs for quality, stabilize returns to producers and make the requirements more reflective of current industry practices.

Section 8e of the Act (7 U.S.C. 608e–1) provides that when certain domestically produced commodities, including tomatoes, are regulated under a Federal marketing order, imports of that commodity must meet the same or comparable grade, size, quality, and maturity requirements. Since this

change would adjust the exemption requirements to require previously exempt tomatoes to meet grade and/or size requirements, a corresponding change would need to be made to the import requirements for tomatoes. The corresponding changes to the import regulations are being addressed in a separate rulemaking.

**Initial Regulatory Flexibility Analysis**

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA) (5 U.S.C. 601–612), the Agricultural Marketing Service (AMS) has considered the economic impact of this proposed rule on small entities. Accordingly, AMS has prepared this initial regulatory flexibility analysis.

The purpose of the RFA is to fit regulatory actions to the scale of businesses subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and the rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf.

There are approximately 50 producers of Florida tomatoes in the production area and 37 handlers subject to regulation by the Order. Small agricultural producers are defined by the Small Business Administration (SBA) as those having annual receipts less than $1,000,000 and small agricultural service firms are defined as those whose annual receipts are less than $30,000,000 (13 CFR 121.201).

According to industry and Committee data, the average annual price for fresh Florida tomatoes during the 2018–19 season was approximately $12.56 per 25-pound container, and total fresh shipments were 25.9 million containers. Using the average price and shipment information, the number of handlers, and assuming a normal distribution, most handlers have average annual receipts of less than $30,000,000, ($12.56 times 25.9 million containers equals $325,304,000 divided by 37 handlers equals $8,792,000 per handler).

In addition, based on production data, an estimated producer price of $6.00 per 25-pound container, the number of Florida tomato producers, and assuming a normal distribution, the average annual producer revenue is above $1,000,000 ($6.00 times 25.9 million containers equals $155,400,000 divided by 50 producers equals $3,108,000 per producer). Thus, most handlers of Florida tomatoes may be classified as small agricultural service firms while the majority of producers may be classified as large entities under the SBA definition.

This proposed rule invites comments on revising the exemption, container, and definition sections in the Order's handling requirements. Implementing the recommended changes to the handling requirements would allow the tomato industry to meet its domestic market needs for quality, stabilize returns to producers and would bring the handling requirements in line with current industry practices. The Committee unanimously approved this recommendation at its public meeting held on November 12, 2019. This rule would revise § 966.323 as authorized by §§ 966.5, 966.52, and 966.60 of the Order.

These proposed changes could result in some additional costs for the industry. This action would eliminate the exemption for Roma varieties, which would require handlers to pay assessments and meet inspection requirements on fresh Roma tomatoes shipped outside the regulated area. Consequently, for those handlers shipping Roma type tomatoes, this action would increase the assessment obligation and would mean additional inspection fees. The cost of inspection is $0.029 for each 25-pound container as set by the State of Florida, and the current assessment rate is $0.025 per 25-pound container. As both costs are based on the volume of containers shipped, it is anticipated this action would increase the cost burden on both large and small handlers of Roma tomatoes proportionally.

According to USDA Market News data and Committee estimates, there are approximately 7.3 million 25-pound containers of fresh market Roma tomatoes handled each season in the production area. With the additional assessments from Roma tomatoes, the Committee would collect approximately $182,500 ($.025 × 7,300,000 25-pound containers) more in assessments annually. Collecting additional assessments on Roma tomatoes would represent an increase of 27 percent of last year's $647,500 collected from handlers.

Additionally, handlers would be responsible for the cost of inspection on each 25-pound container of Roma type tomatoes. Using the Market News and Committee estimates above, handlers should expect to be responsible for an additional $0.029 per 25-pound container equivalent handled. The estimated additional inspection cost to the entire industry would total $211,700 (7,300,000 × $0.029) in inspection fees charged annually.

Each handler who handles tomatoes grown in the production area must be certified as a registered handler by the Committee in order to ship tomatoes outside of the regulated area. Committee members and FSIS indicated that they were not aware of any handlers that only handled Roma varieties of tomatoes. When considering the approximate Roma volume of 7.3 million 25-pound containers, it is estimated that the handlers already registered with the Committee are handling 90 to 95 percent of the Roma volume in the Order's production area. Therefore, most handlers that are shipping Roma tomatoes should already be registered with the Committee. These handlers are familiar with the inspection, assessment, and reporting requirements established in the Order. Thus, handlers should be well-positioned to accommodate this change.

Aside from the exemption change for Roma type tomatoes, it is not anticipated that the other changes to the exemption, container, and definition paragraphs would result in any additional cost, as most of these changes were recommended to align the requirements with current industry practices. Regarding the change in the exemptions for greenhouse and hydroponic production, the Committee worked to ensure that production area producers that were utilizing these exemptions would meet the new exemption requirements for controlled environment, so this change would not represent any additional costs for producers in the production area.

It is not anticipated that this action would impose an additional reporting burden on handlers. The FSIS reports the volume inspected to the Committee, and all Roma inspections and reporting criteria would be reported on existing forms. Handlers are familiar with the reporting requirements and would just be reporting additional volume on existing forms. Consequently, this should not result in more than minimal additional costs.

In addition to the potential costs, this change would also provide benefits to the overall industry. Roma tomatoes can have difficulty with certain quality requirements, which can have a negative impact on grower returns. Given the increased importance of Roma type tomatoes in the marketplace, establishing grade and maturity requirements for Roma type tomatoes would have a stabilizing effect on the market for Roma tomatoes and help increase returns to handlers and producers. The additional revenue to the Committee should help with marketing, research, and education

efforts. Thus, the additional costs for inspection and assessment should be offset by the benefits of this action. The benefits of this action are expected to be equally available to tomato producers and handlers, regardless of their size.

The Committee considered alternatives to these proposed changes. Prior to this recommendation, the Committee discussed not providing any exemptions for greenhouse or hydroponic production operations in the handling requirements. However, after determining there is limited greenhouse production in the production area, the Committee agreed providing an exemption for growers that meet the new definition for controlled environment would best serve the industry. The Committee also considered establishing grade and maturity requirements for grape tomatoes, but members determined they are not interested in regulating these tomatoes at this time. The Committee considered continuing the exemption for Roma tomatoes, but after considering the proportion of the market that Roma tomatoes now represents, the Committee decided that regulating Roma varieties would benefit the industry. The Committee also considered not adding an additional paragraph to address RPCs, but with the use of RPCs becoming more common, it was determined container language should be updated to better reflect current industry practices. Therefore, the alternatives were rejected.

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Order's information collection requirements have been previously approved by OMB and assigned OMB No. 0581–0178 Vegetable and Specialty Crops. No changes are necessary in those requirements as a result of this proposed action. Should any changes become necessary, they would be submitted to OMB for approval.

This proposed rule would not impose any additional reporting or recordkeeping requirements on either small or large Florida tomato handlers. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies.

AMS is committed to complying with the E-Government Act, to promote the use of the internet and other information technologies to provide increased opportunities for citizen access to Government information and services, and for other purposes.

USDA has not identified any relevant Federal rules that duplicate, overlap or conflict with this proposed rule.

The Committee's meetings were widely publicized throughout the Florida tomato industry, and all interested persons were invited to attend the meetings and participate in Committee deliberations on all issues. Like all Committee meetings, the August 21, October 2, and November 12, 2019, meetings were public meetings, and all entities, both large and small, were able to express their views on these issues. Interested persons are invited to submit comments on this proposed rule, including the regulatory and information collection impacts of this proposed action on small businesses.

A small business guide on complying with fruit, vegetable, and specialty crop marketing agreements and orders may be viewed at: *http://www.ams.usda.gov/rules-regulations/moa/small-businesses.* Any questions about the compliance guide should be sent to Richard Lower at the previously mentioned address in the **FOR FURTHER INFORMATION CONTACT** section.

A 30-day comment period is provided to allow interested persons to respond to this proposal. All written comments timely received will be considered before a final determination is made on this matter.

**List of Subjects in 7 CFR Part 966**

Marketing agreements, Reporting and recordkeeping requirements, Tomatoes.

For the reasons set forth in the preamble, the Agriculture Marketing Services proposes to amend 7 CFR part 966 as follows:

## PART 966—TOMATOES GROWN IN FLORIDA

■ 1. The authority citation for 7 CFR part 966 continues to read as follows:

**Authority:** 7 U.S.C. 601–674.

■ 2. Amend § 966.323 by:
■ a. Revising the section heading;
■ b. Revising paragraph (a)(3)(iii);
■ c. Adding paragraph (a)(3)(iv);
■ d. Revising paragraphs (d), (e) and (g).

The revisions and additions read as follows:

**§ 966.323 Handling Requirements.**

* * * * *

(a) * * *

(3) * * *

(iii) The cardboard container in which the tomatoes are packed must be clean and bright in appearance without marks, stains, or other evidence of previous use.

(iv) The Reusable Plastic Containers (RPCs) in which the tomatoes are packed must be cleaned and sanitized prior to use.

* * * * *

(d) *Exemptions*

(1) *For types.* The following types of tomatoes are exempt from these requirements:

(i) Cherry tomatoes;

(ii) Grape tomatoes;

(iii) Cocktail-type tomatoes commonly referred to as Campari tomatoes;

(iv) Tomatoes-on-the-vine, also known as Cluster tomatoes or TOVs.

(2) *For plum tomato types commonly referred to as Roma tomatoes.* Roma tomatoes must meet the requirements of this section, except they are exempt from the size requirements specified in paragraph (a)(2) of this section.

(3) *For yellow meated tomatoes.* Yellow meated tomatoes are exempt from the container net weight requirements specified in paragraph (a)(3)(i) of this section, and the requirement that each container or lid shall be marked to indicate the designated net weight as specified in paragraph (a)(3)(ii) of this section, but must meet the other requirements of this section.

(4) *For special packed tomatoes.* Single layer and two layer place packed tomatoes, and tomatoes packed in retail-ready packaging, are exempt from the container net weight requirements specified in paragraph (a)(3)(i) of this section, and the requirement that each container or lid shall be marked to indicate the designated net weight as specified in paragraph (a)(3)(ii) of this section, but must meet the other requirements of this section.

(5) *For growing environment.* Tomatoes grown in a controlled environment are exempt from the requirements in this section.

(6) *For field-packed tomatoes.* Producer field-packed tomatoes must meet all of the requirements of this section except for the requirement that all containers must be packed at registered handler facilities as specified in paragraph (a)(3)(ii) of this section, and the requirement that such tomatoes designated as size 6 × 6 must meet the maximum diameter requirement specified in paragraph (a)(2)(i) of this section: *Provided,* That 6 × 6 and larger is used to indicate the listed size designation on containers.

(7) *For minimum quantity.* Each person subject to the Order may handle up to but not to exceed 50 pounds of tomatoes per day without regard to the requirements of this section, but this exemption shall not apply to any shipment or any portion thereof of over 50 pounds of tomatoes.

(8) *For repacked tomatoes.* Tomatoes that met the inspection requirements of paragraph (a)(4) of this section which are resorted, regraded, and repacked by a handler who has been designated as a ''Certified Tomato Repacker'' by the committee are exempt from:

(i) The tomato grade classifications of paragraph (a)(1) of this section;

(ii) The size classifications of paragraph (a)(2) of this section, except that the tomatoes shall be at least 2$^{9}/_{32}$ inches in diameter; and

(iii) The container weight requirements of paragraph (a)(3) of this section.

(9) *For adverse growing conditions.* Upon recommendation of the committee, tomatoes that are elongated or otherwise misshapen due to adverse growing conditions may be exempted by the Secretary from the provisions of paragraph (a)(2) of this section.

(10) *For UglyRipe™ and Vintage Ripes™ tomatoes.* UglyRipe™ and Vintage Ripes™ tomatoes must meet all the requirements of this section: *Provided,* That UglyRipe™ and Vintage Ripes™ tomatoes shall be graded and at least meet the requirements specified for U.S. No. 2 under the U.S. Standards for Grades of Fresh Tomatoes, except they are exempt from the requirements that they be reasonably well formed and not more than slightly rough, and *Provided,* Further that the UglyRipe™ and Vintage Ripes™ tomatoes meet the requirements of the Identity Preservation program, Specialty Crops Inspection Division, Specialty Crops Program, AMS, USDA.

(e) *Report of packouts.* Each registered handler shall, at the end of each day handling activities have been conducted, or the following morning as the committee may prescribe, provide to the committee or its designated agent a complete and accurate accounting of the number of containers of non-exempt tomatoes packed that day. The report shall include an accounting of the tomato type (*e.g.* Round, Roma), grade, size, maturity, and net weight of the containers packed in each category. The total packout report shall be provided to the committee or its authorized agent in a timely fashion that allows the committee to compile a daily, industry-wide packout report.

* * * * *

(g) *Definitions.*

*Certified Tomato Repacker* means a repacker of tomatoes in the regulated area that has the facilities for handling, regrading, resorting, and repacking tomatoes into consumer sized packages and has been certified as such by the committee.

*Controlled environment* means tomatoes grown in a soilless medium, in above ground containers, using hydroponic methods within a fully-enclosed permanent aluminum or fixed steel structure clad in glass, impermeable plastic, or polycarbonate, using automated irrigation and climate control, and with the surface dirt completely concealed under concrete or a synthetic lining (*e.g.,* polypropylene ground cover).

*Pickling* as used in §§ 966.120 and 966.323 means to preserve tomatoes in a brine or vinegar solution.

*Processing* as used in §§ 966.120 and 966.323 means the manufacture of any tomato product that has been converted into juice, or preserved by any commercial process, including canning, dehydrating, drying, and the addition of chemical substances. Further, all processing procedures must result in a product that does not require refrigeration until opened.

*Producer field-packed tomatoes* means tomatoes that at the time of inspection are #3 color or higher (according to color classification requirements in the U.S. tomato standards), that are picked and place-packed in new containers in the field by a producer as defined in § 966.150 and transferred to a registered handler's facilities for final preparation for market.

*Retail-ready packaging* means tomatoes packed by a first handler into consumer packs (*e.g.,* sleeves, bags, clamshells) of two pounds or less.

*U.S. tomato standards* means the revised United States Standards for Fresh Tomatoes (7 CFR 51.1855 through 51.1877) effective October 1, 1991, as amended, or variations thereof specified in this section, provided that § 51.1863 shall not apply to tomatoes covered by this part. Other terms in this section shall have the same meaning as when used in this part and the U.S. tomato standards.

**Bruce Summers,**

*Administrator, Agricultural Marketing Service.*

[FR Doc. 2020–12183 Filed 6–8–20; 8:45 am]

**BILLING CODE P**

## DEPARTMENT OF TRANSPORTATION

## Federal Aviation Administration

## 14 CFR Part 39

**[Docket No. FAA–2020–0561; Product Identifier 2019–SW–019–AD]**

**RIN 2120–AA64**

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

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** The FAA proposes to adopt a new airworthiness directive (AD) for Bell Textron Inc. (Type Certificate previously held by Bell Helicopter Textron Inc.) (Bell), Model 204B, 205A–1, and 212 helicopters. This proposed AD was prompted by reports of corrosion on main rotor hub tension-torsion strap (TT strap) assemblies. This proposed AD would require reducing the life limit of a certain part-numbered TT strap assembly and prohibit installing this TT strap assembly on any helicopter. The FAA is proposing this AD to address the unsafe condition on these products.

**DATES:** The FAA must receive comments on this proposed AD by July 24, 2020.

**ADDRESSES:** You may send comments, using the procedures found in 14 CFR 11.43 and 11.45, by any of the following methods:

- *Federal eRulemaking Portal:* Go to *https://www.regulations.gov.* Follow the instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.
- *Hand Delivery:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

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

**Examining the AD Docket**

You may examine the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0561; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, any comments received, and other information. The street address for Docket Operations is listed above. Comments will be available in the AD docket shortly after receipt.

**FOR FURTHER INFORMATION CONTACT:** Kuethe Harmon, Safety Management Program Manager, DSCO Branch, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; telephone 817–222–5198; email *kuethe.harmon@faa.gov.*

**SUPPLEMENTARY INFORMATION:**

**Comments Invited**

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2020–0561; Product Identifier 2019–SW–019–AD'' at the beginning of your comments. The FAA specifically invites comments on the overall regulatory, economic, environmental, and energy aspects of this NPRM. The FAA will consider all comments received by the closing date and may amend this NPRM because of those comments.

The FAA will post all comments received, without change, to *https://www.regulations.gov,* including any personal information you provide. The FAA will also post a report summarizing each substantive verbal contact the FAA receives about this NPRM.

**Discussion**

The FAA proposes to adopt a new AD for Bell Model 204B, 205A–1, and 212 helicopters with TT strap assembly part-number (P/N) 204–012–112–005 installed. This proposed AD was prompted by three incidents of fatigue cracking in TT strap assembly P/N 206–010–105–3 installed on Model 206 helicopters.

These TT strap assemblies have stainless steel filament windings (wires) encased in a urethane cover, which was manufactured using Caytur 21 (also known as Cature 21) as the urethane-curing accelerator. Caytur 21 contains chlorides, which are retained in the urethane cover after curing and result in premature failure of the urethane cover and subsequent corrosion and failure of the encased wires of the TT strap assemblies. As a result, Bell changed the curing accelerator in the manufacturing process.

Due to manufacturing process similarities of the urethane cover, TT strap assembly P/N 204–012–112–005, which is installed on Model 204B, 205A–1, and 212 helicopters, is affected by the same unsafe condition and is therefore included in this NPRM.

Accordingly, this proposed AD would require reducing the life limit of the TT strap assembly from 2,400 total hours time-in-service (TIS) to 1,200 total hours TIS or 18 months since initial installation on any helicopter, whichever occurs first, and creating a component history card or equivalent record. This proposed AD would also prohibit installing the affected TT strap assembly on any helicopter.

The proposed actions are intended to prevent the TT strap assembly from remaining in service beyond its fatigue life. This condition, if not addressed, could result in failure of a TT strap, loss of a main rotor blade, and subsequent loss of control of the helicopter.

**Related Service Information**

The FAA reviewed Bell Helicopter Textron Alert Service Bulletin (ASB) No. 204–78–3 for Model 204B helicopters, ASB No. 205–78–2 for Model 205A–1 helicopters, and ASB No. 212–78–4 for Model 212 helicopters, all dated April 19, 1978. This service information specifies replacing TT strap assembly P/N 204–012–112–005 at 1,200 hours TIS but no later than January 1, 1979. For any TT strap assembly P/N 204–012–112–005 that already has accumulated 1,200 hours TIS, this service information specifies replacing it no later than September 1, 1978.

**FAA's Determination**

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

**Proposed AD Requirements**

Within 25 hours TIS, this proposed AD would require determining the total hours TIS and the total months since initial installation on any helicopter of each TT strap assembly P/N 204–012–112–005. If the TT strap assembly has reached or exceeded the new life limit by accumulating 1,200 or more total hours TIS or reaching 18 months since initial installation on any helicopter, whichever occurs first, this proposed AD would require removing the affected TT strap assembly from service before further flight. If the new life limit has not been reached, this proposed AD would require creating a component history card or equivalent record indicating the new life limit and removing the TT strap assembly from service before reaching the new life limit. This proposed AD would also prohibit the installation of TT strap assembly P/N 204–012–112–005 on any helicopter.

**Differences Between This Proposed AD and the Service Information**

The service information specifies replacing TT strap assemblies with less than 1,200 hours TIS no later than January 1, 1979, and replacing TT strap assemblies with more than 1,200 hours TIS no later than September 1, 1978. This proposed AD would require reducing the life limit of the TT strap assembly to 1,200 total hours TIS or 18 months since initial installation on any helicopter, whichever occurs first, instead. This proposed AD would also prohibit installing the TT strap assembly on any helicopter after the effective date of this proposed AD.

**Costs of Compliance**

The FAA estimates that this proposed AD would affect 143 helicopters of U.S. registry. The FAA estimates that operators may incur the following costs in order to comply with this proposed AD. Labor costs are estimated at $85 per work-hour.

Determining the total hours TIS and the total months since initial installation of each TT strap assembly would take about .5 work-hours for an estimated cost of $43 per helicopter.

Replacing each TT strap assembly would take about 10 work-hours and parts would cost about $9,000, for an estimated cost of $9,850 per helicopter.

**Authority for This Rulemaking**

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

The FAA is issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701: General requirements. Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of

that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

**Regulatory Findings**

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

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

(1) Is not a ''significant regulatory action'' under Executive Order 12866,

(2) Will not affect intrastate aviation in Alaska, and

(3) Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

**List of Subjects in 14 CFR Part 39**

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

**The Proposed Amendment**

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

## PART 39—AIRWORTHINESS DIRECTIVES

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

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

**§ 39.13 [Amended]**

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

**Bell Textron Inc. (Type Certificate Previously Held by Bell Helicopter Textron Inc.):** Docket No. FAA–2020–0561; Product Identifier 2019–SW–019–AD.

**(a) Comments Due Date**

The FAA must receive comments by July 24, 2020.

**(b) Affected ADs**

None.

**(c) Applicability**

This AD applies to Bell Textron Inc. (Type Certificate previously held by Bell Helicopter Textron Inc.), Model 204B, 205A–1, and 212 helicopters, certificated in any category, with main rotor hub tension-torsion strap (TT strap) assembly part number (P/N) 204–012–112–005 installed.

**(d) Subject**

Joint Aircraft System Component (JASC) Code: 6200, Main Rotor.

**(e) Unsafe Condition**

This AD was prompted by reports of corrosion detected on TT strap assemblies. The FAA is issuing this AD to reduce the life limit of and subsequently remove affected TT strap assemblies from service. The unsafe condition, if not addressed, could result in failure of the TT strap assembly causing loss of a main rotor blade and subsequent loss of control of the helicopter.

**(f) Compliance**

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

**(g) Required Actions**

(1) Within 25 hours time-in-service (TIS), determine the total hours TIS and the total months since initial installation of each TT strap assembly.

(i) If the TT strap assembly has accumulated 1,200 or more total hours TIS or reached 18 or more months since initial installation on any helicopter, whichever occurs first, before further flight, remove from service the TT strap assembly.

(ii) If the TT strap assembly has accumulated less than 1,200 total hours TIS and reached less than 18 months since initial installation on any helicopter, create a component history card or equivalent record establishing the new life limit of 1,200 total hours TIS or 18 months since initial installation on any helicopter, whichever occurs first.

(2) After the effective date of this AD, do not install TT strap assembly P/N 204–012–112–005 on any helicopter.

**(h) Special Flight Permit**

Special flight permits are prohibited.

**(i) Alternative Methods of Compliance (AMOCs)**

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

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

**(j) Related Information**

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

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

Issued on June 2, 2020.

**Lance T. Gant,**

*Director, Compliance & Airworthiness Division, Aircraft Certification Service.*

[FR Doc. 2020–12338 Filed 6–8–20; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF TRANSPORTATION

## Federal Aviation Administration

## 14 CFR Part 71

**[Docket No. FAA–2017–0346; Airspace Docket No. 17–AAL–2]**

**RIN 2120–AA66**

## Amendment of Class E Airspace; Cordova, AK

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** This action proposes to modify the Class E surface area airspace and the Class E airspace extending upward from 700 feet and 1,200 feet above the surface of the earth at Merle K (Mudhole) Smith Airport, Cordova, AK, eliminate references to the Glacier River Non-Directional Beacon (NDB) and update the Airport's geographic coordinates to match the FAA's current aeronautical database. This action would support Instrument Flight Rules (IFR) operations under standard instrument approach and departure procedures in the National Airspace System.

**DATES:** Comments must be received on or before July 24, 2020.

**ADDRESSES:** Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590; telephone: 1–800–647–5527, or (202) 366–9826. You must identify FAA Docket No. FAA–2017–0346; Airspace Docket No. 17–AAL–2, at the beginning of your comments. You may also submit comments through the internet at *https://www.regulations.gov.*

FAA Order 7400.11D, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at *https://www.faa.gov/air_traffic/publications/.* For further information, you can contact the Airspace Policy Group, Federal Aviation

Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783. The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of FAA Order 7400.11D at NARA, email *fedreg.legal@nara.gov,* or go to *https://www.archives.gov/federal-register/cfr/ibr-locations.html.*

**FOR FURTHER INFORMATION CONTACT:** Richard Roberts, Federal Aviation Administration, Operations Support Group, Western Service Center, 2200 S 216th St, Des Moines, WA 98198–6547; telephone (206) 231–2245.

**SUPPLEMENTARY INFORMATION:**

**Authority for This Rulemaking**

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106, describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the Agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would modify Class E airspace at Merle K (Mudhole) Smith Airport, Cordova, AK, to support IFR operations under standard instrument approach and departure procedures at this airport.

**Comments Invited**

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify both docket numbers and be submitted in triplicate to the address listed above. Persons wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. FAA–2017–0346/Airspace Docket No. 17–AAL–2.'' The postcard will be date/time stamped and returned to the commenter.

All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of the comments received. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

**Availability of NPRMs**

An electronic copy of this document may be downloaded through the internet at *https://www.regulations.gov.* Recently published rulemaking documents can also be accessed through the FAA's web page at *https://www.faa.gov/air_traffic/publications/airspace_amendments/.*

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office (see the **ADDRESSES** section for the address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An informal docket may also be examined during normal business hours at the Northwest Mountain Regional Office of the Federal Aviation Administration, Air Traffic Organization, Western Service Center, Operations Support Group, 2200 S 216th St, Des Moines, WA 98198–6547.

**Availability and Summary of Documents for Incorporation by Reference**

This document proposes to amend FAA Order 7400.11D, Airspace Designations and Reporting Points, dated August 8, 2019, and effective September 15, 2019. FAA Order 7400.11D is publicly available as listed in the **ADDRESSES** section of this document. FAA Order 7400.11D lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

**The Proposal**

The FAA is proposing an amendment to Title 14 Code of Federal Regulations (14 CFR) Part 71 by modifying the Class E surface area and Class E airspace extending upward from 700 and 1200 feet AGL at Merle K (Mudhole) Smith Airport, Cordova, AK. The FAA completed an airspace review after the airport was identified as having Class E airspace established, in error, beyond 12 nautical miles from the shoreline. This action would modify the Class E airspace extending upward from the surface by removing that airspace 3.2 miles northwest and 2.1 miles southeast of the 222° bearing from the Glacier River NDB extending 10 miles southwest of the airport. This proposal would also remove the airspace 2 miles each side of the 124° bearing from the Glacier River NDB extending 10.4 miles southeast of the airport. This airspace is no longer needed because of the implementation of Area Navigation (RNAV) approaches to Runways 27 and 09. In addition, this proposal would modify that airspace 2 miles each side of the 115° bearing to 1 mile each side of the 113° bearing from the airport extending 5.5 miles southeast of the airport. This modification would provide protection for aircraft descending to 1,000 feet on the Instrument Landing System (ILS) approach to Runway 27.

The Class E airspace extending upward from 700 feet above the surface would be modified to that airspace within 6.6 miles of the airport from the point that the 82° bearing intersects the 6.6-mile radius clockwise to the point that the 309° bearing intersects the 6.6-mile radius, and include that airspace 2 miles each side of the 113° bearing extending 16 miles southeast of the airport. This area would protect aircraft on departure until reaching 1,200 feet AGL and aircraft as they descend through 1,500 feet on the ILS approach to Runway 27.

The airspace extending upward from 1,200 feet above the surface would be reduced to within 20 miles of the airport to provide protection for aircraft above 1,500 feet AGL while transitioning to the enroute environment.

The reference in the legal description to the Glacier River NDB would be removed as the airspace is being redesigned without the use of this reference. In addition, this proposal would update the airports geographic coordinates to match the FAA's current aeronautical database. This action would support IFR operations under standard instrument approach and departure procedures in the National Airspace System.

Class E airspace designations are published in paragraph 6002 and 6005 of FAA Order 7400.11D, dated August 8, 2019, and effective September 15, 2019, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document will be published subsequently in the Order.

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

**Regulatory Notices and Analyses**

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current, and is non-controversial and unlikely to result in adverse or negative comments. It, therefore: (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, would not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

**Environmental Review**

This proposal would be subject to an environmental analysis in accordance with FAA Order 1050.1F, ''Environmental Impacts: Policies and Procedures'' prior to any FAA final regulatory action.

**List of Subjects in 14 CFR Part 71**

Airspace, Incorporation by reference, Navigation (air).

**The Proposed Amendment**

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

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

■ 1. The authority citation for 14 CFR Part 71 continues to read as follows:

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

**§ 71.1 [Amended]**

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.11D, Airspace Designations and Reporting Points, dated August 8, 2019, and effective September 15, 2019, is amended as follows:

*Paragraph 6002 Class E Airspace Areas Designated as Surface Areas.*

* * * * *

**AAL AK E2 Cordova, AK [Modified]**

Merle K (Mudhole) Smith, AK
(Lat. 60°29′30″ N, long. 145°28′39″ W)

That airspace within a 4.1-mile radius of the Merle K (Mudhole) Smith Airport beginning at a point where the 69° bearing from the Airport intersects the 4.1-mile radius clockwise to a point where the 322° bearing from the Airport intersects the 4.1-mile radius, thence to the point of beginning and within 1 mile each side of the 113° bearing from the Airport extending from the 4.1-mile radius to 5.5 miles southeast of the Airport.

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

* * * * *

**AAL AK E5 Cordova, AK [Modified]**

Merle K (Mudhole) Smith, AK
(Lat. 60°29′30″ N, long. 145°28′39″ W)

That airspace within a 6.6-mile radius of the Merle K (Mudhole) Smith Airport, beginning where the 82° bearing from the Airport intersects the 6.6-mile radius clockwise to the point where the 309° bearing intersects the 6.6 mile radius, thence to the point of beginning and that airspace 2 miles each side of the 113° bearing from the Airport extending from the 6.6-mile radius to 16 miles southeast from the airport, and that airspace extending upward from 1,200 feet above the surface within a 20-mile radius of the airport, excluding that airspace more than 12 miles from the shoreline.

Issued in Seattle, Washington, on June 1, 2020.

**Shawn M. Kozica,**

*Manager, Operations Support Group, Western Service Center.*

[FR Doc. 2020–12320 Filed 6–8–20; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

### 14 CFR Part 71

**[Docket No. FAA–2020–0384; Airspace Docket No. 19–AAL–15]**

**RIN 2120–AA66**

## Proposed Amendment of Class D and Class E Airspace; Bethel, AK

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** This action proposes to modify the Class D and Class E surface area at Bethel Airport, Bethel AK, by redefining the Hangar Lake exclusion area and eliminating the use of the VORTAC in the descriptions. This action also proposes to remove Class E airspace as an extension to the Class D and Class E surface area and modify the Class E airspace extending upward from 700 feet above the surface at the Airport. After a biennial review of the airspace, the FAA found it necessary to amend the existing airspace for the safety and management of Instrument Flight Rules (IFR) operations at this airport. This action would also update the geographical coordinates and make a minor editorial change replacing the outdated term Airport/Facility Directory with the term Chart Supplement.

**DATES:** Comments must be received on or before July 24, 2020.

**ADDRESSES:** Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590; telephone: 1–800–647–5527, or (202) 366–9826. You must identify FAA Docket No. FAA–2020–0384; Airspace Docket No. 19–AAL–15, at the beginning of your comments. You may also submit comments through the internet at *https://www.regulations.gov.*

FAA Order 7400.11D, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at *http://www.faa.gov/air_traffic/publications/.* For further information, you can contact the Airspace Policy Group, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783. The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of FAA Order 7400.11D at NARA, email *fedreg.legal@nara.gov,* or go to *https://www.archives.gov/federal-register/cfr/ibr-locations.html.*

**FOR FURTHER INFORMATION CONTACT:** Richard Roberts, Federal Aviation Administration, Western Service Center, Operations Support Group, 2200 S 216th Street, Des Moines, WA 98198; telephone (206) 231–2245.

**SUPPLEMENTARY INFORMATION:**

**Authority for This Rulemaking**

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would

amend Class D and Class E airspace at Bethel Airport, Bethel, AK, to support IFR operations at the airport.

**Comments Invited**

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify both docket numbers and be submitted in triplicate to the address listed above. Persons wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. FAA–2020–0384; Airspace Docket No. 19–AAL–15''. The postcard will be date/time stamped and returned to the commenter.

All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of the comments received. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

**Availability of NPRMs**

An electronic copy of this document may be downloaded through the internet at *https://www.regulations.gov.* Recently published rulemaking documents can also be accessed through the FAA's web page at *https://www.faa.gov/air_traffic/publications/airspace_amendments/.*

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office (see the **ADDRESSES** section for the address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An informal docket may also be examined during normal business hours at the Northwest Mountain Regional Office of the Federal Aviation Administration, Air Traffic Organization, Western Service Center, Operations Support Group, 2200 S 216th Street, Des Moines, WA 98198.

**Availability and Summary of Documents for Incorporation by Reference**

This document proposes to amend FAA Order 7400.11D, Airspace Designations and Reporting Points, dated August 8, 2019, and effective September 15, 2019. FAA Order 7400.11D is publicly available as listed in the **ADDRESSES** section of this document. FAA Order 7400.11D lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

**The Proposal**

The FAA is proposing an amendment to Title 14 Code of Federal Regulations (14 CFR) part 71 to modify the description of the Class D and Class E surface area, remove the Class E as an extension to the Class D and Class E and modify the Class E airspace extending upward from 700 feet AGL at Bethel Airport, Bethel AK.

The Class D and Class E surface area would be modified so that the Hangar Lake exclusion area would be described as that area within .7 miles of the Hangar Lake ARP and eliminate the use of the VORTAC in the definition. This would ensure that a change in the status of the nav-aid, in the future, would have no effect on the description and not require additional rulemaking.

The FAA proposes eliminating the Class E airspace extensions to the Class D and Class E surface area, as these are no longer required for approaches.

In addition, the FAA proposes to modify the Class E airspace extending upward from 700 feet above the surface to within 6.6 miles of the Airport versus 16.8 miles and removing the procedure turn maneuvering area from the Bethel Airport to 22.8 miles north, as it is no longer required for the approaches. The use of the term Airport Facility/Directory would be replaced with Chart Supplement and the geographical coordinates updated to match the FAA database.

Class E airspace designations are published in paragraph 5000, 6002, 6004, 6005 of FAA Order 7400.11D, dated August 8, 2019, and effective September 15, 2019, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document will be published subsequently in the Order. FAA Order 7400.11, Airspace Designations and Reporting Points, is published yearly and effective on September 15.

**Regulatory Notices and Analyses**

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current, is non-controversial and unlikely to result in adverse or negative comments. It, therefore: (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, would not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

**Environmental Review**

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1F, ''Environmental Impacts: Policies and Procedures'' prior to any FAA final regulatory action.

**List of Subjects in 14 CFR Part 71**

Airspace, Incorporation by reference, Navigation (air).

**The Proposed Amendment**

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

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

■ 1. The authority citation for 14 CFR part 71 continues to read as follows:

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

**§ 71.1 [Amended]**

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.11D, Airspace Designations and Reporting Points, dated August 8, 2019, and effective September 15, 2019, is amended as follows:

*Paragraph 5000 Class D Airspace.*

* * * * *

**AAL AK D Bethel, AK [Amended]**

Bethel Airport, AK
(Lat. 60°46′43″ N, long. 161°50′14″ W)

*Hangar Lake*

(Lat. 60°48′17″ N, long. 161°43′15″ W)

That airspace extending upward from the surface to and including 2,600 feet MSL

within a 4.1-mile radius of the Bethel Airport, AK, excluding that portion below 1,100 feet MSL within .7-mile radius of Hangar Lake SPB. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement.

*Paragraph 6002 Class E Airspace Designated as Surface Areas.*

* * * * *

**AAL AK E2 Bethel, AK [Amended]**

Bethel Airport, AK
(Lat. 60°46′43″ N, long. 161°50′14″ W)
Hangar Lake
(Lat. 60°48′17″ N, long. 161°43′15″ W)

That airspace extending upward from the surface within a 4.1-mile radius of the Bethel Airport, AK, excluding that portion below 1,100 feet MSL within .7-mile radius of Hangar Lake SPB. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement.

*Paragraph 6004 Class E Airspace Areas Designated as an Extension to a Class D or Class E Surface Area.*

* * * * *

**AAL AK E4 Bethel, AK [Removed]**

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

* * * * *

**AAL AK E5 Bethel, AK [Amended]**

Bethel Airport, AK
(Lat. 60°46′43″ N, long. 161°50′14″ W)

That airspace extending upward from 700 feet above the surface within a 6.6-mile radius of the Bethel Airport, AK, and that airspace 8 miles east and 4 miles west of the 211° radial from the airport extending from the 6.6-mile radius to 22 miles south of the Airport.

Issued in Seattle, Washington, on June 1, 2020.

**Shawn M. Kozica,**

*Manager, Operations Support Group, Western Service Center.*

[FR Doc. 2020–12319 Filed 6–8–20; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF THE TREASURY

## Internal Revenue Service

## 26 CFR Part 1

**[REG–118997–19]**

**RIN 1545–BP52**

## Dependent Defined; Notice of Proposed Rulemaking and Partial Withdrawal of Notice of Proposed Rulemaking

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Notice of proposed rulemaking; partial withdrawal of a notice of proposed rulemaking.

**SUMMARY:** This document contains proposed regulations that clarify the definition of a ''qualifying relative'' for purposes of various provisions of the Internal Revenue Code (Code) for taxable years 2018 through 2025. These proposed regulations generally affect taxpayers who claim Federal income tax benefits that require a taxpayer to have a qualifying relative. This document also withdraws a portion of the proposed regulations published on January 19, 2017, addressing the support test for a qualifying relative, and proposes replacement language.

**DATES:** Written or electronic comments and requests for a public hearing must be received by July 24, 2020. Requests for a public hearing must be submitted as prescribed in the ''Comments and Requests for a Public Hearing'' section.

**ADDRESSES:** Commenters are strongly encouraged to submit public comments electronically. Submit electronic submissions via the Federal eRulemaking Portal at *www.regulations.gov* (indicate IRS and REG–118997–19) by following the online instructions for submitting comments. Once submitted to the Federal eRulemaking Portal, comments cannot be edited or withdrawn. The IRS expects to have limited personnel available to process public comments that are submitted on paper through mail. Until further notice, any comments submitted on paper will be considered to the extent practicable. The Department of the Treasury (Treasury Department) and the IRS will publish for public availability any comment submitted electronically, and to the extent practicable on paper, to its public docket. Send paper submissions to: CC:PA:LPD:PR (REG–118997–19), room 5203, Internal Revenue Service, PO Box 7604, Ben Franklin Station, Washington, DC 20044.

**FOR FURTHER INFORMATION CONTACT:** Concerning the proposed regulations, Victoria J. Driscoll (202) 317–4718; concerning submissions of comments and/or requests for a public hearing, Regina Johnson, (202) 317–5177 (not toll-free numbers).

**SUPPLEMENTARY INFORMATION:**

### Background

On January 19, 2017, the Treasury Department and the IRS published a notice of proposed rulemaking providing rules regarding the definition of a dependent under section 152, which includes a qualifying relative, in the **Federal Register** (82 FR 6370) (January 2017 Proposed Regulations). This document revises the January 2017 Proposed Regulations by adding a paragraph to clarify the definition of a ''qualifying relative'' for taxable years 2018 through 2025, and withdrawing and reproposing a rule in the January 2017 Proposed Regulations regarding the support of a dependent under section 152.

*I. Zero Exemption Amount*

Generally, section 151 allows a taxpayer to claim deductions for exemptions for the taxpayer and his or her spouse, and for any dependents. Section 152(a) of the Code generally defines a ''dependent'' as a ''qualifying child'' or a ''qualifying relative.'' The definition of a qualifying relative in section 152(d)(1) includes the requirement that the individual have gross income for the calendar year that is less than the exemption amount as defined in section 151(d). Such an individual must also satisfy the requirement of section 152(d)(1)(C) that the individual receive more than one-half of his or her support from the taxpayer claiming the individual as a qualifying relative.

Before amendment by section 11041(a)(2) of Public Law 115–97, 131 Stat. 2054 (2017), commonly referred to as the Tax Cuts and Jobs Act (TCJA), section 151(d) provided for an exemption amount of $2,000 that was adjusted annually for inflation beginning with calendar year 1990. Before the enactment of the TCJA, the IRS had determined that the exemption amount for calendar year 2018 was $4,150. Rev. Proc. 2017–58, 2017–45 I.R.B. 489, modified and superseded by Rev. Proc. 2018–18, 2018–10 I.R.B. 392.

Section 11041(a)(2) of the TCJA added section 151(d)(5) to provide special rules for taxable years 2018 through 2025 regarding the exemption amount in section 151(d). Section 151(d)(5)(A) provides that, for a taxable year beginning after December 31, 2017, and

before January 1, 2026, the exemption amount is zero, thereby suspending the deductions for personal exemptions and the dependency exemption. H.R. Rep. No. 115–466, at 202–204 (2017) (Conference Report). However, section 151(d)(5)(B) provides that the reduction of the exemption amount to zero is not taken into account in determining whether a deduction under section 151 is allowed or allowable to a taxpayer, or whether a taxpayer is entitled to a deduction under section 151, for purposes of any other provision of the Code. The Conference Report states that this provision clarifies that the reduction of the personal exemption to zero ''should not alter the operation of those provisions of the Code which refer to a taxpayer allowed a deduction . . . under section 151,'' including the child tax credit in section 24(a). *Id.* at 203 n.16.

Section 11022(a) of the TCJA amended section 24 of the Code to create a $500 credit for certain dependents of a taxpayer other than a qualifying child described in section 24(c) for whom the child tax credit is allowed. The $500 credit applies to two categories of dependents: (1) Qualifying children for whom a child tax credit is not allowed, and (2) qualifying relatives as defined in section 152(d). Section 24(h)(4)(A) and (C). Like the amendment to section 151(d) reducing the exemption amount to zero, this new credit applies for taxable years 2018 through 2025. The Conference Report explains that ''[t]he credit is further modified to temporarily provide for a $500 nonrefundable credit for qualifying dependents other than qualifying children. The provision generally retains the present-law definition of dependent.'' H.R. Rep. No. 115–466, at 227.

The definition of head of household in section 2(b)(1)(A) includes the requirement that the taxpayer maintain as his or her home a household for a qualifying individual for a specified period of time. A qualifying individual under section 2(b)(1)(A)(ii) includes a qualifying relative if the taxpayer is entitled to a deduction under section 151 for the person for the taxable year. As noted above, taxpayers are allowed a deduction under section 151 for individuals who are dependents as defined in section 152, including qualifying relatives described in section 152(d).

On August 28, 2018, the Treasury Department and the IRS issued Notice 2018–70, 2018–38 I.R.B. 441. This notice announced the intent to issue proposed regulations providing that the reduction of the exemption amount to zero under section 151(d)(5)(A) for taxable years 2018 through 2025 will not be taken into account in determining whether an individual meets the requirement of section 152(d)(1)(B) to be a qualifying relative. Notice 2018–70 also stated that, before the issuance of the proposed regulations described in the notice, a taxpayer may rely on the rules described in the notice.

Consistent with Notice 2018–70, these proposed regulations provide that in determining whether an individual is a qualifying relative for purposes of various provisions of the Code that refer to section 152 in years in which the exemption amount is zero, the section 151(d) exemption amount will be the inflation-adjusted section 152(d)(1)(B) exemption amount in the annual revenue procedure setting forth inflation-adjusted items that is published in the Internal Revenue Bulletin. Thus, the exemption amount is $4,150 for 2018 (section 3.24 of Rev. Proc. 2017–58, 2017–45 I.R.B. 489, modified and superseded by Rev. Proc. 2018–18, 2018–10 I.R.B. 392); $4,200 for 2019 (section 3.25 of Rev. Proc. 2018–57, 2018–49 I.R.B. 827); and $4,300 for 2020 (section 3.25 of Rev. Proc. 2019–44, 2019–47 I.R.B. 1093).

*II. Alimony and Separate Maintenance Payments*

Prior to the TCJA, alimony and separate maintenance payments were deductible by the payor spouse and includible in income by the recipient spouse under sections 61(a)(8), 71(a), and 215(a) of the Code. Under section 71(c), child support payments were not treated as alimony. Section 11051 of the TCJA repealed sections 61(a)(8), 71 and 215, and, in a conforming change, also repealed section 682 of the Code for any divorce or separation instrument executed after 2018, and for any instrument executed before 2019 and later modified to apply the provisions of the TCJA.

To conform with the repeal of section 71, section 11051(b)(3)(B) of the TCJA amended section 152(d)(5) of the Code regarding the source of a qualifying relative's support. As mentioned in part I of this Background, section 152(d)(1)(C) requires that an individual receive more than one-half of his or her support from the taxpayer to be claimed as a qualifying relative of that taxpayer. Consistent with prior law, the TCJA provides that payments of alimony or separate maintenance paid to a spouse or former spouse are not treated as support of a dependent provided by the payor spouse. However, the TCJA revised the language of section 152(d)(5) to eliminate references to sections 71 and 682, which were repealed by the TCJA. Section 1.152–3(d)(2) of the January 2017 Proposed Regulations originally included references to sections 71 and 682. Accordingly, these proposed regulations withdraw § 1.152–3(d)(2) of the January 2017 Proposed Regulations and replace it with proposed § 1.152–3(d)(2) to reflect these amendments to section 152(d)(5).

**Explanation of Provisions**

Section 151(d) provides for two different exemption amounts for taxable years 2018 through 2025. For purposes of the deduction allowed for a personal exemption or a dependency exemption, section 151(d)(5)(A) provides that the exemption amount is zero, thereby effectively suspending the deduction. However, for purposes of applying other provisions of the Code that reference that deduction, Congress provided in section 151(d)(5)(B) that the reduction of the exemption amount to zero is not to be taken into account. For purposes of those other Code provisions, proposed § 1.152–3(c)(3) provides that the exemption amount instead should be $4,150 for 2018, and should be adjusted for inflation for 2019 through 2025, as set forth in guidance published in the Internal Revenue Bulletin. This interpretation accords with section 151(d)(5), which suspends the deduction for a personal exemption or a dependency exemption without substantively changing other Code provisions that directly or indirectly reference the section 151(d) exemption amount.

This interpretation also is confirmed by the structure of several Code provisions that necessitate a non-zero exemption amount in section 152(d)(1)(B). For example, to be a qualifying relative under section 152(d)(1)(B), an individual must have gross income that is ''less than the exemption amount.'' If the exemption amount were zero, an individual's gross income would have to be less than zero, a near impossibility. Under such a reading, virtually no individual would meet the definition of a qualifying relative. Thus, a zero-exemption amount for this purpose would effectively render section 152(d)(1)(B) inoperable and eliminate an entire category of dependents. The Treasury Department and the IRS find no indication that Congress intended to make such a significant change in such an indirect manner.

In addition, the new $500 credit under section 24(h)(4), also enacted in the TCJA, likewise depends on a non-zero exemption amount under section 152(d)(1)(B). Section 24(h)(4)(A) creates

a $500 credit available for each dependent of the taxpayer other than a qualifying child for whom the child tax credit is allowed. This provision references the definition of dependent in section 152, which includes both qualifying relatives and qualifying children, and it was understood at the time of enactment that this provision ''generally retain[ed] the present-law definition of dependent.'' H.R. Rep. No. 115–466, at 227. However, if the exemption amount referenced in section 152(d)(1)(B) were treated as zero for this purpose, the entire category of qualifying relatives would be effectively excised from the definition of dependent. As a consequence, the $500 credit generally would not be available for qualifying relatives, and the class of individuals who could qualify a taxpayer for this credit would shrink to only a limited category of qualifying children for whom the child tax credit is not allowed. The Treasury Department and the IRS find no indication that Congress intended for the suspension of the deduction for a personal exemption or a dependency exemption to have such a broad effect, or intended for the eligibility for the new $500 credit to be so narrow.

Further, head of household filing status also depends on a non-zero exemption amount under section 152(d)(1)(B). Under section 2(b)(1)(A), an individual is considered a head of household if, among other requirements, he or she maintains as his or her home a household for either (i) a qualifying child, or (ii) any other person who is a dependent of the taxpayer. Because the only dependents other than qualifying children are qualifying relatives, a zero-exemption amount under section 152(d)(1)(B), and the resulting near elimination of qualifying relatives, would render the express provision for other dependents in section 2(b)(1)(A)(ii) surplusage. It also would deny head of household filing status to many individuals who previously qualified for that filing status and otherwise would continue to qualify. Again, the Treasury Department and the IRS find no indication that Congress intended for the suspension of the deduction for a personal exemption or a dependency exemption to have such a broad effect.

Accordingly, consistent with the guidance provided in Notice 2018–70, proposed § 1.152–3(c)(3) provides that the reduction of the exemption amount to zero in section 151(d)(5)(A) for taxable years 2018 through 2025 does not apply for purposes of the gross income limitation in the definition of a qualifying relative in section 152(d)(1)(B). These proposed regulations also withdraw and repropose § 1.152–3(d)(2) of the January 2017 Proposed Regulations. Reproposed § 1.152–3(d)(2) is substantively the same as the proposed provision it replaces, but the reproposed regulation describes the payment to the spouse without references to repealed sections 71 and 682.

Finally, the proposed regulations clarify an issue raised regarding a cross reference in section 24(h)(4) to ''a qualifying child described in subsection (c).'' The proposed regulations clarify that the cross reference is a reference to section 24(c), rather than to section 152(c).

## Applicability Date

Section 1.152–3(c)(3) of these regulations is proposed to apply to taxable years ending after August 28, 2018, the date the Treasury Department and the IRS issued Notice 2018–70. *See* section 7805(b)(1)(C). Sections 1.24–1 and 1.152–3(d)(2) of these regulations are proposed to apply to taxable years beginning on or after the date the regulations are published as final regulations in the **Federal Register**. Pending the issuance of the final regulations, taxpayers may rely on these proposed regulations in any open taxable year.

## Special Analyses

These regulations are not subject to review under section 6(b) of Executive Order 12866, pursuant to the Memorandum of Agreement (April 11, 2018) between the Department of the Treasury and the Office of Management and Budget, regarding the review of tax regulations.

## Regulatory Flexibility Act

Pursuant to the Regulatory Flexibility Act (5 U.S.C. chapter 6), it is certified that these regulations will not have a significant economic impact on a substantial number of small entities. These regulations primarily affect individuals and will not have a significant economic impact on a substantial number of small entities. Pursuant to section 7805(f) of the Code, these proposed regulations will be submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on their impact on small business.

## Comments and Requests for a Public Hearing

Before these proposed amendments to the regulations are adopted as final regulations, consideration will be given to comments that are submitted timely to the IRS as prescribed in the preamble under the ''**ADDRESSES**'' section. The Treasury Department and the IRS request comments on all aspects of the proposed regulations. Any electronic comments submitted, and to the extent practicable any paper comments submitted, will be made available at *www.regulations.gov* or upon request.

A public hearing will be scheduled if requested in writing by any person who timely submits electronic or written comments. Requests for a public hearing are also encouraged to be made electronically. If a public hearing is scheduled, notice of the date and time for the public hearing will be published in the **Federal Register**. Announcement 2020–4, 2020–17 IRB 1, provides that until further notice, public hearings conducted by the IRS will be held telephonically. Any telephonic hearing will be made accessible to people with disabilities.

## Drafting Information

The principal author of these proposed regulations is Victoria Driscoll of the Office of Associate Chief Counsel (Income Tax and Accounting). However, other personnel from the Treasury Department and the IRS participated in their development

## Statement of Availability of IRS Documents

IRS notices and other guidance cited in this preamble are published in the Internal Revenue Bulletin (or Cumulative Bulletin) and are available from the Superintendent of Documents, U.S. Government Publishing Office, Washington, DC 20402, or by visiting the IRS website at *http://www.irs.gov.*

## Partial Withdrawal of Proposed Regulations

Under the authority of 26 U.S.C. 7805, § 1.152–3(d)(2) of the notice of proposed rulemaking (REG–137604–07) published in the **Federal Register** on January 19, 2017 (82 FR 6370) is withdrawn.

## Proposed Amendments to the Regulations

## List of Subjects in 26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

Accordingly, 26 CFR part 1 is proposed to be amended as follows:

## PART 1—INCOME TAXES

■ **Paragraph 1.** The authority citation for part 1 continues to read, in part, as follows:

**Authority:** 26 U.S.C. 7805 * * *

* * * * *

■ **Par. 2.** Section 1.24–1 is added to read:

**§ 1.24–1 Partial credit allowed for certain other dependents.**

(a) *In general.* For purposes of section 24(h)(4)(A), a taxpayer may be eligible to increase the credit determined under section 24(a) by $500 for a dependent of the taxpayer, as defined in section 152, other than a qualifying child described in section 24(c).

(b) *Applicability date.* This section applies to taxable years beginning on or after [date the Treasury Decision adopting these rules is published in the **Federal Register**].

■ **Par. 3.** Section 1.152–3, as proposed to be revised by 82 FR 6370, January 19, 2017, is amended by:

■ a. Adding paragraph (c)(3); and

■ b. Revising paragraph (d)(2).

The addition and revision read as follows:

**§ 1.152–3 Qualifying relative.**

* * * * *

(c) * * *

(3)(i) For tax year 2018, the exemption amount under section 152(d)(1)(B) is $4,150.

For tax years 2019 through 2025, the exemption amount, as adjusted for inflation, is set forth in annual guidance published in the Internal Revenue Bulletin. *See* § 601.601(d)(2) of this chapter.

(ii) Paragraph (c)(3)(i) of this section applies to taxable years ending after August 28, 2018.

* * * * *

(d) * * *

(2) *Certain income of a taxpayer's spouse.* A payment to a spouse (payee spouse) of alimony or separate maintenance is not treated as a payment by the payor spouse for the support of any dependent. Similarly, the distribution of income of an estate or trust to a divorced or legally separated payee spouse is not treated as a payment by the payor spouse for the support of any dependent. The preceding sentence shall not apply, however, to the extent that such a distribution is in satisfaction of the amount or portion of income that, by the terms of a divorce decree, a written separation agreement, or the trust instrument is fixed as payable for the support of the minor children of the payor spouse.

* * * * *

**Sunita Lough,**

*Deputy Commissioner for Services and Enforcement.*

[FR Doc. 2020–10224 Filed 6–8–20; 8:45 am]

**BILLING CODE 4830–01–P**

## GENERAL SERVICES ADMINISTRATION

### 41 CFR Parts 102–35, 102–36, 102–37, 102–38, 102–39, and 102–40

**[FMR Case 2018–102–6; Docket No. GSA–FMR–2019–0007; Sequence No.1]**

**RIN 3090–AJ98**

## Federal Management Regulation (FMR); Personal Property; Multiple Repeal or Replace Regulatory Actions; Multiple FMR Parts

**AGENCY:** Office of Government-wide Policy (OGP), General Services Administration (GSA).

**ACTION:** Proposed rule.

**SUMMARY:** The U.S. General Services Administration (GSA) is replacing, modifying, and consolidating provisions in multiple parts of the Federal Management Regulation (FMR), pursuant to an Executive Order, which requires agencies to make recommendations to the agency head regarding regulatory repeal, replacement, or modification, consistent with applicable law.

**DATES:** Interested parties should submit written comments to the Regulatory Secretariat Division at the address shown below on or before August 10, 2020 to be considered in the formation of the final rule.

**ADDRESSES:** Submit comments in response to FMR Case 2018–102–6 by the following method:

• Regulations.gov: *http://www.regulations.gov.* Submit comments via the Federal Rulemaking Portal by entering ''FMR Case 2018–102–6'' under the heading ''Enter Keyword or ID'' and select ''Search.'' Select the link ''Submit a Comment'' that corresponds with ''FMR Case 2018–102–6'' and follow the instructions provided at the ''Comment Now'' screen. Please include your name, company name (if any), and ''FMR Case 2018–102–6'' on your attached document.

*Instructions:* Please submit comments only and cite FMR Case 2018–102–6 in all correspondence related to this case. All comments received will be posted without change to *http://www.regulations.gov,* including any personal and business confidential information provided. To confirm receipt of your comment(s), please check *http://www.regulations.gov* approximately two to three days after submission to verify posting.

**FOR FURTHER INFORMATION CONTACT:** For clarification of content, contact Mr. William Garrett, Program Director, Office of Government-wide Policy, at 202–368–8163. Contact the Regulatory Secretariat Division (MVCB), 1800 F Street NW, Washington, DC 20405, 202–501–4755, for information pertaining to status or publication schedules. Please cite FMR Case 2018–102–6.

**SUPPLEMENTARY INFORMATION:**

### A. Background

Executive Order (E.O.) 13777, 'Enforcing the Regulatory Reform Agenda,' was signed February 24, 2017. This E.O. tasked Executive Agencies to ''evaluate existing regulations (as defined in section 4 of Executive Order 13771) and make recommendations to the agency head regarding their repeal, replacement, or modification, consistent with applicable law.''

Under the guidance of E.O. 13777, GSA sought public comments on improving FMR regulations through a **Federal Register** Notice (MA–2017–03) published on May 30, 2017, at 82 FR 24651. Concurrently, GSA sought comments and recommendations from Federal agencies, GSA subject matter experts, and other stakeholders and customers.

The comments and recommendations elicited from the **Federal Register** notice were reviewed and categorized by GSA as ''repeal'', ''replace'', or ''modify'' actions. In accordance with the guidance in E.O. 13777, GSA prioritized repeal and replace actions as more important than the modify actions. The comments and recommendations categorized as repeal and replace are addressed in this proposed rule. Two other repeal or replace recommendations addressing (1) agency asset management systems and (2) use of voluntary consensus standards were not included in this proposed rule as GSA determined that it does not have the legal authority to promulgate regulations addressing property in use by an agency before it is reported to GSA as excess.

Provisions in this proposed rule make the FMR policies addressing personal property management more understandable and easier to read. This proposed rule addresses the following:

1. Consolidation of duplicate occurrences of definitions across multiple FMR parts into FMR 102–35 for consistency in terminology and to avoid duplicative definitions in other parts of FMR Subchapter B. The FMR parts affected address personal property disposal activities including transfers among Federal agencies, donation of surplus property to eligible state and local donees, the sale of surplus property, and disposition of property requiring special handling;

2. Revisions to the donation program to incorporate legislation regarding museums (Public Law 114–287, Section 23) to ensure consistency with Federal law. The donation program allows for the transfer of Federal surplus personal property to state agencies for surplus property for distribution to eligible recipients within their state; and

3. An amendment to policy in FMR 102–35.10 by listing FMR parts in this section related to personal property disposal in sequence so that the listing of FMR parts follows the general life-cycle processes related to asset management and disposal.

**B. Executive Orders 12866 and 13563**

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 proposed rule 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 proposed rule is not a major rule under 5 U.S.C. 804.

**C. Executive Order 13771**

This proposed rule is not subject to the requirements of E.O. 13771 because it is related to agency organization, management, or personnel.

**D. Regulatory Flexibility Act**

This proposed rule will not have a significant economic impact on a substantial number of entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.* This proposed rule is also exempt from the Administrative Procedures Act per 5 U.S.C. 553(a)(2), because it applies to agency management or public property.

**E. Paperwork Reduction Act**

The Paperwork Reduction Act does not apply because the changes to the FMR do not impose recordkeeping or information collection requirements, or the collection of information from offerors, contractors, or members of the public that require the approval of the Office of Management and Budget under 44 U.S.C. 3501 *et seq.*

**F. Small Business Regulatory Enforcement Fairness Act**

This proposed rule is exempt from Congressional review under 5 U.S.C. 801 since it relates to agency management and personnel and does not substantially affect the rights or obligations of non-agency parties.

**List of Subjects in 41 CFR Parts 102–35, 102–36, 102–37, 102–38, 102–39 and 102–40**

Government property management.

**Jessica Salmoiraghi,**

*Associate Administrator, Office of Government-wide Policy.*

For the reasons set forth in the preamble, GSA proposes to amend 41 CFR parts 102–35, 102–36, 102–37, 102–38, 102–39, and 102–40 as set forth below:

■ 1. The authority for parts 102–35, 102–36, 102–37, 102–38, 102–39, and 102–40 continues to read as follows:

**Authority:** 40 U.S.C. 121(c).

## PART 102–35—DISPOSITION OF PERSONAL PROPERTY

■ 2. Amend § 102–35.10 by revising paragraphs (e) thru (g) to read as follows:

**§ 102–35.10 How are these regulations for the disposal of personal property organized?**

* * * * *

(e) Utilization and disposal of personal property requiring special handling (part 102–40 of this subchapter B).

(f) Disposition of seized and forfeited, voluntarily abandoned, and unclaimed personal property (part 102–41 of this subchapter B).

(g) Utilization, donation, and disposal of foreign gifts and decorations (part 102–42 of this subchapter B).

■ 3. Amend § 102–35.20 by—

■ a. Adding, in alphabetical order, the definitions ''Commerce Control List Items (CCLIs)'' and ''Demilitarization'';

■ b. Revising the definitions ''Excess personal property'', ''Exchange/sale'', and ''Executive agency'';

■ c. Adding, in alphabetical order, the definition of ''Fair Market Value'';

■ d. Revising the definition ''Federal agency'';

■ e. Adding, in alphabetical order, the definitions ''Hazardous personal property'', ''Holding agency'', and ''Munitions List Items'';

■ f. Revising the definition ''Personal property'';

■ g. Adding, in alphabetical order, the definition ''State agency for surplus property (SASP)'';

■ h. Revising the definition ''Surplus personal property''; and

■ i. Adding, in alphabetical order, the definition ''Surplus release date''.

The additions and revisions read as follows:

**§ 102–35.20 What definitions apply to GSA's personal property regulations?**

* * * * *

*Commerce Control List Item (CCLI)* means property identified on the Commerce Control List (15 CFR part 774, Supp. 1) subject to export controls under the Export Administration Act of 1979, as amended (50 U.S.C. 4601 *et seq.*) and implemented by the Export Administration Regulations (15 CFR part 730). Items may be placed on the list for reasons including, but not limited to, technology transfer, scarcity of materials, crime control, and national security.

* * * * *

*Demilitarization,* as defined by U.S. Department of Defense (DoD) Manual 4160.28, Volume 2, is ''[t]he act of eliminating the functional capabilities and inherent military design features from DoD personal property that requires certification and verification. Methods and degree range from removal and destruction of critical features to total destruction by cutting, crushing, shredding, melting, burning, etc. Demilitarization (DEMIL) is required to prevent property from being used for its originally intended purpose and to prevent the release of inherent design information that could be used against the United States. DEMIL applies to material in both serviceable and unserviceable condition.''

*Excess personal property (Excess)* means any personal property under the control of any Federal agency that is no longer required for that agency's needs, as determined by the agency head or designee. An ''agency's need'' can include the use of the asset in an Exchange/Sale transaction to acquire similar replacement personal property.

*Exchange/sale* means the authority or process to exchange or sell personal property and apply the exchange allowance or proceeds of sale in whole or in part payment for the acquisition of similar property (see part 102–39 of this subchapter B for exchange/sale policy).

*Executive agency* means any executive department or independent establishment in the executive branch of the Government, including any wholly owned Government corporation.

*Fair market value* means the best estimate of the gross sales proceeds if the property were to be sold in a public sale.

*Federal agency* means any executive agency or any establishment in the legislative or judicial branch of the Government (except the Senate, the House of Representatives, and the Architect of the Capitol and any activities under The Architect of the Capitol's direction).

* * * * *

*Hazardous personal property* means property that is deemed a hazardous material, chemical substance or mixture, or hazardous waste under the Hazardous Materials Transportation Act (HMTA) (49 U.S.C. 5101), the Resource Conservation and Recovery Act (RCRA) (42 U.S.C. 6901–6981), or the Toxic Substances Control Act (TSCA) (15 U.S.C. 2601–2609).

*Holding agency* means the Federal agency having accountability for, and generally possession of, the property involved.

* * * * *

*Munitions List Items (MLIs)* are commodities (usually defense articles/defense services) listed in the International Traffic in Arms Regulation (22 CFR part 121), published by the U.S. Department of State.

* * * * *

*Personal property* means any property, except real property. For purposes of this part, the term excludes records of the Federal Government and naval vessels of the following categories: Battleships, cruisers, aircraft carriers, destroyers, and submarines.

* * * * *

*State agency for surplus property (SASP)* means the agency designated under State law to receive Federal surplus personal property for distribution to eligible donees within the State as provided for in 40 U.S.C. 549.

*Surplus personal property (Surplus)* means excess personal property no longer required by the Federal agencies as determined by GSA.

*Surplus release date* means the date when Federal screening has been completed and the excess property becomes surplus.

* * * * *

## PART 102–36—DISPOSITION OF EXCESS PERSONAL PROPERTY

### § 102–36.40 [Amended]

■ 4. Amend § 102–36.40 by removing the definitions of ''Commerce Control List Items (CCLIs)'', ''Demilitarization'', ''Excess personal property'', ''Exchange/Sale property'', ''Executive agency'', ''Fair market value'', ''Federal agency'', ''Hazardous personal property'', ''Holding agency'', ''Munitions List Items (MLIs)'', ''Personal property'', ''Surplus personal property (surplus)'', and ''Surplus release date''.

## PART 102–37—DONATION OF SURPLUS PERSONAL PROPERTY

### § 102–37.25 [Amended]

■ 5. Amend § 102–37.25 by removing the definitions of ''Holding agency'', ''State agency for surplus property (SASP)'', ''Surplus personal property (surplus property)'', and ''Surplus release date''.

■ 6. Amend appendix C to part 102–37, by revising the definition of ''Museum'' to read as follows:

### Appendix C to Part 102–37—Glossary of Terms for Determining Eligibility of Public Agencies and Nonprofit Organizations

* * * * *

*Museum* means a public agency or nonprofit educational or public health institution that is organized on a permanent basis for essentially educational or aesthetic purposes and which, using a professional staff, owns or uses tangible objects, either animate or inanimate; and cares for these objects. A museum is considered to be ''attended by the public'' if the museum, at minimum, accedes to any request submitted for access during business hours. For the purposes of this definition, an institution uses a professional staff if it employs at least one fulltime staff member or the equivalent, whether paid or unpaid, primarily engaged in the acquisition, care, or public exhibition of objects owned or used by the institution.

* * * * *

## PART 102–38—SALE OF PERSONAL PROPERTY

### § 102–38.35 [Amended]

■ 7. Amend § 102–38.35 by removing the definitions of ''Estimated fair market value'', ''Holding Agency'', ''Personal property'', and ''State Agency for Surplus Property (SASP)''.

## PART 102–39—REPLACEMENT OF PERSONAL PROPERTY PURSUANT TO THE EXCHANGE/SALE AUTHORITY

### § 102–39.20 [Amended]

■ 8. Amend § 102–39.20 by removing the definitions of ''Excess property'', ''Exchange/sale'', ''Executive agency'', and ''Federal agency''.

## PART 102–40—UTILIZATION AND DISPOSITION OF PERSONAL PROPERTY WITH SPECIAL HANDLING REQUIREMENTS

### § 102–40.30 [Amended]

■ 9. Amend § 102–40.30 by removing the definitions of ''Commerce Control List Item (CCLI)'', ''Demilitarization'', and ''Munitions List Item (MLI)''.

[FR Doc. 2020–10830 Filed 6–8–20; 8:45 am]

**BILLING CODE 6820–14–P**

## DEPARTMENT OF VETERANS AFFAIRS

### 48 CFR Part 825

**RIN 2900–AQ79**

## VA Acquisition Regulation: Foreign Acquisition

**AGENCY:** Department of Veterans Affairs.

**ACTION:** Proposed rule.

**SUMMARY:** The Department of Veterans Affairs (VA) is proposing to amend and update its VA Acquisition Regulation (VAAR) in phased increments to revise or remove any policy superseded by changes in the Federal Acquisition Regulation (FAR), to remove any procedural guidance internal to VA into the VA Acquisition Manual (VAAM), and to incorporate any new agency specific regulations or policies. These changes seek to streamline and align the VAAR with the FAR and remove outdated and duplicative requirements and reduce burden on contractors. The VAAM incorporates portions of the removed VAAR as well as other internal agency acquisition policy. VA will rewrite certain parts of the VAAR and VAAM, and as VAAR parts are rewritten, will publish them in the **Federal Register**. VA will combine related topics, as appropriate. This rulemaking removes VAAR coverage concerning Foreign Acquisition.

**DATES:** Comments must be received on or before August 10, 2020 to be considered in the formulation of the final rule.

**ADDRESSES:** Written comments may be submitted through *www.Regulations.gov;* by mail or hand-delivery to Director, Office of Regulation Policy and Management (00REG), Department of Veterans Affairs, 810 Vermont Avenue NW, Room 1064, Washington, DC 20420; or by fax to (202) 273–9026. Comments should indicate that they are submitted in response to ''RIN 2900–AQ79—VA Acquisition Regulation: Foreign Acquisition.'' Copies of comments received will be available for public inspection in the Office of Regulation Policy and Management, Room 1064, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday (except holidays). Please call (202) 461–4902 for an appointment. (This is not a toll-free number.) In addition, during the

comment period, comments may be viewed online through the Federal Docket Management System (FDMS) at *www.Regulations.gov*.

**FOR FURTHER INFORMATION CONTACT:** Mr. Bogdan Vaga, Senior Procurement Analyst, Procurement Policy and Warrant Management Services, 003A2A, 425 I Street NW, Washington, DC 20001, (202) 382–2667. (This is not a toll-free number.)

**SUPPLEMENTARY INFORMATION:**

## Background

This rulemaking is issued under the authority of the Office of Federal Procurement Policy (OFPP) Act which provides the authority for an agency head to issue agency acquisition regulations that implement or supplement the FAR.

VA is proposing to revise the VAAR to add new policy or regulatory requirements and to remove any redundant guidance and guidance that is applicable only to VA's internal operating processes or procedures. Codified acquisition regulations may be amended and revised only through rulemaking. All amendments, revisions and removals have been reviewed and concurred with by VA's Integrated Product Team of agency stakeholders.

The VAAR uses the regulatory structure and arrangement of the FAR and headings and subject areas are consistent with FAR content. The VAAR is divided into subchapters, parts (each of which covers a separate aspect of acquisition), subparts, and sections.

The Office of Federal Procurement Policy Act, as codified in 41 U.S.C. 1707, provides the authority for the Federal Acquisition Regulation and for the issuance of agency acquisition regulations consistent with the FAR.

When Federal agencies acquire supplies and services using appropriated funds, the purchase is governed by the FAR, set forth at Title 48 Code of Federal Regulations (CFR), chapter 1, parts 1 through 53, and the agency regulations that implement and supplement the FAR. The VAAR is set forth at Title 48 CFR, chapter 8, parts 801 to 873.

## Discussion and Analysis

VA proposes to make the following changes to the VAAR in this phase of its revision and streamlining initiative. For procedural guidance cited below that is proposed to be deleted from the VAAR, each section cited for removal has been considered for inclusion in VA's internal agency operating procedures in accordance with FAR 1.301(a)(2). Similarly, delegations of authority that are removed from the VAAR will be included in the VAAM as internal departmental guidance. The VAAM is being created in parallel with these revisions to the VAAR and is not subject to the rulemaking process as they are internal VA procedures and guidance. The VAAM will not be finalized until corresponding VAAR parts are finalized, and therefore the VAAM is not yet available on line.

### VAAR Part 825—Foreign Acquisition

We propose to remove and reserve VAAR Part 825 as much of the information it contains is internal and procedural in nature. Subpart 825.1, Buy American Act–Supplies, is proposed to be removed and reserved. Under this subpart, Section 825.103, Exceptions, will be removed and moved to the VAAM as the information included is internal and procedural in nature. Section 825.104, Nonavailable articles, is proposed for removal as the items listed on the nonavailable list are now available from domestic sources. Subpart 825.2 was previously removed and reserved as a part of Final Rule AQ18.

We propose to remove and reserve subpart 825.6, Trade Sanctions. Under this subpart, section 825.602, Exceptions, is proposed for removal as this information is no longer relevant. The corresponding FAR subpart, 25.6 is entitled, ''American Recovery and Reinvestment Act—Buy American Statute—Construction Materials.'' The VAAR subpart and section predate the Recovery Act and therefore have been removed as it does not serve to implement or supplement the current FAR coverage at the corresponding FAR subpart.

Under this regulatory action, we propose to remove and reserve subpart 825.8, Other International Agreements and Coordination. Under this subpart, section 825.870, Technical assistance, will be removed and moved to the VAAM as it provides procedural guidance to VA's contracting officers regarding whom to contact if they have questions regarding international contracts.

We propose to remove and reserve subpart 825.9, Customs and Duties. Under this subpart, section 825.902–70, Technical assistance, is proposed for removal. This section is being removed as it provides outdated procedural guidance directing contracting officers to contact the US Customs and Border Protection for technical assistance for clearing items through customs.

This proposed rule would remove and reserve subpart 825.10, Additional Foreign Acquisition Regulations. Under this subpart, section 825.1001, Waiver of right to examination of records, will be removed and moved to the VAAM as it provides procedural guidance and assigns responsibility for preparing and submitted D&Fs as required in FAR 25.1001.

This proposed rule also removes and reserves subpart 825.11, Solicitation Provisions and Contract Clauses. Under this subpart, section 825.1102 was previously removed and reserved under Final Rule AQ18.

### Effect of Rulemaking

Title 48, Federal Acquisition Regulations System, Chapter 8, Department of Veterans Affairs, of the Code of Federal Regulations, as proposed to be revised by this rulemaking, would represent VA's implementation of its legal authority and publication of the Department of Veterans Affairs Acquisition Regulation (VAAR) for the cited applicable parts. Other than future amendments to this rule or governing statutes for the cited applicable parts, or as otherwise authorized by approved deviations or waivers in accordance with Federal Acquisition Regulation (FAR) subpart 1.4, Deviations from the FAR, and as implemented by VAAR subpart 801.4, Deviations from the FAR or VAAR, no contrary guidance or procedures would be authorized. All existing or subsequent VA guidance would be read to conform with the rulemaking if possible or, if not possible, such guidance would be superseded by this rulemaking as pertains to the cited applicable VAAR parts.

### Executive Orders 12866, 13563 and 13771

Executive Orders (EOs) 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, when regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, and other advantages; distributive impacts; and equity). E.O. 13563 (Improving Regulation and Regulatory Review) emphasizes the importance of quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting flexibility. The Office of Information and Regulatory Affairs has determined that this rule is not a significant regulatory action under Executive Order 12866.

VA's impact analysis can be found as a supporting document at *http://www.regulations.gov,* usually within 48 hours after the rulemaking document is

published. Additionally, a copy of the rulemaking and its impact analysis are available on VA's website at *http://www.va.gov/orpm/,* by following the link for ''VA Regulations Published From FY 2004 Through Fiscal Year to Date.''

This proposed rule is not expected to be an E.O. 13771 regulatory action because this proposed rule is not significant under E.O. 12866.

**Paperwork Reduction Act**

This proposed rule contains no provisions constituting a collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3521).

**Regulatory Flexibility Act**

The Secretary hereby certifies that this proposed rule would not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (5 U.S.C. 601–612). This rulemaking does not change VA's policy regarding small businesses, does not have an economic impact to individual businesses, and there are no increased or decreased costs to small business entities. On this basis, the proposed rule would not have an economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601–612. Therefore, pursuant to 5 U.S.C. 605(b), the initial and final regulatory flexibility analysis requirements of 5 U.S.C. 603 and 604 do not apply.

**Unfunded Mandates**

The Unfunded Mandates Reform Act of 1995 requires, at 2 U.S.C. 1532, that agencies prepare an assessment of anticipated costs and benefits before issuing any rule that may result in the expenditure by State, local, and tribal Governments, in the aggregate, or by the private sector, of $100 million or more (adjusted annually for inflation) in any one year. This proposed rule will have no such effect on State, local, and tribal Governments or on the private sector.

**List of Subjects in 48 CFR Part 825**

Customs duties and inspection, Foreign currencies, Foreign trade, Government procurement.

**Signing Authority**

The Secretary of Veterans Affairs, or designee, approved this document and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs. Pamela Powers, Chief of Staff, Department of Veterans Affairs, approved this document on January 24, 2020, for publication.

**Consuela Benjamin,**

*Regulation Development Coordinator, Office of Regulation Policy & Management, Office of the Secretary, Department of Veterans Affairs.*

■ Accordingly, under the authority of 40 U.S.C. 121(c), 41 U.S.C. 1702; and 48 CFR 1.301–1.304 VA proposes to amend 48 CFR by removing and reserving part 825.

[FR Doc. 2020–11606 Filed 6–8–20; 8:45 am]

**BILLING CODE 8320–01–P**

## DEPARTMENT OF TRANSPORTATION

### Pipeline and Hazardous Materials Safety Administration

### 49 CFR Parts 191 and 192

**[Docket No. PHMSA–2018–0046]**

**RIN 2137–AF36**

## Pipeline Safety: Gas Pipeline Regulatory Reform

**AGENCY:** Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** PHMSA is seeking comments on proposed amendments to the Federal Pipeline Safety Regulations that are intended to ease regulatory burdens on the construction, maintenance and operation of gas transmission, distribution, and gathering pipeline systems. The amendments in this proposal are based on PHMSA's considered review of public comments, petitions for rulemaking, and an agency initiative to identify appropriate areas where regulations might be repealed, replaced, or modified.

**DATES:** Submit comments by August 10, 2020.

**ADDRESS:** Submit comments, identified by Docket No. PHMSA–2018–0046, using any of the following methods:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* 1–202–493–2251.
- *Mail:* U.S. DOT Docket Management System, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590–0001.
- *Hand-deliver/courier:* Available between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays.

*Instructions:* All submissions must include the agency name and docket number for this notice of proposed rulemaking. If you submit your comments by mail, submit two copies. If you wish to receive confirmation that PHMSA has received your comments by mail, include a self-addressed stamped postcard.

*Privacy Act:* In accordance with 5 U.S.C. 553(c), the DOT solicits comments from the public. The DOT posts these comments, without edit, including any personal information the commenter provides, to *http://www.regulations.gov.* The complete privacy statement can be reviewed at *http://www.dot.gov/privacy.*

**Confidential Business Information**

Confidential Business Information (CBI) is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this notice contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this notice, it is important that you clearly designate the submitted comments as CBI. Pursuant to 49 CFR 190.343, you may ask PHMSA to give confidential treatment to information you give to the agency by taking the following steps: (1) Mark each page of the original document submission containing CBI as ''Confidential''; (2) send PHMSA, along with the original document, a second copy of the original document with the CBI deleted; and (3) explain why the information you are submitting is CBI. Unless you are notified otherwise, PHMSA will treat such marked submissions as confidential under the Freedom of Information Act, and they will not be placed in the public docket of this notice. Submissions containing CBI should be sent to Sayler Palabrica at DOT, PHMSA, PHP–30, 1200 New Jersey Avenue SE, PHP–30, Washington, DC 20590–0001. Any commentary PHMSA receives that is not specifically designated as CBI will be placed in the public docket for this matter.

**FOR FURTHER INFORMATION CONTACT:** Sayler Palabrica, Transportation Specialist, by telephone at 202–366–0559.

**SUPPLEMENTARY INFORMATION:**

I. Executive Summary
II. Background
III. Request for Input
IV. Proposed Amendments

V. Availability of Standards Incorporated by Reference
VI. Regulatory Analyses and Notices

## I. Executive Summary

### A. Purpose of This Deregulatory Action

PHMSA is proposing to amend the Federal Pipeline Safety Regulations (PSR) at 49 CFR parts 191 and 192 to adopt several actions that ease regulatory burdens on the construction, operation, and maintenance of gas transmission, distribution, and gathering pipeline systems. These proposed amendments include regulatory relief actions identified by internal agency review, petitions for rulemaking, and public comments submitted in response to the Department of Transportation (DOT) infrastructure and regulatory reform notices: ''Transportation Infrastructure: Notice of Review of Policy, Guidance, and Regulation'' (82 FR 26734; June 8, 2017), and ''Notification of Regulatory Review'' (82 FR 45750; Oct. 2, 2017). PHMSA is requesting input from the public on the proposed amendments.

### B. Proposed Amendments

PHMSA is proposing the following amendments to parts 191 and 192:

A. Provide flexibility in the inspection requirements for farm taps;

B. Repeal distribution integrity management program (DIMP) requirements for master meter operators;

C. Repeal submission requirements for the mechanical fitting failure (MFF) reports;

D. Adjust the monetary damage threshold for reporting incidents for inflation;

E. Allow remote monitoring of rectifier stations;

F. Revise the inspection interval for monitoring atmospheric corrosion on gas distribution service pipelines;

G. Update the design standard for polyethylene (PE) pipe and raise the maximum diameter limit;

H. Revise test requirements for pressure vessels consistent with American Society of Mechanical Engineers Boiler and Pressure Vessel Code (ASME BPVC);

I. Revise welder requalification requirements to provide scheduling flexibility; and

J. Extend the allowance for pre-tested short segments of pipe and fabricated units to pipelines operating at a hoop stress less than 30 percent of the specified minimum yield strength (SMYS) and above 100 pounds per square inch (psi).

### C. Costs and Benefits

In accordance with 49 U.S.C. 60102, Executive Order (E.O.) 12866, and DOT policy, PHMSA has prepared an initial assessment of the costs and benefits of these proposed changes as well as reasonable alternatives. PHMSA has released the preliminary regulatory impact analysis (PRIA) concurrent with this NPRM for public review and comment, and it is available in the docket.

The PRIA uses an analysis period of twenty years and the incremental cost savings are assumed to accrue on an ongoing basis. Most of the proposed revisions are deregulatory that are expected to reduce unnecessary regulatory burdens, increaseflexibility and efficiency, and add clarity to existing regulations. PHMSA estimates the value of the total quantified annualized cost savings is approximately $129 million (at a discount rate of 7 percent) or approximately $132 million (at a discount rate of 3 percent).[1] PHMSA describes the benefits of this proposed rule qualitatively and does not anticipate that the revisions will result in an adverse impact on pipeline safety.

The primary economic consequences of the proposed deregulatory actions in this rule are cost savings. The largest quantified cost savings are due to the amendments related to farm taps and atmospheric corrosion (AC). The remaining amendments provide benefits largely of convenience, clarity and simplicity. The total estimated economic effects of the proposed rule are summarized in the table below (Table 1). PHMSA provided annualized estimates of cost savings where available.

TABLE 1—TOTAL ESTIMATED DISCOUNTED COST SAVINGS

| Category | Estimated cost savings (millions) |
|---|---|
| Total (20 years; discounted at 7 percent) | $1,371.4 |
| Total (20 years; discounted at 3 percent) | 1,965.3 |
| Annualized (discounted at 7 percent) | 129.45 |
| Annualized (discounted at 3 percent) | 132.101 |

## II. Background

On January 30, 2017, the President issued E.O. 13771, ''Reducing Regulation and Controlling Regulatory Costs.'' E.O. 13771 explained the executive branch's regulatory policy to be prudent and financially responsible in the expenditure of funds, from both public and private sources, and to manage the compliance burdens from federal regulations.

On February 24, 2017, the President issued E.O. 13777, ''Enforcing the Regulatory Reform Agenda'' (82 FR 12285), which established a federal policy to ''alleviate unnecessary regulatory burdens placed on the American people.'' E.O. 13777 required that each federal agency establish a Regulatory Reform Task Force (RRTF) to evaluate existing regulations and ''make recommendations to the agency head regarding their repeal, replacement, or modification.'' Each RRTF must identify unnecessary, outdated, ineffective regulations and those that impose costs that exceed benefits.

On March 28, 2017, the President issued E.O. 13783, ''Promoting Energy Independence and Economic Growth'' (82 FR 16093; Mar. 28, 2017), to promote the clean and safe development of the Nation's energy resources by eliminating unnecessary regulatory burdens on energy production, economic growth, and job creation. E.O. 13783 tasked agencies to review existing regulations, guidance, and orders that potentially burden the development or use of domestically produced energy resources. Specifically, agencies must look for impacts on siting, permitting, production, utilization, transmission, or delivery of energy resources and encourage the development of recommendations to reduce or eliminate potential burdens.

DOT issued two notices in response to the three executive orders soliciting regulatory reform ideas from the public. The first notice (82 FR 26734; June 8, 2017) requested public comment on existing regulations that may be obstacles to transportation infrastructure projects. DOT received more than 200 comments in the transportation infrastructure docket, including 6 comments that are relevant to the PSR.[2] The second notice (82 FR 45750; Oct. 2, 2017) requested comment on existing rules and other agency actions that may be eligible for repeal, replacement, suspension, or modification without compromising safety. DOT asked the public to identify agency actions that eliminate jobs or inhibit job creation; are outdated, unnecessary, or ineffective; impose costs that exceed benefits; create a serious inconsistency or otherwise interferes with regulatory reform initiatives and policies; could be revised

[1] Both values are in 2018 dollars.

[2] Docket No. DOT–OST–2017–0057.

to use performance standards in lieu of design standards; or that potentially unnecessarily encumber energy production. After a 30-day comment period, DOT re-opened the comment period until December 1, 2017, (82 FR 51178; Nov. 3, 2017). Of the nearly 3,000 public comments received, approximately 30 were related to the federal PSR.[3]

To support DOT's regulatory reform efforts, PHMSA's Office of Pipeline Safety (OPS) reviewed, considered, and identified existing regulations that could be improved, revised, repealed, or streamlined. OPS also considered the public comments submitted in response to DOT's June 8, 2017, notice soliciting comments about transportation infrastructure, DOT's October 2, 2017, public notice soliciting comments on regulatory reform, and petitions for rulemakings. Some of the comments submitted in response to these notices are addressed in this proposed rule, such as the proposed amendments to reporting requirements, farm tap maintenance, atmospheric corrosion monitoring. Other comments will be addressed in other rulemaking projects, or through revised policy and guidance. Finally, some ideas proposed in comments are under longer-term technical review or have been rejected due to safety concerns.

## III. Request for Input

PHMSA is seeking public comments on the regulatory reform actions proposed in this notice. PHMSA will consider all relevant, substantive comments but encourages interested parties to submit comments that: (1) Identify the proposed amendments being commented on and the appropriate section numbers; (2) provide justification for their support or opposition to the proposed amendments, especially data on safety risks and cost burdens; and (3) provide specific alternatives if appropriate.

## IV. Proposed Amendments

### Distribution Integrity Management Program (DIMP)

On December 4, 2009, PHMSA issued a final rule, titled ''Pipeline Safety: Integrity Management Program for Gas Distribution Pipelines'' (74 FR 63905), creating 49 CFR part 192, subpart P. The scope of subpart P, defined at § 192.1003, requires certain gas distribution operators to develop and implement integrity management (IM) programs. PHMSA is proposing two revisions to DIMP requirements to ease or eliminate regulatory burdens on certain gas distribution operators. The first revision is to allow operators of individual service lines directly connected to transmission or regulated gathering lines (commonly known as ''farm taps'') the option of managing the maintenance of pressure regulating devices under either § 192.740 or their DIMP plan in accordance with subpart P. As part of this amendment, the proposed rule would also exempt farm taps originating from unregulated gathering and production pipelines from DIMP, § 192.740, and incident and annual reporting requirements in part 191. Second, PHMSA is also proposing to exempt master meter operators from DIMP requirements due to their simplicity.

*A. Farm Taps (Sections 191.11, 192.740, 192.1003)*

PHMSA proposes to revise §§ 192.740 and 192.1003 to give operators the choice to manage inspections of pressure regulators serving farm taps under either their DIMP or by following the inspection requirements at § 192.740. A ''farm tap'' is the common name for an individual gas service line directly connected to a gas transmission, production, or gathering pipeline. The term farm tap is not a regulatory definition used in the PSR, however a portion of a farm tap between the first aboveground point where downstream piping can be isolated from source piping (*e.g.* a valve or regulator inlet) and either the outlet of the customer's meter or the connection to a customer's piping, whichever is further downstream, may be a service line regulated under part 192 (see the definition of a ''service line'' in § 192.3).

On January 23, 2017, PHMSA published a final rule that added § 192.740, ''Pressure regulating, limiting, and overpressure protection—Individual service lines directly connected to production, gathering, or transmission pipelines'' (82 FR 7972). Section 192.740 includes maintenance requirements for regulators and overpressure protection equipment for an individual service line that originates from a transmission, gathering, or production pipeline (*i.e.,* a farm tap). Such devices must currently be inspected and tested at least once every 3 calendar years, not to exceed 39 months. Further, PHMSA revised the DIMP applicability regulations at § 192.1003 to exclude farm taps from DIMP requirements. PHMSA amended part 192 as such to create uniform compliance requirements for farm taps and decrease the burden of meeting the DIMP requirements. However, operators who historically had included farm taps in their DIMP plan found it burdensome to remove those facilities from their plan and reevaluate the risks under a new program.

DOT received joint comments on its regulatory reform notice (82 FR 45750; Oct. 2, 2017) from the American Gas Association (AGA), the American Petroleum Institute (API), and Interstate Natural Gas Association of America (INGAA) (collectively, ''the Associations''), which recommended that PHMSA revise §§ 192.740 and 192.1003 to allow operators the flexibility to address the maintenance of farm taps under either of these regulatory requirements. After considering those comments, PHMSA is proposing to revise §§ 192.740 and 192.1003 to give operators of farm taps originating from regulated source pipelines the choice to include those farm taps in their DIMP or manage the maintenance of the associated pressure regulators under the requirements at § 192.740. PHMSA has determined that compliance with either § 192.740 or DIMP provides an equivalent level of safety. PHMSA, therefore anticipates that this action will maintain pipeline safety while reducing regulatory burden. As an alternative to the proposal submitted in public comments, PHMSA also evaluated the alternative of repealing § 192.740 and reinstating DIMP requirements for farm taps. However, that alternative only shifts the problem onto transmission and gathering operators with no safety benefit.

Finally, PHMSA proposes to exempt farm taps branching off of unregulated gathering or production pipelines from annual reporting (§ 191.11), farm tap regulator maintenance (§ 192.740), and DIMP (part 192, subpart P). Any portion of a farm tap that meets the definition of a service pipeline must still comply with all other requirements in parts 191 and 192 applicable to service pipelines, even if the source of the service pipeline is not regulated by PHMSA. For example, an entity that operates a production pipeline with an attached farm tap must have an operator identification number in accordance with § 191.22 and must submit incident reports for incidents caused by failures on the service pipeline (§ 191.9). While the operator's production pipeline is exempt from part 191 (see § 191.1(b)(4)), any facility that meets the definition of a service line is a regulated distribution pipeline and therefore does not fall within the exemption for unregulated gathering and production pipelines.

[3] Docket No. DOT–OST–2017–0069.

*B. Master Meter Operators (Sections 192.1003, 192.1015)*

PHMSA is proposing to revise §§ 192.1003 and 192.1015 to exempt master meter operators from DIMP requirements. A ''master meter system'' is defined at § 191.3 as a pipeline system for distributing gas where the operator purchases metered gas from an outside source for resale through a gas distribution pipeline system. Examples of master meters include owners of apartment complexes or mobile home parks who sell gas to tenants. Unlike most gas distribution operators, delivering gas is typically not a master meter operator's primary business.

As a result of the agency's internal review, PHMSA is proposing to exempt master meter operators from DIMP requirements by revising the applicability of subpart P at § 192.1005 and revising § 192.1015. When DIMP was first proposed in 2008 (73 FR 36015), PHMSA recognized that master meter systems tend to be operated by small entities with simple systems compared to normal gas distribution operators. Section 192.1015 was intended to provide a simplified set of requirements that master meter operators could easily implement and benefit from.

Through inspections, PHMSA and its state partners have seen that master meter operators have had significant difficulties implementing these simplified DIMP requirements effectively. PHMSA's state-federal DIMP team has noted that a significant amount of inspection and maintenance effort was being used to improve DIMP compliance among master meter operators. Despite these efforts, inspection data voluntarily submitted by some states shows that approximately half of master meter operators inspected between 2014 and 2017 did not have an acceptable DIMP in place before the compliance deadline of August 2, 2011, and for any given requirement 10–20% of master meter operators were not in compliance. PHMSA believes that this effort would be better used to effectively implement other basic requirements.

Even when properly implemented, DIMP principles that are effective for larger operators do not have the same value for comparatively simple master meter systems within a limited geographical area. The proposed DIMP rule noted that master meter systems often include only one type of pipe, a single operating pressure, and no equipment other than pipe, meters, regulators, and valves. For these small and simple systems, a management system is not required to integrate data and information in order to identify risk mitigation strategies and actions. PHMSA's experience indicates that the analysis and documentation requirements of DIMP has had little safety benefit for this type of operator. PHMSA, state inspectors and subject matter experts agree that focusing on more fundamental risk mitigation activities (*e.g.,* § 192.605 *Procedural manual for operations, maintenance, and emergencies,* § 192.613 *continuing surveillance,* and § 192.617 *investigations of failures*) has more safety benefits than implementing a DIMP for this class of operators. Due to the implementation issues identified by PHMSA and state inspectors, PHMSA expects that exempting master meter operators from subpart P would result in cost savings for master meter operators without negatively impacting safety. PHMSA believes there are even potential safety benefits to allowing operators and inspectors to instead prioritize the most pertinent compliance activities specific to master meter systems.

Master meter operators would still be subject to the rest of the pipeline safety regulations at part 192, such as the operations and maintenance requirements at subpart L and subpart M, the continuing surveillance requirements at § 192.613 and the failure investigation requirement at § 192.617. PHMSA believes those regulations adequately manage pipeline integrity risks for master meter operators with less burden. In consideration of the proposed DIMP exemption, PHMSA also requests public comment on whether PHMSA should repeal the incident reporting exception for master meter operators (§ 191.9 (c)), including specific safety issues that would merit monitoring through incident reporting requirements for such facilities.

**Reporting and Information Collections**

*C. Mechanical Fitting Failure Reporting (Sections 191.12, 192.1009)*

PHMSA is proposing to remove §§ 191.12 and 192.1009, eliminating the requirement for operators to submit mechanical fitting failure (MFF) reports through DOT Form PHMSA F–7100.1–2. Operators would still be required to submit incident reports, which include almost all of the information on the MFF form, for releases from mechanical fittings that meet the definition of an incident at § 191.3. PHMSA also proposes to revise the gas distribution annual report form (DOT Form PHMSA F 7100.1) to include a count of MFFs. This issue was raised in comments submitted in response to the notice of regulatory reform from the Associations, the Gas Piping Technology Committee (GPTC), and the West Virginia Oil and Natural Gas Association (WVONGA), identifying this reporting requirement as an unnecessary and burdensome information collection.

On February 1, 2011, PHMSA issued the final rule, ''Pipeline Safety: Mechanical Fitting Failure Reporting Requirements,'' (76 FR 5499), adding §§ 191.12, 192.1001, and 192.1009 to the regulations. Section 191.12 sets forth the requirement for operators to report MFFs through DOT Form PHMSA F–7100.1–2. Section 192.1001 defines a ''mechanical fitting.'' Section 192.1009 requires distribution pipeline operators to submit a MFF report to PHMSA almost every time there is a release from a mechanical fitting, the vast majority of which are low-consequence events that do not meet the definition of an incident at § 191.3. These changes were initially proposed as a result of investigations of incidents caused by improperly designed or installed mechanical fittings. The intent of collecting this data was to determine the frequency of mechanical fitting failures and identify the most common characteristics of those failures.

Similar to the incident report form, the MFF form [4] requires operators submit information on the design and installation of the failed fitting and the apparent cause of the leak. The form also includes manufacturing information; however, this is commonly not known by the operator. Unlike incident reports, which are required for events that meet the criteria defined in § 191.3, MFF reports are required for each MFF that results in a ''hazardous leak'', defined at § 192.1001, a much broader category of events. As a result, PHMSA currently collects approximately 15,000 MFF reports each year, compared to approximately 100 gas distribution incidents due to all causes. This has allowed PHMSA to collect and analyze a much larger volume of detailed information regarding MFFs than would be possible from incident reports alone. PHMSA publishes a report on the information collected and its analysis of the information received annually, which is available online.[5]

After over 8 years of collecting and analyzing MFF information, PHMSA has determined that further collection of

[4] PHMSA F–7100.1–2.

[5] *https://www.phmsa.dot.gov/pipeline/gas-distribution-integrity-management/dimp-performance-measures-data-analysis-procedure-report.*

MFF reports is no longer necessary. PHMSA's past analysis of the MFF data has confirmed the Agency's initial expectations regarding the frequency and characteristics of MFFs when the information collection activity was initiated. Further, PHMSA has not identified any statistically significant trends in the MFF report data over this time period. Finally, improvements in fitting design and operator practices have reduced the risks of these devices on newer installations. PHMSA, therefore, has determined it no longer needs to collect detailed information on thousands of MFFs that do not result in incidents. In the future, a combination of gas distribution incident reports and PHMSA's proposal to add a count of MFFs on gas distribution annual reports will adequately meet PHMSA's information needs with regards to the safety of mechanical fittings.

PHMSA's proposal to replace the requirement to submit a full MFF report with a count of MFFs on the gas distribution annual report [6] results in a net reduction in reporting burden for each event, without a significant loss of useful information to PHMSA. In the future, a combination of incident reports and a count of MFFs on annual reports will continue to provide PHMSA with adequate information regarding the safety of mechanical fittings. If a MFF results in an incident, then the operator must submit a gas distribution incident report form,[7] which currently collects almost all of the data fields on the MFF form.[8] A count of MFF on operators' annual reports allows PHMSA to continue to collect information on trends in the number of MFFs nationally and compare failure rates among operators, which is useful information for PHMSA and state pipeline safety programs.

PHMSA has determined that requiring a detailed MFF report for each MFF is no longer necessary. PHMSA can meet its information needs with substantially less burden through existing incident reporting requirements and PHMSA's proposal to revise the gas distribution annual report form to include a count of MFFs that result in hazardous leaks. Since PHMSA no longer requires the information on the MFF form for failures that do not lead to incidents, the proposed change eliminates an unnecessary reporting burden and would have no impact on safety.

[6] DOT Form PHMSA F 7100.1–1 (rev 1/30/2017).

[7] DOT Form PHMSA F 7100.1 (rev 10/2014)).

[8] DOT Form PHMSA F 7100.1–2 (rev 10/2014).

*D. Monetary Threshold for Incident Reporting (Section 191.3)*

PHMSA is proposing to revise the definition of an ''incident'' at § 191.3 to adjust the monetary damage threshold for inflation. PHMSA is proposing to raise the reporting threshold for incidents that result in property damage to $122,000, consistent with inflation since 1984. The property damage criterion includes losses to the operator and others but excludes the cost of lost gas. Any incident that results in one or more of the other criteria (a fatality, an injury that requires in-patient hospitalization, releases over three million cubic feet of gas, or is significant in the judgment of the operator) would still be defined as an incident that must be reported regardless of how much property damage occurs. PHMSA intends to base any finalized version of this provision on the price level at the time of publication of the final rule.

On May 3, 1984, PHMSA's predecessor agency, the Research and Special Programs Administration, added a definition for an ''incident'' at § 191.3 (49 FR 18960). The definition provides criteria that requires operators to report specific events to PHMSA. The 1984 definition of an incident included, among other things, a release of gas that results in estimated property damage of $50,000 or more. Today, over 30 years later, operators must still submit an incident report for any release that results in estimated property damage of $50,000 or more.

One of the most frequent comments submitted in response to the notice of regulatory reform addressed the $50,000 monetary damage threshold for reporting gas pipeline incidents and hazardous liquid pipeline accidents. The Associations, GPTC, and the GPA Midstream Association [9] submitted comments in response to the notice of regulatory reform that recommended an increase in the monetary damage threshold for reporting gas pipeline incidents and hazardous liquid pipeline accidents. Based on the average annual Consumer Price Index (CPI) from the Bureau of Labor Statistics of the U.S. Department of Labor, $50,000 in 1984 is $122,000 in 2019 dollars.[10] The current damage threshold requires incidents that would not have been reported in 1984 to be reported to PHMSA due to inflation in property, equipment, and repair costs.

[9] GPA, formerly the Gas Processors Association.

[10] This analysis is based on the CPI for All Urban Consumers (CPI–U) from the Bureau of Labor Statistics, accessed via *https://data.bls.gov/cgi-bin/cpicalc.pl.*

The proposed revision to the monetary damage threshold brings the incident reporting criteria in-line with the 1984 threshold in inflation-adjusted terms. Based on a review of previous incident reports, adjusting the figure for inflation would decrease the number of events reportable as incidents by approximately one fourth, and reduce those reportable due to only the property-damage criterion by almost half. This rulemaking assumes the threshold set 35 years ago is still appropriate for today once it is adjusted for inflation; however, since the original rulemaking 35 years ago, an improved safety record has decreased the number of significant events, and the safety information needs may have changed. PHMSA seeks comment on whether the level of safety information needed from property damage only incident reporting should be updated to align with inflation, and the extent to which retaining a defacto lower threshold after inflation would provide beneficial information on contributing risk factors and incident trends.

PHMSA intends to periodically update the monetary damage threshold on a regular basis in the future, potentially biennially. Future updates would be based on the same formula used for this adjustment:

$$T_n = T_p \times \frac{CPI_n}{CPI_p}$$

Where $T_n$ is the revised damage threshold, $T_p$ is the previous damage threshold, $CPI_n$ is the average CPI–U for the past calendar year, and $CPI_p$ is the average CPI–U used for the previous damage threshold. PHMSA could subsequently update the monetary damage threshold in accordance with this formula either through notice and comment rulemaking, a direct final rule, notice on the PHMSA public website, or other means. This method is similar to the method that the Federal Railroad Administration uses to update the criteria for reporting accidents/incidents at 49 CFR 225.19 and Appendix B to part 225. PHMSA seeks comments on the appropriate method and frequency for future updates to the monetary damage threshold.

PHMSA also considered revising the monetary damage threshold by eliminating the monetary damage threshold entirely and only require reporting incidents that meet one of the other criteria. Ultimately, PHMSA chose to propose a monetary damage threshold derived by adjusting the current value for inflation since 1984. This approach aligns with the intent of the 1984 monetary damage threshold and was

supported in public comments submitted in response to the notice of regulatory reform. PHMSA determined that eliminating the monetary threshold was not appropriate. Repealing that criterion would eliminate approximately half of all incident reports, significantly reducing the amount of safety data available to PHMSA, state pipeline safety programs, operators, and the public.

**Corrosion Control**

Virtually all hazardous liquid and most natural gas transmission pipe in service today is made of steel. This steel, when not otherwise protected, reacts with its environment and can deteriorate over time. Under certain conditions, unprotected metal can corrode, causing gas leaks that can threaten public safety. To guard against this, the PSR requires, with some exceptions, cathodic protection and protective coatings to mitigate corrosion risks on pipelines. Cathodic protection works like a battery, running an electrical current across the buried pipeline using devices called rectifiers. The electrical current prevents the metal surface of the pipe from reacting with its environment. If the current is sufficient, cathodic protection can control corrosion threats.

Subpart I of part 192 establishes requirements for corrosion control and remediation for natural gas pipelines. This subpart also establishes inspection intervals for testing and repairing systems as necessary to bring them into compliance. PHMSA is proposing two amendments related to corrosion control. PHMSA is proposing to clarify that cathodic protection rectifiers can be monitored remotely and to revise the requirements for assessing atmospheric corrosion on distribution service pipelines.

*E. External Corrosion Control: Monitoring (Section 192.465)*

PHMSA is proposing to revise § 192.465(b), ''External corrosion control: Monitoring,'' to clarify that operators may monitor rectifier stations remotely. As discussed earlier, rectifiers are devices that direct an electrical current on a pipeline to prevent external corrosion.

Section 192.465(b) requires regular inspection of rectifiers on gas pipelines to ensure that they are working correctly. Advances in technology make it possible to monitor the proper operation of these electrical systems remotely, but it is not clear in the regulations if this is permissible. PHMSA is proposing to revise § 192.465(b) to clarify that operators may inspect rectifier stations directly onsite or by way of remote monitoring technologies. This proposed rule also clarifies that, at a minimum, such an inspection consists of recording amperage and voltage measurements. PHMSA is considering a similar revision for monitoring rectifier stations on hazardous liquid pipelines in a separate rulemaking.

Remote monitoring equipment must be properly maintained in order to function safely and as intended. PHMSA's experience has shown that rectifiers, often located in remote areas, can be subject to damage from a variety of sources, including natural forces and vandalism. If an operator chooses to monitor a rectifier remotely, PHMSA proposes to require operators to physically inspect that station whenever they conduct a cathodic protection test pursuant to § 192.465(a). For transmission pipelines and distribution mains, this will occur once each calendar year, concurrent with existing inspection activities required at § 192.465(a).

*F. Atmospheric Corrosion: Monitoring (Sections 192.481, 192.1007, 192.1015)*

PHMSA is proposing to revise § 192.481 to establish a separate atmospheric corrosion reassessment interval for gas distribution service pipelines. Currently, all onshore gas pipelines that are exposed to the atmosphere must be inspected once every 3 years, not to exceed 39 months. PHMSA proposes a maximum inspection interval for service lines of once every 5 calendar years, not to exceed 63 months, unless atmospheric corrosion was identified on the last inspection. PHMSA also proposes to keep the current inspection interval on service lines with observed corrosion; if an operator identifies atmospheric corrosion on a service line during an inspection, then the interval for the subsequent inspection would be once every 3 years, not to exceed 39 months. If no atmospheric corrosion is identified on a subsequent inspection, then operators would be permitted to revert to the 5-year inspection interval. PHMSA is not aware of any incidents caused by atmospheric corrosion on distribution service lines since at least 1986 [11] and does not anticipate a decrease in safety from this change.

Also with regard to atmospheric corrosion, consistent with comments on the notice of regulatory reform, PHMSA proposes to clarify that existing requirements to consider corrosion under DIMP include the consideration of atmospheric corrosion risks. PHMSA would expect operators of service lines in high-corrosion environments to consider atmospheric corrosion in their evaluation of risks under DIMP and conduct atmospheric corrosion inspections more frequently than the minimum requirements in this section.

Comments on the notice of regulatory reform from the Associations, APGA, GPTC, and WVONGA recommended that PHMSA revise the atmospheric corrosion inspection requirements for distribution pipelines. The Associations commented that PHMSA should allow operators of distribution pipelines to manage atmospheric corrosion based on the operator's assessment of the risks in accordance with their DIMP plans. Alternatively, APGA recommended simply establishing an inspection interval of 5 years, not to exceed 63 months for all distribution pipelines, which would allow operators to coordinate atmospheric corrosion assessments with leakage surveys (§ 192.723), which also occur at an interval of 5 years, not to exceed 63 months.

PHMSA considered each of those suggestions as alternatives, and the proposed rule integrates aspects of each. The proposed rule establishes a maximum inspection interval of 5 years for distribution service lines without observed corrosion. PHMSA agreed with the rationale for the benefits of aligning atmospheric corrosion reassessment intervals with those for leakage surveys in § 192.723 presented in comments from APGA. Additionally, PHMSA has approved state waivers in the past that have allowed certain operators to perform both atmospheric corrosion and leakage surveys on a 4-year interval outside of business districts and subject to certain conditions. The most recent of these was for North Western Energy in South Dakota, issued March 2, 2019,[12] and others have been approved in the past in Illinois. PHMSA has not observed an increase in leaks or incidents in these locations, confirming that a longer atmospheric corrosion inspection interval is supported in areas with low atmospheric corrosion risk.

Unlike both other alternatives, which apply to all distribution pipelines, PHMSA limited the revised reassessment interval to distribution service lines. Operators have reported

[11] 1986 is the earliest year available in the ''Pipeline Incident Flagged Files'' dataset. *https://www.phmsa.dot.gov/data-and-statistics/pipeline/pipeline-incident-flagged-files.*

[12] Additional information is available in the docket for this action (PHMSA–2019–0052) at *https://www.regulations.gov/docket?D=PHMSA-2019-0052.*

atmospheric corrosion incidents on distribution mains, and compared to mains, service lines tend to be smaller, have lower flow, and are generally built of thicker wall pipe. Additionally, aboveground distribution facilities other than service lines must be inspected frequently under other sections of the PSR, providing ample opportunity to note and correct any corrosion issues.

PHMSA recognizes that not all environments face the same atmospheric corrosion risks. However, based on inspection results and field experience, PHMSA determined that establishing a maximum inspection interval, rather than an open-ended reference to DIMP, is necessary to ensure that atmospheric corrosion on distribution facilities is being adequately monitored and remediated before it leads to a failure. The proposed maximum interval of five years was supported in public comments and will allow operators of gas distribution pipelines with low atmospheric corrosion risks to realize cost savings from less-frequent inspections and the ability to schedule corrosion inspections and leakage surveys concurrently. Since the primary cost savings comes from coordinating inspection activity, PHMSA was not persuaded that there is significant benefit to allowing atmospheric corrosion inspection intervals longer than the leakage survey interval in § 192.723(b)(2). The proposed requirement to evaluate atmospheric corrosion risks under DIMP and the shorter inspection interval for pipelines with observed corrosion will ensure that operators of service pipelines with atmospheric corrosion threats take appropriate action to maintain the integrity of those pipelines.

The proposed amendments to §§ 192.1007 and 192.1015 clarify that consideration of corrosion under DIMP requires consideration of atmospheric corrosion risks. When evaluating atmospheric corrosion risks under DIMP, PHMSA expects operators to evaluate environmental risk factors and the operating history of the service lines. Environmental risk factors for atmospheric corrosion include proximity to coasts, atmospheric moisture, salinity, and corrosive pollution. Relevant operational risks include a history of leaks, incidents, and evidence of atmospheric corrosion on previous inspections. PHMSA expects operators of distribution lines with higher risks due to atmospheric corrosion threats (*e.g.,* humid, coastal environments, or a history of leaks caused by atmospheric corrosion) to take mitigative action, such as more frequent inspection or maintenance activities, as part of their DIMP plans and accurately and completely document such actions.

**Standards Incorporated by Reference**

*G. Plastic Pipe (Sections 192.7, 192.121, Appendix B)*

PHMSA is proposing to update §§ 192.7, 192.121 and appendix B to part 192 to incorporate by reference the 2018a edition of the ASTM International (ASTM, formerly the American Society for Testing and Materials) document, ''Standard Specification for Polyethylene (PE) Gas Pressure Pipe, Tubing, and Fittings'' (ASTM D2513–18a).[13] ASTM D2513 is the standard that specifies the design of PE pipe and fittings. After reviewing the standard, PHMSA determined that the improvements since the 2012 edition, which is currently incorporated by reference, justify incorporating by reference the 2018a edition. These improvements include more specific testing requirements for measuring resistance to UV exposure and clarifying the applicability of the document to all fuel gas piping. Consistent with the updated ASTM standard, PHMSA also proposes to raise the diameter limit for using a design factor of 0.4 on PE pipe from 12 inches to 24 inches and add entries for those sizes to the PE minimum wall thickness table at § 192.121(c)(2)(iv). The Plastics Pipe Institute, representing manufacturers of plastic pipe and components, and a citizen commenter submitted comments in response to the notice of regulatory reform addressing this issue. PHMSA reviewed ASTM D2513–18 and determined that PE pipe with diameters up to 24 inches that are manufactured in accordance with the standard and the design and construction requirements in part 192 are acceptable for use in gas pipeline systems.

Currently, PHMSA incorporates by reference ASTM D2513–12ae1 into item I, appendix B to part 192. While Table 2 of ASTM D2513–12ae1 includes outside diameter specifications for pipe sizes up to 24-inch nominal diameter, Table 4 only includes wall thickness specifications for pipe sizes up to 12-inch nominal diameter. Since plastic pipe must be manufactured in accordance with a listed specification, it is not clear if and when sizes above 12 inches are allowed. PHMSA's proposal to adopt ASTM D2513–18 and revise the minimum wall thickness table at § 192.121(c)(2)(iv) would resolve this discrepancy.

PHMSA also proposes to clarify and improve requirements for joining procedures in §§ 192.281 and 192.283 to allow operators additional flexibility when developing such procedures and to improve safety. Specifically, PHMSA proposes to incorporate by reference the 2019 edition of ASTM F2620, ''Standard Practice for Heat Fusion Joining of Polyethylene Pipe and Fittings'' and make revisions to §§ 192.281 and 192.285 to clarify that procedures that are demonstrated to provide an equivalent or superior level of safety as ASTM F2620 are acceptable. This amendment addresses concerns raised by a petition for reconsideration submitted by AGA on August 23, 2019[14] in response to the final rule titled ''Pipeline Safety: Plastic Pipe Rule'' issued on November 20, 2018 (83 FR 58694).

In the final rule, PHMSA amended §§ 192.281 and 192.285 to require PE heat-fusion joining procedures meet the requirements of the 2012 edition of ASTM F2620. Heat fusion is a common method for joining plastic pipe and components. In heat fusion, a worker prepares the surfaces of the pipe or fittings being joined, heats the surfaces using a heating element, and then presses the pipe or fittings together with sufficient force for the molten material to mix and fuse as it cools. ASTM F2620 describes procedures for making socket fusion, butt fusion, and saddle fusion joints. The document describes requirements for the selection, preparation, and maintenance of joining equipment; preparing surfaces for joining; specified heating temperatures and times; joining forces; and cooling procedures. The standard also includes considerations for joining in cold weather and criteria for evaluating the quality of fusion joints.

AGA raised concerns that the language in these sections as written would require operators to requalify safe procedures that were qualified in the past in accordance with § 192.283. AGA specifically mentioned that many operators use heat fusion procedures published by the Plastic Pipe Institute (PPI), a trade association representing manufacturers of plastic pipe and fittings, such as PPI TR–33 and PPI TR–41. While PHMSA noted in the preamble of the final rule that PHMSA would find a joining method acceptable if ''an operator can demonstrate the differences are sound and provide

[13] ASTM D2513–18a, Standard Specification for Polyethylene (PE) Gas Pressure Pipe, Tubing, and Fittings, ASTM International, West Conshohocken, PA, August 1, 2018, *www.astm.org.*

[14] See Docket Number PHMSA–2019–0200. *https://www.regulations.gov/docket?D=PHMSA-019-0200.*

equivalent or better safety compared to ASTM F2620,'' AGA raised concerns that the regulatory text itself does not necessarily provide this flexibility, and suggested PHMSA allow the use of other qualified procedures, such as PPI TR–33 and PPI TR–41, under § 192.283.

After reviewing AGA's petition, PHMSA proposes to revise §§ 192.281 and 192.285 consistent with the intent stated in the preamble of the plastic pipe rule. PHMSA proposes to revise § 192.281(c) to allow an alternative written procedure to ASTM F2620 provided that the operator can demonstrate that it provides an equivalent or superior level of safety and has been proven by test or experience to produce strong, gastight joints. In other words, the procedure produces joints that do not allow gas to leak, are at least as strong as the pipe being joined, are designed to handle the expected environment and internal and external loads, and has been validated by formal testing in accordance with § 192.283 and applicable standards incorporated by reference or through several years of operational experience without leaks or failures.

As described in the preamble to the plastic pipe final rule, PHMSA expect operators to document the differences from ASTM F2620 and demonstrate how the alternate procedures provide an equivalent or superior level of safety. Similarly, PHMSA proposes to revise § 192.285(b)(2)(i) to allow other written procedures that have been proven by test or experience to produce strong, gastight joints. PHMSA is not implementing AGA's proposed language to allow any procedure qualified in accordance with §§ 192.281 and 192.285 in order to retain the intended safety benefits of adopting ASTM F2620. If the operator's procedures are found to be lacking in any way—such as changes to surface preparation, heating temperatures, fusion pressures, or cooling times that lack adequate technical justification—they would still be unacceptable.

Related to this issue, PHMSA also proposes to incorporate by reference the 2019 edition of ASTM F2620. The updated edition of the standard clarifies the relationship between ASTM F2620 and the PPI documents referenced in AGA's petition in a new Note 1 in Section 1.2. In addition to clarifying some of AGA's concerns, the 2019 edition of the standard includes a number of incremental improvements to safety and editorial clarity. These improvements include a new section 6.4 that requires additional precautions during pipe cutting to prevent the introduction of contaminants that can weaken the joint and a new section X4.2 that references the required test method for qualifying plastic pipe joiners in § 192.285. Additionally, the 2019 edition revises the recommended precautions for preventing or removing contamination during pipe cutting in section X1.7.1 to clarify that any soap is a contaminant and that contamination may be introduced during cutting, and to require cleaning of the outer and inner surface of the pipe in addition to the end. These changes should reduce potential issues caused by inadequate surface preparation, which has been a factor in past incidents.[15]

PHMSA also proposes to clarify § 192.285 in response to questions PHMSA has received following publication of the rule. First, PHMSA proposes to remove references to testing in relation to ASTM F2620 to clarify that only visual inspection in accordance with that standard is required. A number of stakeholders have asked what specific testing is required in ASTM F2620. While ASTM F2620 describes testing in a non-mandatory appendix of the standard, it does not require specific testing. This change avoids confusion about whether non-mandatory testing described in ASTM F2620 is required. PHMSA also proposes to clarify that testing in accordance with § 192.283(a) is still required for PE heat fusion joints. Especially with the proposed deletion of references to ASTM F2620 testing, the current text could be read to require only visual inspection in accordance with ASTM F2620 for PE heat fusion joints. These changes clarify PHMSA's intent to require that such joints be tested in accordance with § 192.283(a) and visually inspected in accordance with ASTM F2620 (or an equivalent or superior procedure).

In addition to the matters raised above, PHMSA issues correcting amendments to address the following:

**Design Pressure for Plastic Pipe**

In § 192.121(a), the words ''design formula'' are replaced with the words ''design pressure,'' which is more accurate.

Minimum Wall Thickness for 1″ CTS Pipe

In the minimum wall thickness tables for polyethylene (§ 192.121(c)(2)(iv)), polyamide 11 (PA–11) (§ 192.121(d)(2)(iv)), and polyamide 12 (PA–12) (§ 192.121(e)(4)), the minimum wall thickness for standard dimension ratio (SDR) 11, 1″ copper tubing size (CTS) pipe is corrected to be 0.101 inches rather than 0.119 inches. The former, 0.101 inches, is the correct minimum wall thickness for SDR 11, 1″ CTS pipe in ASTM D2513, ASTM F2945, and ASTM F2785.

Qualifying Joining Procedures

In § 192.283(a)(3), ''no more than 25% elongation'' is corrected to read ''no less than 25% elongation.'' PHMSA is also proposing to clarify that the test required by this section is a tensile test. The language in the code prior to the plastic pipe rule required tensile testing and the elongation performance metric is a tensile testing metric. However, with other revisions to § 192.283(a)(3) in the plastic rule, the word tensile was inadvertently removed.

Dates

In § 192.121(c)(2) and (2), PHMSA clarifies that PE pipe and PA–12 pipe respectively produced on January 22, 2019 may also use a DF of 0.40 rather than 0.32, subject to applicable restrictions in those paragraphs.

Corrections to 192.7

PHMSA also proposes editorial amendments to § 192.7(a) to meet requirements from the Office of the Federal Register and a revision to update the address for API.

*H. Test Factors for Pressure Vessels (Section 192.153)*

On March 11, 2015, PHMSA published a final rule (80 FR 12762) that, among other changes, added § 192.153(e). Section 192.153(e) clarified that pressure vessels subject to § 192.505(b) must be tested to at least the test factor required by that section—1.5 times the maximum allowable operating pressure (MAOP). On April 10, 2015, INGAA submitted a petition for reconsideration concerning the revision, arguing that PHMSA lacked technical justification for a 1.5 times MAOP test factor versus the 1.3 times MAOP test factor permitted in the American Society of Mechanical Engineers Boiler and Pressure Vessel Code (ASME BPVC).

PHMSA commissioned a report by the Oak Ridge National Laboratories on the technical equivalency between the 1992 and 2015 editions of the ASME BPVC. One of the changes between these two editions was the test factor. The 1992 edition of the ASME BPVC has a 1.5 times MAOP test factor, while the 2001 edition and all subsequent editions have a 1.3 times MAOP test factor. That study found that pressure vessels that are designed, fabricated, and tested in

[15] National Transportation Safety Board, ''Safety Through Reliable Fusion Joints,'' SA–047, *https://www.ntsb.gov/safety/safety-alerts/Documents/SA_047.pdf,* June 2015.

accordance with the provisions specified in the 2015 edition of ASME BPVC and are subjected to a hydrostatic test pressure equal to 1.3 MAOP are equivalent in safety to pressure vessels that are designed and fabricated in accordance with the 1992 edition of the standard and subjected to a hydrostatic pressure equal to 1.5 MAOP. A copy of this report is available in the docket.[16]

PHMSA is therefore proposing to revise the test requirements for the pressure vessels described in paragraphs (a) and (b) of § 192.153, ''Components fabricated by welding.'' First, consistent with the 2007 edition of the ASME BPVC,[17] PHMSA is proposing a test factor of 1.3 times the MAOP for pressure vessels installed since July 14, 2004.[18] The test requirements for pressure vessels under the alternative MAOP requirements at § 192.620 remain unchanged. PHMSA is proposing to apply a test pressure factor of 1.3 times MAOP to pressure vessels installed between July 14, 2004, and the effective date of this rule once finalized. Consistent with the revised test pressure factor, PHMSA proposes to exempt pressure vessels installed after July 14, 2004, from the testing requirements at §§ 192.505(b) and 192.619(a)(2) and from the pressure test duration requirements in subpart J. Pressure vessels that were properly designed and tested in accordance with the ASME BPVC since 2004 would be in compliance with the revised PSR, provided they were tested to at least 1.3 times MAOP.

Pressure vessels that are new, replaced, or relocated after the effective date of the rule would need to be tested for the duration required in subpart J for the pipeline to which it is being added. Vessels installed within a pipeline being operated at a hoop stress of 30 percent or more must be tested for either 4 or 8 hours (§ 192.505), vessels installed within a pipeline being operated at a hoop stress less than 30 percent must be tested for at least 1 hour (§ 192.507), and pressure vessels installed within a pipeline being operated at a pressure below 100 psi must be tested for a duration that ensures the discovery of all potentially hazardous leaks (§ 192.509). These are the same, long-standing test duration requirements that currently apply for every other component on a pipeline facility.

For newly manufactured pressure vessels installed after the effective date of the rule, PHMSA proposes to accept pre-installation and manufacturer tests with certain conditions and clarify that the pressure test duration requirements in subpart J apply. PHMSA proposes to accept a pressure test done by the manufacturer in accordance with § 192.153 and the ASME BPVC, provided that the operator conducts and documents an inspection certifying that the pressure vessel has not been damaged during transport. If the pressure vessel has been damaged, it would have to be remediated consistent with the ASME BPVC. A pressure vessel that has been used for any purpose prior to installation on a pipeline facility must be pressure tested again in place, consistent with the existing requirement at § 192.503(a).

**Welder Requalification**

*I. Requalification Scheduling (Section 192.229)*

PHMSA is proposing to amend § 192.229(b) to streamline compliance with welder requalification requirements. Currently, welders may not weld with a welding process if they have not engaged in welding with that process within the last six months. GPTC submitted a petition for rulemaking requesting PHMSA allow welders to demonstrate they have engaged in welding with a welding process at least twice each calendar year, but at intervals not exceeding 7½ months, provided the welds were tested and found acceptable in accordance with API Standard 1104.[19] API Std 1104 is the primary standard for welding steel piping and for testing welds on steel pipelines. It covers the requirements for welding and nondestructive testing of pipeline welds. In part 192, this standard is used for qualifying welders, welding procedures, and welding operators, and interpreting the results of non-destructive tests. The current requirement does not match other welder requalification requirements that use the flexible calendar year format, and operators must therefore either maintain alternative recordkeeping procedures for this requirement or default to 6 months.

PHMSA is proposing to revise § 192.229(b) to specify that welders or welding operators may not weld with a particular welding process unless they have engaged in welding with that process within the preceding 7½ months and the welds were tested and found acceptable in accordance with API 1104. This change provides operators some flexibility in scheduling welding activities to maintain welder requalification. The proposed revision to § 192.229(b) is also more consistent with § 192.229(d)(2). This is potentially beneficial for welders who weld relatively infrequently. The requirements in § 192.229(b) currently must be completed within the previous 6 months, so a welder who wants to use the same two welds to meet the requirements of both § 192.229(d)(2) and § 192.229(b) currently must perform both welds within 6 months, despite § 192.229(d)(2) allowing for an interval of up to 7½ months. The proposed revisions allow such welders to benefit from the flexible language in § 192.229(d)(2). PHMSA does not anticipate a decrease in safety, as a 7½-month interval is already permitted for requalification under § 192.229(d)(2)(i), and the change will only affect welders who are not welding throughout the year.

**Pre-Test Applicability**

*J. Pre-Testing Fabricated Assemblies and Short Segments of Pipe (Section 192.507)*

Section 192.505(d) permits operators to test fabricated units and short segments of pipe prior to installation on steel pipelines operated at a hoop stress greater than 30 percent or more of SMYS if a post-installation test is not practicable. PHMSA is proposing to add a new paragraph (d) to § 192.507 to extend this allowance to steel pipelines operated at a hoop stress less than 30 percent of SMYS and at or above 100 psi.

Section 192.505 outlines strength testing requirements for steel pipelines operating at a hoop stress greater than 30 percent of SMYS. One of the strength testing requirements at § 192.505(d) permits the use of a pre-installation or factory pressure test for fabricated units and short sections of pipe where a post-installation test is not feasible. GPTC petitioned PHMSA to move this provision to the general test requirements in § 192.503. This would permit operators to use pre-tested pipe and fabricated units in applications outside of higher stress transmission pipelines. As this provision is currently applicable to higher-stress pipelines operating at a hoop stress greater than 30 percent of SMYS only, extending the broader pre-testing provision to lower-stress pipelines would not increase

[16] ORNL/TM–2017/66.

[17] Currently incorporated by reference (*see* § 192.7).

[18] The 2001 edition of the ASME BPVC was the first to allow a 1.3 test factor. PHMSA incorporated by reference that edition into part 192 in June 2004, effective July 14, 2004. All subsequent editions of the ASME BPVC also include a 1.3 test factor. Pressure vessels that were properly designed and tested in accordance with the ASME BPVC since 2004 would be in compliance with the revised PSR, provided they were tested to at least 1.3 times MAOP.

[19] See Docket No. PHMSA–2014–0015.

pipeline safety risks. This proposed change will provide greater flexibility and efficiency for operators of lower-stress pipelines, especially during maintenance activities.

Typically, a post-installation test is practicable for new construction, but may be impracticable for repairs. For example, to complete a pressure (post-installation) test on a short segment of pipe used as a repair, the area being tested must be isolated from the rest of the line. For a pressure test of a short replacement pipe segment, operators would either weld caps on the segment and test it alongside the pipe in or near the trench, or install the segment and install caps to isolate the segment elsewhere along the line. The former is no different than a ''pre-installation'' test except that it occurs within the pipeline right of way. The latter requires cutting out additional pipe segments to install the caps necessary to isolate the test segment. Depending on the test procedure, these caps would then be replaced with pre-tested pipe anyway. A pre-installation test in this scenario provides an equivalent or superior level of safety with potentially lower costs.

Instead of adding pre-testing provisions to the general requirements at § 192.503, PHMSA proposes to add § 192.507(d) to permit pre-testing on steel pipelines operating at a hoop stress less than 30 percent of SMYS at or above 100 psi. This does not extend pre-testing provisions to pipelines operating below 100 psi (§ 192.509), service lines (§ 192.511), or plastic pipelines (§ 192.513). Individual components, excluding short segments of pipe, may still be installed on those facilities with a pre-installation test pursuant to § 192.503(e). PHMSA will continue to evaluate this issue and encourages interested parties to submit comments on whether it is appropriate to extend pre-testing provisions to such facilities, propose requirements that should apply if pre-testing provisions are extended to such facilities, and provide any relevant information on safety or cost impacts.

## V. Availability of Standards Incorporated by Reference

PHMSA currently incorporates by reference into 49 CFR parts 192, 193, and 195 all or parts of more than 60 standards and specifications developed and published by standard development organizations (SDO). In general, SDOs update and revise their published standards every 2 to 5 years to reflect modern technology and best technical practices. ASTM International (ASTM) often updates some of its more widely used standards every year. Sometimes multiple editions are published in a given year.

The National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104–113, directs federal agencies to use standards developed by voluntary consensus standards bodies in lieu of government-written standards whenever possible. Voluntary consensus standards bodies develop, establish, or coordinate technical standards using agreed-upon procedures. In addition, OMB issued Circular A–119 to implement section 12(d) of the NTTAA relative to the utilization of consensus technical standards by federal agencies. This circular provides guidance for agencies participating in voluntary consensus standards bodies and describes procedures for satisfying the reporting requirements in the NTTAA.

Accordingly, PHMSA has the responsibility for determining, via petitions or otherwise, which currently referenced standards should be updated, revised, or removed, and which standards should be added to the PSR. Revisions to materials incorporated by reference in the PSR are handled via the rulemaking process, which allows for the public and regulated entities to provide input. During the rulemaking process, PHMSA must also obtain approval from the Office of the Federal Register to incorporate by reference any new materials.

Pursuant to 49 U.S.C. 60102(p), PHMSA may not issue a regulation that incorporates by reference any documents or portions thereof unless the documents or portions thereof are made available to the public, free of charge.

Further, the Office of the Federal Register issued a rulemaking on November 7, 2014, that revised 1 CFR 51.5 to require that agencies detail in the preamble of an NPRM the ways the materials it proposes to incorporate by reference are reasonably available to interested parties, or how the agency worked to make those materials reasonably available to interested parties (79 FR 66278).

To meet its statutory obligation for this rulemaking, PHMSA negotiated agreements with API and ASTM to provide viewable copies of standards incorporated by reference in the pipeline safety regulations available to the public at no cost. API Std 1104 is available at *https://www.api.org/products-and-services/standards/rights-and-usage-policy#tab-ibr-reading-room.* The ASTM standards are available at *https://www.astm.org/READINGLIBRARY/.* In addition, PHMSA will provide individual members of the public temporary access to any standard that is incorporated by reference. Requests for access can be sent to the following email address: *phmsaphpstandards@dot.gov.*

## VI. Regulatory Analyses and Notices

### *A. Legal Authority for This Rulemaking*

This proposed rule is published under the authority of the federal pipeline safety statutes (49 U.S.C. 60101 *et seq.*). Section 60102(a) authorizes the Secretary of Transportation to issue regulations governing the design, installation, inspection, emergency plans and procedures, testing, construction, extension, operation, replacement, and maintenance of pipeline facilities. Further, section 60102(l) of the federal pipeline safety statutes states that the Secretary shall, to the extent appropriate and practicable, update incorporated industry standards that have been adopted as a part of the pipeline safety regulations. The Secretary has delegated the authority in section 60102 to the Administrator of PHMSA (49 CFR 1.97).

### *B. Executive Order 12866 and DOT Regulatory Policies and Procedures*

E.O. 12866, ''Regulatory Planning and Review'' (58 FR 51735; Oct. 4, 1993), and DOT regulations governing rulemaking procedures (49 CFR part 5) require that PHMSA submit ''significant regulatory actions'' to the OMB for review. This NPRM is a significant regulatory action under section 3(f) of E.O. 12866 and under DOT and was therefore reviewed by OMB.

PHMSA anticipates that, if promulgated, this NPRM would have economic benefits to the public and the regulated community by reducing unnecessary cost burdens without increasing risks to public safety or the environment. PHMSA estimates that the proposed rule will result in annualized cost savings of approximately $129 million per year, based on a 7 percent discount rate. Nearly all of the quantified cost savings in the proposed rule are from the proposed revisions to farm tap requirements and the revised atmospheric corrosion reassessment interval for distribution service lines. In support of this NPRM, PHMSA prepared a Preliminary RIA with estimated costs and benefits. A copy of the Preliminary RIA is available in the public docket.

### *C. Executive Order 13771*

This proposed rule is expected to be an E.O. 13771 deregulatory action. Details on the estimated cost savings of this proposed rule can be found in the rule's economic analysis in the RIA.

*D. Executive Order 13132—''Federalism''*

E.O. 13132 (64 FR 43255; Aug. 10, 1999) imposes certain requirements on federal agencies formulating or implementing policies or regulations that preempt state law or that have federalism implications. This NPRM does not impose a substantial direct effect on the states, the relationship between the national government and the states, or the distribution of power and responsibilities among the various levels of government. This NPRM also does not impose substantial direct compliance costs on state and local governments.

The proposed rule could have preemptive effect because the pipeline safety laws, specifically 49 U.S.C. 60104(c), prohibit state safety regulation of interstate pipelines. Under the pipeline safety law, states have the ability to augment pipeline safety requirements for intrastate pipelines regulated by PHMSA but may not approve safety requirements less stringent than those required by federal law. A state may also regulate an intrastate pipeline facility PHMSA does not regulate. In this instance, the preemptive effect of the proposed rule is limited to the minimum level necessary to achieve the objectives of the pipeline safety laws under which the proposed rule is promulgated. Therefore, the consultation and funding requirements of E.O. 13132 do not apply.

*E. Executive Order 13175—''Consultation and Coordination With Indian Tribal Governments''*

E.O. 13175 (65 FR 67249; Nov. 6, 2000) requires agencies to consider and consult with Tribal governments when formulating policies. PHMSA does not anticipate that this NPRM will significantly or uniquely affect Tribal governments or impose substantial direct compliance costs; as such, the funding and consultation requirements of E.O. 13175 would not apply. PHMSA invites Tribal communities and governments to comment on this NPRM.

*F. Executive Order 13211—''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use''*

E.O. 13211 (66 FR 28355; May 22, 2001) requires agencies to submit ''significant energy actions'' to OMB for review. This NPRM is not a ''significant energy action'' under E.O. 13211 because it is unlikely to have a significant adverse effect on the supply, distribution, or use of energy. Therefore, no additional analysis is necessary under E.O. 13211.

*G. Executive Order 13272—''Regulatory Flexibility Act''*

The Regulatory Flexibility Act of 1980 (5 U.S.C. 601 *et seq.*), as amended, requires federal agencies to prepare an initial regulatory flexibility analysis describing impacts on small entities whenever an agency is required by 5 U.S.C. 553 to publish a general notice of proposed rulemaking for any proposed rulemaking. PHMSA determined that the cost-savings in the proposed rule may result in significant economic impacts on a substantial number of small entities. An analysis of the potential economic impacts of the proposed rule on small entities is included in the RIA, which is available for public review and comment in the docket for this rulemaking.

*H. Paperwork Reduction Act of 1995*

The Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) establishes policies and procedures for controlling paperwork burdens imposed by federal agencies on the public. PHMSA estimates that the proposals in this rulemaking will impact the information collections described below.

Based on the proposals in this rule, PHMSA will submit an information collection revision request to OMB for approval based on the requirements in this proposed rule. The following information is provided for each information collection: (1) Title of the information collection; (2) OMB control number; (3) Current expiration date; (4) Type of request; (5) Abstract of the information collection activity; (6) Description of affected public; (7) Estimate of total annual reporting and recordkeeping burden; and (8) Frequency of collection. The information collection burden for the following information collections are estimated to be revised as follows:

*1. Title:* Incident and Annual Reports for Gas Pipeline Operators.

*OMB Control Number:* 2137–0635.

*Current Expiration Date:* 01/31/2023.

*Abstract:* This information collection covers the collection of information from Gas pipeline operators for Incident reporting. PHMSA estimates that due to the revised monetary damage threshold for reporting incidents operators will submit 26 fewer gas distribution incident reports, and 13 fewer gas transmission reports. Operators currently spend 12 hours completing each incident report. Therefore, PHMSA expects to eliminate 39 responses and 468 hours from this information collection as a result of the provisions in the proposed rule. PHMSA is also revising PHMSA F 7100.1, the Gas Distribution Incident Report, to collect data on mechanical joint failures that arise to the level of an incident as stipulated in 49 CFR 191.3. PHMSA does not expect operators to incur additional burden due to this change.

*Affected Public:* All gas pipeline operators.

*Annual Reporting and Recordkeeping Burden:*

Total Annual Responses: 262.

Total Annual Burden Hours: 3,144.

*Frequency of Collection:* On Occasion.

*2. Title:* Incident and Annual Reports for Gas Pipeline Operators.

*OMB Control Number:* 2137–0522.

*Current Expiration Date:* 01/31/2023.

*Abstract:* This information collection covers the collection of information from Gas pipeline operators for immediate notice of incidents and Annual reports. Based on the proposals in this rule, PHMSA plans to eliminate the Mechanical Fitting Failure report form under this OMB Control Number and have operators submit the annual total of mechanical joint failures on the Gas Distribution Annual Report under OMB Control Number 2137–0629. PHMSA estimates that it currently receives, on average, 8,300 Mechanical Fitting Failure Reports each year with each operator spending, on average, 1 hour to complete each report. By eliminating this report, PHMSA plans to reduce the burden for this information collection by 8,300 responses and 8, 300 burden hours.

*Affected Public:* All gas pipeline operators.

*Annual Reporting and Recordkeeping Burden:*

Total Annual Responses: 2,247.

*Total Annual Burden Hours:* 71,801.

*Frequency of Collection:* Regular.

*3. Title:* Pipeline Safety: Integrity Management Program for Gas Distribution Pipelines.

*OMB Control Number:* 2137–0625.

*Current Expiration Date:* 06/30/2022.

*Abstract:* The Federal Pipeline Safety Regulations require operators of gas distribution pipelines to develop and implement IM programs.

PHMSA proposes to eliminate this requirement for master meter operators. PHMSA estimates that, on average, 5,461 master meter operators spend 26 hours, annually, developing new IM plans and/or updating their existing IM plans. Eliminating this requirement for master meter operators will eliminate recordkeeping burdens for these 5,461 existing master meter operators, saving 141, 986 hours of burden annually.

*Affected Public:* Natural Gas Pipeline Operators.

*Annual Reporting and Recordkeeping Burden:*

*Total Annual Responses:* 3,882.

*Total Annual Burden Hours:* 723,192.

*Frequency of Collection:* On occasion.

*4. Title:* Gas Distribution Annual Report.

*OMB Control Number:* 2137–0629.

*Current Expiration Date:* 10/31/2021.

*Abstract:* The Federal Pipeline Safety Regulations require distribution operators to prepare and submit annual reports with summary information on their pipeline infrastructure. PHMSA proposes to shift the mechanical fitting failure form requirements to a count of mechanical fitting failures on the distribution annual report form. PHMSA estimates that it will take operators approximately 25 minutes (.42 hours) to add this information to the annual report. As a result, the burden for this information collection will increase by approximately 607 hours. This addition will have no effect on the total number of reports submitted.

*Affected Public:* Natural Gas Distribution Pipeline Operators.

*Annual Reporting and Recordkeeping Burden:*

*Total Annual Responses:* 1,446.

*Total Annual Burden Hours:* 25,189.

*Frequency of Collection:* Annually.

*I. Unfunded Mandates Reform Act of 1995*

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1501 *et seq.*) requires federal agencies to assess the effects of federal regulatory actions on state, local, and tribal governments, and the private sector.[20] For any NPRM that includes a federal mandate that may result in the expenditure by state, local, and Tribal governments, in the aggregate of $100 million or more in any given year, the agency must prepare, amongst other things, a written statement that qualitatively and quantitatively assesses the costs and benefits of the federal mandate.[21] A federal mandate is defined, in part, as a regulation that imposes an enforceable duty upon state, local, or Tribal governments or would reduce or eliminate the amount of authorization of appropriation for federal financial assistance that would be provided to state, local, or Tribal governments for the purpose of complying with a previous federal mandate.[22] This NPRM imposes no unfunded mandates. If promulgated, this rule would not result in costs of $100 million, adjusted for inflation, or more in any one year to either state, local, or Tribal governments, in the aggregate, or to the private sector.

*J. National Environmental Policy Act*

The National Environmental Policy Act (NEPA) (42 U.S.C. 4321 *et. seq.*) requires federal agencies to prepare a detailed statement on major federal actions significantly affecting the quality of the human environment. PHMSA analyzed this NPRM in accordance with NEPA, NEPA implementing regulations (40 CFR parts 1500–1508), and DOT Order 5610.1C. PHMSA has prepared a preliminary environmental assessment (EA) and determined this action will not significantly affect the quality of the human environment. A copy of the EA for this action is available in the docket. PHMSA invites comment on the environmental impacts of this proposed rulemaking.

*K. Regulation Identifier Number (RIN)*

A regulation identifier number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in the spring and fall of each year. The RIN number contained in the heading of this document is a cross-reference for this action to the Unified Agenda.

**List of Subjects**

*Part 191*

Pipeline reporting requirements, Integrity management, Pipeline safety, Gas gathering.

*Part 192*

Incorporation by reference, Pipeline safety, Fire prevention, Security measures.

For the reasons provided in the preamble, PHMSA is proposing to amend 49 CFR parts 191 and 192 as follows:

## PART 191—TRANSPORTATION OF NATURAL AND OTHER GAS BY PIPELINE; ANNUAL REPORTS, INCIDENT REPORTS, AND SAFETY-RELATED CONDITION REPORTS

■ 1. The authority citation for 49 CFR Part 191 continues to read as follows:

**Authority:** 49 U.S.C. 5121, 60102, 60103, 60104, 60108, 60117, 60118, 60124, 60132, and 60141; and 49 CFR 1.97.

■ 2. In § 191.3, in the definition of ''Incident'' revise paragraph (1)(ii) to read as follows:

**§ 191.3 Definitions.**

* * * * *

*Incident* means any of the following events:

(1) * * *

(ii) Estimated property damage of $122,000 or more, including loss to the operator and others, or both, but excluding the cost of gas lost; or

* * * * *

■ 3. In § 191.11, revise paragraph (b) to read as follows:

**§ 191.11 Distribution system: Annual Report.**

* * * * *

(b) *Not required.* The annual report requirement in this section does not apply to a master meter system, a petroleum gas system that serves fewer than 100 customers from a single source, or an individual service line directly connected to an unregulated gathering or production pipeline.

**§ 191.12 [Removed and reserved].**

■ 4. Remove and reserve § 191.12.

## PART 192—TRANSPORTATION OF NATURAL GAS AND OTHER GAS BY PIPELINE: MINIMUM FEDERAL SAFETY STANDARDS

■ 5. The authority citation for 49 CFR part 192 continues to read as follows:

**Authority:** 49 U.S.C. 5103, 60102, 60104, 60108, 60109, 60110, 60113, 60116, 60118, 60137, and 60141; and 49 CFR 1.97.

■ 6. In § 192.7:

■ a. Revise paragraph (a), paragraph (b) introductory text, and paragraph (b)(9);

■ b. Remove and reserve paragraph (c)(7); and

■ c. Revise paragraphs (d)(11) and (20).

The revisions read as follows:

**§ 192.7 What documents are incorporated by reference partly or wholly in this part?**

(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. All approved material is available for inspection at Office of Pipeline Safety, Pipeline and Hazardous Materials Safety Administration, 1200 New Jersey Avenue SE, Washington, DC 20590, 202–366–4046, https://*www.phmsa.dot.gov/pipeline/regs,* and is available from the sources listed in the remaining paragraphs of this section. It is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, email *fedreg.legal@nara.gov* or go to *www.archives.gov/federal-register/cfr/ibr-locations.html.*

(b) American Petroleum Institute (API), 200 Massachusetts Ave NW, Suite 1100, Washington, DC 20001, and

[20] 2 U.S.C. 1531.

[21] *Id.* 1532.

[22] *Id.* §§ 658(5)(A), 1555.

phone: 202–682–8000, website: *https://www.api.org/.*

* * * * *

(9) API Standard 1104, ''Welding of Pipelines and Related Facilities,'' 20th edition, October 2005, including errata/addendum (July 2007) and errata 2 (2008), (API Std 1104), IBR approved for §§ 192.225(a); 192.227(a); 192.229(b); 192.229(c); 192.241(c); and Item II, Appendix B.

* * * * *

(d) * * *

(13) ASTM D2513–18a, ''Standard Specification for Polyethylene (PE) Gas Pressure Pipe, Tubing, and Fittings,'' approved August 1, 2018, (ASTM D2513), IBR approved for Item I, Appendix B to Part 192.

* * * * *

(20) ASTM F2620–19, ''Standard Practice for Heat Fusion Joining of Polyethylene Pipe and Fittings,'' Feb. 1, 2019, (ASTM F2620), IBR approved for §§ 192.281(c) and 192.285(b)(2)(i).

■ 7. In § 192.121:

■ a. In the first sentence of paragraph (a), remove the words ''*Design formula.* Design formulas for plastic pipe are'' and add in their place the words ''*Design pressure.* The design pressure for plastic pipe is'';

■ b. In paragraph (c)(2) introductory text add the words ''on or'' after the word ''produced'';

■ c. Revise paragraphs (c)(2)(iii), (c)(2)(iv), and (d)(2)(iv);

■ d. In paragraph (e) introductory text add the words ''on or'' after the word ''produced''; and

(5) Revise paragraph (e)(4).

The revisions read as follows:

**§ 192.121 Design of plastic pipe.**

(a) *Design pressure.* The design pressure for plastic pipe is * * *

* * * * *

(c) * * *

(2) * * *

(iii) The pipe has a nominal size (IPS or CTS) of 24 inches or less; and

(iv) The wall thickness for a given outside diameter is not less than that listed in table 1 to this paragraph (c)(2)(iv).

TABLE 1 TO PARAGRAPH (c)(2)(iv)

PE pipe: Minimum wall thickness and SDR values

| Pipe size (inches) | Minimum wall thickness (inches) | Corresponding SDR (values) |
|---|---|---|
| ½″ CTS .... | 0.090 | 7 |
| ½″ IPS ..... | 0.090 | 9.3 |
| ¾″ CTS .... | 0.090 | 9.7 |
| ¾″ IPS ..... | 0.095 | 11 |
| 1″ CTS ..... | 0.101 | 11 |

TABLE 1 TO PARAGRAPH (c)(2)(iv)—Continued

PE pipe: Minimum wall thickness and SDR values

| Pipe size (inches) | Minimum wall thickness (inches) | Corresponding SDR (values) |
|---|---|---|
| 1″ IPS ..... | 0.119 | 11 |
| 1¼″ IPS .... | 0.151 | 11 |
| 1½″ IPS .... | 0.173 | 11 |
| 2″ ..... | 0.216 | 11 |
| 3″ ..... | 0.259 | 13.5 |
| 4″ ..... | 0.265 | 17 |
| 6″ ..... | 0.315 | 21 |
| 8″ ..... | 0.411 | 21 |
| 10″ ..... | 0.512 | 21 |
| 12″ ..... | 0.607 | 21 |
| 16″ ..... | 0.762 | 21 |
| 18″ ..... | 0.857 | 21 |
| 20″ ..... | 0.952 | 21 |
| 22″ ..... | 1.048 | 21 |
| 24″ ..... | 1.143 | 21 |

(d) * * *

(2) * * *

(iv) The minimum wall thickness for a given outside diameter is not less than that listed in table 2 to paragraph (d)(2)(iv):

TABLE 2 TO PARAGRAPH (d)(2)(iv)

PA–11 pipe: Minimum wall thickness and SDR values

| Pipe size (inches) | Minimum wall thickness (inches) | Corresponding SDR (values) |
|---|---|---|
| ½″ CTS .... | 0.090 | 7.0 |
| ½″ IPS ..... | 0.090 | 9.3 |
| ¾″ CTS .... | 0.090 | 9.7 |
| ¾″ IPS ..... | 0.095 | 11 |
| 1″ CTS ..... | 0.101 | 11 |
| 1″ IPS ..... | 0.119 | 11 |
| 1¼″ IPS .... | 0.151 | 11 |
| 1½″ IPS .... | 0.173 | 11 |
| 2″ IPS ..... | 0.216 | 11 |
| 3″ IPS ..... | 0.259 | 13.5 |
| 4″ IPS ..... | 0.333 | 13.5 |
| 6″ IPS ..... | 0.491 | 13.5 |

(e) * * *

(4) The minimum wall thickness for a given outside diameter is not less than that listed in table 3 to paragraph (e)(4).

TABLE 3 TO PARAGRAPH (e)(4)

PA–12 pipe: Minimum wall thickness and SDR values

| Pipe size (inches) | Minimum wall thickness (inches) | Corresponding SDR (values) |
|---|---|---|
| ½″ CTS .... | 0.090 | 7 |
| ½″ IPS ..... | 0.090 | 9.3 |
| ¾″ CTS .... | 0.090 | 9.7 |
| ¾″ IPS ..... | 0.095 | 11 |
| 1″ CTS ..... | 0.101 | 11 |
| 1″ IPS ..... | 0.119 | 11 |
| 1¼″ IPS .... | 0.151 | 11 |

TABLE 3 TO PARAGRAPH (e)(4)—Continued

PA–12 pipe: Minimum wall thickness and SDR values

| Pipe size (inches) | Minimum wall thickness (inches) | Corresponding SDR (values) |
|---|---|---|
| 1½″ IPS .... | 0.173 | 11 |
| 2″ IPS ..... | 0.216 | 11 |
| 3″ IPS ..... | 0.259 | 13.5 |
| 4″ IPS ..... | 0.333 | 13.5 |
| 6″ IPS ..... | 0.491 | 13.5 |

* * * * *

■ 8. In § 192.153 revise paragraph (b) introductory text and paragraph (e) to read as follows:

**§ 192.153 Components fabricated by welding.**

* * * * *

(b) Each prefabricated unit that uses plate and longitudinal seams must be designed, constructed, and tested in accordance with the ASME BPVC (*Rules for Construction of Pressure Vessels* as defined in either Section VIII Division 1 or Section VIII Division 2; incorporated by reference, *see* § 192.7), except for the following:

* * * * *

(e) The test requirements for pressure vessels, defined for this paragraph as components with a design pressure established in accordance with paragraph (a) or paragraph (b) of this section are as follows.

(1) Pressure vessels installed after July 14, 2004 are not subject to the strength testing requirements at §§ 192.505(b) and 192.619(a)(2), but must be pressure tested in accordance with paragraph (a) or paragraph (b) of this section and with a test factor of at least 1.3 times MAOP.

(2) Pressure vessels must be pressure tested for a duration specified as follows:

(i) Pressure vessels installed after July 14, 2004, but before [Insert the Effective Date of the Rule] are exempt from §§ 192.505(c), 192.505(d), and 192.507(c) and must instead be tested for a duration consistent with the ASME BPVC requirements referenced in paragraph (a) or (b) of this section.

(ii) Pressure vessels installed on or after [EFFECTIVE DATE OF FINAL RULE] must be tested for the duration specified in either § 192.505(c), 192.505(d), 192.507(c), or 192.509(a), whichever is applicable for the pipeline in which the component is being installed.

(3) After [EFFECTIVE DATE OF FINAL RULE], if a newly manufactured pressure vessel is relocated to a pipeline facility after an initial pressure test by

the manufacturer, the operator must either:

(i) Pressure test the vessel in-place after it has been transported in accordance with the requirements of this section; or

(ii) Inspect the pressure vessel and confirm that the component was not damaged during transportation and installation into the pipeline. Inspection records for the component must be kept for the operational life of the pressure vessel. If the pressure vessel has been damaged, it must be remediated or retested in accordance with the ASME BPVC requirements referenced in paragraphs (a) or (b) of this section.

■ 9. In § 192.229, revise paragraph (b) to read as follows:

**§ 192.229 Limitations on welders and welding operators.**

* * * * *

(b) A welder or welding operator may not weld with a particular welding process unless, within the preceding 6 calendar months, the welder or welding operator was engaged in welding with that process. Alternatively, welders or welding operators may demonstrate they have engaged in a specific welding process if they have performed a weld with that process that was tested and found acceptable under section 6, 9, 12, or Appendix A of API Std 1104 (incorporated by reference, *see* § 192.7) within the preceding 7½ months.

* * * * *

■ 10. In § 192.281, revise paragraph (c) to read as follow:

**§ 192.281 Plastic Pipe.**

* * * * *

(c) *Heat-fusion joints.* Each heat fusion joint on a PE pipe or component, except for electrofusion joints, must comply with ASTM F2620 (incorporated by reference in § 192.7), or an equivalent or superior written procedure that has been proven by test or experience to produce strong gastight joints, and the following:

* * * * *

■ 11. In § 192.283 revise paragraph (a)(3) to read as follows:

**§ 192.283 Plastic pipe: Qualifying joining procedures.**

(a) * * *

(3) For procedures intended for non-lateral pipe connections, perform tensile testing in accordance with a listed specification. If the test specimen elongates no less than 25% or failure initiates outside the joint area, the procedure qualifies for use.

* * * * *

■ 12. In § 192.285, revise paragraph (b)(2)(i) to read as follows:

**§ 192.285 Plastic pipe: Qualifying persons to make joints.**

* * * * *

(b) * * *

(2) * * *

(i) Tested under any one of the test methods listed under § 192.283(a), and for PE heat fusion joints (except for electrofusion joints) visually inspected in accordance with ASTM F2620 (incorporated by reference, see § 192.7), or a written procedure that has been demonstrated to provide an equivalent or superior level of safety, applicable to the type of joint and material being tested;

* * * * *

■ 13. In § 192.465, revise paragraph (b) to read as follows:

**§ 192.465 External corrosion control: Monitoring.**

* * * * *

(b) Cathodic protection rectifiers and impressed current power sources must be periodically inspected as follows:

(1) Each cathodic protection rectifier or impressed current power source must be inspected six times each calendar year, but with intervals not exceeding 2½ months between inspections, to ensure adequate amperage and voltage levels needed to provide cathodic protection are maintained. This may be done either through remote measurement or through an onsite inspection of the rectifier.

(2) Each remotely monitored rectifier must be physically inspected for continued safe and reliable operation whenever cathodic protection tests are performed pursuant to § 192.465(a).

* * * * *

■ 14. In § 192.481, revise paragraph (a) and add paragraph (d) to read as follows:

**§ 192.481 Atmospheric corrosion control: Monitoring.**

(a) Each operator must inspect and evaluate each pipeline or portion of the pipeline that is exposed to the atmosphere for evidence of atmospheric corrosion, as follows:

| Pipeline type: | Then the frequency of inspection is: |
|---|---|
| (1) Onshore other than a Service Line. | At least once every 3 calendar years, but with intervals not exceeding 39 months. |
| (2) Onshore Service Line. | At least once every 5 calendar years, but with intervals not exceeding 63 months, except as provided in paragraph (d) of this section. |
| (3) Offshore .... | At least once each calendar year, but with intervals not exceeding 15 months. |

* * * * *

(d) If atmospheric corrosion is found on a service line during the most recent inspection, then the next inspection of that pipeline or portion of pipeline must be within 3 calendar years, with an interval not exceeding 39 months.

■ 15. In § 192.505, revise paragraph (c) to read as follows:

**§ 192.505 Strength test requirements for steel pipelines to operate at a hoop stress of 30 percent or more of SMYS.**

* * * * *

(c) Except as provided in paragraph (d) of this section, the strength test must be conducted by maintaining the pressure at or above the test pressure for at least 8 hours.

* * * * *

■ 16. In § 192.507, add paragraph (d) to read as follows:

**§ 192.507 Test requirements for pipelines to operate at a hoop stress less than 30 percent of SMYS and at or above 100 p.s.i. (689 kPa) gage.**

* * * * *

(d) For fabricated units and short sections of pipe, for which a post installation test is impractical, a pre-installation hydrostatic pressure test must be conducted in accordance with the requirements of this section.

■ 17. In section 192.740, revise the section heading, paragraph (a) and paragraph (c) to read as follows:

**§ 192.740 Pressure regulating, limiting, and overpressure protection—Individual service lines directly connected to regulated gathering or transmission pipelines.**

(a) This section applies, except as provided in paragraph (c) of this section, to any service line directly connected to a transmission pipeline or regulated gathering pipeline that is not operated as part of a distribution system.

* * * * *

(c) This section does not apply to equipment installed on:

(1) Service lines that only serve engines that power irrigation pumps;

(2) Service lines included in a distribution integrity management plan meeting the requirements of subpart P of this part;

(3) Service lines directly connected to unregulated gathering or production pipelines; and

(4) Pipe segments upstream of either: The inlet to the first pressure regulator,

the connection to customer-owned piping, or the outlet of the meter, whichever is further upstream.

■ 18. Revise section 192.1003 to read as follows:

**§ 192.1003 What do the regulations in this subpart cover?**

(a) *General.* Unless exempted in paragraph (b) of this section, this subpart prescribes minimum requirements for an IM program for any gas distribution pipeline covered under this part, including liquefied petroleum gas systems. A gas distribution operator must follow the requirements in this subpart.

(b) *Exceptions.* This subpart does not apply to:

(1) Individual service lines directly connected to a production or unregulated gathering pipeline;

(2) Individual service lines directly connected to either a transmission or regulated gathering pipeline and maintained in accordance with § 192.740(a) and (b); and

(3) Master meter systems.

■ 19. In § 192.1005, revise the section heading to read as follows:

**§ 192.1005 What must a gas distribution operator (other than a small LPG operator) do to implement this subpart?**

* * * * *

■ 20. In § 192.1007, revise paragraph (b) to read as follows:

**§ 192.1007 What are the required elements of an integrity management plan?**

* * * * *

(b) *Identify threats.* The operator must consider the following categories of threats to each gas distribution pipeline: Corrosion (including atmospheric corrosion), natural forces, excavation damage, other outside force damage, material or welds, equipment failure, incorrect operations, and other issues that could threaten the integrity of its pipeline. An operator must consider reasonably available information to identify existing and potential threats. Sources of data may include incident and leak history, corrosion control records (including atmospheric corrosion records), continuing surveillance records, patrolling records, maintenance history, and excavation damage experience.

* * * * *

**§ 192.1009 [Removed and Reserved]**

■ 21. Remove and reserve § 192.1009.

■ 22. In § 192.1015, revise the section heading, paragraph (a), and paragraph (b)(2) to read as follows:

**§ 192.1015 What must a small LPG operator do to implement this subpart?**

(a) *General.* No later than August 2, 2011, a small LPG operator must develop and implement an IM program that includes a written IM plan as specified in paragraph (b) of this section. The IM program for these pipelines should reflect the relative simplicity of these types of pipelines.

(b) * * *

(2) *Identify threats.* The operator must consider, at minimum, the following categories of threats (existing and potential): Corrosion (including atmospheric corrosion), natural forces, excavation damage, other outside force damage, material or weld failure, equipment failure, and incorrect operation.

* * * * *

■ 23. In § 192, in Appendix B, remove the entry for ASTM D2513–12ae1 and add a new entry for ASTM D2513 in alphabetical order to read as follows:

**Appendix B to Part 192—Qualification of Pipe**

**I. Listed Pipe Specifications**

* * * * *

ASTM D2513—Polyethylene thermoplastic pipe and tubing, ''Standard Specification for Polyethylene (PE) Gas Pressure Pipe, Tubing, and Fittings,'' (incorporated by reference, *see* § 192.7).

* * * * *

Issued in Washington, DC, on May 27, 2020, under authority delegated in 49 CFR 1.97.

**Alan K. Mayberry,**

*Associate Administrator for Pipeline Safety.*

[FR Doc. 2020–11843 Filed 6–8–20; 8:45 am]

**BILLING CODE 4910–60–P**

# Notices

Federal Register
Vol. 85, No. 111
Tuesday, June 9, 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.

## COMMISSION ON CIVIL RIGHTS

### Notice of Public Meeting of the Alabama Advisory Committee To Discuss a Report on Barriers to Voting in the State

**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 Alabama Advisory Committee (Committee) will hold a meeting on Monday, June 22, 2020, at 1:00 p.m. (Central) for the purpose of approving transmission of the Voting Rights report to the U.S. Commission on Civil Rights.

**DATES:** The meeting will be held on Monday, June 22, 2020 at 1:00 p.m. (Central).

*Public Call Information:* Dial: 206–800–4892, Conference ID: 503616121

**FOR FURTHER INFORMATION CONTACT:** David Barreras, DFO, at *dbarreras@usccr.gov* or 312–353–8311

**SUPPLEMENTARY INFORMATION:** Members of the public can listen to the discussion. This meeting is available to the public through the following toll-free call-in number: 206–800–4892, conference ID: 503616121. Any interested member of the public may call this number and listen to the meeting. An open comment period will be provided to allow members of the public 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 1–800–977–8339 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 Midwestern Regional Office, U.S. Commission on Civil Rights, 230 S Dearborn Street, Suite 2120, Chicago, IL 60604. They may also be faxed to the Commission at (312) 353–8324 or emailed to David Barreras at *dbarreras@usccr.gov.* Persons who desire additional information may contact the Midwestern Regional Office at (312) 353–8311.

Records generated from this meeting may be inspected and reproduced at the Midwestern Regional 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, Alabama Advisory Committee link (*https://www.facadatabase.gov/FACA/FACAPublicCommittee?id=a10t0000001gzlLAAQ*). Persons interested in the work of this Committee are directed to the Commission's website, *http://www.usccr.gov,* or may contact the Midwestern Regional Office at the above email or street address.

**Agenda**

Welcome and Roll Call
Discussion of Barriers to Voting Report
Committee Vote to submit report
Next Steps
Public Comment
Adjournment

Dated: June 4, 2020.

**David Mussatt,**

*Supervisory Chief, Regional Programs Unit.*

[FR Doc. 2020–12454 Filed 6–8–20; 8:45 am]

**BILLING CODE 6335–01–P**

## COMMISSION ON CIVIL RIGHTS

### Agenda and Notice of Public Meeting of the South Dakota 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 planning meeting of the South Dakota Advisory Committee to the Commission will convene on Tuesday, July 14, 2020 at 11:00 a.m. (CDT), via teleconference. The purpose of the meeting is project planning.

**DATES:** Tuesday, July 14, 2020 at 11:00 a.m. (CDT).

**ADDRESSES:** To be held via teleconference: 1–800–353–6461; conference ID: 4861656.

TDD: Dial Federal Relay Service 1–800–877–8339 and give the operator the above conference call number and conference ID.

**FOR FURTHER INFORMATION CONTACT:** Mallory Trachtenberg, *mtrachtenberg@usccr.gov,* (202) 809–9618.

**SUPPLEMENTARY INFORMATION:** Members of the public may listen to the discussion by dialing the following Conference Call Toll-Free Number: 1–800–353–6461; conference ID: 4861656. Please be advised that before being placed into the conference call, the operator will ask callers to provide their names, their organizational affiliations (if any), and an email address (if available) prior to placing callers into the conference room. 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 phone number.

Persons with hearing impairments may also follow the discussion by first calling the Federal Relay Service (FRS) at 1–800–877–8339 and provide the FRS operator with Conference Call Toll-Free Number: 1–800–353–6461; conference ID: 4861656. Members of the public are invited to submit written comments; the comments must be received within 30 days of the meeting date. Written comments may be emailed to Mallory Trachtenberg at *mtrachtenberg@usccr.gov.* Persons who desire additional information may contact the Regional Programs Unit at (202) 809–9618.

Records and documents discussed during the meeting will be available for public viewing as they become available at the FACA Link and clicking on the ''Meeting Details'' and ''Documents''

links. Records generated from this meeting may also be inspected and reproduced at the Midwestern 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 Midwestern Regional Office at the above phone number, email address.

**Agenda: Tuesday, July 14, 2020 at 11:00 a.m. (CDT)**

- Roll-call
- Approval of Minutes
- Web Conference: Maternal Mortality of Native American Women
- Other Business
- Public Comment
- Adjourn

Dated: June 3, 2020.

**David Mussatt,**

*Supervisory Chief, Regional Programs Unit.*

[FR Doc. 2020–12371 Filed 6–8–20; 8:45 am]

**BILLING CODE 6335–01–P**

## COMMISSION ON CIVIL RIGHTS

### Agenda and Notice of Public Meeting of the Rhode Island Advisory Committee

**AGENCY:** Commission on Civil Rights.

**ACTION:** Announcement of meetings.

**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 planning meeting of the Rhode Island State Advisory Committee to the Commission will convene by conference call, on Tuesday, June 30, 2020 at 1:00 p.m. (EDT). The purpose of the meeting is to hold a web conference on licensing and conduct a planning meeting of the committee after the speakers present.

**DATES:** Tuesday, June 30, 2020 at 1:00 p.m. (EDT).

*Call-In Information:* 1–888–256–1007; conference ID: 2992247.

**FOR FURTHER INFORMATION CONTACT:** Mallory Trachtenberg at *mtrachtenberg@usccr.gov* or by phone at (202) 809–9618.

**SUPPLEMENTARY INFORMATION:** This meeting is available to the public through the telephone number and conference ID listed above. Callers can expect to incur charges for calls they initiate over wireless lines, and the Commission will not refund any incurred charges. 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-in numbers: 1–888–256–1007; conference ID: 2992247.

Members of the public are entitled to make comments during the open period at the end of the meeting. Members of the public may also submit written comments; the comments must be received in the Regional Programs Unit within 30 days following the respective meeting. Written comments may be emailed to Mallory Trachtenberg at *mtrachtenberg@usccr.gov.* Persons who desire additional information may contact the Regional Programs Unit at (202) 809–9618. Records and documents discussed during the meeting will be available for public viewing as they become available at the RI SAC link; click the ''Meeting Details'' and ''Documents'' links. Records generated from this meeting may also be inspected and reproduced at the Midwestern Regional Office, as they become available, both before and after the meetings. 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 Midwestern Regional Programs Office at the above phone number, email or street address.

**Agenda**

*Tuesday, June 30, 2020 at 1:00 p.m. (EDT)*

I. Rollcall
II. Web Conference on Licensing
III. Other Business
IV. Open Comment
V. Adjournment

Dated: June 4, 2020.

**David Mussatt,**

*Supervisory Chief, Regional Programs Unit.*

[FR Doc. 2020–12470 Filed 6–8–20; 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. (ET) on Tuesday, June 16, 2020. The purpose of the project planning meeting is to discuss and perhaps vote on the Committee's civil rights project draft titled, School Discipline and the School-to-Prison Pipeline in Pennsylvania.

*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. Written comments must be received in the regional office approximately 30 days after the scheduled meeting. Because of the COVID–19 Emergency, please email written comments to the attention of Corrine Sanders at: *ero@usccr.gov, i.e.,* insert in Subject Line: Atten: Corrine Sanders. 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. Because of the COVID–19 Emergency, persons interested in the work of this advisory committee are advised to go to the Commission's website, *www.usccr.gov,*

or to send an email to the attention of Corrine Sanders, *i.e.,* insert in Subject Line: Atten: Corrine Sanders, at: *ero@usccr.gov,* or call the above phone number.

**Agenda**

*Tuesday, June 16, 2020*

I. Rollcall
II. Welcome
III. Project Planning
—Discuss draft report on its civil rights project
IV. Other Business
V. Next Planning Meetings
VI. Public Comments
VII. Adjourn

Dated: June 4, 2020.

**David Mussatt,**

*Supervisory Chief, Regional Programs Unit.*

[FR Doc. 2020–12444 Filed 6–8–20; 8:45 am]

**BILLING CODE P**

## DEPARTMENT OF COMMERCE

### Office of the Secretary

### Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; The Environmental Questionnaire and Checklist (EQC)

The Department of Commerce will submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. We invite the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. Public comments were previously requested via the **Federal Register** on March 30, 2020 (85 FR 17532) during a 60-day comment period. This notice allows for an additional 30 days for public comments.

*Agency:* Office of Facilities and Environmental Quality, Office of the Secretary.

*Title:* The Environmental Questionnaire and Checklist (EQC).

*OMB Control Number:* 0690–0028.

*Form Number(s):* CD–593.

*Type of Request:* Regular submission (an extension of a current information collection).

*Number of Respondents:* 1,000.

*Average Hours per Response:* 3 hours.

*Burden Hours:* 3,000.

*Needs and Uses:* This request is for an extension of a currently approved information collection. The National Environmental Policy Act (NEPA) (42 U.S.C. 4321–4347) and the Council on Environmental Quality's (CEQ) Regulations for Implementing NEPA (40 CFR parts 1500–1508) require that federal agencies complete an environmental analysis for all major federal actions significantly affecting the environment. Those actions may include a federal agency's decision to fund non-federal projects under grants and cooperative agreements, including infrastructure projects. In order to determine NEPA compliance requirements for a project receiving Department of Commerce (DOC) bureau-level funding, DOC must assess information which can only be provided by the applicant for federal financial assistance (grant).

The Environmental Questionnaire and Checklist (EQC) provides federal financial assistance applicants and DOC staff with a tool to ensure that the necessary project and environmental information is obtained. The EQC was developed to collect data concerning potential environmental impacts that the applicant for federal financial assistance possesses and to transmit that information to the Federal reviewer. The EQC will allow for a more rapid review of projects and facilitate DOC's evaluation of the potential environmental impacts of a project and level of NEPA documentation required. DOC staff will use the information provided in answers to the questionnaire to determine compliance requirements for NEPA and conduct subsequent NEPA analysis as needed. Information provided in the questionnaire may also be used for other regulatory review requirements associated with the proposed project, such as the National Historic Preservation Act.

*Affected Public:* Individuals or households; Business or other for-profit organizations; Not-for-profit institutions; State, Local or Tribal Government; Federal Government, etc.

*Frequency:* One-time; Annually.

*Respondent's Obligation:* Voluntary.

*Estimated Total Annual Cost to Public:* $1,200 in mailing costs ($6 × approximately 200 respondents who choose to mail rather than email attachments).

*Legal Authority: 42 U.S.C. 4321 et seq.*

This information collection request may be viewed at *www.reginfo.gov.* Follow the instructions to view the Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function and entering either the title of the collection or the OMB Control Number 0690–0028.

**Sheleen Dumas,**

*Department PRA Clearance Officer, Office of the Chief Information Officer, Commerce Department.*

[FR Doc. 2020–12414 Filed 6–8–20; 8:45 am]

**BILLING CODE 3510–NW–P**

## DEPARTMENT OF COMMERCE

### Office of the Secretary

### Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery

The Department of Commerce will submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. We invite the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. Public comments were previously requested via the **Federal Register** on March 24, 2020 (85 FR 16612) during a 60-day comment period. This notice allows for an additional 30 days for public comments.

*Agency:* Office of the Secretary.

*Title:* Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery.

*OMB Control Number:* 0690–0030.

*Form Number(s):* None.

*Type of Request:* Regular submission (an extension of a current information collection).

*Number of Respondents:* 122,355.

*Average Hours per Response:* 5 to 30 minutes for surveys; 1 to 2 hours for focus groups; 30 minutes to 1 hour for interviews (Other response times will depend on the type of information collected).

*Burden Hours:* 18,512.

*Needs and Uses:* This request is for an extension of a currently approved information collection of a ''Generic Fast-track'' process offered to all government agencies by OMB in 2010. Fast-track means that each request receives approval five days after submission if no issues are brought to DOC's attention by OMB within five days.

The information collection activity for this fast-track process will garner qualitative customer and stakeholder feedback in an efficient, timely manner, in accordance with the Department of Commerce's commitment to improving service delivery. By qualitative feedback we mean information that provides useful insights on perceptions and opinions, but are not statistical surveys that yield quantitative results that can be generalized to the population of study. This feedback will provide insights into customer or stakeholder perceptions, experiences, and expectations, provide an early warning of issues with service, or focus attention on areas where communication, training or changes in operations might improve delivery of products or services. These collections will allow for ongoing, collaborative, and actionable communications between the Department and its customers and stakeholders. It will also allow feedback to contribute directly to the improvement of program management.

*Affected Public:* Individuals or households; Business or other for-profit organizations; Not-for-profit institutions; State, Local or Tribal Government; Federal Government, etc.

*Frequency:* One-time; Annually.

*Respondent's Obligation:* Voluntary.

*Legal Authority:* 44 U.S.C. 3501 *et seq.*

This information collection request may be viewed at *www.reginfo.gov.* Follow the instructions to view the Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function and entering either the title of the collection or the OMB Control Number 0690–0030.

**Sheleen Dumas,**

*Department PRA Clearance Officer, Office of the Chief Information Officer, Commerce Department.*

[FR Doc. 2020–12413 Filed 6–8–20; 8:45 am]

**BILLING CODE 3510–17–P**

## DEPARTMENT OF COMMERCE

### Office of the Under Secretary for Economic Affairs

**RIN 0691–XC112**

### American Workforce Policy Advisory Board; Meeting

**AGENCY:** Office of the Under Secretary for Economic Affairs, Department of Commerce.

**ACTION:** Notice of public meeting.

**SUMMARY:** The Office of the Under Secretary for Economic Affairs announces the sixth meeting of the American Workforce Policy Advisory Board (Advisory Board). Discussions of the Advisory Board will include its progress toward achieving the goals set at its inaugural meeting on March 6, 2019, as well as other Advisory Board matters. The meeting will take place in Washington, DC on June 26, 2020.

**DATES:** The Advisory Board will meet on June 26, 2020; the meeting will begin at 1 p.m. and end at approximately 3 p.m. (EDT).

**ADDRESSES:** The meeting will be held at the Eisenhower Executive Office Building, 1650 Pennsylvania Ave. NW, Washington, DC 20502. Board members will have the option to join the meeting in person or via audio conference technology. The meeting is open to the public via audio conference technology. Audio instructions will be prominently posted on the Advisory Board homepage at: *https://www.commerce.gov/americanworker/american-workforce-policy-advisory-board.* Please note: The Advisory Board website will maintain the most current information on the meeting agenda, schedule, and location. These items may be updated without further notice in the **Federal Register**.

The public may also submit statements or questions via the Advisory Board email address, *AmericanWorkforcePolicyAdvisoryBoard@doc.gov* (please use the subject line ''June 2020 Advisory Board Meeting Public Comment''), or by letter to Sabrina Montes, c/o Office of Under Secretary for Economic Affairs, Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230. If you wish the Advisory Board to consider your statement or question during the meeting, we must receive your written statement or question no later than 5 p.m. (EDT) four business days prior to the meeting. We will provide all statements or questions received after the deadline to the members; however, they may not consider them during the meeting.

**FOR FURTHER INFORMATION CONTACT:** Sabrina Montes, c/o Office of Under Secretary for Economic Affairs, Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230, (301) 278–9268, or *sabrina.montes@bea.gov.*

**SUPPLEMENTARY INFORMATION:** The Secretary of Commerce and the Advisor to the President overseeing the Office of Economic Initiatives serve as the co-chairs of the Advisory Board. In addition to the co-chairs, the Advisory Board comprises 25 members that represent various sectors of the economy. The Board advises the National Council for the American Worker.

The June meeting will include updates on implementation of the Call to Action from the May 2020 meeting and recommendations from prior meetings, and discussions of new recommendations under each of the four main goals of the Advisory Board:

- Develop a Campaign to Promote Multiple Pathways to Career Success. Companies, workers, parents, and policymakers have traditionally assumed that a university degree is the best, or only, path to a middle-class career. Employers and job seekers should be aware of multiple career pathways and skill development opportunities outside of traditional 4-year degrees.
- Increase Data Transparency to Better Match American Workers with American Jobs. High-quality, transparent, and timely data can significantly improve the ability of employers, students, job seekers, education providers, and policymakers to make informed choices about education and employment—especially for matching education and training programs to in-demand jobs and the skills needed to fill them.
- Modernize Candidate Recruitment and Training Practices. Employers often struggle to fill job vacancies, yet their hiring practices may actually reduce the pool of qualified job applicants. To acquire a talented workforce, employers must better identify the skills needed for specific jobs and communicate those needs to education providers, job seekers, and students.

• Measure and Encourage Employer-led Training Investments. The size, scope, and impacts of education and skills training investments are still not fully understood. There is a lack of consistent data on company balance sheets and in federal statistics. Business and policy makers need to know how much is spent on training, the types of workers receiving training, and the long-term value of the money and time spent in classroom and on-the-job training.

**Sabrina L. Montes,**

*Designated Federal Official, American Workforce Policy Advisory Board, Bureau of Economic Analysis.*

[FR Doc. 2020–12447 Filed 6–8–20; 8:45 am]

**BILLING CODE 3510–MN–P**

## DEPARTMENT OF COMMERCE

### Foreign-Trade Zones Board

**[B–36–2020]**

### Foreign-Trade Zone (FTZ) 82—Mobile, Alabama; Notification of Proposed Production Activity; Airbus Americas, Inc. (Commercial Passenger Jet Aircraft); Mobile, Irvington and Theodore, Alabama

Airbus Americas, Inc. (Airbus) submitted a notification of proposed production activity to the FTZ Board for its facilities in Mobile, Irvington and Theodore, Alabama. The notification conforming to the requirements of the regulations of the FTZ Board (15 CFR 400.22) was received on June 2, 2020.

Airbus already has authority to produce commercial passenger jet aircraft within FTZ 82. The current request would add foreign status materials/components to the scope of authority. Pursuant to 15 CFR 400.14(b), additional FTZ authority would be limited to the specific foreign-status materials/components described in the submitted notification (as described below) and subsequently authorized by the FTZ Board.

Production under FTZ procedures could exempt Airbus from customs duty payments on the foreign-status materials/components used in export production. On its domestic sales, for the foreign-status materials/components noted below, Airbus would be able to choose the duty rates during customs entry procedures that apply to commercial passenger jet aircraft (duty-free). Airbus would be able to avoid duty on foreign-status components which become scrap/waste. Customs duties also could possibly be deferred or reduced on foreign-status production equipment.

The materials/components sourced from abroad include: Cetyl alcohol; biocides and fungicides; wash primers and adhesion promoters; epoxy fillers; plastic tubes; polyamide plastic sheet and strip; logbooks; carbon prepreg material; steel holding tank assemblies; steel non-threaded fasteners, pins and inserts; aluminum powder; mirrors; hand pumps for dispensing liquids; refrigerator and freezer units; air filter elements and parts; trash compactors; pressure regulators and bleed valves; AC generators not exceeding 75kVAs; fire detection units; resistors and overheat sensing elements; printed circuit modules; circuit breakers; relays and contactors; electrical backshells and contacts; temperature sensors; tachometers; tachometer accessories; and, voltmeters and multimeters without recording devices (duty rate ranges from duty-free to 6.5%). The request indicates that certain materials/components may be subject to duties under Section 301 of the Trade Act of 1974 (Section 301), depending on the country of origin. The applicable Section 301 decisions require subject merchandise to be admitted to FTZs in privileged foreign status (19 CFR 146.41).

Public comment is invited from interested parties. Submissions shall be addressed to the Board's Executive Secretary and sent to: *ftz@trade.gov.* The closing period for their receipt is July 20, 2020.

A copy of the notification will be available for public inspection in the ''Reading Room'' section of the Board's website, which is accessible via *www.trade.gov/ftz.*

For further information, contact Christopher Kemp at *Christopher.Kemp@trade.gov* or (202) 482–0862.

Dated: June 4, 2020.

**Andrew McGilvray,**

*Executive Secretary.*

[FR Doc. 2020–12422 Filed 6–8–20; 8:45 am]

**BILLING CODE 3510–DS–P**

## DEPARTMENT OF COMMERCE

### Foreign-Trade Zones Board

**[Order No. 2100]**

### Approval of Subzone Status; Puerto Rico Storage & Distribution, Inc.; Aguadilla, Puerto Rico

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), the Foreign-Trade Zones Board (the Board) adopts the following Order:

*Whereas*, the Foreign-Trade Zones (FTZ) Act provides for ''. . . the establishment . . . of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes,'' and authorizes the Foreign-Trade Zones Board to grant to qualified corporations the privilege of establishing foreign-trade zones in or adjacent to U.S. Customs and Border Protection ports of entry;

*Whereas*, the Board's regulations (15 CFR part 400) provide for the establishment of subzones for specific uses;

*Whereas*, the Department of Economic Development and Commerce, grantee of Foreign-Trade Zone 61, has made application to the Board for the establishment of a subzone at the facility of Puerto Rico Storage & Distribution, Inc., located in Aguadilla, Puerto Rico (FTZ Docket B–6–2020, docketed February 4, 2020);

*Whereas*, notice inviting public comment has been given in the **Federal Register** (85 FR 7531, February 10, 2020) and the application has been processed pursuant to the FTZ Act and the Board's regulations; and,

*Whereas*, the Board adopts the findings and recommendations of the examiner's memorandum, and finds that the requirements of the FTZ Act and the Board's regulations are satisfied;

*Now, therefore*, the Board hereby approves subzone status at the facility of Puerto Rico Storage & Distribution, Inc., located in Aguadilla, Puerto Rico (Subzone 61Y), as described in the application and **Federal Register** notice, subject to the FTZ Act and the Board's regulations, including Section 400.13.

Dated: June 3, 2020.

**Jeffrey I. Kessler,**

*Assistant Secretary for Enforcement and Compliance, Alternate Chairman, Foreign-Trade Zones Board.*

[FR Doc. 2020–12423 Filed 6–8–20; 8:45 am]

**BILLING CODE 3510–DS–P**

## DEPARTMENT OF COMMERCE

### Foreign-Trade Zones Board

**[Order No. 2101]**

### Expansion of Foreign-Trade Zone 265, Conroe, Texas

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), the Foreign-Trade Zones Board (the Board) adopts the following Order:

*Whereas*, the Foreign-Trade Zones (FTZ) Act provides for ''. . . the establishment . . . of foreign-trade

zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes,'' and authorizes the Board to grant to qualified corporations the privilege of establishing foreign-trade zones in or adjacent to U.S. Customs and Border Protection ports of entry;

*Whereas*, the City of Conroe, grantee of Foreign-Trade Zone 265, submitted an application to the Board for authority to expand FTZ 265—Site 1 to include an additional 1,046 acres within Conroe Park North in Conroe, Texas, adjacent to the Houston Customs and Border Protection port of entry (B–55–2019, docketed September 16, 2019);

*Whereas*, notice inviting public comment has been given in the **Federal Register** (84 FR 49718, September 23, 2019) and the application has been processed pursuant to the FTZ Act and the Board's regulations; and,

*Whereas*, the Board adopts the findings and recommendations of the examiner's report, and finds that the requirements of the FTZ Act and the Board's regulations are satisfied;

*Now, therefore*, the Board hereby orders:

The application to expand FTZ 265 is approved, subject to the FTZ Act and the Board's regulations, including Section 400.13.

Dated: June 3, 2020.

**Jeffrey I. Kessler,**

*Assistant Secretary for Enforcement and Compliance, Alternate Chairman, Foreign-Trade Zones Board.*

[FR Doc. 2020–12427 Filed 6–8–20; 8:45 am]

**BILLING CODE 3510–DS–P**

## DEPARTMENT OF COMMERCE

### Foreign-Trade Zones Board

**[B–34–2020]**

### Foreign-Trade Zone (FTZ) 102—St. Louis, Missouri; Notification of Proposed Production Activity; H–J Enterprises, Inc./H–J International, Inc. (Electrical Transformer Components and Kits); High Ridge, Missouri

H–J Enterprises, Inc./H–J International, Inc. (H–J) submitted a notification of proposed production activity to the FTZ Board for its facilities in High Ridge, Missouri. The notification conforming to the requirements of the regulations of the FTZ Board (15 CFR 400.22) was received on June 1, 2020.

H–J already has authority to produce electrical transformer components and kits within Subzone 102E. The current request would add finished products and foreign status materials/components to the scope of authority. Pursuant to 15 CFR 400.14(b), additional FTZ authority would be limited to the specific foreign-status materials/components and specific finished products described in the submitted notification (as described below) and subsequently authorized by the FTZ Board.

Production under FTZ procedures could exempt H–J from customs duty payments on the foreign-status materials/components used in export production (estimated 5 percent of production). On its domestic sales, for the foreign-status materials/components noted below and in the existing scope of authority, H–J would be able to choose the duty rates during customs entry procedures that apply to bushing terminals, electrical connectors, electrical leads, electrical contacts, and porcelain insulator kits (insulators, gaskets, nuts, clamps) (duty rate ranges from 2.7% to 3.5%). H–J would be able to avoid duty on foreign-status components which become scrap/waste. Customs duties also could possibly be deferred or reduced on foreign-status production equipment.

The materials/components sourced from abroad include: polytetrafluoroethylene (PTFE) tape; epoxy resins; silicone rubber tape; plastic viewing windows for transformer loadbreaks; plastic centering and locking devices for transformer bushings; cork gaskets; paper plugs for transformer bushings; decal transfer labels; nonalloy steel bar; nonalloy steel rod; stainless steel wire; threaded elbows (steel); nipples (steel); threaded couplings (steel); sealing glands (steel); anchors (steel); studs (stainless steel); nuts (steel); threaded fasteners (iron, steel); flat washers (steel); cotter pins (steel); dowel pins (steel); spacers (steel); slugs (steel); helical springs (stainless steel, steel); spring pins (stainless steel, steel); lead springs (stainless steel, steel); stop buttons (steel); isolating switches; relays; disconnect switches; surge arresters; elbow arresters; molded terminal housings; insulated copper wire; insulated electric conductors (for more than 1000 volts) (copper); porcelain line post insulators; epoxy bushing assemblies; silicone insulators; liquid-filled thermometers; thermometers; temperature indicators; winding temperature indicators; thermometer wells (brass); liquid level gauges; pressure gauges; liquid level gauge components (lenses, float shafts, cases of polycarbonate, brass, and aluminum); adapters for electric meters; transport handling measurement sensors; stamped ground pads (steel); bushing caps (steel); shafts (steel); fittings (steel); copper bus bar; copper rod; bronze rod; copper strip; copper tubes; nipples (brass); reducers (brass); plugs (brass); flexible connectors of stranded wire without fittings (copper); flexible connectors of stranded wire with fittings (copper); spacers (brass); slugs (brass); pressure plates (brass); cast bushing terminals (copper, brass); ground brackets (copper, brass); support straps (copper, brass); lifting lugs (un-plated copper, brass); round aluminum bar; hex aluminum bar; plugs (aluminum); reservoir tanks (aluminum); clamps (aluminum); hangers (aluminum); supports—castings, forgings, stampings of aluminum; machinings (machined shapes or fittings of aluminum); spanner wrenches (steel, stainless steel); circuit breaker tools (steel, stainless steel); sockets for wrenches/tools (steel, stainless steel); vise clamps (aluminum, steel, stainless steel); padlock assemblies (steel, stainless steel); door locks and door lock assemblies (stainless steel, steel); fittings of lock assemblies (steel, aluminum); connectors of lock assemblies (steel, aluminum); door handles (brass); brackets (steel, brass); plates (steel, brass); channels (steel, brass); nameplates (aluminum); fan blades (aluminum); lift hooks (stainless steel); coil winding machines; relays, cylinders and decoilers for coil winding machines; pressure relief valves; sampler valves (copper, brass, steel); gas valves (copper, brass, steel); safety valves; valve bodies (copper, brass, aluminum, steel); housings for valves and cocks (aluminum); seals for valves (aluminum); housings (copper, brass, stainless steel, steel); seals (copper, brass, aluminum, stainless steel, steel); bearing hubs (steel); cam shaft housings (brass); gears (steel); speed changers (steel); crank arms (steel); knuckles (iron, steel); bases (iron, steel); air dehumidifiers; signal lights; circuit breakers for voltage less than 72.5kv; and, circuit breakers for voltage more than 72.5kv (duty rate ranges from duty-free to 9%). The request indicates that copper tubes, aluminum clamps, aluminum machinings (machined shapes or fittings) and round aluminum bars are subject to antidumping/countervailing duty (AD/CVD) orders if imported from China. The FTZ Board's regulations (15 CFR 400.14(e)) require that merchandise subject to AD/CVD orders, or items which would be otherwise subject to suspension of liquidation under AD/CVD procedures if they entered U.S. customs territory, be admitted to the zone in privileged foreign (PF) status (19 CFR 146.41). The request also indicates that certain

materials/components are subject to duties under Section 232 of the Trade Expansion Act of 1962 (Section 232) or Section 301 of the Trade Act of 1974 (Section 301), depending on the country of origin. The applicable Section 232 and Section 301 decisions require subject merchandise to be admitted to FTZs in PF status.

Public comment is invited from interested parties. Submissions shall be addressed to the Board's Executive Secretary and sent to: *ftz@trade.gov.* The closing period for their receipt is July 20, 2020.

A copy of the notification will be available for public inspection in the ''Reading Room'' section of the Board's website, which is accessible via *www.trade.gov/ftz.*

For further information, contact Diane Finver at *Diane.Finver@trade.gov* or (202) 482–1367.

Dated: June 3, 2020.

**Andrew McGilvray,**

*Executive Secretary.*

[FR Doc. 2020–12424 Filed 6–8–20; 8:45 am]

**BILLING CODE 3510–DS–P**

## DEPARTMENT OF COMMERCE

### Foreign-Trade Zones Board

**[B–35–2020]**

### Foreign-Trade Zone (FTZ) 105—Providence, Rhode Island; Notification of Proposed Production Activity (Night Vision Camera Systems); Jamestown, Rhode Island

Night Vision Technology Solutions, LLC (Night Vision Technology) submitted a notification of proposed production activity to the FTZ Board for its facility in Jamestown, Rhode Island. The notification conforming to the requirements of the regulations of the FTZ Board (15 CFR 400.22) was received on May 29, 2020.

Night Vision Technology's facility is located within Subzone 105B. The facility is used for the production of night vision camera systems. Pursuant to 15 CFR 400.14(b), FTZ activity would be limited to the specific foreign-status materials and components and specific finished products described in the submitted notification (as described below) and subsequently authorized by the FTZ Board.

Production under FTZ procedures could exempt Night Vision Technology from customs duty payments on the foreign-status components used in export production. On its domestic sales, for the foreign-status materials/components noted below, Night Vision Technology would be able to choose the duty rates during customs entry procedures that apply to electro-optical infra-red (E.O./IR) camera systems containing thermal cameras, often with the addition of visible cameras, laser range finders, and/or analytic software; handheld uncooled longwave infra-red (LWIR) thermal monoculars; uncooled thermal camera modules; and, temperature measurement devices using thermal sensors (duty-free). Night Vision Technology would be able to avoid duty on foreign-status components which become scrap/waste. Customs duties also could possibly be deferred or reduced on foreign-status production equipment.

The components and materials sourced from abroad include: multi-contact pinned cable connectors; enclosures and housings for camera systems; uncooled LWIR thermal sensors; and, germanium lenses for thermal sensors (duty rate ranges from duty-free to 4.4%). The request indicates the materials/components are subject to duties under Section 301 of the Trade Act of 1974 (Section 301), depending on the country of origin. The applicable Section 301 decisions require subject merchandise to be admitted to FTZs in privileged foreign status (19 CFR 146.41).

Public comment is invited from interested parties. Submissions shall be addressed to the Board's Executive Secretary and sent to: *ftz@trade.gov.* The closing period for their receipt is July 20, 2020.

A copy of the notification will be available for public inspection in the ''Reading Room'' section of the Board's website, which is accessible via *www.trade.gov/ftz.*

For further information, contact Christopher Wedderburn at *Chris.Wedderburn@trade.gov* or (202) 482–1963.

Dated: June 3, 2020.

**Andrew McGilvray,**

*Executive Secretary.*

[FR Doc. 2020–12426 Filed 6–8–20; 8:45 am]

**BILLING CODE 3510–DS–P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

### Notice of Scope Rulings

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

**DATES:** Applicable June 9, 2020.

**SUMMARY:** The Department of Commerce (Commerce) hereby publishes a list of scope rulings and anti-circumvention determinations made during the period January 1, 2020 through March 31, 2020. We intend to publish future lists after the close of the next calendar quarter.

**FOR FURTHER INFORMATION CONTACT:** Marcia E. Short, 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: 202–482–1560.

**SUPPLEMENTARY INFORMATION:**

#### Background

Commerce regulations provide that it will publish in the **Federal Register** a list of scope rulings on a quarterly basis.[1] Our most recent notification of scope rulings was published on March 3, 2020.[2] This current notice covers all scope rulings and anti-circumvention determinations made by Enforcement and Compliance between January 1, 2020 through March 31, 2020.

*Scope Rulings Made January 1, 2020 Through March 31, 2020*

People's Republic of China (China)

A–570–890: Wooden Bedroom Furniture From China [3]

*Requestor:* U.S. Customs and Border Protection, EAPA Investigation No. 7189. A desk/console table with drawers (found to be excluded office furniture), a TV cabinet with minibar (found to have features inconsistent with wooden bedroom furniture), a trunk storage unit (found to be living room furniture), and a bed bench base (found to be excluded seating furniture) are not covered by the scope of the antidumping duty (AD) order on wooden bedroom furniture from China. However, certain TV credenzas/dressers and a console/custom dresser are covered by the scope of the order because these furniture pieces have features consistent with subject chests and/or dressers and are suitable for storing clothing; December 31, 2019.

A–570–983 and C–570–984: Drawn Stainless Steel Sinks From China

*Requestor:* Simpli Home Ltd. Based on the scope language stated in the orders, the sinks imported as part of Simpli Home Ltd.'s laundry cabinets are covered by the scope of the AD and countervailing duty (CVD) orders on drawn stainless steel sinks (sinks) from China; January 2, 2020.

[1] *See* 19 CFR 351.225(o).

[2] *See Notice of Scope Rulings,* 85 FR 12515 (March 3, 2020).

[3] This was inadvertently left out of the previous Quarterly Scope **Federal Register** Notice that published on March 3, 2020 (85 FR 12515).

A–570–067 and C–570–068: Forged Steel Fittings From China

*Requestor:* Alemite, LLC. Hydraulic hand gun coupler and the universal swivel assembly are not covered by the scope of the AD and CVD orders on forged steel fittings from China because they are made to different industry standards and temporarily connect to hoses that cannot convey corrosive materials; January 8, 2020.

A–570–040 and C–570–041: Truck and Bus Tires From China

*Requestor:* America Koryo, Inc.; size 8–14.5 truck and bus tires imported by America Koryo, Inc. from China are not within the scope of the AD and CVD orders. Size 11–22.5 truck and bus tires imported by America Koryo, Inc. from China are within the scope of the orders; January 8, 2020.

A–570–899: Artist Canvas From China

*Requestor:* Global Textile Partners, Inc. Certain woven blockout material and certain woven blackout material (collectively, blockout and backlit fabric) which Global Textile imports is not within the scope of the AD order on artist canvas from China because no priming or coating (*i.e.,* gesso) is applied to the blockout and backlit fabric in order to promote the adherence of artist materials, such as paint or ink, to the fabric, a defining characteristic of the artist canvas subject to the scope of order; January 21, 2020.

A–570–010 and C–570–011: Crystalline Silicon Photovoltaic Products From China

*Requestor:* SunSpark Technology Inc. Commerce found that solar panels and cells that are manufactured in Vietnam from unprocessed wafers imported from China are not covered by the scope of the AD and CVD orders on solar products from China because the scope only covers photovoltaic panels and modules that are assembled in China from non-Chinese solar cells. Using documentation submitted to the record, importer SunSpark demonstrated that the merchandise in question was assembled in Vietnam; January 23, 2020.

A–570–890: Wooden Bedroom Furniture From China

*Requestor:* Zinus Inc. USA, Zinus (Xiamen) Inc., and Zinus (Zhangzhou) Inc. Seven upholstered platform beds are not covered by the scope of the AD order on wooden bedroom furniture from China because they meet the scope exclusion for ''completely upholstered'' beds; January 27, 2020.

A–570–084, C–570–085: Quartz Surface Products From China

*Requestor:* Deyuan Panmin International Limited and Xiamen Deyuan Panmin Trading Co., Ltd. (collectively, Panmin); Based on the plain language of the scope of the orders and in accordance with 19 CFR 351.225(k)(1), Panmin's three ''ZZ'' series glass products for which it requested an exclusion (*i.e.,* ZZ3003, ZZ7119, and ZZ7027) are within the scope of the AD and CVD orders on quartz surface products from China; February 20, 2020.

A–570–073 and C–570–074: Common Alloy Aluminum Sheet From China

*Requestor:* K2W Precision Inc. Not clad aluminum sheet manufactured from 6061 alloy aluminum is not covered by the scope of AD and CVD orders on common alloy aluminum sheet from China because the scope only covers not clad aluminum sheet that is manufactured from a 1XXX, 3XXX, or 5XXX series alloy. The scope does not reference not clad aluminum sheet manufactured from a 6XXX-series alloy; March 20, 2020.

A–570–932: Certain Steel Threaded Rod From China

*Requester:* All-Pro Fasteners, Inc. ASTM A449 hot-dipped galvanized all-threaded rods and studs are not covered by the scope of the AD order on certain steel threaded rod from China because they are heat treated/through-hardened, consistent with ASTM A449, and include a ''A449'' marking on the head; March 27, 2020 (Preliminary Ruling)

Thailand

A–549–502: Circular Welded Carbon Steel Pipes and Tubes From Thailand

*Requestor:* Self-Initiated. Commerce preliminarily found that line pipe is not covered by the scope of the AD order on circular welded carbon steel pipes and tubes from Thailand because the petitioner withdrew the petition with respect to line pipe during the underlying investigation and the ITC's injury investigation did not include line pipe. However, products that are dual-stenciled as standard and line pipe are covered by the order; February 24, 2020.

*Anti-Circumvention Determinations Made January 1, 2020 Through March 31, 2020*

China

A–570–900: Diamond Sawblades and Parts Thereof From China

*Requestor:* Diamond Sawblades Manufacturers' Coalition; diamond sawblades made with Chinese cores and Chinese segments in Canada by Protech Diamond Tools Inc. and exported from Canada to the United States are within the scope of the order; February 20, 2020.

A–570–028—Hydrofluorocarbon Blends From China

*Anti-circumvention Inquiry:* Imports of unfinished blends of hydrofluorocarbon (HFC) components R–32 and R–125 from China are circumventing the AD order on HFC blends from China; March 18, 2020.

**Notification to Interested Parties**

Interested parties are invited to comment on the completeness of this list of completed scope inquiries and anti-circumvention determinations made during the period January 1, 2020 through March 31, 2020. Any comments should be submitted to the Deputy Assistant Secretary for AD/CVD Operations, Enforcement and Compliance, International Trade Administration, 1401 Constitution Avenue NW, APO/Dockets Unit, Room 18022, Washington, DC 20230.

This notice is published in accordance with 19 CFR 351.225(o).

Dated: June 3, 2020.

**James Maeder,**

*Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.*

[FR Doc. 2020–12425 Filed 6–8–20; 8:45 am]

**BILLING CODE 3510–DS–P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

**[A–489–833]**

## Large Diameter Welded Pipe From the Republic of Turkey: Notice of Court Decision Not in Harmony With Amended Final Determination in the Less-Than-Fair-Value Investigation; Notice of Amended Final Determination Pursuant to Court Decision; and Notice of Revocation of Antidumping Duty Order, in Part

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

**SUMMARY:** On May 22, 2020, the United States Court of International Trade (CIT) sustained the Department of Commerce's (Commerce's) remand redetermination pertaining to the less-than-fair-value (LTFV) investigation of large diameter welded pipe (LDWP) from the Republic of Turkey (Turkey). Commerce is notifying the public that the CIT's final judgment in this litigation is not in harmony with

Commerce's amended final determination and order in the LTFV investigation of LDWP from Turkey. Pursuant to the CIT's final judgment, Commerce is amending the estimated weighted-average dumping margins for Borusan Mannesman Boru Sanayi ve Ticaret A.S. (Borusan) and all other producers and exporters of subject merchandise, and Borusan is being excluded from the order.

**DATES:** Applicable June 1, 2020.

**FOR FURTHER INFORMATION CONTACT:** William Miller, AD/CVD Operations, Office II, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–3906.

**SUPPLEMENTARY INFORMATION:**

## Background

The litigation in *Borusan Mannesman Boru Sanayi ve Ticaret A.S.* v. *United States* [1] relates to Commerce's *Final Determination* [2] in the LTFV investigation covering LDWP from Turkey. In the underlying LTFV investigation, Commerce made an affirmative final determination that imports of LDWP from Turkey (including imports from Borusan) were being, or were likely to be, sold for LTFV. Commerce granted mandatory respondent Borusan a post-sale price adjustment for certain home market sales; however, Commerce recalculated the amount of that adjustment based on an agreement that predated the filing of the petition.[3] Additionally, Commerce based the date of sale for Borusan's U.S. sales on the earlier of shipment or invoice date because, although Borusan claimed the purchase order date was the appropriate date of sale, Borusan's purchase orders were subject to multiple revisions and Borusan was unable to explain when no further changes were permitted (*i.e.,* when the material terms of its sales were final).[4] Commerce also found that a particular market situation (PMS) existed in Turkey that distorted the costs of hot-rolled coil used to produce LDWP, and as a result, Commerce adjusted Borusan's cost of production for the purposes of the sales-below-cost test.[5]

Borusan appealed Commerce's final determination to the CIT, and on January 7, 2020, the CIT remanded to Commerce to:

(1) Allow a post-sale price adjustment for the amount for which Borusan established it was liable and actually paid, unless Commerce had additional evidence that shows an improper allocation for the claimed adjustment;[6]

(2) determine whether the regulatory presumption in favor of invoice date governs, and if the material terms of the sale were essentially fixed before invoice date;[7] and

(3) not adjust the reported production costs based on a PMS for the purposes of the sales-below-cost test.[8]

On March 9, 2020, Commerce issued the Final Results of Redetermination in accordance with the CIT's remand order, under respectful protest.[9] On remand, Commerce granted Borusan the full amount of the post-sale price adjustment as reported in its home market sales data which resulted in a *de minimis* estimated weighted-average dumping margin for Borusan.[10] Therefore, because Borusan's estimated weighted-average dumping margin would only be further reduced were Commerce to adjust its calculations for the remaining issues remanded (*i.e.,* U.S. date of sale and PMS adjustment), Commerce did not reach these issues for purposes of the Final Results of Redetermination.[11] On May 22, 2020, the CIT sustained the Final Results of Redetermination.[12]

## Timken Notice

In its decision in *Timken,*[13] as clarified by *Diamond Sawblades*, [14] the United States Court of Appeals for the Federal Circuit (Federal Circuit) held that, pursuant to section 516A of the Tariff Act of 1930, as amended (the Act), Commerce must publish a notice of court decision that is not ''in harmony'' with a Commerce determination and must suspend liquidation of entries pending a ''conclusive'' court decision.[15] The CIT's May 22, 2020, judgment sustaining Commerce's Final Results of Redetermination constitutes a final decision of the CIT that is not in harmony with Commerce's *Amended Final Determination and Order.* Thus, this notice is published in fulfillment of the publication requirements of *Timken* and section 516A of the Act.

## Amended Final Determination

Because there is now a final court decision, Commerce is amending its *Amended Final Determination and Order* with respect to the estimated weighted-average dumping margins for Borusan and the companies covered by the all-others rate. The revised estimated weighted-average dumping margins for these entities are as follows:

| Company | Estimated weighted-average dumping margin (percent) | Cash deposit (adjusted for subsidy offset(s)) (percent) [16] |
|---|---|---|
| Borusan Mannesmann Boru Sanayi ve Ticaret A.S. | 0.78 | N/A |
| HDM Celik Boru Sanayi ve Ticaret A.S. | 2.57 | 1.57 |
| All Others [17] | 2.57 | 1.57 |

[1] *See Borusan Mannesmann Boru Sanayi ve Ticaret A.S.* v. *United* States, 426 F. Supp. 3d 1395 (CIT 2020) (*Borusan*); and *Borusan Mannesmann Boru Sanayi ve Ticaret A.S.* v. *United* States, Consol. Court No. 19–00056, Slip Op. 20–71 (CIT May 22, 2020) (*Borusan II*).

[2] *See Large Diameter Welded Pipe from the Republic of Turkey: Final Determination of Sales at Less Than Fair Value,* 84 FR 6362 (February 27, 2019) (*Final Determination*), and accompanying Issues and Decision Memorandum (IDM), amended by *Large Diameter Welded Pipe from the Republic of Turkey: Amended Final Affirmative Antidumping Duty Determination and Antidumping Duty Order,* 84 FR 18799 (May 2, 2019) (*Amended Final Determination and Order*).

[3] *See Final Determination* IDM at Comment 3.

[4] *Id.* at Comment 2.

[5] *Id.* at Comment 1.

[6] *See Borusan,* 426 F. Supp. 3d at 1410, 1414–15.

[7] *Id.,* 426 F. Supp. 3d at 1403, 1414–15.

[8] *Id.,* 426 F. Supp. 3d at 1411–12, 14–1415.

[9] *See* ''Final Results of Redetermination Pursuant to Court Remand, Borusan Mannesmann Boru Sanayi ve Ticaret A.S. v. United States Court No. 19–00056, Slip Op. 20–4 (CIT 2020),'' dated March 9, 2020 (Final Results of Redetermination).

[10] *Id.*

[11] *Id.* at 2.

[12] *See Borusan II.*

[13] *See Timken Co.* v. *United States,* 893 F. 2d 337 (Fed. Cir. 1990) (*Timken*).

[14] *See Diamond Sawblades Mfrs. Coalition* v. *United States,* 626 F. 3d 1374 (Fed. Cir. 2010) (*Diamond Sawblades*).

[15] *See* sections 516A(c) and (e) of the Act.

### Amended Antidumping Duty Order

Pursuant to section 735(a)(4) of the Act, Commerce ''shall disregard any weighted average dumping margin that is *de minimis* as defined in section 733(b)(3) of the Act.'' [18] As a result of this amended final determination, in which Commerce has calculated an estimated weighted-average dumping margin for Borusan that is *de minimis,* Commerce is hereby excluding merchandise produced and exported by Borusan from the antidumping duty (AD) order.[19] If the CIT's ruling is not appealed, or if appealed and upheld, Commerce will direct U.S. Customs and Border Protection (CBP) to release any bonds or other security and refund cash deposits pertaining to any suspended entries from Borusan. This exclusion does not apply to any other companies.[20]

### Continued Suspension of Entries for Borusan

Pursuant to *Timken,* the suspension of liquidation must continue during the pendency of the appeals process. Thus, we will instruct CBP to suspend liquidation of all unliquidated entries from Borusan at a cash deposit rate of zero percent which are entered, or withdrawn from warehouse, for consumption after June 1, 2020, which is ten days after the CIT's final decision, in accordance with section 516A of the Act.[21] If the CIT's ruling is not appealed, or if appealed and upheld, Commerce will instruct CBP to terminate the suspension of liquidation and to liquidate entries produced and exported by Borusan without regard to antidumping duties. As a result of Borusan's exclusion from the AD order, Commerce will not initiate any new administrative reviews of the company's entries.[22]

### Liquidation of Suspended Entries for Borusan

At this time, Commerce remains enjoined by CIT order from liquidating entries that: (1) Were produced and exported by Borusan, and were entered, or withdrawn from warehouse, for consumption on or after August 27, 2018, up to and including February 22, 2019; and (2) were produced and/or exported by Borusan, and were entered, or withdrawn from warehouse, for consumption on or after April 19, 2019, up to and including April 30, 2020. These entries will remain enjoined pursuant to the terms of the injunction during the pendency of any appeals process.

### Notification to Interested Parties

This notice is issued and published in accordance with sections 516A(c)(1) and (e), and 777(i)(1) of the Act.

Dated: June 3, 2020.

**Jeffrey I. Kessler,**

*Assistant Secretary for Enforcement and Compliance.*

[FR Doc. 2020–12446 Filed 6–8–20; 8:45 am]

**BILLING CODE 3510–DS–P**

[16] *See Amended Final Determination and Order,* 84 FR at 18800.

[17] As explained in the Final Results of Redetermination, Commerce calculated a *de minimis* margin for Borusan. *See* Final Results of Redetermination at 11. Therefore, the only rate that is not zero, *de minimis,* or based entirely on facts otherwise available in the underlying LTFV investigation is the rate calculated for the other mandatory respondent, HDM Celik Boru Sanayi ve Ticaret A.S. (HDM). *See Amended Final Determination and Order,* 84 FR at 18800. Consequently, the rate calculated for HDM is also assigned as the estimated weighted-average dumping margin for all other producers and exporters, pursuant to section 735(c)(5)(A) of the Act.

[18] Section 733(b)(3) of the Act defines *de minimis* dumping margin as ''less than 2 percent *ad valorem* or the equivalent specific rate for the subject merchandise.''

[19] *See* Final Results of Redetermination at 11.

[20] *See supra,* n.2.

[21] *See, e.g., Drill Pipe from the People's Republic of China: Notice of Court Decision Not in Harmony with International Trade Commission's Injury Determination, Revocation of Antidumping and Countervailing Duty Orders Pursuant to Court Decision, and Discontinuation of Countervailing Duty Administrative Review,* 79 FR 78037, 78038 (December 29, 2014); *High Pressure Steel Cylinders From the People's Republic of China: Notice of Court Decision Not in Harmony With Final Determination in Less Than Fair Value Investigation, Notice of Amended Final Determination Pursuant to Court Decision, Notice of Revocation of Antidumping Duty Order in Part, and Discontinuation of Fifth Antidumping Duty Administrative Review,* 82 FR 46758, 46760 (October 6, 2017).

[22] Currently there are no ongoing administrative reviews of this order.

## DEPARTMENT OF COMMERCE

### International Trade Administration

**[A–428–846]**

## Refillable Stainless Steel Kegs From the Federal Republic of Germany: Final Results of Changed Circumstances Review and Revocation of Antidumping Duty Order

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

**SUMMARY:** For the final results of this changed circumstances review (CCR), the Department of Commerce (Commerce) is revoking, in whole, the antidumping duty (AD) order on refillable stainless steel kegs (kegs) from the Federal Republic of Germany (Germany) based upon a request from American Keg Company (the petitioner).

**DATES:** Applicable June 9, 2020.

**FOR FURTHER INFORMATION CONTACT:** Allison Hollander, AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–2805.

**SUPPLEMENTARY INFORMATION:**

### Background

On December 16, 2019, Commerce published the *AD Order.*[1] On January 30, 2020, the petitioner requested that Commerce conduct an expedited CCR for this *AD Order,* pursuant to section 751(b) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.216 (b). The petitioner expressed a lack of interest in the continuation of this *AD Order* and requested the revocation of the *AD Order.* In its request, the petitioner addressed the conditions under which Commerce may revoke an order in whole or in part pursuant to 19 CFR 351.222(g). Commerce published the initiation and preliminary results of this CCR on May 11, 2020.[2] On May 26, 2020, we received comments from the petitioner.[3]

### Scope of the AD Order

The merchandise covered by the order are kegs, vessels, or containers with bodies that are approximately cylindrical in shape, made from stainless steel (*i.e.,* steel containing at least 10.5 percent chromium by weight and less than 1.2 percent carbon by weight, with or without other elements), and that are compatible with a ''D Sankey'' extractor (refillable stainless steel kegs) with a nominal liquid volume capacity of 10 liters or more, regardless of the type of finish, gauge, thickness, or grade of stainless steel, and whether or not covered by or encased in other materials. Refillable stainless steel kegs may be imported assembled or unassembled, with or without all components (including spears, couplers or taps, necks, collars, and valves), and be filled or unfilled.

[1] *See Refillable Stainless Steel Kegs from the Federal Republic of Germany and the People's Republic of China: Antidumping Duty Orders,* 84 FR 68405 (December 16, 2019) (*AD Order*).

[2] *See Refillable Stainless Steel Kegs from the Federal Republic of Germany: Initiation and Preliminary Results of Changed Circumstances Review and Intent to Revoke Order,* 85 FR 27717 (May 11, 2020) (*Preliminary Results*).

[3] *See* Petitioner's Letter, ''Refillable Stainless Steel Kegs from the Federal Republic of Germany: Comments on Initiation and Preliminary Results of Changed Circumstances Review,'' dated May 26, 2020 (Petitioner Comments).

''Unassembled'' or ''unfinished'' refillable stainless steel kegs include drawn stainless steel cylinders that have been welded to form the body of the keg and attached to an upper (top) chime and/or lower (bottom) chime. Unassembled refillable stainless steel kegs may or may not be welded to a neck, may or may not have a valve assembly attached, and may be otherwise complete except for testing, certification, and/or marking.

Subject merchandise also includes refillable stainless steel kegs that have been further processed in a third country, including but not limited to, attachment of necks, collars, spears or valves, heat treatment, pickling, passivation, painting, testing, certification or any other processing that would not otherwise remove the merchandise from the scope of the order if performed in the country of manufacture of the in-scope refillable stainless steel keg.

Specifically excluded are the following: (1) Vessels or containers that are not approximately cylindrical in nature (*e.g.,* box, ''hopper'' or ''cone'' shaped vessels); (2) stainless steel kegs, vessels, or containers that have either a ''ball lock'' valve system or a ''pin lock'' valve system (commonly known as ''Cornelius,'' ''corny'' or ''ball lock'' kegs); (3) necks, spears, couplers or taps, collars, and valves that are not imported with the subject merchandise; and (4) stainless steel kegs that are filled with beer, wine, or other liquid and that are designated by the Commissioner of Customs as Instruments of International Traffic within the meaning of section 332(a) of the Act.

The merchandise covered by the order are currently classified in the Harmonized Tariff Schedule of the United States (HTSUS) under subheadings 7310.10.0010, 7310.10.0050, 7310.29.0025, and 7310.29.0050.

These HTSUS subheadings are provided for convenience and customs purposes; the written description of the scope of the order is dispositive.

## Final Results of Changed Circumstances Review, and Revocation of the Order

Section 751(d)(1) of the Act and 19 CFR 351.222(g)(1)(i) provide that Commerce may revoke an order (in whole or in part) if it determines that producers accounting for substantially all of the production of the domestic like product have no further interest in the order, in whole or in part.[4] Further, 19 CFR 351.222(g)(2) provides that Commerce will conduct a CCR under 19 CFR 351.216, and may revoke an order, in whole or in part, if it determines that revocation is warranted.

Both the Act and Commerce's regulations require that ''substantially all'' domestic producers express a lack of interest in the *AD Order* for Commerce to revoke the *AD Order*.[5] Commerce has interpreted ''substantially all'' to represent producers accounting for at least 85 percent of U.S. production of the domestic like product.[6] In the *Preliminary Results,* Commerce stated that the petitioner's request indicated that it is the sole producer of the domestic like product.[7] We received no comments concerning the petitioner's claim regarding its production or otherwise indicating a lack of industry support with respect to this CCR.

As noted in the *Preliminary Results,* the petitioner requested the revocation of this *AD Order* because it is no longer interested in maintaining the *AD Order*.[8] Its lack of interest in maintaining the *AD Order* is a function of its announcement on January 15, 2020 that the German producer and sole respondent in the underlying investigation, Blefa Kegs, Inc. (Blefa), acquired a major stake in the American Keg Company. The petitioner stated that as part of this investment, Blefa committed substantial resources to expanding the petitioner's domestic operations by tripling production within three years, which it claims will allow the petitioner to at least double its domestic employment during that time. As a result of this change in ownership, because the petitioner is the only American manufacturer of the domestic merchandise at issue, it claims that the total amount of American production will increase and the commercial situation of the American Keg Company will improve.

In the *Preliminary Results,* we preliminarily concluded that producers accounting for substantially all of the production of the domestic like product, to which this *AD Order* pertains, lack interest in the relief provided by the *AD Order.* We also found that the petitioner's affirmative statement of no interest in the *AD Order,* coupled with the circumstances described above, constituted good cause for the conduct of this review.

On May 26, 2020, Commerce received comments from the petitioner stating its agreement with the outcome proposed in the *Preliminary Results*.[9] Commerce did not receive any other comments on the *Preliminary Results.*

Accordingly, we are notifying the public that we are revoking the *AD Order,* in whole. The revocation will be effective on the date of publication of this notice.

## Termination of Suspension of Liquidation

Because we determine that there are changed circumstances that warrant the revocation of the *AD Order,* in whole, for reasons explained in the *Preliminary Results,* we will instruct CBP to discontinue the suspension of liquidation and the collection of cash deposits of estimated antidumping duties, to liquidate all unliquidated entries that were entered on or after December 13, 2019, without regard to antidumping duties, and to refund all AD cash deposits on all such merchandise, with applicable interest.[10]

## Notification to Interested Parties

This notice serves as a reminder to parties subject to an administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a sanctionable violation.

We are issuing and publishing these final results and revocation, in whole, and notice in accordance with sections 751(b) and 777(i) of the Act and 19 CFR 351.216, 19 CFR 351.221(c)(3), and 19 CFR 351.222.

Dated: June 3, 2020.

**Jeffrey I. Kessler,**

*Assistant Secretary for Enforcement and Compliance.*

[FR Doc. 2020–12445 Filed 6–8–20; 8:45 am]

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[4] *See* section 782(h) of the Act.

[5] *See* section 782(h) of the Act and 19 CFR 351.222(g).

[6] *See, e.g., Certain Cased Pencils from the People's Republic of China: Initiation and Preliminary Results of Antidumping Duty Changed Circumstances Review, and Intent to Revoke Order in Part,* 77 FR 42276 (July 18, 2012), unchanged in *Certain Cased Pencils from the People's Republic of China: Final Results of Antidumping Duty Changed Circumstances Review, and Determination To Revoke Order, in Part,* 77 FR 53176 (August 31, 2012).

[7] *See Preliminary Results,* 85 FR 27717.

[8] *Id.*

[9] *See* Petitioner Comments.

[10] *See Preliminary Results,* 85 FR at 27718.

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**[RTID 0648–XA189]**

### Fisheries of the 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 a public meeting.

**SUMMARY:** The SEDAR 65 assessment of the Atlantic stock of blacktip shark will consist of a series of workshops and webinars: Data Workshop; Assessment Webinars; and a Review workshop.

**DATES:** The SEDAR 65 Assessment Webinar V for Highly Migratory Species Atlantic Blacktip Shark has been scheduled for June 24, 2020, from 1 p.m. to 4 p.m., EDT.

*Meeting address:* The meeting will be held via webinar. The webinar is open to members of the public. Registration is available online at: *https://attendee.gotowebinar.com/register/8159202418211356942.*

*SEDAR address:* South Atlantic Fishery Management Council, 4055 Faber Place Drive, Suite 201, N. Charleston, SC 29405; *www.sedarweb.org.*

**FOR FURTHER INFORMATION CONTACT:** Kathleen Howington, SEDAR Coordinator, 4055 Faber Place Drive, Suite 201, North Charleston, SC 29405; phone: (843) 571–4366; email: *Kathleen.Howington@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 three-step process including: (1) Data Workshop; (2) Assessment Process utilizing webinars; and (3) Review Workshop. The product of the Data Workshop is a data report which compiles and evaluates potential datasets and recommends which datasets are appropriate for assessment analyses. The product of the Assessment Process is a stock assessment report which describes the fisheries, evaluates the status of the stock, estimates biological benchmarks, projects future population conditions, and recommends research and monitoring needs. The assessment is independently peer reviewed at the Review Workshop. The product of the Review Workshop is a Summary, documenting panel opinions regarding the strengths and weaknesses of the stock assessment and input data. Participants for SEDAR Workshops are appointed by the Gulf of Mexico, South Atlantic, and Caribbean Fishery Management Councils and NOAA Fisheries Southeast Regional Office, Highly Migratory Species 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 non-governmental organizations (NGOs); international experts; and staff of Councils, Commissions, and state and Federal agencies.

The items of discussion at the Assessment Webinar V are as follows:

- Review any changes to the model indicated by the sensitivity analyses and diagnostics. Review the finalized reference case model run(s). Introduce and discuss projection methodology.

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

This meeting is accessible to people with disabilities. Requests for auxiliary aids should be directed to the South Atlantic Fishery Management Council office (see **ADDRESSES**) at least 5 business 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: June 4, 2020.

**Tracey L. Thompson,**

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

[FR Doc. 2020–12451 Filed 6–8–20; 8:45 am]

**BILLING CODE 3510–22–P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**[RTID 0648–XA219]**

### Marine Mammals; File No. 23922

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

**ACTION:** Notice; receipt of application.

**SUMMARY:** Notice is hereby given that the University of California, 35 Medical Center way, San Francisco, CA 94131 (Responsible Party: Alexander Pollen, Ph.D.), has applied in due form for a permit to receive, import, and export marine mammal parts for scientific research.

**DATES:** Written, telefaxed, or email comments must be received on or before July 9, 2020.

**ADDRESSES:** The application and related documents are available for review by selecting ''Records Open for Public Comment'' from the ''Features'' box on the Applications and Permits for Protected Species (APPS) home page, *https://apps.nmfs.noaa.gov,* and then selecting File No. 23922 from the list of available applications. These documents are also available upon written request via email to *NMFS.Pr1Comments@noaa.gov.*

Written comments on this application should be submitted via email to *NMFS.Pr1Comments@noaa.gov.* Please include File No. 23922 in the subject line of the email comment. Alternatively, comments may be submitted by mail to the Chief, Permits and Conservation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301) 427–8401 or by facsimile to (301) 713–0376.

Those individuals requesting a public hearing should submit a written request via email to *NMFS.Pr1Comments@noaa.gov* or to the Chief, Permits and Conservation Division at the address listed above. The request should set forth the specific reasons why a hearing on this application would be appropriate.

**FOR FURTHER INFORMATION CONTACT:** Shasta McClenahan or Jennifer Skidmore, (301) 427–8401.

**SUPPLEMENTARY INFORMATION:** The subject permit is requested under the authority of the Marine Mammal Protection Act of 1972, as amended (MMPA; 16 U.S.C. 1361 *et seq.*), the regulations governing the taking and importing of marine mammals (50 CFR

part 216), the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR parts 222–226), and the Fur Seal Act of 1966, as amended (16 U.S.C. 1151 *et seq.*).

The applicant proposes to receive, import, and export marine mammal parts for scientific research to develop cell lines that will be used to study cetacean development for evolutionary neuroscience and toxicology studies. An unlimited number of samples or cell lines from up to 480 individual cetaceans may be received, imported, or exported annually. An additional 50 established cetacean cell lines may be acquired under this permit. The requested duration of the permit is 5 years.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), an initial determination has been made that the activity proposed is categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

Concurrent with the publication of this notice in the **Federal Register**, NMFS is forwarding copies of the application to the Marine Mammal Commission and its Committee of Scientific Advisors.

**Julia Marie Harrison,**

*Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service.*

[FR Doc. 2020–12403 Filed 6–8–20; 8:45 am]

**BILLING CODE 3510–22–P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**[RTID 0648–XA215]**

### Taking and Importing Marine Mammals; Taking Marine Mammals Incidental to U.S. Navy Construction at Naval Station Norfolk in Norfolk, Virginia

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

**ACTION:** Notice; receipt of application for letter of authorization; request for comments and information.

**SUMMARY:** NMFS has received a request from the U.S. Navy (Navy) for authorization to take small numbers of marine mammals incidental to construction activities including marine structure maintenance, pile replacement, and select waterfront improvements at Naval Station Norfolk over the course of five years from the date of issuance. Pursuant to regulations implementing the Marine Mammal Protection Act (MMPA), NMFS is announcing receipt of the Navy's request for the development and implementation of regulations governing the incidental taking of marine mammals. NMFS invites the public to provide information, suggestions, and comments on the Navy's application and request.

**DATES:** Comments and information must be received no later than July 9, 2020.

**ADDRESSES:** Comments on the application 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.Davis@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/national/marine-mammal-protection/incidental-take-authorizations-construction-activities* 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:** Leah Davis, Office of Protected Resources, NMFS, (301) 427–8401. An electronic copy of the Navy's application may be obtained online at: *https://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-take-authorizations-construction-activities.* In case of problems accessing these documents, please call the contact listed above.

**SUPPLEMENTARY INFORMATION:**

#### Background

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 authorization is provided to the public for review.

An incidental take authorization shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s), will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses (where relevant), and if the permissible methods of taking and requirements pertaining to the mitigation, monitoring and reporting of such takings are set forth.

NMFS has defined ''negligible impact'' in 50 CFR 216.103 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.

The MMPA states that the term ''take'' means to harass, hunt, capture, kill or attempt to harass, hunt, capture, or kill any marine mammal.

Except with respect to certain activities not pertinent here, 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).

#### Summary of Request

In February 2020, NMFS received an application from the Navy requesting authorization for take of marine mammals incidental to construction activities including marine structure maintenance, pile replacement, and select waterfront improvements at Naval Station Norfolk. NMFS reviewed the Navy's application, and the Navy provided an updated version addressing NMFS' questions and comments on May 22, 2020. The requested regulations would be valid for five years, from 2021 through 2025. The Navy plans to conduct necessary work, including impact and vibratory pile driving, to repair and upgrade waterfront structures. The proposed action may incidentally expose marine mammals occurring in the vicinity to elevated levels of underwater sound, potentially resulting in incidental take, by harassment only. Therefore, the Navy requests authorization to incidentally take marine mammals.

**Specified Activities**

The Navy is proposing to upgrade two waterfront facilities on Naval Station Norfolk: the Morale, Welfare, and Recreation (MWR) Marina and the V-Area. The Navy is also proposing to conduct general marine structure maintenance, pile replacement, and upgrade activities, as needed, at waterfront facilities at Naval Station Norfolk, Defense Fuel Supply Point Craney Island, and Lambert's Point Deperming Station. The Navy expects construction will require approximately 574 in-water workdays over the five-year period. Five species of marine mammals have been observed in the area and have the potential to be taken by the Navy's activities.

**Information Solicited**

Interested persons may submit information, suggestions, and comments concerning the Navy's request (see **ADDRESSES**). NMFS will consider all information, suggestions, and comments related to the request during the development of proposed regulations governing the incidental taking of marine mammals by the Navy, if appropriate.

Dated: June 4, 2020.

**Donna Wieting,**

*Director, Office of Protected Resources, National Marine Fisheries Service.*

[FR Doc. 2020–12466 Filed 6–8–20; 8:45 am]

**BILLING CODE 3510–22–P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**[RTID 0648–XA160]**

### Taking and Importing Marine Mammals; Taking Marine Mammals Incidental to Lighthouse Repair and Tour Operations at Northwest Seal Rock, California

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

**ACTION:** Notice; receipt of application for Letter of Authorization; request for comments and information.

**SUMMARY:** NMFS has received a request from the St. George Reef Lighthouse Preservation Society (Society) for authorization to take small numbers of marine mammals incidental to Lighthouse Repair and Tour Operations at Northwest Seal Rock, California over the course of five years from the date of issuance. Pursuant to regulations implementing the Marine Mammal Protection Act (MMPA), NMFS is announcing receipt of the Society's request for the development and implementation of regulations governing the incidental taking of marine mammals. NMFS invites the public to provide information, suggestions, and comments on the Society's application and request.

**DATES:** Comments and information must be received no later than July 9, 2020.

**ADDRESSES:** Comments on the applications 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.DeJoseph@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. Comments received electronically, including all attachments, must not exceed a 25-megabyte file size. Attachments to electronic comments will be accepted in Microsoft Word or Excel or Adobe PDF file formats only. All comments received are a part of the public record and will generally be posted online at *https://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-take-authorizations-research-and-other-activities* 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:** Bonnie DeJoseph, Office of Protected Resources, NMFS, (301) 427–8401. An electronic copy of the Society's application may be obtained online at: *https://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-take-authorizations-research-and-other-activities.* In case of problems accessing these documents, please call the contact listed above.

**SUPPLEMENTARY INFORMATION:**

**Background**

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 authorization is provided to the public for review.

An incidental take authorization shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s), will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses (where relevant), and if the permissible methods of taking and requirements pertaining to the mitigation, monitoring and reporting of such takings are set forth.

NMFS has defined ''negligible impact'' in 50 CFR 216.103 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.

The MMPA states that the term ''take'' means to harass, hunt, capture, kill or attempt to harass, hunt, capture, or kill any marine mammal.

Except with respect to certain activities not pertinent here, 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).

**Summary of Request**

On March 23, 2020, NMFS received a request from the Society for authorization of take of marine mammals incidental to construction activities related to the lighthouse maintenance and preservation project at Northwest Seal Rock (NWSR), Del Norte County, California. We determined the application was adequate and complete on April 16, 2020. The requested regulations would be valid for five years, from November 1, 2020 through October 31, 2025, The Society plans to conduct necessary work, including visiting the islet by helicopter to conduct lighthouse renovations and periodic maintenance on the Station's optical light system, as well as public tours of the historic lighthouse, to preserve the lighthouse. The proposed action may incidentally expose marine mammals occurring in the vicinity to acoustic and visual stimuli from the following sources: (1) Helicopter landings/takeoffs; (2) noise generated during restoration activities (*e.g.,*

painting, plastering, welding, and glazing); (3) maintenance activities (*e.g.,* bulb replacement and automation of the light system); and (4) human presence, thereby resulting in behavioral disturbance of pinnipeds. Therefore, the Society requests authorization to incidentally take marine mammals by harassment.

To date, NMFS has previously issued nine incidental harassment authorizations (IHAs) to the Society to take marine mammals incidental to the lighthouse maintenance and preservation project at NWSR, Del Norte County, California for the same activities from 2010 to 2019. Previous IHAs, monitoring reports, and related reference materials are available for review at *https://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-take-authorizations-research-and-other-activities*).

**Specified Activities**

The Station, listed in the National Park Service's National Register of Historic Places, is located on NWSR approximately 7 km offshore of Crescent City, California in the northeast Pacific Ocean. The Station, built in 1892, rises 45.7 meters (m) (150 feet (ft)) above sea level. The structure consists of hundreds of granite blocks topped with a cast iron lantern room and covers much of the surface of the islet. The purpose of the project is to restore the lighthouse, to conduct tours, and to conduct annual and emergency maintenance on the Station's optical light system.

The Society proposes to conduct aircraft operations, lighthouse renovation, and periodic maintenance on the Station's optical light system on a monthly basis. The Society's activity will occur on one weekend per month, November through April. California sea lions (*Zalophus californianus*), harbor seals (*Phoca vitulina*), Steller sea lions (*Eumetopias jubatus*) of the eastern U.S. Stock, and northern fur seals (*Callorhinus ursinus*) have been observed in the area.

**Information Solicited**

Interested persons may submit information, suggestions, and comments concerning the Society's request (see **ADDRESSES**). NMFS will consider all information, suggestions, and comments related to the request during the development of proposed regulations governing the incidental taking of marine mammals by the Society, if appropriate.

Dated: June 2, 2020.

**Donna Wieting**

*Director, Office of Protected Resources, National Marine Fisheries Service.*

[FR Doc. 2020–12400 Filed 6–8–20; 8:45 am]

**BILLING CODE 3510–22–P**

## DEPARTMENT OF COMMERCE

## National Oceanic and Atmospheric Administration

**[RTID 0648–XA224]**

## Caribbean Fishery Management Council; Public Meeting

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

**ACTION:** Notice of public meeting.

**SUMMARY:** The Caribbean Fishery Management Council (CFMC) will hold the 169th public virtual meeting to address the items contained in the tentative agenda included in the **SUPPLEMENTARY INFORMATION**.

**DATES:** The 169th CFMC public virtual meeting will be held on June 23–24, 2020. The meeting will be at Eastern Daylight Time.

**ADDRESSES:** You may join the 169th CFMC public virtual meeting (via GoToMeeting) from a computer, tablet or smartphone by entering the following address:

**CFMC Virtual Meeting, June 23, 2020**

*Tuesday, June 23, 2020, 9 a.m.–4:30 p.m. (GMT–04:00)*

Please join the meeting from your computer, tablet or smartphone. *https://global.gotomeeting.com/join/612318693*. You can also dial in using your phone: United States: +1 (872) 240–3212, Access Code: 612–318–693. Get the app now and be ready when the meeting starts: *https://global.gotomeeting.com/install/612318693*.

**CFMC Virtual Meeting, June 24, 2020**

*Wednesday, June 24, 2020, 9 a.m.–3:30 p.m. (GMT–04:00)*

Please join the meeting from your computer, tablet or smartphone. *https://global.gotomeeting.com/join/511547685*. Get the app now and be ready when the meeting starts: *https://global.gotomeeting.com/install/511547685*.

**Closed Session (Only for Council Members)**

*Tuesday, June 23, 2020, 4:45 p.m.–5:30 p.m. (GMT–04:00)*

Please join the meeting from your computer, tablet or smartphone. *https://global.gotomeeting.com/join/736098021*. This closed session webinar is locked with a password, only for Council members. You can also dial in using your phone: United States: +1 (786) 535–3211, Access Code: 736–098–021. Get the app now and be ready when the meeting starts: *https://global.gotomeeting.com/install/736098021*.

**FOR FURTHER INFORMATION CONTACT:** Miguel Rolón, Executive Director, Caribbean Fishery Management Council, 270 Muñoz Rivera Avenue, Suite 401, San Juan, Puerto Rico 00918–1903, telephone: (787) 398–3717.

**SUPPLEMENTARY INFORMATION:** The following items included in the tentative agenda will be discussed:

*June 23, 2020, 9 a.m.–11 a.m.*

—Call to Order
—Roll Call
—Adoption of Agenda
—Consideration of 168th Council Meeting Verbatim Transcriptions
—Message from the Secretary of Puerto Rico Department of Natural and Environmental Resources (DNER)—Rafael A. Machargo Maldonado
—Executive Director's Report

*11 a.m.–11:10 a.m.*

—Break

*11:10 a.m.–12 p.m.*

—Scientific and Statistical Committee (SSC) Report, Includes Use of Landing Projections and other Data for Stock Assessment and Determination of Management Parameters—Richard Appeldoorn

*12 p.m.–1 p.m.*

—Lunch Break

*1 p.m.–1:30 p.m.*

—Ecosystem-Based Fishery Management Technical Advisory Panel (EBFMTAP) Report—Bill Arnold

*1:30 p.m.–2:30 p.m.*

—Southeast Fisheries Science Center (SEFSC) Updated Projections for Spiny Lobster for Each Island Platform
—Overview of SEDAR 57 Caribbean Spiny Lobster Stock Assessment—Adyan Rios

*2:30 p.m.–3:15 p.m.*

—District Advisory Panels (DAPs) Report, Includes COVID–19 Impact on Local Fisheries (15 minutes each)
—St. Thomas/St. John
—St. Croix
—Puerto Rico

*4 p.m.–4:30 p.m.*

—Public Comment Period (5-minute presentations)

*4:30 p.m.*

—Adjourn

*4:45 p.m.–5:15 p.m.*

—Closed Session

*June 24, 2020, 9 a.m.–9:30 a.m.*

—Island-Based Fishery Management Plans (FMPs) Update—Maria del Mar López
—Outreach and Education Advisory Panel Report—Alida Ortiz

*9:30 a.m.–10 a.m.*

—Regulations Compatibility—Federal Territory USVI—Carlos Farchette
—Marine Recreational Information Program (MRIP) Update—Sarah Stephenson

*10 a.m.–10:10 a.m.*

—Break

*10:10 a.m.–10:40 a.m.*

—CFMC Mission and Strategic Plan Survey Update—Michelle Duval

*10:40 a.m.–11 a.m.*

—Queen Conch Aquaculture Project in Puerto Rico—Megan Davis

*11 a.m.–12 p.m.*

—Update on Queen Conch Listing under the Endangered Species Act (ESA)
—Spawning of Nassau Grouper at Grammanik Bank—Julian Magras

*12 p.m.–1 p.m.*

—Lunch Break

*1 p.m.–1:15 p.m.*

—Exempted Fishery Permit (EFP) and Letter of Allowance (LOA) Update—Sarah Stephenson

*1:15 p.m.–2:15 p.m.*

—Enforcement (15 minutes each)
—Puerto Rico—DNER
—USVI—Department of Planning and Natural Resources (DPNR)
—U.S. Coast Guard
—NMFS/NOAA

*2:15 p.m.–2:30 p.m.*

—SOPPs Possible Amendment

*2:30 p.m.–3 p.m.*

—Other Business

*3 p.m.–3:30 p.m.*

—Public Comment Period (5-minute presentations)

*3:30 p.m.*

—Adjourn

The order of business may be adjusted as necessary to accommodate the completion of agenda items. The meeting will begin on June 23, 2020, at 9 a.m. EDT, and will end on June 24, 2020, at 3:30 p.m. EDT. Other than the start time on the first date, interested parties should be aware that discussions may start earlier or later than indicated, at the discretion of the Chair.

**Special Accommodations**

Simultaneous interpretation will be provided. To receive interpretation in Spanish you can dial into the meeting as follows:

U.S./Canada: call +1–888–947–3988, when system answers, enter 1*999996#. Para interpretación en inglés marcar:
U.S./Canada: call +1–888–947–3988, cuando el sistema conteste, entrar el siguiente número 2*999996#.

For any additional information on this public virtual meeting, please contact Diana Martino, Caribbean Fishery Management Council, 270 Muñoz Rivera Avenue, Suite 401, San Juan, Puerto Rico, 00918–1903, telephone: (787) 226–8849.

Dated: June 4, 2020.

**Tracey L. Thompson,**

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

[FR Doc. 2020–12450 Filed 6–8–20; 8:45 am]

**BILLING CODE 3510–22–P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**[RTID 0648–XA214]**

### Fisheries of the South Atlantic; South Atlantic Fishery Management Council; Public Meetings

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

**ACTION:** Notice of a public meeting.

**SUMMARY:** The South Atlantic Fishery Management Council (Council) will hold a meeting of its Citizen Science Operations Committee via webinar.

**DATES:** The Citizen Science Operations Committee meeting will be held via webinar on Thursday, June 25, 2020, from 1 p.m. until 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 Julia Byrd (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. There will be an opportunity for public comment at the beginning of the meeting.

*Council address:* South Atlantic Fishery Management Council, 4055 Faber Place Drive, Suite 201, N. Charleston, SC 29405.

**FOR FURTHER INFORMATION CONTACT:** Julia Byrd, Citizen Science Program Manager, SAFMC; phone: (843) 302–8439 or toll free: (866) SAFMC–10; fax: (843) 769–4520; email: *julia.byrd@safmc.net.*

**SUPPLEMENTARY INFORMATION:** The Citizen Science Operations Committee serves as advisors to the Council's Citizen Science Program. Committee members include representatives from the Council's Citizen Science Advisory Panel, NOAA Fisheries' Southeast Regional Office, NOAA Fisheries' Southeast Fisheries Science Center, and the Council's Science and Statistical Committee. Their responsibilities include developing programmatic recommendations, reviewing policies, providing program direction/multi-partner support, identifying citizen science research needs, and providing general advice.

Agenda items include:

1. Discussion of the Citizen Science Program evaluation, including Program outputs and outcomes. The Committee will provide recommendations as appropriate;
2. Other Business

**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: June 4, 2020.

**Tracey L. Thompson,**

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

[FR Doc. 2020–12449 Filed 6–8–20; 8:45 am]

**BILLING CODE 3510–22–P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**[RTID 0648–XA180]**

### Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to Treasure Island Ferry Dock Project, San Francisco, California

**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 the City and County of San Francisco, CA (San Francisco) for authorization to take marine mammals incidental to the Treasure Island Ferry Dock Project in San Francisco, California. 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 July 9, 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. Comments received electronically, including all attachments, must not exceed a 25-megabyte file size. Attachments to electronic comments will be accepted in Microsoft Word or Excel or Adobe PDF file formats only. 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 IHA) with respect to potential impacts on the human environment.

This action is consistent with categories of activities identified in Categorical Exclusion B4 (IHAs 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 February 6, 2020, NMFS received an application from San Francisco requesting an IHA to take small numbers of seven species of marine mammals incidental to pile driving associated with the Treasure Island Ferry Dock Project. The application was deemed adequate and complete on May 13, 2020. San Francisco's request is for take of a small number of seven species of marine mammals by Level B harassment and Level A harassment. Neither San Francisco 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 a ferry terminal, breakwater, fireboat access pier, and removal of an old pier on Treasure Island in the middle of San Francisco Bay. San Francisco would install and then remove two temporary 36-inch-diameter steel piles for moorings and 186 temporary 14-inch by 89 foot steel H piles as templates. Final construction requires installation of nine 36-inch-diameter steel piles, five 48-inch-diameter steel piles, 52 24-inch octagonal concrete breakwater piles, and 120 14-inch by 89 foot steel H piles for the breakwater. Removing the old pier

requires removal of 198 12-inch diameter timber piles. Pile driving/removal is expected to take no more than 1,890 hours over 189 days. Pile driving would be by vibratory pile driving until resistance is too great and driving would switch to an impact hammer. Removal of temporary piles would use vibratory methods only.

The pile driving/removal can result in take of marine mammals from sound in the water which results in behavioral harassment or auditory injury.

*Dates and Duration*

The work described here is scheduled for June 8, 2020 through January 15, 2021. California Department of Fish and Wildlife (CDFW) regulates activities in San Francisco Bay with the potential to affect Pacific herring (*Clupea pallasi*) breeding, and special work windows have been established to avoid potential impacts to Pacific herring spawning activities. From November 30th through January 15, 2021, a biological monitor trained by CFDW to monitor Pacific herring must be present on site during pile installation. If a herring spawning event is observed, work will cease for a period of two weeks following the spawning event. The area must be surveyed by the biological monitor prior to resumption of work. This measure is anticipated to avoid impacts to marine mammal prey species within the project area. San Francisco has proposed the daily construction window for pile removal and 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 in the middle of San Francisco Bay on the western shoreline of Treasure Island just where the island ends and connects by a narrow road to the smaller Yerba Buena Island to the south (Figure 1). The San Francisco-Oakland Bay Bridge runs through a tunnel on Yerba Buena Island. There is a known harbor seal haulout location on Yerba Buena Island on the southern shoreline just east of the bridge. The project location is separated from the haulout by approximately 0.85 miles (1.4 km) of shoreline but there is no direct line of sight with the project. After November 30, when more seals may be present at the Yerba Buena haulout, only concrete piles or vibratory driving/extraction of steel piles will occur.

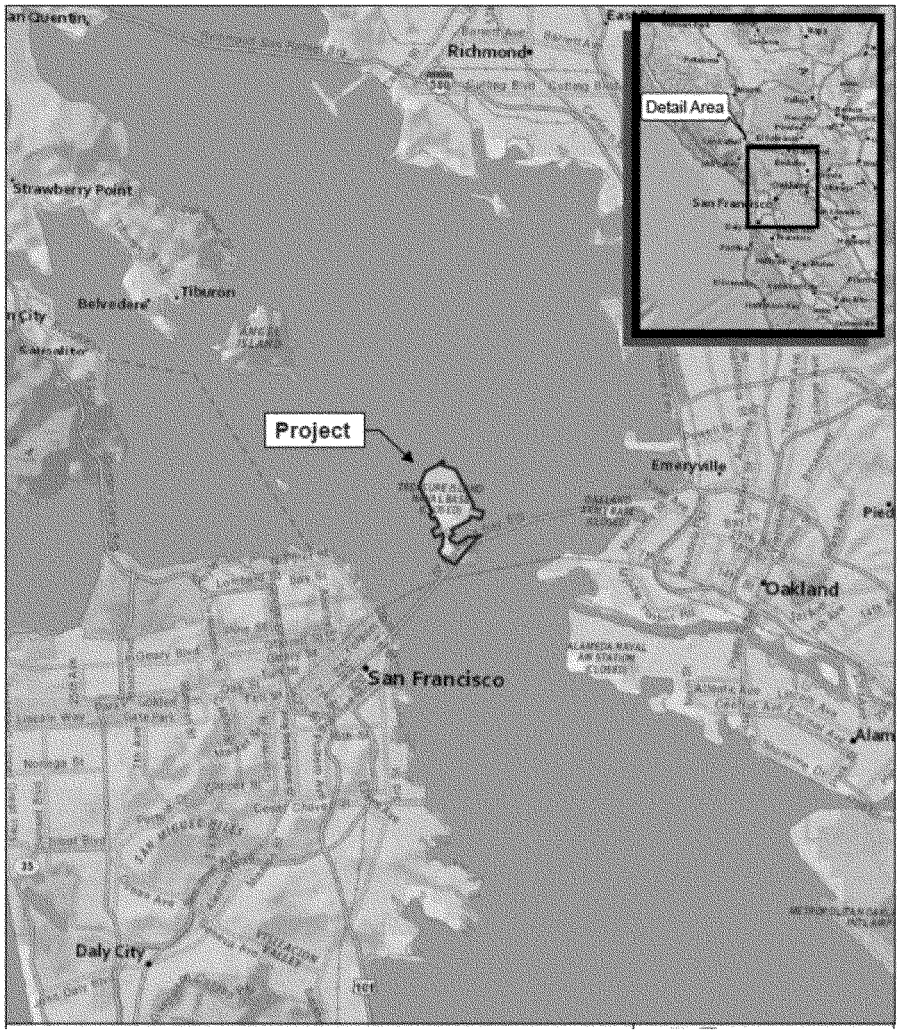


**Figure 1-- Map of Proposed Project Area in San Francisco, CA**

*Detailed Description of Specific Activity*

The proposed project includes an approximately 5,175-square-foot float with a temporary water taxi landing supported by 36-inch-diameter steel piles and an approximately 1,170-square-foot gangway; an approximately 2,400-square foot section of a pier with a canopy supported by 48-inch diameter steel piles (driven using a combination of vibratory and impact); a fireboat access platform with supporting utilities consisting of a 2,500 square foot pier supported by 48-inch diameter steel piles and 36-inch diameter steel piles; and a breakwater, approximately 820 feet long supported by 24-inch diameter concrete batter piles and 14-inch by 48-inch sheet piles north of the terminal with an approximately 2,400-square-foot rock revetment connecting the breakwater to the shoreline (see application Figure 2). The temporary water taxi landing is to allow smaller watercraft ferry dock landing access when the ferry service is limited to one ferryboat. The project will also remove an approximately 11,684-square-foot old pier, including 12-inch diameter timber piles and bents and an approximately 258-square-foot gangway. These timber piles will be pulled or vibrated out entirely unless broken; broken piles will be cut 3 feet below the mudline. A number of temporary 14-inch by 89-foot steel template h-piles will be driven using a vibratory hammer, as well as temporary 14-inch by 89-foot steel template batter piles (h-piles) will be driven using a vibratory hammer. Temporary 36-inch diameter steel mooring piles will be driven using a vibratory hammer, and 14-inch by 89-foot mooring batter piles (steel h-piles) will be driven using a vibratory hammer. Temporary piles will also be removed by vibratory hammer. A total of 784 piles will be driven or removed; see Table 1 for detailed summary of pile activities. The piles will be installed to an estimated depth of embedment of 50 to 90 feet below the bay bottom, to be confirmed by geotechnical investigation.

The pile driving equipment will be deployed and operated from barges, on water. Materials will be delivered on barges. Between 3 and 15 piles will be placed/removed daily (with the larger piles taking more time to install, and therefore fewer will be installed per day). Temporary piles will be placed to assist in the installation of the supporting piles for each structure. The temporary piles will be removed when the associated permanent piles are installed. Pile installation will be completed with the use of two to three cranes and hammers, at times operating simultaneously.

Work is proposed to occur on the following schedule:

- Ferry pier pile and North breakwater template H pile driving will occur on 27 days in June 2020.
- North breakwater sheet pile and template H pile driving will occur on 162 days from July 2020 to January 15, 2021.
- Old pier timber piles will be removed during the north breakwater pile driving from July 2020 to December 2020.

TABLE 1—SUMMARY OF PILE DRIVING ACTIVITIES

| Activity | Location | Piles | |
|---|---|---|---|
| | | Number (maximum) | Type |
| Install Piles for Ferry Pier (impact and/or vibratory) | Ferry Pier | 4 | 36-inch steel pipe (mooring piles)/vibratory. |
| | Ferry Pier | 2 | 48-inch steel pipe vibratory & impact. |
| | Ferry Pier | 2 | 36-inch steel pipe (fender piles)/vibratory. |
| Install Temporary Steel Template Piles (Vibratory) | Ferry Pier | 20 | 14-inch x 89-foot steel H-piles. |
| Remove Temporary Steel Template Piles (Vibratory) | Ferry Pier | 20 | 14-inch x 89-foot steel H-piles. |
| Install Octagonal for North Breakwater (impact) | North Breakwater | 52 | 24-inch octagonal concrete. |
| Install Sheetpiles for North Breakwater (impact) | North Breakwater | 120 | 14 x 48-inch concrete sheetpiles. |
| Install Temporary Steel Template Piles (Vibratory) | North Breakwater | 108 | 14-inch x 89-foot steel H-piles. |
| Remove Temporary Steel Template Piles (Vibratory) | North Breakwater | 108 | 14-inch x 89-foot steel H-piles. |
| Install Temporary Steel Template Batter Piles (Vibratory) | North Breakwater | 46 | 14-inch x 89-foot steel H-piles. |
| Remove Temporary Steel Template Batter Piles (Vibratory) | North Breakwater | 46 | 14-inch x 89-foot steel H-piles. |
| Install Temporary Mooring Piles (Vibratory) | Mooring | 2 | 36-inch steel pipe. |
| Remove Temporary Mooring Piles (Vibratory) | Mooring | 2 | 36-inch steel pipe. |
| Install Temporary Mooring Batter Piles (Vibratory) | Mooring | 4 | 14-inch x 89-foot steel H-piles. |
| Remove Temporary Mooring Batter Piles (Vibratory) | Mooring | 4 | 14-inch x 89-foot steel H-piles. |
| Install Crew Access Piles (Vibratory) | Mooring | 2 | 14-inch x 89-foot steel H-piles. |
| Remove Crew Access Piles (Vibratory) | Mooring | 2 | 14-inch x 89-foot steel H-piles. |
| Install Fireboat Access Pier (Vibratory & Impact) | North Breakwater | 3 | 48-inch steel pipe. |
| Install Fireboat Access Pier (Vibratory) | North Breakwater | 2 | 36-inch steel pipe. |
| Install Temporary Fireboat Steel Template Piles (Vibratory) | North Breakwater | 16 | 14-inch x 89-foot steel H-piles. |
| Remove Temporary Fireboat Steel Template Piles (Vibratory) | North Breakwater | 16 | 14-inch x 89-foot steel H-piles. |
| Remove Existing Pier (vibratory or crane cable) | Pier | 198 | 12-inch timber. |
| Total | | 784 | N/A. |

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 2 lists all species with expected potential for occurrence in the project area near Treasure Island 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. Pacific SARs and draft SARs (*e.g.,* Caretta *et al.* 2019).

TABLE 2—SPECIES THAT SPATIALLY CO-OCCUR WITH THE ACTIVITY TO THE DEGREE THAT TAKE IS REASONABLY LIKELY TO OCCUR

| 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 Eschrichtiidae: | | | | | | |
| Gray Whale | *Eschrichtius robustus* | Eastern North Pacific | -, -, N | 26,960 (0.05, 25,849, 2016) | 801 | 138 |
| **Order Cetartiodactyla—Cetacea—Superfamily Odontoceti (toothed whales, dolphins, and porpoises)** | | | | | | |
| Family Delphinidae: | | | | | | |
| Bottlenose Dolphin | *Tursiops truncatus* | California Coastal | -, -, N | 453 (0.06, 346, 2011) | 2.7 | >2.0 |
| Family Phocoenidae (porpoises): | | | | | | |
| Harbor porpoise | *Phocoena phocoena* | San Francisco/Russian River. | -, -, N | 9,886 (0.51, 2019) | 66 | 0 |
| **Order Carnivora—Superfamily Pinnipedia** | | | | | | |
| Family Otariidae (eared seals and sea lions): | | | | | | |
| California Sea Lion | *Zalophus californianus* | United States | -, -, N | 257,606 (N/A, 233,515, 2014). | 14,011 | >321 |
| Northern fur seal | *Callorhinus ursinus* | California | -, D, N | 14,050 (N/A, 7,524, 2013) | 451 | 1.8 |
| | | Eastern North Pacific | -, D, N | 620,660 (0.2, 525,333, 2016). | 11,295 | 399 |
| Family Phocidae (earless seals): | | | | | | |
| Northern elephant seal | *Mirounga angustirostris* | California Breeding | -, -, N | 179,000 (N/A, 81,368, 2010) | 4,882 | 8.8 |
| Harbor seal | *Phoca vitulina* | California | -, -, N | 30,968 (N/A, 27,348, 2012) | 1,641 | 4 |

[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: *www.nmfs.noaa.gov/pr/sars/.* CV is coefficient of variation; Nmin is the minimum estimate of stock abundance.

[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.

Harbor seal, California sea lion, bottlenose dolphin and Harbor porpoise spatially co-occur with the activity to the degree that take is reasonably likely to occur, and we have proposed authorizing take of these species. For gray whale, northern fur seal and northern elephant seal, occurrence is such that take is possible, and we have proposed authorizing take of these species also. All species that could potentially occur in the proposed survey areas are included in San Francisco's IHA application (see application, Table 2). Humpback whales could potentially occur in the area. However the spatial and temporal occurrence of this species is very rare, the species is readily observed, and the applicant would shut down pile driving if humpback whales enter the project area. Thus take is not expected to occur, and they are not discussed further.

*Bottlenose Dolphin*

The California coastal stock of common bottlenose dolphin is found within 0.6 mi (1 km) of shore (Defran and Weller, 1999) and occurs from northern Baja California, Mexico to Bodega Bay, CA. Their range has extended north over the last several decades with El Niño events and increased ocean temperatures (Hansen and Defran, 1990). Genetic studies have shown that no mixing occurs between the California coastal stock and the offshore common bottlenose dolphin stock (Lowther-Thieleking *et al.,* 2015). Bottlenose dolphins are opportunistic foragers: Time of day, tidal state, and oceanographic habitat influence where they pursue prey (Hanson and Defran, 1993). Dive durations up to 15 minutes have been recorded for trained Navy bottlenose dolphins, (Ridgway *et al.,* 1969), but typical dives are shallower and of a much shorter duration (approximately 30; *et al.,* 1999, Mate *et al.,* 1995).

Bottlenose dolphins began entering San Francisco Bay in 2010 (Szczepaniak, 2013). They primarily occur in the western Central and South Bay, from the Golden Gate Bridge to Oyster Point and Redwood City. However, one individual has been regularly seen in San Francisco Bay since 2016 near the former Alameda Air Station (Perlman, 2017; W. Keener, pers. comm. 2017), and five animals were regularly seen in the summer and fall of 2018 in the same location (W. Keener, pers. comm. 2019).

*Harbor Porpoise*

Harbor porpoise occur along the U.S. west coast from southern California to the Bering Sea (Carretta *et al.,* 2019). They rarely occur in waters warmer than 62.6 degrees Fahrenheit (17 degrees Celsius; Read, 1990). The San Francisco–Russian River stock is found from Pescadero, 18 mi (30 km) south of the San Francisco Bay, to 99 mi (160 km) north of the bay at Point Arena (Carretta *et al.,* 2014). In most areas, harbor porpoise occur in small groups of just a few individuals.

Harbor porpoise sightings in the San Francisco Bay declined in the 1930's and were functionally extirpated shortly after. Harbor porpoise occur frequently outside San Francisco Bay and re-entered the bay beginning in 2008 (Stern *et al.,* 2017). They now commonly occur year-round within San Francisco Bay, primarily on the west and northwest side of the Central Bay near the Golden Gate Bridge, near Marin County, and near the city of San Francisco (Duffy 2015, Keener *et al.,* 2012; Stern *et al.,* 2017). In the summer of 2017 and 2018, mom-calf pairs and small groups (one to four individuals) were seen to the north and west of Treasure Island, and just south of Yerba Buena Island (Caltrans 2018a, 2019; M. Schulze, pers. comm. 2019).

Harbor porpoise must forage nearly continuously to meet their high metabolic needs (Wisniewska *et al.,* 2016). They consume up to 550 small fish (1.2–3.9 in [3–10 cm]; *e.g.* anchovies) per hour at a nearly 90 percent capture success rate (Wisniewska *et al.,* 2016).

*California Sea Lion*

California sea lions occur from Vancouver Island, British Columbia, to the southern tip of Baja California. Sea lions breed on the offshore islands of southern and central California from May through July (Heath and Perrin, 2008). During the non-breeding season, adult and subadult males and juveniles migrate northward along the coast to central and northern California, Oregon, Washington, and Vancouver Island (Jefferson *et al.,* 1993). They return south the following spring (Heath and Perrin 2008, Lowry and Forney 2005). Females and some juveniles tend to remain closer to rookeries (Antonelis *et al.,* 1990; Melin *et al.,* 2008).

California sea lions have occupied docks near Pier 39 in San Francisco, a few miles from the project area, since 1987. The highest number of sea lions recorded at Pier 39 was 1,701 individuals in November 2009. Occurrence of sea lions here is typically lowest in June (during pupping and breeding seasons) and highest in August. Approximately 85 percent of the animals that haul out at this site are males, and no pupping has been observed here or at any other site in San Francisco Bay. Pier 39 is the only regularly used haulout site in the project vicinity, but sea lions occasionally haul out on human-made structures such as bridge piers, jetties, or navigation buoys (Riedman 1990).

Pupping occurs primarily on the California Channel Islands from late May until the end of June (Peterson and Bartholomew 1967). Weaning and mating occur in late spring and summer during the peak upwelling period (Bograd *et al.,* 2009). After the mating season, adult males migrate northward to feeding areas as far away as the Gulf of Alaska (Lowry *et al.,* 1992), and they remain away until spring (March–May), when they migrate back to the breeding colonies. Adult females generally remain south of Monterey Bay, California throughout the year, feeding in coastal waters in the summer and offshore waters in the winter, alternating between foraging and nursing their pups on shore until the next pupping/breeding season (Melin and DeLong, 2000; Melin *et al.,* 2008).

*Northern Fur Seal*

Two northern fur seal stocks may occur near San Francisco Bay: The California and Eastern North Pacific stocks. The California stock breeds and pups on the offshore islands of California, and forages off the California coast. The Eastern Pacific stock breeds and pups on islands in the North Pacific Ocean and Bering Sea, including the Aleutian Islands, Pribilof Islands, and Bogoslof Island, but females and juveniles move south to California waters to forage in the fall and winter months (Gelatt and Gentry, 2018). Breeding and pupping occur from mid- to late-May into July. Pups are weaned in September and move south to feed offshore California (Gentry, 1998).

Both the California and Eastern North Pacific stocks forage in the offshore waters of California, but usually only sick or emaciated juvenile fur seals seasonally enter the bay. The Marine Mammal Center (TMMC) occasionally picks up stranded fur seals around Yerba Buena and Treasure Islands (NMFS, 2019b).

*Northern Elephant Seal*

Northern elephant seals are common on California coastal mainland and island sites, where the species pups, breeds, rests, and molts. The largest rookeries are on San Nicolas and San Miguel islands in the northern Channel Islands. Near San Francisco Bay, elephant seals breed, molt, and haul out at Año Nuevo Island, the Farallon Islands, and Point Reyes National Seashore.

Northern elephant seals haul out to give birth and breed from December through March. Pups remain onshore or in adjacent shallow water through May. Both sexes make two foraging migrations each year: One after breeding and the second after molting (Stewart, 1989; Stewart and DeLong, 1995). Adult females migrate to the central North Pacific to forage, and males migrate to the Gulf of Alaska to forage (Robinson *et al.,* 2012). Pup mortality is high when they make the first trip to sea in May, and this period correlates with the time of most strandings. Young-of-the-year pups return in the late summer and fall to haul out at breeding rookeries and small haulout sites, but occasionally may make brief stops in San Francisco Bay.

*Harbor Seal*

Harbor seals are found from Baja California to the eastern Aleutian Islands of Alaska (Harvey and Goley, 2011). In California there are approximately 500 haulout sites along the mainland and on offshore islands, including intertidal sandbars, rocky shores, and beaches (Hanan, 1996; Lowry *et al.,* 2008).

Harbor seals are the most common marine mammal species observed in the San Francisco Bay. Within the bay they primarily haul out on exposed rocky ledges and on sloughs in the southern San Francisco Bay. Harbor seals are central-place foragers (Orians and Pearson, 1979) and tend to exhibit strong site fidelity within season and across years, generally forage close to haulout sites, and repeatedly visit specific foraging areas (Grigg *et al.,* 2012; Suryan and Harvey, 1998; Thompson *et al.,* 1998). Harbor seals in San Francisco Bay forage mainly within 7 mi (10 km) of their primary haulout site (Grigg *et al.,* 2012), and often within just 1–3 mi (1–5 km; Torok, 1994). Depth, bottom relief, and prey abundance also influence foraging location (Grigg *et al.,* 2012).

Harbor seals molt from May through June. Peak numbers of harbor seals haul out in central California during late May to early June, which coincides with the peak molt. During both pupping and molting seasons, the number of seals and the length of time hauled out per day increase, from an average of 7 hours per day to 10–12 hours (Harvey and Goley, 2011; Huber *et al.,* 2001; Stewart and Yochem, 1994).

Harbor seals tend to forage at night and haul out during the day with a peak in the afternoon between 1 p.m. and 4 p.m. (Grigg *et al.,* 2012; London *et al.,* 2001; Stewart and Yochem, 1994; Yochem *et al.,* 1987). Tide levels affect the maximum number of seals hauled out, with the largest number of seals hauled out at low tide, but time of day and season have the greatest influence on haul out behavior (Manugian *et al.,* 2017; Patterson and Acevedo-Gutiérrez, 2008; Stewart and Yochem, 1994).

The closest haulout to the project area is on Yerba Buena Island as noted above. This haulout site has a daily range of zero to 109 harbor seals during fall months, with the highest numbers hauled out during afternoon low tides (Caltrans, 2004). The Golden Gate National Recreation Area contains a number of haul out areas in San Francisco Bay including Alcatraz Island and Point Bonita at the entrance to the bay (NPS, 2016).

Large concentrations of spawning Pacific herring (*Clupea pallasii*) and migrating salmonids likely attract seals into San Francisco Bay during the winter months (Greig and Allen, 2015). Harbor seals forage for Pacific herring in eelgrass beds in the winter (Schaeffer *et al.,* 2007).

Pupping occurs from March through May in central California (Codde and Allen, 2018). Pups are weaned in four weeks, most by mid-June (Codde and Allen, 2018). Harbor seals molt from June through July (Codde and Allen, 2018) and breed between late March and June (Greig and Allen, 2015). The closest recognized harbor seal pupping site to the project is at Castro Rocks, approximately 12 miles (20 km) from the project area.

*Gray Whale*

In the fall, gray whales migrate from their summer feeding grounds, heading south along the coast of North America to spend the winter in their breeding and calving areas off the coast of Baja California, Mexico. From mid-February to May, the Eastern North Pacific stock of gray whales can be seen migrating northward with newborn calves along the west coast of the U.S. During the migration, gray whales will occasionally enter rivers and bays (such as San Francisco Bay) along the coast but not in high numbers. In recent years there have been an increased number of gray whales in the San Francisco Bay (W. Keener, pers. comm. 2019).

*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 3.

TABLE 3—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. Harbor seals are in the phocid group and Dall's and harbor porpoises are classified as high-frequency cetaceans.

**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.

Acoustic effects on marine mammals during the specified activity can occur from vibratory and impact pile driving. The effects of underwater noise from Pacific Shops' proposed activities have the potential to result in Level A or Level B harassment of marine mammals in the action area.

*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 vibratory pile removal. 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).

The likely or possible impacts of San Francisco'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 removal.

*Acoustic Impacts*

The introduction of anthropogenic noise into the aquatic environment from pile driving and removal is the primary means by which marine mammals may be harassed from San Francisco'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 as 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.,* 2004; 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, 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 and vibratory pile driving. For this project, these activities could occur at the same time because of the use of multiple hammers. 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 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) 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 some of same species are involved, we expect similar behavioral responses of marine mammals to San Francisco's specified activity. That is, disturbance, if any, is likely to be temporary and localized (*e.g.,* small area movements).

*Stress responses*—An animal's perception of a threat may be sufficient to trigger stress responses consisting of some combination of behavioral responses, autonomic nervous system responses, neuroendocrine responses, or immune responses (*e.g.,* Seyle 1950; Moberg 2000). In many cases, an animal's first and sometimes most economical (in terms of energetic costs) response is behavioral avoidance of the potential stressor. Autonomic nervous system responses to stress typically involve changes in heart rate, blood pressure, and gastrointestinal activity. These responses have a relatively short duration and may or may not have a significant long-term effect on an animal's fitness.

Neuroendocrine stress responses often involve the hypothalamus-pituitary-adrenal system. Virtually all neuroendocrine functions that are affected by stress—including immune competence, reproduction, metabolism, and behavior—are regulated by pituitary hormones. Stress-induced changes in the secretion of pituitary hormones have been implicated in failed reproduction, altered metabolism, reduced immune competence, and behavioral disturbance (*e.g.,* Moberg 1987; Blecha 2000). Increases in the circulation of glucocorticoids are also equated with stress (Romano *et al.,* 2004).

The primary distinction between stress (which is adaptive and does not normally place an animal at risk) and ''distress'' is the cost of the response. During a stress response, an animal uses glycogen stores that can be quickly replenished once the stress is alleviated. In such circumstances, the cost of the stress response would not pose serious fitness consequences. However, when an animal does not have sufficient energy reserves to satisfy the energetic costs of a stress response, energy resources must be diverted from other functions. This state of distress will last until the animal replenishes its energetic reserves sufficient to restore normal function.

Relationships between these physiological mechanisms, animal behavior, and the costs of stress responses are well-studied through controlled experiments and for both laboratory and free-ranging animals (*e.g.,* Holberton *et al.,* 1996; Hood *et al.,* 1998; Jessop *et al.,* 2003; Krausman *et al.,* 2004; Lankford *et al.,* 2005). Stress responses due to exposure to anthropogenic sounds or other stressors and their effects on marine mammals have also been reviewed (Fair and Becker 2000; Romano *et al.,* 2002b) and, more rarely, studied in wild populations (*e.g.,* Romano *et al.,* 2002a). For example, Rolland *et al.* (2012) found that noise reduction from reduced ship traffic in the Bay of Fundy was associated with decreased stress in North Atlantic right whales. These and other studies lead to a reasonable expectation that some marine mammals will experience physiological stress responses upon exposure to acoustic stressors and that it is possible that some of these would be classified as ''distress.'' In addition, any animal experiencing TTS would likely also experience stress responses (NRC, 2003), however distress is an unlikely result of this project based on observations of marine mammals during previous, similar projects in the area.

*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 San Francisco area contains active commercial shipping, cruise ship and ferry operations, as well as numerous recreational and other 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 removal 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. In the case of the Yerba Buena haulout nearest to this project, airborne sounds would also be blocked by the island and the haulout is too far from the project site. 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*

San Francisco's construction activities 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 and vibratory pile driving, elevated levels of underwater noise would ensonify San Francisco Bay where both fishes and mammals occur and could affect foraging success. Additionally, marine mammals may avoid the area during construction, however, displacement due to noise is expected to be temporary and is not expected to result in long-term effects to the individuals or populations. Construction activities are of short duration and would likely have temporary impacts on marine mammal habitat through increases in underwater and airborne sound.

A temporary and localized increase in turbidity near the seafloor would occur in the immediate area surrounding the area where piles are installed or removed. In general, turbidity associated with pile installation is localized to about a 25-foot (7.6-meter) radius around the pile (Everitt *et al.* 1980). Cetaceans are not expected to be close enough to the pile driving areas to experience effects of turbidity, and any pinnipeds could avoid localized areas of turbidity. Local strong currents are anticipated to disburse any additional suspended sediments produced by project activities at moderate to rapid rates depending on tidal stage. Therefore, we expect the impact from increased turbidity levels to be discountable to marine mammals and do not discuss it further.

*In-Water Construction Effects on Potential Foraging Habitat*

The area likely impacted by the project is relatively small compared to the available habitat (*e.g.,* most of the impacted area is west of Treasure Island) of San Francisco Bay and does not include any Biologically Important Areas or other habitat of known importance. The area is highly influenced by anthropogenic activities. The total seafloor area affected by pile installation and removal is a very small area compared to the vast foraging area available to marine mammals in the San Francisco Bay. At best, the impact area provides marginal foraging habitat for marine mammals and fish, while the new pilings installed would provide substrate for invertebrate prey to settle on. Furthermore, pile driving and removal 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-water Construction Effects on Potential Prey*—Sound may affect marine mammals through impacts on the abundance, behavior, or distribution of prey species (*e.g.,* crustaceans, cephalopods, fish, zooplankton). Marine mammal prey varies by species, season, and location. Here, we describe studies regarding the effects of noise on known marine mammal prey.

Fish utilize the soundscape and components of sound in their environment to perform important functions such as foraging, predator avoidance, mating, and spawning (*e.g.,* Zelick and Mann., 1999; Fay, 2009). Depending on their hearing anatomy and peripheral sensory structures, which vary among species, fishes hear sounds using pressure and particle motion sensitivity capabilities and detect the motion of surrounding water (Fay *et al.,* 2008). The potential effects of noise on fishes depends on the overlapping frequency range, distance from the sound source, water depth of exposure, and species-specific hearing sensitivity, anatomy, and physiology. Key impacts to fishes may include behavioral responses, hearing damage, barotrauma (pressure-related injuries), and mortality.

Fish react to sounds which are especially strong and/or intermittent low-frequency sounds, and behavioral responses such as flight or avoidance are the most likely effects. Short duration, sharp sounds can cause overt or subtle changes in fish behavior and local distribution. The reaction of fish to noise depends on the physiological state of the fish, past exposures, motivation (*e.g.,* feeding, spawning, migration), and other environmental factors. 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). Several studies have demonstrated that impulse sounds might affect the distribution and behavior of some fishes, potentially impacting foraging opportunities or increasing energetic costs (*e.g.,* Fewtrell and McCauley, 2012; Pearson *et al.,* 1992; Skalski *et al.,* 1992; Santulli *et al.,* 1999; Paxton *et al.,* 2017). However, some studies have shown no or slight reaction to impulse sounds (*e.g.,* Pena *et al.,* 2013; Wardle *et al.,* 2001; Jorgenson and Gyselman, 2009; Cott *et al.,* 2012).

SPLs of sufficient strength have been known to cause injury to fish and fish mortality. However, in most fish species, hair cells in the ear continuously regenerate and loss of auditory function likely is restored when damaged cells are replaced with new cells. Halvorsen *et al.* (2012a) showed that a TTS of 4–6 dB was recoverable within 24 hours for one species. Impacts would be most severe when the individual fish is close to the source and when the duration of exposure is long. Injury caused by barotrauma can range from slight to severe and can cause death, and is most likely for fish with swim bladders. Barotrauma injuries have been documented during controlled exposure to impact pile driving (Halvorsen *et al.,* 2012b; Casper *et al.,* 2013).

The most likely impact to fish from pile driving 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.

Construction activities, in the form of increased turbidity, have the potential to adversely affect forage fish and juvenile salmonid out migratory routes in the project area. Both herring and salmon form a significant prey base for many 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 (3 m) 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. Finally, exposure to turbid waters from construction activities is not expected to be different from the current exposure; fish and marine mammals in San Francisco Bay are routinely exposed to substantial levels of suspended

sediment from natural and anthropogenic sources.

In summary, given the short daily duration of sound associated with individual pile driving events and the relatively small areas being affected, pile driving activities associated with the proposed action are not likely to have a permanent, adverse effect on any fish habitat, or populations of fish species. 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. 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) 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 for pinnipeds and harbor porpoise because predicted auditory injury zones are larger. 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). Due to the lack of marine mammal density for some species, NMFS relied on local occurrence data and group size to estimate take. 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) and above 160 dB re 1 μPa (rms) for non-explosive impulsive (*e.g.,* impact pile driving) or intermittent (*e.g.,* scientific sonar) sources.

San Francisco's proposed activity includes the use of continuous (vibratory pile-driving) 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). PSSA's activity includes the use of impulsive (impact pile-driving) and non-impulsive (vibratory pile driving/removal) sources.

These thresholds are provided in Table 4. 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 4—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. |

TABLE 4—THRESHOLDS IDENTIFYING THE ONSET OF PERMANENT THRESHOLD SHIFT—Continued

| Hearing group | PTS onset acoustic thresholds * (received level) | |
|---|---|---|
| | Impulsive | Non-impulsive |
| 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.

The sound field in the project area is the existing background noise plus additional construction noise from the proposed project. Marine mammals are expected to be affected via sound generated by the primary components of the project (*i.e.,* impact pile driving, vibratory pile driving, vibratory pile removal).

Vibratory hammers produce constant sound when operating, and produce vibrations that liquefy the sediment surrounding the pile, allowing it to penetrate to the required seating depth. An impact hammer would then generally be used to place the pile at its intended depth through rock or harder substrates. The actual durations of each installation method vary depending on the type and size of the pile. An impact hammer is a steel device that works like a piston, producing a series of independent strikes to drive the pile. Impact hammering typically generates the loudest noise associated with pile installation.

In order to calculate distances to the Level A harassment and Level B harassment sound thresholds for piles of various sizes being used in this project, NMFS used acoustic monitoring data from other locations to develop source levels or the various pile types, sizes and methods (see Table 5).

TABLE 5—PROJECT SOUND SOURCE LEVELS

| Pile driving activity | | Estimated sound source level at 10 meters without attenuation | | | Data source |
|---|---|---|---|---|---|
| Hammer type | Pile type | dB RMS | dB SEL | dB peak | |
| Impact | 36-inch steel pipe | 193 | 183 | 210 | Compendium pg. 131 (Buehler *et al.* 2015) Humboldt |
| | 48-inch steel pipe | 195 | 185 | *210 | Compendium pg. 132 (Buehler *et al.* 2015) Russian River |
| | 24-inch octagonal concrete. | 170 | 164 | 189 | Measurements at Pile 3B, 9/10/2019 at Alameda Seaplane Lagoon Project (Illingworth and Rodkin, Inc., 2019a) |
| | 14-inch x 48-inch concrete sheetpile (measured at 33m). | 156 | 146 | 167 | Treasure Island (Illingworth and Rodkin, Inc., 2019b) |
| Vibratory | 36-inch steel pipe | 170 | | | Compendium pg. 129 (Buehler *et al.* 2015) |
| | 48″ steel pipe | **170 | | | Pile-Driving Noise Measurements at Atlantic Fleet Naval Installations (Illingworth and Rodkin, Inc., 2017) |
| | 14-inch x 89-foot steel H-piles. | 150 | | | Compendium pg. 129 (Buehler *et al.* 2015) |
| Vibratory Removal. | 12-inch timber piles (measured at 15.8m). | 150 | | | Port Townsend Dolphin Timber Pile Removal (WSDOT 2011) *** |

**Note:** It is assumed that noise levels during pile installation and removal are similar. Use of an impact hammer will be limited to 5–10 minutes per pile, if necessary. SEL = single strike sound exposure level; dB peak = peak sound level; rms = root mean square.

* The peak source level from the Compendium is 205 dB; because the peak source for 36-inch piles was 210 dB we conservatively increased this source level to 210 dB to be no less than the 36-inch piles.

** No sound source level information for vibratory driving for 48-inch steel pipes is available in the Compendium. Sound source levels of 48-inch piles for the Atlantic Fleet Naval Installations (162 dB) were lower than those listed for 36-inch piles in the Compendium (170 dB rms). Sound source levels for 48-inch piles are expected to be at least as high as those measured for 36-inch piles. Sound source levels from the Compendium for 72inch piles were also 170 dB rms. As such, 170 dB rms was used for isopleth calculations for 48-inch piles.

*** NMFS typically uses Greenbusch Group (2018) data for source levels for timber pile removal, but the applicant chose the more conservative WSDOT (2011). The source level from Greenbush Group (2018) is 152 dB at 10m, the equivalent source level for WSDOT (2011) at 10m is 153 dB.

During pile driving installation activities, there may be times when multiple hammers are used simultaneously. For impact hammering, it is unlikely that the two hammers would strike at the same exact instant, and therefore, the sound source levels will not be adjusted regardless of the distance between the hammers. For this reason, multiple impact hammering is not discussed further. For simultaneous vibratory hammering, the likelihood of such an occurrence is anticipated to be infrequent and would be for short durations on that day. In-water pile installation is an intermittent activity, and it is common for installation to start and stop multiple times as each pile is adjusted and its progress is measured. When two continuous noise sources, such as vibratory hammers, have overlapping sound fields, there is potential for higher sound levels than for non-overlapping sources. When two or more vibratory hammers are used simultaneously, and the sound field of one source encompasses the sound field of another source, the sources are considered additive and combined using the following rules (see Table 6): For addition of two simultaneous vibratory hammers, the difference between the two sound source levels (SSLs) is calculated, and if that difference is between 0 and 1 dB, 3 dB are added to the higher SSL; if difference is between 2 or 3 dB, 2 dB are added to the highest SSL; if the difference is between 4 to 9 dB, 1 dB is added to the highest SSL; and with differences of 10 or more dB, there is no addition.

TABLE 6—RULES FOR COMBINING SOUND LEVELS GENERATED DURING PILE INSTALLATION

| Hammer types | Difference in SSL | Level A zones | Level B zones |
|---|---|---|---|
| Vibratory, Impact | Any | Use impact zones | Use vibratory zone. |
| Impact, Impact | Any | Use zones for each pile size and number of strikes. | Use zone for each pile size. |
| Vibratory, Vibratory | 0 or 1 dB | Add 3 dB to the higher source level | Add 3 dB to the higher source level. |
| | 2 or 3 dB | Add 2 dB to the higher source level | Add 2 dB to the higher source level. |
| | 4 to 9 dB | Add 1 dB to the higher source level | Add 1 dB to the higher source level. |
| | 10 dB or more | Add 0 dB to the higher source level | Add 0 dB to the higher source level. |

Source: Modified from USDOT 1995, WSDOT 2018, and NMFS 2018b.
**Note:** dB = decibels; SSL = sound source level.

For simultaneous usage of three or more continuous sound sources, such as vibratory hammers, the three overlapping sources with the highest SSLs are identified. Of the three highest SSLs, the lower two are combined using the above rules, then the combination of the lower two is combined with the highest of the three. For example, with overlapping isopleths from 24-, 36-, and 42-inch diameter steel pipe piles with SSLs of 161, 167, and 168 dB rms respectively, the 24- and 36-inch would be added together; given that 167 − 161 = 6 dB, then 1 dB is added to the highest of the two SSLs (167 dB), for a combined noise level of 168 dB. Next, the newly calculated 168 dB is added to the 42-inch steel pile with SSL of 168 dB. Since 168 − 168 = 0 dB, 3 dB is added to the highest value, or 171 dB in total for the combination of 24-, 36-, and 42-inch steel pipe piles (NMFS 2018b; WSDOT 2018). As described in Table 6, dB addition calculations were carried out for all possible combinations of vibratory installation.

In consideration of the various pile types and sizes and the construction work plan for the different structures and components of the project, San Francisco developed a set of likely worst case scenarios for the activities that would be carried out over the course of individual days (Table 7). These scenarios encompass the worst possible combinations of simultaneous pile driving over the worst possible number of days it might take to complete those tasks. There are four basic scenarios plus the short-term addition of pile removal of the timber piles from the old pier. The course of the project is broken up into work windows for the first month of the project versus the remaining months. Within each of these temporal work windows there are some days with driving of larger and louder piles (called the maximum exposure days) and some days where driving will be of smaller piles (called average exposure days). The table shows what pile driving source is used to calculate the Level A and level B zones under each scenario.

The applicant discusses how they will follow the California Environmental Quality Act requirement that a bubble curtain be used during operation of an impact hammer if sound pressures exceeded 160 dB at 500 meters from the source. Because San Francisco will not use a bubble curtain for all impact hammering of any pile size, we do not include a source level reduction for bubble curtain use or isopleth calculation for this project.

TABLE 7—WORK SCENARIOS WITH SIMULTANEOUS PILE DRIVING SOURCES USED TO CALCULATE LEVEL A AND LEVEL B ZONES

| Date | Location | Total days | Piles driven during 24 hours | Drive type | Pile type | Loudest potential sound source combination | |
|---|---|---|---|---|---|---|---|
| | | | | | | Level A | Level B |
| **Maximum Exposure Days** | | | | | | | |
| June | Ferry Pier | 7 | 2 | Impact | 48-inch steel pipe | Impact 48-inch steel pipe | 2 vibratory 14-inch x 89-foot steel H-pile. |
| | North Breakwater. | | 4 | Vibratory | 14-inch x 89-foot steel H-piles. | | |
| July to January 15. | North Breakwater. | 50 | 4 | Impact | 24-inch octagonal concrete or 14x48-inch concrete sheetpiles. | Impact 24-inch octagonal concrete. | 2 vibratory 14-inch x 89-foot steel H-pile. |
| | | | 4 | Vibratory | 14-inch x 89-foot steel H-piles | | |

TABLE 7—WORK SCENARIOS WITH SIMULTANEOUS PILE DRIVING SOURCES USED TO CALCULATE LEVEL A AND LEVEL B ZONES—Continued

| Date | Location | Total days | Piles driven during 24 hours | Drive type | Pile type | Loudest potential sound source combination | |
|---|---|---|---|---|---|---|---|
| | | | | | | Level A | Level B |
| **Average Exposure Days** | | | | | | | |
| June | Ferry Pier | 20 | 1 | Vibratory | 48-inch steel pipe | 2 vibratory (48-inch and 36-inch) steel pipes. | 2 vibratory (48-inch and 36-inch) steel pipes. |
| | | | 1 | Vibratory | 36-inch steel pipe (fender and/or mooring piles). | | |
| | | | 2 | Vibratory | 14-inch x 89-foot steel H-piles | | |
| July to January 15. | North Breakwater. | 112 | 1 | Impact | 14 x 48-inch concrete sheetpiles. | Impact 14 x 48-inch | 2 vibratory 14-inch x 89-foot steel H-pile. |
| | | | 2 | Vibratory | 14-inch x 89-foot steel H-piles | | |
| Existing Timber Pier Removal. | | *14 | 15 | Vibratory | 12-inch Timber Piles | Same as above | 12-inch timber pile plus 14-inch x 89-foot steel H-pile. |

*Pier removal will overlap with work days in July to December 2020, but is kept separate as it is located north of the project area and could have more piles per day, though most will likely be pulled and not vibrated. Based on the rules from Table 6, vibratory pile removal at the pier would not add to total sound source levels when combined with the other stimuluous sources.

*Level B Harassment Zones*

Transmission loss (TL) is the decrease in acoustic intensity as an acoustic pressure wave propagates out from a source. TL parameters vary with frequency, temperature, sea conditions, current, source and receiver depth, water depth, water chemistry, and bottom composition and topography. The general formula for underwater TL is:

TL = B * Log10 (R1/R2), where
TL = transmission loss in dB
B = transmission loss coefficient; for practical spreading equals 15
R1 = the distance of the modeled SPL from the driven pile, and
R2 = the distance from the driven pile of the initial measurement

The recommended TL coefficient for most nearshore environments is the practical spreading value of 15. This value results in an expected propagation environment that would lie between spherical and cylindrical spreading loss conditions, which is the most appropriate assumption for San Francisco's proposed activity.

Using the practical spreading model, San Francisco determined underwater noise would fall below the behavioral effects threshold of 120 dB rms for marine mammals at distances of 1,585 to 34,164 m depending on the pile type(s) and number of simultaneous vibratory hammers. The distance determines the maximum Level B harassment zones for the project. Other activities have smaller Level B harassment zones. It should be noted that based on the geography of Treasure Island, sound will not reach the full distance of the largest Level B harassment isopleth, except a potential sliver that would exit San Francisco Bay. We do not expect significant sound to exit San Francisco Bay however because the entrance to the bay is 13 km from the project location, there is extensive anthropogenic ambient noise from vessels and development in San Francisco that would mask the project sounds, and the geography and bathymetry of the bay is not conducive to sounds originating from Treasure Island escaping the San Francisco Bay.

TABLE 8—LEVEL B ISOPLETHS FOR EACH WORK SCENARIO

| | Maximum exposure day | | Average exposure day | |
|---|---|---|---|---|
| | June | July–January | June | July–January |
| Loudest Pile Type or Combination | 2 vibratory 14-inch x 89-foot steel H-pile. | 2 vibratory 14-inch x 89-foot steel H-pile. | 2 vibratory (48-inch and 36-inch) steel pipes. | 2 vibratory 14-inch x 89-foot steel H-pile*. |
| Level B Isolpleth (meters) | 1585 | 1585 | 34,164 | 1585. |

*One vibratory removal of 12-inch timber piles could be substituted for one 14-inch x 89-foot steel H-pile. Since source levels are identical for each type of pile, Level B isopleth distance does not change.

*Level A Harassment Zones*

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 take by Level A harassment. 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 impact/vibratory pile driving or drilling, NMFS User Spreadsheet predicts the closest distance at which, if a marine mammal remained at that distance the whole duration of the activity, it would not incur PTS.

Inputs used in the User Spreadsheet (Table 9), and the resulting isopleths are reported below (Table 10) for each of the work scenarios. These inputs follow the

rules for simultaneous pile driving as described in Table 6.

TABLE 9—NMFS TECHNICAL GUIDANCE USER SPREADSHEET INPUT TO CALCULATE LEVEL A ISOPLETHS FOR A COMBINATION OF PILE DRIVING

| | High exposure day | | Average exposure day | | |
|---|---|---|---|---|---|
| | June | July–January | June | July–January | |
| Pile Type | 48-inch Steel Pipe Impact. | 24-inch Octagonal Concrete Impact. | 48-inch Steel Pipe & 36-inch Steel Simultaneous. Vibratory | 14x48-inch Concrete Sheet Pile Impact. | Vibratory Removal of 12-inch Timber Pile. |
| Source Level (RMS SPL). | 195 | 170 | 173 | 156 | 150. |
| Source Level (Peak) | 210 | 189 | | 167 | |
| Number of Piles per day. | 2 | 4 | *2 | 1 | 15. |
| Number of Strikes per Pile/Duration to drive a single pile | 225 strikes | 1000 strikes | 45 minutes | 600 strikes | 5 minutes. |
| Distance of source level measurement. (m) | 10 | 10 | 10 | 33 | 15.8. |

**Note:** Propagation loss coefficient is 15LogR for all cells.
*Two combined piling events, four piles total.

The above input scenarios lead to PTS isopleth distances (Level A thresholds) of 3.6 to 322.5 meters, depending on the marine mammal group and scenario (Table 10).

TABLE 10—CALCULATED DISTANCES (METERS) TO LEVEL A HARASSMENT ISOPLETHS (m) DURING PILE INSTALLATION AND REMOVAL FOR EACH HEARING GROUP AND WORK SCENARIO

| Pile driving activity | Low-frequency cetaceans (m) | Mid-frequency cetaceans (m) | High-frequency cetaceans (m) | Phocid pinnipeds (m) | Otariid pinnipeds (m) |
|---|---|---|---|---|---|
| **Maximum Exposure Day** | | | | | |
| June | | | | | |
| 48-inch steel pipe impact | 798 | 28 | 950 | 427 | 31 |
| July–January | | | | | |
| 24-inch Octagonal Concrete Impact | 74 | 3 | 88 | 39 | 3 |
| **Average Exposure Day** | | | | | |
| June | | | | | |
| 48-inch steel and 36-inch steel simultaneous vibratory | 57 | 5 | 84 | 34 | 2 |
| July–January | | | | | |
| 14x48-inch concrete sheet pile impact | 8 | 0.3 | 10 | 4 | 0.3 |
| Vibratory Removal of 12-inch Timber pile | 2 | 0.2 | 3 | 1 | 0.1 |

**Note:** a 10-meter shutdown zone will be implemented for all species and activity types to prevent direct injury of marine mammals.

*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. For the three most common species (harbor seal, California sea lion, and Harbor porpoise) density data exists from the multiple years of the San Francisco-Oakland Bay Bridge (SFOBB) demolition and reconstruction project (Caltrans 2015, 2018). For other species we used more qualitative data on observations from the SFOBB project and observations from year one of this project along with local information on strandings and other biology. Take by Level A and B harassment is proposed for authorization and summarized in Table 11.

Here we describe how the information provided above is brought together to produce a quantitative take estimate.

*Bottlenose Dolphin*

Density data for this species in the project vicinity do not exist. SFOBB monitoring showed two observations of this species over 6 days of monitoring in 2017 (CalTrans 2018). No common bottlenose dolphins were observed over the course of 264 monitoring hours within the 1,000 foot (305 m) monitoring zone for the Treasure Island Ferry Dock project in 2019. One common bottlenose dolphin is sighted with regularity near Alameda (GGCR

2016). Based on the regularity of the sighting in Alameda and the SFOBB observations of approximately 0.33 dolphin a day, we propose the Level B harassment take equivalent to 0.33 dolphins per day for the 189 proposed days of the project, or 63 common bottlenose dolphin. Because the Level A harassment zones are relatively small and we believe the Protected Species Observer (PSO) will be able to effectively monitor the Level A harassment zones, we do not anticipate or propose take by Level A harassment of bottlenose dolphins.

*Harbor Porpoise*

Density data for this species from SFOBB monitoring was 0.17/km$^2$ (CalTrans 2018). Based on the work scenarios of different pile types there are two different sized ensonified areas to be considered to estimate Level B harassment take (Table 12). These are the smaller area from simultaneous driving of the H-piles and the larger area from simultaneous driving of the largest pipe piles. There are 169 days of work for the H-pile scenario and 20 days of work for the pipe pile scenario. Multiplication of the above density times the corresponding scenario area and duration, and summing the results for the two scenarios leads to a proposed Level B harassment take of 537 harbor porpoise (Table 12).

Given the relatively high density and large size of the Level A isopleths for many of the scenarios for Harbor porpoises (Table 10, high-frequency cetaceans) we consider Level A harassment take is a possibility. Based on density alone it is estimated only two harbor porpoises will enter a Level A harassment zone (see Table 14 of application). However, we recognize that harbor porpoises travel in groups of up to 10 individuals and observers of the Treasure Island Ferry Dock project in 2019 recorded two harbor porpoises over 264 hours of observation, or 0.008 per hour. Based on this observation we request take equivalent to this rate (0.008 per hour) over the entire project period of 189 days (10 hours per day or 1890 hours). As such, we propose Level A harassment take of 15 harbor porpoise.

Because any harbor porpoises that enter the Level A harassment zone would initially be counted as entering the Level B harassment zone, we deduct the Level A harassment take form the Level B harassment take calculation in Table 12 to avoid double-counting and arrive at the proposed Level B harassment take in Table 11.

*California Sea Lion*

Density data for this species from SFOBB monitoring was 0.16/km$^2$ (CalTrans 2018). Based on the work scenarios of different pile types there are two different sized ensonified areas to be considered to estimate Level B harassment take (Table 12). These are the smaller area from simultaneous driving of the H-piles and the larger area from simultaneous driving of the largest pipe piles. There are 169 days of work for the H-pile scenario and 20 days of work for the pipe pile scenario. Multiplication of the above density times the corresponding scenario area and duration, and summing the results for the two scenarios leads to a proposed Level B harassment take of 505 California sea lions (Table 12).

Given the relatively high density for California sea lions we consider Level A harassment take a possibility. Based on density alone it is estimated only one California sea lion will enter a Level A harassment zone (see Table 13 of application). However, we recognize that observers of the Treasure Island Ferry Dock project in 2019 recorded five California sea lions over 264 hours of observation, or 0.019 per hour. Because the observation area in 2019 is much larger than the small otariid Level A harassment zones we propose take at less than half this rate. Specifically we propose take of 15 California sea lions.

Because any California sea lions that enter the Level A harassment zone would initially be counted as entering the Level B harassment zone, we deduct the Level A harassment take form the Level B harassment take calculation in Table 12 to avoid double-counting and arrive at the proposed Level B harassment take in Table 11.

*Northern Fur Seal*

Density data for this species in the project vicinity do not exit. SFOBB monitoring showed no observations of this species (CalTrans 2018). None were observed for the Treasure Island Ferry Dock project in 2019. The Marine Mammal Center rescues about five northern fur seals in a year, and they occasionally rescue them from Yerba Buena Island and Treasure Island (TMMC, 2019). To be conservative we propose Level B harassment take of five northern fur seals. Because the Level A harassment zones are relatively small and we believe the PSO will be able to effectively monitor the Level A harassment zones, and the species is rare, we do not anticipate or propose take by Level A harassment of northern fur seals.

*Northern Elephant Seal*

Density data for this species in the project vicinity do not exist. SFOBB monitoring showed no observations of this species (CalTrans 2018). None were observed for the Treasure Island Ferry Dock project in 2019. Out of the approximately 100 annual northern elephant seal strandings in San Francisco Bay, approximately 10 individuals strand at Yerba Buena or Treasure Islands each year (TMMC, 2020). Therefore, we propose the Level B harassment take of 10 northern elephant seals. Because the Level A harassment zones are relatively small and we believe the PSO will be able to effectively monitor the Level A harassment zones, and the species is rare, we do not anticipate or propose take by Level A harassment of northern elephant seals.

*Harbor Seal*

Density data for this species from SFOBB monitoring was 3.92/km$^2$ (CalTrans 2018). Based on the work scenarios of different pile types there are two different sized ensonified areas to be considered to estimate Level B harassment take (Table 12). These are the smaller area from simultaneous driving of the H-piles and the larger area from simultaneous driving of the largest pipe piles. There are 169 days of work for the H-pile scenario and 20 days of work for the pipe pile scenario. Multiplication of the above density times the corresponding scenario area and duration leads to an estimate of 13.54 harbor seals per day for the H-pile driving and 511 harbor seals per day for the pipe pile scenario. Summing the results for the two scenarios leads to an expectation of 12,509 instances of Level B harassment take of harbor seals.

The number of expected takes per day for the pipe pile scenario (511) exceeds the estimate that there is only 500 harbor seals in San Francisco Bay (NPS 2016). It is our normal practice not to issue more than one take per individual per day. Therefore, we cap the number of takes per day for this scenario at 500 per day. Thus, summing the results for the two scenarios leads to a proposed Level B harassment take of 12,289 harbor seals (Table 12).

Given the relatively high density and large size of the Level A isopleths for many of the scenarios for harbor seals (Table 10, phocid pinnipeds) we consider Level A harassment take is a possibility. Based on density alone it is estimated that nine harbor seals will enter a Level A harassment zone (see Table 12 of application). However, we recognize that harbor seals can occur in

moderate and rarely large size groups and observers of the Treasure Island Ferry Dock project in 2019 recorded 324 harbor seals over 264 hours of observation, or 6.12 per $km^2$ per hour. Most of the Level A take is expected to occur during the driving of the 48-inch pipe piles that have the largest level harassment zones (Table 10). Using the area of this zone of 0.27 $km^2$, and seven 10-hour work days results in an estimate of 116 takes. As such, we propose Level A harassment take of 116 harbor seals.

Because any harbor seals that enter the Level A harassment zone would initially be counted as entering the Level B harassment zone, we deduct the Level A harassment take form the Level B harassment take calculation in Table 12 to avoid double-counting and arrive at the proposed Level B harassment take in Table 11.

*Gray Whale*

Density data for this species in the project vicinity do not exist. SFOBB monitoring showed no observations of this species (CalTrans 2018). None were observed for the Treasure Island Ferry Dock project in 2019. Approximately 12 gray whales were stranded in San Francisco Bay from January to May of 2019 (TMMC, 2019). Because recent observations are not well understood, Treasure Island sits near the entrance to the bay, and as a conservative measure, we propose Level B harassment take of 10 gray whales. Because the Level A harassment zones are relatively small and we believe the PSO will be able to effectively monitor the Level A harassment zones, and the species is rare, we do not anticipate or propose take by Level A harassment of gray whales.

TABLE 11—PROPOSED AUTHORIZED AMOUNT OF TAKING, BY LEVEL A HARASSMENT AND LEVEL B HARASSMENT, BY SPECIES AND STOCK AND PERCENT OF TAKE BY STOCK

| Species | Authorized take | | Percent of stock |
|---|---|---|---|
| | Level B | Level A | |
| Harbor seal (*Phoca vitulina*) California Stock | 12,173 | 116 | 1.6 |
| Harbor porpoise (*Phocoena phocoena*) San Francisco—Russian River Stock | 522 | 15 | 5.4 |
| California sea lion (*Zalophus californianus*) U.S. Stock | 490 | 15 | 0.2 |
| Gray whale (*Eschrichtius robustus*) Eastern North Pacific Stock | 10 | 0 | <0.1 |
| Common bottlenose dolphin (*Tursiops truncatus*) California Coastal Stock | 63 | 0 | 13.9 |
| Northern elephant seal (*Mirounga angustirostris*) California breeding Stock | 10 | 0 | <0.1 |
| Northern fur seal (*Callorhinus ursinus*) California and Eastern North Pacific Stocks | 5 | 0 | <0.1 |

TABLE 12—CALCULATIONS OF LEVEL B HARASSMENT TAKE FROM DENSITY DATA BY SPECIES

| | Harbor porpoise | California sea lion | Harbor seal |
|---|---|---|---|
| SFOBB density (animals/square km) | 0.17 | 0.16 | 3.96 |
| **Piling Scenario/Level B isopleth Distance (m)** | | | |
| Days of Pile Driving | | | |
| 2 vibratory 14-inch x 89-foot steel H-pile/1585 m | 169 | 169 | 169 |
| 2 vibratory (48-inch and 36-inch) steel pipes/34,164 m | 20 | 20 | 20 |
| Area of Isopleth in square kilometers | | | |
| 2 vibratory 14-inch x 89-foot steel H-pile/1585 m | 3.42 | 3.42 | 3.42 |
| 2 vibratory (48-inch and 36-inch) steel pipes/34,164 m | 129 | 129 | 129 |
| Per day take Level B | | | |
| 2 vibratory 14-inch x 89-foot steel H-pile/1585 m | 0.6 | 0.5 | 13.5 |
| 2 vibratory (48-inch and 36-inch) steel pipes/34,164 m | 21.9 | 20.6 | *500 |
| Total Level B Take Calculated | 537 | 505 | 12,289 |

*Capped at maximum population size (500) in San Francisco Bay per day (NPS 2016).

**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 (latter not applicable for this action). NMFS regulations require applicants for incidental take authorizations to include information about the availability and feasibility (economic and technological) of equipment, methods, and manner of conducting the activity or other means of effecting the least practicable adverse impact upon the affected species or stocks and their habitat (50 CFR 216.104(a)(11)).

In evaluating how mitigation may or may not be appropriate to ensure the least practicable adverse impact on species or stocks and their habitat, as well as subsistence uses where applicable, we carefully consider two primary factors:

(1) The manner in which, and the degree to which, the successful implementation of the measure(s) is expected to reduce impacts to marine mammals, marine mammal species or stocks, and their habitat. This considers the nature of the potential adverse impact being mitigated (likelihood, scope, range). It further considers the likelihood that the measure will be effective if implemented (probability of accomplishing the mitigating result if implemented as planned), the likelihood of effective implementation (probability implemented as planned); and

(2) The practicability of the measures for applicant implementation, which may consider such things as cost,

impact on operations, and, in the case of a military readiness activity, personnel safety, practicality of implementation, and impact on the effectiveness of the military readiness activity.

The following mitigation measures are proposed in the IHA:

- For in-water heavy machinery work other than pile driving (*e.g.,* standard barges, *etc.*), if a marine mammal comes within 10 m, operations shall cease and vessels shall reduce speed to the minimum level required to maintain steerage and safe working conditions. This type of work could include the following activities: (1) Movement of the barge to the pile location; or (2) positioning of the pile on the substrate via a crane (*i.e.,* stabbing the pile);
- Conduct briefings between construction supervisors and crews and the marine mammal monitoring team prior to the start of all pile driving activity and when new personnel join the work, to explain responsibilities, communication procedures, marine mammal monitoring protocol, and operational procedures;
- For those marine mammals for which Level B harassment take has not been requested, in-water pile installation/removal will shut down immediately if such species are observed within or entering the Level B harassment zone; and
- If take reaches the authorized limit for an authorized species, pile installation will be stopped as these species approach the Level B harassment zone to avoid additional take.

The following mitigation measures would apply to San Francisco's in-water construction activities.

- *Establishment of Shutdown Zones*—San Francisco will establish shutdown zones for all pile driving and removal activities. The purpose of a shutdown zone is generally to define an area within which shutdown of the activity would occur upon sighting of a marine mammal (or in anticipation of an animal entering the defined area). Shutdown zones will vary based on the activity type and marine mammal hearing group (Table 4). The largest shutdown zones are generally for high frequency cetaceans, as shown in Table 13.
- The placement of PSOs during all pile driving and removal activities (described in detail in the Proposed Monitoring and Reporting section) will ensure that the entire shutdown zone is visible during pile installation. Should environmental conditions deteriorate such that marine mammals within the entire shutdown zone would not be visible (*e.g.,* fog, heavy rain), pile driving and removal must be delayed until the PSO is confident marine mammals within the shutdown zone could be detected.

TABLE 13—SHUTDOWN ZONES DURING PILE INSTALLATION AND REMOVAL

| Pile driving activity | Low-frequency cetaceans | Mid-frequency cetaceans | High-frequency cetaceans | Phocid pinnipeds | Otariid pinnipeds |
|---|---|---|---|---|---|
| **High Exposure Day** | | | | | |
| June | | | | | |
| 48-inch steel pipe impact | *100 | 30 | *100 | *100 | 40 |
| July–January | | | | | |
| 24-inch Octagonal Concrete Impact | 80 | 10 | 100 | 40 | 10 |
| **Average Exposure Day** | | | | | |
| June | | | | | |
| 48-inch steel and 36-inch steel simultaneous vibratory | 60 | 10 | 100 | 40 | 10 |
| July–January | | | | | |
| 14 x 48-inch concrete sheet pile impact | 10 | 10 | 10 | 10 | 10 |
| Vibratory Removal of 12-inch Timber pile | 10 | 10 | 10 | 10 | 10 |

*This shutdown zone is smaller than the Level A harassment zone. NMFS expects that PSOs will be able to monitor this zone more effectively, and that the smaller zone will reduce unnecessary shutdowns.

- *Monitoring for Level B Harassment*—San Francisco will monitor the Level B harassment zones and the Level A harassment zones. Monitoring zones provide utility for observing by establishing monitoring protocols for areas adjacent to the shutdown zones. Monitoring zones enable observers to be aware of and communicate the presence of marine mammals in the project area outside the shutdown zone and thus prepare for a potential halt of activity should the animal enter the shutdown zone. Placement of PSOs will allow PSOs to observe marine mammals within the Level B harassment zones. However, due to the large Level B harassment zones (Table 8), PSOs will not be able to effectively observe the entire zone. Therefore, Level B harassment exposures will be recorded and extrapolated based upon the number of observed takes and the percentage of the Level B harassment zone that was not visible.
- *Pre-activity Monitoring*—Prior to the start of daily in-water construction activity, or whenever a break in pile driving/removal of 30 minutes or longer occurs, PSOs will observe the shutdown and monitoring zones for a period of 30 minutes. The shutdown zone will be considered cleared when a marine mammal has not been observed within the zone for that 30-minute period. If a marine mammal is observed within the shutdown zone, a soft-start cannot proceed until the animal has left the zone or has not been observed for 15 minutes. When a marine mammal for which Level B harassment take is authorized is present in the Level B harassment zone, activities may begin and Level B harassment take will be recorded. If the entire Level B harassment zone is not visible at the start of construction, pile driving activities can begin. If work ceases for more than 30 minutes, the pre-activity monitoring of the shutdown zones will commence.
- *Soft Start*—Soft-start procedures are believed to provide additional protection to marine mammals by providing warning and/or giving marine mammals a chance to leave the area prior to the hammer operating at full capacity. For impact pile driving, contractors will be required to provide an initial set of three strikes from the hammer at reduced energy, followed by a thirty-second waiting period. This

procedure will be conducted three times before impact pile driving begins. Soft start will be implemented at the start of each day's impact pile driving and at any time following cessation of impact pile driving for a period of thirty minutes or longer.

- Pile driving or removal must occur during daylight hours.

Based on our evaluation of the applicant's proposed measures, as well as other measures considered by NMFS, 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.

**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*

Marine mammal monitoring must be conducted in accordance with the Monitoring section of the application and Section 5 of the IHA. Marine mammal monitoring during pile driving and removal must be conducted by NMFS-approved PSOs in a manner consistent with the following:

- Independent PSOs (*i.e.,* not construction personnel) who have no other assigned tasks during monitoring periods must be used;
- Other PSOs may substitute education (degree in biological science or related field) or training for experience; and
- San Francisco must submit PSO Curriculum Vitae for approval by NMFS prior to the onset of pile driving.

PSOs must have the following additional qualifications:

- Ability to conduct field observations and collect data according to assigned protocols;
- Experience or training in the field identification of marine mammals, including the identification of behaviors;
- Sufficient training, orientation, or experience with the construction operation to provide for personal safety during observations;
- 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, times, and reason for implementation of mitigation (or why mitigation was not implemented when required); and marine mammal behavior; and
- 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.

Two PSOs will be employed. PSO locations will provide an unobstructed view of all water within the shutdown zone, and as much of the Level A and Level B harassment zones as possible. PSO locations are as follows:

(1) At the pile driving site or best vantage point practicable to monitor the shutdown zones; and

(2) For the large Level B harassment zone associated with simultaneous driving of large pipe piles, a second PSO will be placed near Pier 33 in San Francisco. This PSO is not needed for other activities.

Monitoring will be conducted 30 minutes before, during, and 30 minutes after pile driving/removal 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 or remove a single pile or series of piles, as long as the time elapsed between uses of the pile driving or drilling equipment is no more than 30 minutes.

*Reporting*

A draft marine mammal monitoring report will be submitted to NMFS within 90 days after the completion of pile driving and removal activities, or 60 days prior to a requested date of issuance of any future IHAs for projects at the same location, whichever comes first. The report will include an overall description of work completed, a narrative regarding marine mammal sightings, and associated PSO 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 observation, 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.

• An extrapolation of the estimated takes by Level B harassment based on the number of observed exposures within the Level B harassment zone and the percentage of the Level B harassment zone that was not visible, when applicable.

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.

*Reporting Injured or Dead Marine Mammals*

In the event that personnel involved in the construction activities discover an injured or dead marine mammal, San Francisco shall report the incident to the Office of Protected Resources (OPR), NMFS and to the regional stranding coordinator as soon as feasible. If the death or injury was clearly caused by the specified activity, San Francisco must immediately cease the specified activities until NMFS is able to review the circumstances of the incident and determine what, if any, additional measures are appropriate to ensure compliance with the terms of the IHA. The IHA-holder must not resume their activities until notified by NMFS. 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, this introductory discussion of our analyses applies to all of the species listed in Table 11, given that many of the anticipated effects of this project on different marine mammal stocks are expected to be relatively similar in nature. Additional discussion is included for harbor seals, which occur more densely in the area and may be disturbed repeatedly during the season. Pile driving 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 removal. Potential takes could occur if individuals 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. The potential for harassment is minimized through the construction method and the implementation of the planned mitigation measures (see Proposed Mitigation section).

The Level A harassment zones identified in Table 10 are based upon an animal exposed to impact pile driving multiple piles per day. Considering duration of impact driving each pile (up to 10 minutes) and breaks between pile installations (to reset equipment and move pile into place), this means an animal would have to remain within the area estimated to be ensonified above the Level A harassment threshold for multiple hours. This is highly unlikely given marine mammal movement throughout the area. If an animal was exposed to accumulated sound energy, the resulting PTS would likely be small (*e.g.,* PTS onset) at lower frequencies where pile driving energy is concentrated, and unlikely to result in impacts to individual fitness, reproduction, or survival.

The nature of the pile driving project precludes the likelihood of serious injury or mortality. For all species and stocks, take would occur within a limited, confined area (western San Francisco Bay) of any given stock's range. Level A and Level B harassment will be reduced to the level of least practicable adverse impact through use of mitigation measures described herein. Further the amount of take proposed to be authorized for any given stock is extremely small when compared to stock abundance.

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 and removal would occur across six months, any harassment would be temporary. There are no other areas or times of known biological importance for any of the affected species.

We are authorizing large numbers of take of harbor seals. As discussed above, there are approximately 500 harbor seals in San Francisco Bay. Thus we expect most of the harbor seal take to consist of repeated take of a smaller number of

individuals, rather than a large proportion of the stock. Most of the take is expected to occur from the 20 days of simultaneous vibratory pile driving of large piles. However, we are not concerned about fitness impacts as the daily exposure is likely to be brief and intermittent. The 20 days of simultaneous pile driving are not expected to be sequential, providing the animals recovery time. The presence of the large simultaneous level B harassment zones are also likely to be of very short duration within a day on any given day given the dynamics of operating and adjusting different pile driving rigs and thus the likelihood that both rigs will be operating simultaneously. It is also the case that some of the simultaneous pile driving will consist of one large pile and smaller, quieter H-piles (see Table 7), so that effects are likely to be less significant. In addition, this area of the bay lacks important habitat areas, including haulouts within the level B harassment zone, and the existing industrialized nature and loud ambient noise of the area minimize the degradation of habitat and effects on individual fitness, reproduction, or survival. Moreover, harbor seals resident in San Francisco Bay are likely habituated to this noise and activity as evident in the low number of observed responses, none of which seemed severe, from monitoring. Finally, the status of this stock is not of concern.

In addition, 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.
- No biologically important areas have been identified within the project area.
- For all species, San Francisco Bay is a very small and peripheral part of their range.
- For harbor seals take is concentrated in a small number of individuals with the 20 days of major activity spread out, the most severe simultaneous pile driving likely of short duration on any given day in an area of unimportant habitat with significant exiting anthropomorphic noise and disturbance and evidence the animals are habituated to these circumstances.
- San Francisco would implement mitigation measures such as vibratory driving piles to the maximum extent practicable, soft-starts, and shut downs.
- Monitoring reports from similar work in San Francisco Bay 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. When the predicted number of individuals to be taken is fewer than one third of the species or stock abundance, the take is considered to be of small numbers. 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 of all species or stocks is below one third of the estimated stock abundance. These are all likely conservative estimates because they assume all takes are of different individual animals which is likely not the case. Some individuals may return multiple times in a day, but PSOs would count them as separate takes if they cannot be individually identified.

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**

There are no relevant subsistence uses of the affected marine mammal stocks or species implicated by this action. Therefore, NMFS has determined that the total taking of affected species or stocks would not have an unmitigable adverse impact on the availability of such species or stocks for taking for subsistence purposes.

**Endangered Species Act (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 West Coast Region Protected Resources Division Office, whenever we propose to authorize take for endangered or threatened species.

No incidental take of ESA-listed species is proposed for authorization or expected to result from this activity. Therefore, NMFS has determined that formal consultation under section 7 of the ESA is not required for this action.

**Proposed Authorization**

As a result of these preliminary determinations, NMFS proposes to issue an IHA to San Francisco to conduct the Treasure Island Ferry Dock project in San Francisco, CA for one year from the date of issuance, 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 Treasure Island Ferry Dock 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-time 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 *Description of Proposed Activity* section of this notice is planned or (2) the activities as described in the *Description of Proposed 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); and

(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; and

- 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: June 3, 2020.

**Donna S. Wieting,**

*Director, Office of Protected Resources, National Marine Fisheries Service.*

[FR Doc. 2020–12363 Filed 6–8–20; 8:45 am]

**BILLING CODE 3510–22–P**

## BUREAU OF CONSUMER FINANCIAL PROTECTION

### Notice of Availability of Revised Consumer Information Publication

**AGENCY:** Bureau of Consumer Financial Protection.

**ACTION:** Notice of availability.

**SUMMARY:** The Bureau of Consumer Financial Protection (Bureau) announces the availability of an updated consumer publication, the Consumer Handbook on Adjustable Rate Mortgages booklet, also known as the CHARM booklet, required under the Real Estate Settlement Procedures Act (RESPA) implemented by Regulation X and the Truth in Lending Act (TILA) implemented by Regulation Z. This version of the CHARM booklet is updated to align with the Bureau's educational efforts, to be more concise, and to improve readability and usability.

**ADDRESSES:** The updated consumer publication is available for download on the Bureau's website at *www.consumerfinance.gov/learnmore* and can also be found in the Catalog of U.S. Government Publications (*http://catalog.gpo.gov*), maintained by Superintendent of Documents, U.S. Government Publishing Office, Washington, DC 20402.

**FOR FURTHER INFORMATION CONTACT:** Davida Farrar, Supervisory Attorney-Advisor, Consumer Education and Engagement Division; Laura Schlachtmeyer, Senior Financial Education Content Specialist, Consumer Education and Engagement Division; Julie Vore, Originations Program Manager, Office of Mortgage Markets; Greg Evans, Senior Compliance Analyst, Consumer Education and Engagement Division; *CFPB_reginquiries@cfpb.gov* or (202) 435–7700. If you require this document in an alternative electronic format, please contact *CFPB_Accessibility@cfpb.gov.*

**SUPPLEMENTARY INFORMATION:** The Bureau is hereby publishing this notice of availability to inform the public of the existence of an updated version of the Consumer Handbook on Adjustable Rate Mortgages booklet.

### Background on the CHARM Booklet

In its enactment in 1974, section 5 of RESPA required the provision of ''special information booklets'' to help persons borrowing money to finance the purchase of residential real estate to understand better the nature and costs of real estate settlement services. Public Law 93–553.

In 1987, the Board of Governors of the Federal Reserve System (Board) revised Regulation Z, to require special disclosures for closed-end adjustable rate mortgages (ARMs) secured by the borrower's principal dwelling with a term greater than one year. 52 FR 48665 (Dec. 24, 1987). The Board and the Federal Home Loan Bank Board (predecessor to the former Office of Thrift Supervision (OTS)) originally developed the CHARM booklet in 1987 to fulfill that requirement and educate consumers about the features and risks associated with adjustable rate mortgages. The Board most recently updated the CHARM booklet in 2006. 71 FR 78437 (Dec. 29, 2006).

Under the Dodd-Frank Act, Public Law 111–203, the responsibility for the CHARM Booklet transferred to the Bureau. Under 12 CFR 1026.19(b)(1), creditors must provide the ''booklet titled Consumer Handbook on Adjustable Rate Mortgages, or a suitable substitute'' to all consumers considering an adjustable rate mortgage.

To reflect the transfer to the Bureau and ensure consistency with the Bureau's rulemakings regulating practices in mortgage origination and servicing that took effect in January 2014, the Bureau made technical and conforming changes to the CHARM booklet and made the revised booklet available in January 2014. 79 FR 1836 (Jan. 10, 2014).

### Contents of the Updated Version of the CHARM Booklet

The Bureau is updating the CHARM booklet so that it aligns with the Bureau's educational efforts, to be more concise, and to improve readability and usability. New features include a comparison table that describes adjustable rate mortgages and their differences in relation to fixed-rate loan products; an explanation of how an adjustable rate mortgage works; a tutorial on how to review an ARM Loan Estimate and a lender's ARM program disclosure; a comparison table for the various adjustable and fixed-rate loan offers that reader has received or will receive; and a description of the risks that come with different types of adjustable rate mortgages. This version of the CHARM booklet eliminates references to LIBOR due to the forecasted cessation of LIBOR.

The design of the CHARM booklet is intended to have a similar look and feel as Your Home Loan Toolkit (Toolkit), another consumer disclosure for which the Bureau is responsible and that will frequently be received by mortgage applicants at the same time as the CHARM booklet. Similar to the Toolkit's

treatment of the Closing Disclosure, a significant portion of the booklet is devoted to encouraging the consumer to review the specific terms offered in their Loan Estimate, which they are also likely to receive at the same time as the CHARM booklet. Portions of the Loan Estimate are reproduced and explained in the revised CHARM booklet.

**Distribution and Use of the Updated CHARM Booklet**

Under 12 CFR 1026.19(b), if the annual percentage rate may increase after consummation in a transaction secured by the consumer's principal dwelling with a term greater than one year, the CHARM booklet must be provided when an application form is provided for an adjustable rate mortgage loan or before the consumer pays a non-refundable fee, whichever is earlier (except that the disclosures may be delivered or placed in the mail not later than three business days following the receipt of the consumer's application when the application reaches the creditor by telephone, or through an intermediary agent or broker).

Creditors may, at their option, immediately begin using the revised CHARM booklet, or a suitable substitute, to comply with the requirements in Regulation Z. The Bureau understands, however, that some may wish to use their existing stock of the CHARM booklet. Therefore, those who provide this publication may use earlier versions of the CHARM booklet until existing supplies are exhausted. When reprinting the CHARM booklet, the most recent version should be used.

**Signing Authority**

The Director of the Bureau, having reviewed and approved this document, is delegating the authority to electronically sign this document to Laura Galban, a Bureau Federal Register Liaison, for purposes of publication in the **Federal Register**.

Dated: June 4, 2020.

**Laura Galban,**

*Federal Register Liaison, Bureau of Consumer Financial Protection.*

[FR Doc. 2020–12467 Filed 6–8–20; 8:45 am]

**BILLING CODE 4810–AM–P**

## DEPARTMENT OF DEFENSE

### Department of the Air Force

### Notice of Intent To Grant a Partially Exclusive Patent License

**AGENCY:** Department of the Air Force, Department of Defense.

**ACTION:** Notice of intent.

**SUMMARY:** Pursuant to the Bayh-Dole Act and implementing regulations, the United States Air Force (Air Force) is issuing this notice of intent to grant a partially exclusive patent license agreement with respect to the field of remote care management of patients with autoimmune disease (which are conditions caused by increased reactivity of the immune system causing tissue damage) to Adyptation Inc., a C-Corporation duly organized, validly existing, and in good standing in the State of Delaware, having a place of business at 3040 South Tech Blvd., Miamisburg, OHIO.

**DATES:** Written objections must be filed no later than fifteen (15) calendar days after the date of publication of this Notice.

**ADDRESSES:** Submit written objections to the Air Force Materiel Command Law Office, AFMCLO/JAZ, 2240 B Street, Room 260, Wright-Patterson AFB, OH 45433–7109; Facsimile: (937) 255–3733; or Email: *afmclo.jaz.tech@us.af.mil.* Include Docket No. ARH–200504A–PL in the subject line of the message.

**FOR FURTHER INFORMATION CONTACT:** Air Force Materiel Command Law Office, AFMCLO/JAZ, 2240 B Street, Rm 260, Wright-Patterson AFB, OH 45433–7109; Facsimile: (937) 255–3733; Email: *afmclo.jaz.tech@us.af.mil.*

**SUPPLEMENTARY INFORMATION:** The Department of the Air Force intends to grant the partially exclusive patent license agreement for the invention described in: U.S. Patent No. 8,568,145, entitled, ''Predictive Performance Optimizer,'' filed August 19, 2011, and issued October 29, 2013; and U.S. Patent No. 8,777,628, entitled, ''Predictive Performance Optimizer,'' filed April 1, 2013, and issued July 15, 2014.

The Department of the Air Force may grant the prospective license unless a timely objection is received that sufficiently shows the grant of the license would be inconsistent with the Bayh-Dole Act or implementing regulations. A competing application for a patent license agreement, completed in compliance with 37 CFR 404.8 and received by the Air Force within the period for timely objections, will be treated as an objection and may be considered as an alternative to the proposed license.

**Authority:** 35 U.S.C. 209; 37 CFR 404.

**Adriane Paris,**

*Acting Air Force Federal Register Liaison Officer.*

[FR Doc. 2020–12387 Filed 6–8–20; 8:45 am]

**BILLING CODE 5001–10–P**

## DEPARTMENT OF DEFENSE

### Office of the Secretary

### Defense Innovation Board; Notice of Federal Advisory Committee Meeting

**AGENCY:** Under Secretary of Defense for Research & Engineering, Department of Defense (DoD).

**ACTION:** Notice of Federal Advisory Committee meeting.

**SUMMARY:** The DoD is publishing this notice to announce that the following Federal Advisory Committee meeting of the Defense Innovation Board (''the Board'') will take place.

**DATES:** Open to the public, Tuesday, June 23, 2020 from 2:00 p.m. to 4:00 p.m. Eastern Standard Time (EST).

**FOR FURTHER INFORMATION CONTACT:** Ms. Colleen Laughlin, (571) 372–0933 (Voice), *colleen.r.laughlin.civ@mail.mil* or *osd.innovation@mail.mil* (Email). Mailing address is Defense Innovation Board, 3030 Defense Pentagon, Room 5E572, Washington, DC 20301–3030. Website: *http://innovation.defense.gov.* The most up-to-date changes to the meeting agenda can be found on the website.

**SUPPLEMENTARY INFORMATION:** This meeting is being held under the provisions of the Federal Advisory Committee Act (FACA) (5 U.S.C., Appendix), the Government in the Sunshine Act (5 U.S.C. 552b), and 41 CFR 102–3.140 and 102–3.150.

*Purpose of the Meeting:* To obtain, review, and evaluate information related to the Board's mission in advising the Secretary of Defense and the Deputy Secretary of Defense independent advice and recommendations on innovative means to address future challenges in terms of integrated change to organizational structure and processes, business and functional concepts, and technology applications. The Board focuses on (a) technology and capabilities, (b) practices and operations, (c) people and culture, and (d) other research and analysis of topics raised by the Secretary of Defense, Deputy Secretary of Defense, or the Under Secretary of Defense for Research and Engineering.

*Agenda:* The meeting will begin on June 23, 2020 at 2:00 p.m. EST with opening remarks by Ms. Colleen Laughlin, the Designated Federal Officer (DFO), and Dr. Eric Schmidt, Board Chair. The Science and Technology subcommittee will discuss their work, to include deliberation on a recommendation concerning testing, evaluation, verification, and validation (TEVV) of autonomous systems. The

Workforce Behavior and Culture subcommittee will discuss their work on defining innovation terms and concepts for the Department, as well as their perspective on the recent Department-wide response to the COVID–19 pandemic. Additionally, Ms. Colleen Laughlin, on behalf of DoD, will brief the DIB on DoD's latest implementation activities related to DIB recommendations. Ms. Laughlin will then read electronically submitted comments from the public to the Board. The Board will receive an update from the Department on the implementation status of its recommendations. The meeting will adjourn at 4:00 p.m. EST.

*Meeting Accessibility:* Pursuant to Federal statutes and regulations (the FACA, the Sunshine Act, and 41 CFR 102–3.140 through 102–3.165) and the availability of space, the meeting is open to the public from 2:00 p.m. to 4:00 p.m. EST. Members of the public wishing to attend the meeting or wanting to receive a link to the live stream webcast should register on the Board website, *http://innovation.defense.gov/meetings,* no later than June 18, 2020. Members of the media should RSVP to the Office of the Assistant to the Secretary of Defense (Public Affairs), at *osd.pentagon.pa.list.dop-atl@mail.mil.*

*Special Accommodations:* Individuals requiring special accommodations to access the public meeting should contact the DFO, see the **FOR FURTHER INFORMATION CONTACT** section for contact information, no later than June 18, 2020, so that appropriate arrangements can be made.

*Written Statements:* Written comments may be submitted to the DFO via email to mailbox address: *osd.innovation@mail.mil* in either Adobe Acrobat or Microsoft Word format. The DFO will compile all written submissions and provide them to Board members for consideration. Please note that because the Board operates under the provisions of the FACA, all submitted comments will be treated as public documents and will be made available for public inspection, including, but not limited to, being posted on the Board's website.

Dated: June 4, 2020.

**Aaron T. Siegel,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

[FR Doc. 2020–12472 Filed 6–8–20; 8:45 am]

**BILLING CODE 5001–06–P**

## DEPARTMENT OF EDUCATION

**[Docket No. ED–2020–SCC–0088]**

### Agency Information Collection Activities; Comment Request; Eligibility of Students at Institutions of Higher Education for Funds Under the CARES Act

**AGENCY:** Office of Postsecondary Education (OPE), Department of Education (ED).

**ACTION:** Notice.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, ED is requesting the Office of Management and Budget (OMB) to conduct an emergency review of a new information collection.

**DATES:** Approval by the OMB has been requested by June 8, 2020 for this emergency information collection; however, the Department is requesting public comments on the regular information collection. Interested persons are invited to submit comments on or before August 10, 2020.

**ADDRESSES:** To access and review all the documents related to the information collection listed in this notice, please use *http://www.regulations.gov* by searching the Docket ID number ED–2020–SCC–0088. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. If the *regulations.gov* site is not available to the public for any reason, ED will temporarily accept comments at *ICDocketMgr@ed.gov.* Please include the docket ID number and the title of the information collection request when requesting documents or submitting comments. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Strategic Collections and Clearance Governance and Strategy Division, U.S. Department of Education, 400 Maryland Ave. SW, LBJ, Room 6W–208D, Washington, DC 20202–4537.

**FOR FURTHER INFORMATION CONTACT:** For specific questions related to collection activities, please contact Gaby Watts, 202–453–7195.

**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:* Eligibility of Students at Institutions of Higher Education for Funds under the CARES Act.

*OMB Control Number:* 1840–NEW.

*Type of Review:* A new information collection.

*Respondents/Affected Public:* State, Local, and Tribal Governments; Individuals or Households; Private Sector.

*Total Estimated Number of Annual Responses:* 1,553,009.

*Total Estimated Number of Annual Burden Hours:* 2,657,060.

*Abstract:* The U. S. Department of Education is requesting an emergency clearance of this information collection request to allow for immediate outreach to institutions of higher eduction (IHEs) to meet the requirements of the Coronavirus Aid, Relief, and Economic Security Act or the CARES Act, Public Law 116–136 (March 27, 2020). This will help to ensure that the distribution of the CARE Act funds is managed by IHEs in accordance with this clarification as discussed in the Interim Final Rule scheduled to be published in the **Federal Register** on or about June 9, 2020. The Department is requesting emergency clearance and OMB approval of our foregoing public comment until this collection is resubmitted as a regular collection not later than June 30, 2020. The Department will publish 60 and 30 **Federal Register** notices as required by 5 CFR 1320.8(d), soliciting

comments on the information collection at that time.

*Additional Information:* An emergency clearance approval for the use of the system is described below due to the following conditions:

Section 18004 of the Act authorizes the Secretary of Education (''Secretary'') to allocate formula grant funds to participating institutions of higher educations (IHEs). It requires the IHEs to use no less than fifty percent of the funds received to provide emergency financial aid grants to students for expenses related to the disruption of campus operations due to coronavirus (including eligible expenses under a student's cost of attendance such as food, housing, course materials, technology, health care, and child care). ED is requesting an emergency clearance so that IHEs may appropriately determine which individuals attending their institution are eligible to receive emergency financial aid grants under the CARES Act.

Dated: June 4, 2020.

**Kate Mullan,**

*PRA Coordinator, Strategic Collections and Clearance Governance and Strategy Division, Office of Chief Data Officer.*

[FR Doc. 2020–12491 Filed 6–8–20; 8:45 am]

**BILLING CODE 4000–01–P**

## DEPARTMENT OF EDUCATION

### Accrediting Agencies Currently Undergoing Review for Purposes of Recognition by the U.S. Secretary of Education; Update

**AGENCY:** Office of Postsecondary Education, Accreditation Group, U.S. Department of Education.

**ACTION:** Update to the call for written third-party comments.

**SUMMARY:** This notice is an update to the previous notice published in the **Federal Register** Vol 85, No. 103 on May 28, 2020 for members of the public on submitting written comments for accrediting agencies currently undergoing review for purposes of recognition by the U.S. Secretary of Education. The purpose of this notice is to correct the scope of recognition for the National Accrediting Commission of Career Arts and Sciences Inc.

**FOR FURTHER INFORMATION CONTACT:** Herman Bounds, Director, Accreditation Group, Office of Postsecondary Education, U.S. Department of Education, 400 Maryland Avenue SW, Room 270–01, Washington, DC 20202, telephone: (202) 453–7615, or email: *herman.bounds@ed.gov.*

**SUPPLEMENTARY INFORMATION:** This notice is an update to the previous notice published in the **Federal Register** at 85 FR 32031 on May 28, 2020. This request for written third-party comments concerning the performance of accrediting agencies under review by the Secretary of Education is required by section 496(n)(1)(A) of the Higher Education Act (HEA) of 1965, as amended, and pertains to the Winter 2021 meeting of the National Advisory Committee on Institutional Quality and Integrity (NACIQI). The meeting date and location have not been determined, but will be announced in a later **Federal Register** notice. In addition, a later **Federal Register** notice will describe how to register to provide oral comments at the meeting.

*Agencies Under Review and Evaluation:* The Department requests written comments from the public on the following accrediting agencies, which are currently undergoing review and evaluation by the Accreditation Group, and which will be reviewed at the Winter 2021 NACIQI meeting.

The agencies are listed by the type of application each has submitted. We have also indicated each agency's current scope of recognition. If any agency requests a change to its scope of recognition, we have identified both the current scope of recognition and the requested scope of recognition.

**Applications for Renewal of Recognition**

1. Association of Institutions of Jewish Studies. Scope of Recognition: The accreditation of postsecondary institutions of Jewish Studies within the United States exclusively offering educational programs leading to a certificate, associate degree, baccalaureate degree or their equivalent credential in Jewish Studies or Classical Torah Studies.

2. American Speech-Language-Hearing Association, Council on Academic Accreditation in Audiology and Speech-Language Pathology. Scope of Recognition: The accreditation and preaccreditation (Accreditation Candidate) throughout the United States of education programs in audiology and speech-language pathology leading to the first professional or clinical degree at the master's or doctoral level, and the accreditation of these programs offered via distance education.

3. American Board of Funeral Service Education, Committee on Accreditation. Scope of Recognition: The accreditation of institutions and programs within the United States awarding diplomas, associate degrees and bachelor's degrees in funeral service or mortuary science, including the accreditation of distance learning courses and programs offered by these programs and institutions.

4. Council on Naturopathic Medical Education. Scope of Recognition: The accreditation and preaccreditation throughout the United States of graduate-level, four-year naturopathic medical education programs leading to the Doctor of Naturopathic Medicine (NMD) or Doctor of Naturopathy (ND).

5. Commission on Massage Therapy Accreditation. Scope of Recognition: The accreditation of institutions and programs in the United States that award postsecondary certificates, postsecondary diplomas, academic Associate degrees and occupational Associate degrees, in the practice of massage therapy, bodywork, and aesthetics/esthetics and skin care.

6. Montessori Accreditation Council for Teacher Education. Scope of Recognition: The accreditation of Montessori teacher education institutions and programs throughout the United States, including those offered via distance education.

7. Midwifery Education Accreditation Council. Scope of Recognition: The accreditation and pre-accreditation throughout the United States of direct-entry midwifery educational institutions and programs conferring degrees and certificates, including the accreditation of such programs offered via distance education.

8. National Accrediting Commission of Career Arts and Sciences Inc. *Corrected Scope of Recognition:* The accreditation throughout the United States of postsecondary schools and departments of cosmetology arts and sciences and massage therapy.

**Application for Granting of Academic (Masters and Doctoral) Degrees by Federal Agencies and Institutions**

1. U.S. Army Command and General Staff College: Undergoing Substantive Change (Curriculum Change).

**Submission of Written Comments Regarding a Specific Accrediting Agency Under Review**

Written comments about the recognition of any of the accrediting listed above must be received by June 23, 2020 in the *ThirdPartyComments@ed.gov* mailbox and include the subject line ''Written Comments: (agency name).'' The email must include the name(s), title, organization/affiliation, mailing address, email address, and telephone number of the person(s) making the comment. Comments should be submitted as a Microsoft Word document or in a medium compatible with Microsoft Word (not a PDF file)

that is attached to an electronic mail message (email) or provided in the body of an email message. Comments about an agency that has submitted a petition for initial recognition, renewal of recognition, or an expansion of scope must relate to the agency's compliance with the Criteria for the Recognition of Accrediting Agencies, which are available at *http://www.ed.gov/admins/finaid/accred/index.html.*

Only written materials submitted by the deadline to the email address listed in this notice, and in accordance with these instructions, become part of the official record concerning agencies scheduled for review and are considered by the Department and NACIQI in their deliberations.

*Electronic Access to this Document:* The official version of this document is the document published in the **Federal Register**. Free internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available via the Federal Digital System at: *www.gpo.gov/fdsys.* At this site you can view this document, as well as all other documents of the Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF). To use PDF, you must have Adobe Acrobat Reader, which is available free at the site. You may also access documents of the Department published in the **Federal Register** by using the article search feature at: *www.federalregister.gov.* Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

**Authority:** 20 U.S.C. 1011c.

**Robert L. King,**

*Assistant Secretary for Postsecondary Education.*

[FR Doc. 2020–12351 Filed 6–8–20; 8:45 am]

**BILLING CODE P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket No. ER20–1907–000]**

### Minco Wind I, 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 Minco Wind I, 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 June 23, 2020.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically may mail similar pleadings to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (*http://ferc.gov*) using the eLibrary link. Enter the docket number excluding the last three digits in the docket number field to access the document. At this time, the Commission has suspended access to the Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID–19), issued by the President on March 13, 2020. For assistance, contact the Federal Energy Regulatory Commission at *FERCOnlineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TYY, (202) 502–8659.

Dated: June 3, 2020.

**Nathaniel J. Davis, Sr.,**

*Deputy Secretary.*

[FR Doc. 2020–12459 Filed 6–8–20; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Project No. 7630–005]**

### Town of South Hill, VA; Notice of Application for Surrender of Exemption, Soliciting Comments, Motions To Intervene, and Protests

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Proceeding:* Application for surrender of exemption from licensing.

b. *Project No.:* 7630–005.

c. *Date Filed:* April 20, 2020.

d. *Exemptee:* Town of South Hill, Virginia.

e. *Name of Project:* Whittles Mill Dam Project.

f. *Location:* The project is located on the Meherrin River in the Town of South Hill in Mecklenburg County, Virginia.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791a–825r.

h. *Licensee Contact:* Alexis Jones, B&B Consultants, Inc., 212 E. Ferrell Street, South Hill, VA 23970, (434) 447–7621 *ajones@bandbcons.com.*

i. *FERC Contact:* Rebecca Martin, (202) 502–6012, *Rebecca.martin@ferc.gov.*

j. *Deadline for filing comments, interventions, and protests Deadline for filing comments, motions to intervene, and protests:* August 3, 2020.

The Commission strongly encourages electronic filing. Please file comments, motions to intervene, and protests using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. The first page of any filing should include docket number P–7630–005.

Comments emailed to Commission staff are not considered part of the Commission record.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person whose name appears on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. *Description of Request:* The applicant proposes to surrender its exemption from licensing for the project. The project has been disconnected from its power source and has not operated since May 16, 2014. No ground disturbing activities are proposed and project features would remain in place, as they are part of the Whittle's Mill Historic Site and Park.

l. *Locations of the Application:* A copy of the PAD may be viewed and/or printed on the Commission's website (*http://www.ferc.gov*), using the eLibrary link. Enter the docket number, excluding the last three digits in the docket number field to access the document. At this time, the Commission has suspended access to the Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID–19), issued by the President on March 13, 2020. For assistance, contact FERC Online Support at FERC *OnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY).

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214, respectively. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. *Filing and Service of Documents:* Any filing must (1) bear in all capital letters the title COMMENTS, PROTEST, or MOTION TO INTERVENE as applicable; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person commenting, protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene, or protests must set forth their evidentiary basis. Any filing made by an intervenor must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 385.2010.

Dated: June 3, 2020.

**Kimberly D. Bose,**

*Secretary.*

[FR Doc. 2020–12440 Filed 6–8–20; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket No. ER20–1981–000]**

### Pioneer Solar (CO), 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 Pioneer Solar (CO), 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 June 23, 2020.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically may mail similar pleadings to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (*http://ferc.gov*) using the eLibrary link. Enter the docket number excluding the last three digits in the docket number field to access the document. At this time, the Commission has suspended access to the Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID–19), issued by the President on March 13, 2020. For assistance, contact the Federal Energy Regulatory Commission at *FERCOnlineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TYY, (202) 502–8659.

Dated: June 3, 2020.

**Nathaniel J. Davis, Sr.,**

*Deputy Secretary.*

[FR Doc. 2020–12455 Filed 6–8–20; 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:* PR20–62–001.

*Applicants:* Black Hills Wyoming Gas, LLC.

*Description:* Tariff filing per 284.123(b),(e)/: Black Hills Wyoming Gas, LLC Amended SOC Filing to be effective 5/12/2020.

*Filed Date:* 5/28/2020.

*Accession Number:* 202005285052.

*Comments/Protests Due:* 5 p.m. ET 6/18/2020.

*Docket Numbers:* RP20–780–001.

*Applicants:* Pine Needle LNG Company, LLC.

*Description:* Compliance filing Implementation of Approved Stipulation and Agreement in Docket No. RP20–780 to be effective 6/1/2020.

*Filed Date:* 5/28/20.

*Accession Number:* 20200528–5207.

*Comments Due:* 5 p.m. ET 6/9/20.

*Docket Numbers:* RP20–886–000.

*Applicants:* TransColorado Gas Transmission Company LLC.

*Description:* § 4(d) Rate Filing: FLU Percentage Recomputation to be effective 7/1/2020.

*Filed Date:* 5/28/20.

*Accession Number:* 20200528–5055.

*Comments Due:* 5 p.m. ET 6/9/20.

*Docket Numbers:* RP20–887–000.

*Applicants:* Algonquin Gas Transmission, LLC.

*Description:* § 4(d) Rate Filing: AGT May 2020 Customer Name Change—Plymouth Rock to ENGIE Power & Gas LLC to be effective 6/27/2020.

*Filed Date:* 5/28/20.

*Accession Number:* 20200528–5061.

*Comments Due:* 5 p.m. ET 6/9/20.

*Docket Numbers:* RP20–888–000.

*Applicants:* Colorado Interstate Gas Company, L.L.C.

*Description:* § 4(d) Rate Filing: Quarterly LUF Trueup Filing to be effective 7/1/2020.

*Filed Date:* 5/28/20.

*Accession Number:* 20200528–5065.

*Comments Due:* 5 p.m. ET 6/9/20.

*Docket Numbers:* RP20–889–000.

*Applicants:* El Paso Natural Gas Company, L.L.C.

*Description:* § 4(d) Rate Filing: Negotiated Rate Update Filing (Conoco June 20) to be effective 6/1/2020.

*Filed Date:* 5/28/20.

*Accession Number:* 20200528–5073.

*Comments Due:* 5 p.m. ET 6/9/20.

*Docket Numbers:* RP20–890–000.

*Applicants:* Texas Eastern Transmission, LP.

*Description:* § 4(d) Rate Filing: TETLP NRA Name Change Cleanup—Plymouth Rock to ENGIE Power & Gas LLC to be effective 6/27/2020.

*Filed Date:* 5/28/20.

*Accession Number:* 20200528–5085.

*Comments Due:* 5 p.m. ET 6/9/20.

*Docket Numbers:* RP20–891–000.

*Applicants:* Kinder Morgan Louisiana Pipeline LLC.

*Description:* § 4(d) Rate Filing: Periodic Rate Adjustment to be effective 7/1/2020.

*Filed Date:* 5/28/20.

*Accession Number:* 20200528–5086.

*Comments Due:* 5 p.m. ET 6/9/20.

*Docket Numbers:* RP20–892–000.

*Applicants:* Texas Eastern Transmission, LP.

*Description:* § 4(d) Rate Filing: Negotiated Rate—Chevron 911109 releases eff 6–1–2020 to be effective 6/1/2020.

*Filed Date:* 5/28/20.

*Accession Number:* 20200528–5088.

*Comments Due:* 5 p.m. ET 6/9/20.

*Docket Numbers:* RP20–893–000.

*Applicants:* El Paso Natural Gas Company, L.L.C.

*Description:* § 4(d) Rate Filing: Non-Conforming Negotiated Rate Update (SoCal July 20) to be effective 7/1/2020.

*Filed Date:* 5/28/20.

*Accession Number:* 20200528–5089.

*Comments Due:* 5 p.m. ET 6/9/20.

*Docket Numbers:* RP20–894–000.

*Applicants:* Florida Gas Transmission Company, LLC.

*Description:* § 4(d) Rate Filing: Negotiated Rates Filing on 5–28–20 to be effective 6/1/2020.

*Filed Date:* 5/28/20.

*Accession Number:* 20200528–5130.

*Comments Due:* 5 p.m. ET 6/9/20.

*Docket Numbers:* RP20–895–000.

*Applicants:* Texas Eastern Transmission, LP.

*Description:* § 4(d) Rate Filing: Negotiated Rates—Duke Energy Indiana 712322 eff 6–1–2020 to be effective 6/1/2020.

*Filed Date:* 5/28/20.

*Accession Number:* 20200528–5134.

*Comments Due:* 5 p.m. ET 6/9/20.

*Docket Numbers:* RP20–897–000.

*Applicants:* NEXUS Gas Transmission, LLC.

*Description:* § 4(d) Rate Filing: Negotiated Rates—Columbia Gas 860005 6–1–2020 Releases to be effective 6/1/2020.

*Filed Date:* 5/28/20.

*Accession Number:* 20200528–5245.

*Comments Due:* 5 p.m. ET 6/9/20.

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: June 3, 2020.

**Nathaniel J. Davis, Sr.,**

*Deputy Secretary.*

[FR Doc. 2020–12456 Filed 6–8–20; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket No. ER20–1970–000]**

### Diamond Spring, 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 Diamond Spring, 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 June 23, 2020.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically may mail similar pleadings to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all

interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (*http://ferc.gov*) using the eLibrary link. Enter the docket number excluding the last three digits in the docket number field to access the document. At this time, the Commission has suspended access to the Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID–19), issued by the President on March 13, 2020. For assistance, contact the Federal Energy Regulatory Commission at *FERCOnlineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TYY, (202) 502–8659.

Dated: June 3, 2020.

**Nathaniel J. Davis, Sr.,**

*Deputy Secretary.*

[FR Doc. 2020–12462 Filed 6–8–20; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket No. ER20–1983–000]**

### Central 40, 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 Central 40, 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 June 23, 2020.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically may mail similar pleadings to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (*http://ferc.gov*) using the eLibrary link. Enter the docket number excluding the last three digits in the docket number field to access the document. At this time, the Commission has suspended access to the Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID–19), issued by the President on March 13, 2020. For assistance, contact the Federal Energy Regulatory Commission at *FERCOnlineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TYY, (202) 502–8659.

Dated: June 3, 2020.

**Nathaniel J. Davis, Sr.,**

*Deputy Secretary.*

[FR Doc. 2020–12464 Filed 6–8–20; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Project No. 15024–000]**

### Pumped Hydro Storage LLC; Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications

On March 12, 2020, the Pumped Hydro Storage LLC, filed an application for a preliminary permit, pursuant to section 4(f) of the Federal Power Act (FPA), proposing to study the feasibility of Big Canyon Pumped Storage Project [1] to be located about 23 miles west of Tuba City, Arizona. The sole purpose of a preliminary permit, if issued, is to grant the permit holder priority to file a license application during the permit term. A preliminary permit does not authorize the permit holder to perform any land-disturbing activities or otherwise enter upon lands or waters owned by others without the owners' express permission.

The proposed project would be located entirely on Navajo Nation land and consist of the following new facilities: (1) A 450-foot-long, 200-foot-high concrete arch dam (Upper West Dam), a 1,000-foot-long, 150-foot-high earth filled dam (Middle Dam), and a 10,000-foot-long, 200-foot-high concrete arch dam (Upper East Dam), each of which would impound three separate upper reservoirs with a combine surface area of 400 acres and a total storage capacity of 29,000 acre-feet at a normal maximum operating elevation of 5,390 feet average mean sea level (msl); (2) a 600-foot-long, 400-foot-high concrete arch dam (Lower Dam) that would impound a lower reservoir with a surface area of 260 acres and a total storage capacity of 44,000 acre-feet at a normal maximum operating elevation of 3,790 feet msl; (3) three 10,000-foot-long, 30-foot-diameter reinforced concrete penstocks; (4) a 1,100-foot-long, 160-foot-wide, 140-foot-high reinforced concrete powerhouse housing nine 400-kilowatt pump-turbine generators; (5) a 1,000-foot-long, 120-foot-wide, 40-foot-high reinforced concrete tailrace; (6) three water supply wells with a capacity of 700 horsepower each and a 1,800-foot-long, 36-inch-diameter well water supply pipeline; (7) two new double circuit 500-kilovolt (kV) electric transmission lines that connect the project switchyard to the existing 500-kV and 345-kV transmission lines located 14 miles east of the proposed project; and (8) appurtenant facilities. The estimated annual power generation at the Navajo Nation Big Canyon Pumped Storage Project would be 7,900 Gigawatt-hours.

*Applicant Contact:* Mr. Steve Irwin, Manager, Pumped Hydro Storage LLC. 6514 S 41st Lane, Phoenix, AZ 85041 *Swirwin7@gmail.com.*

*FERC Contact:* Ousmane Sidibe; Phone: (202) 502–6245.

Deadline for filing comments, motions to intervene, competing applications (without notices of intent), or notices of

[1] In its application, Pumped Hydro Storage named the project the Navajo Nation Big Canyon Pumped Storage Project. We note that the proposed project is not in any way affiliated with the Navajo Nation and the Navajo Nation has not had any role in Pumped Hydro Storage's pursuit of this project. To avoid any confusion as to the identity of the project proponent, we have omitted ''Navajo Nation'' from the project name.

intent to file competing applications: 60 days from the issuance of this notice. Competing applications and notices of intent must meet the requirements of 18 CFR 4.36.

The Commission strongly encourages electronic filing. Please file comments, motions to intervene, notices of intent, and competing applications using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. The first page of any filing should include docket number P–15024–000.

More information about this project, including a copy of the application, can be viewed or printed on the eLibrary link of Commission's website at *http://www.ferc.gov/docs-filing/elibrary.asp.* Enter the docket number (P–15024) in the docket number field to access the document. For assistance, contact FERC Online Support.

Dated: June 2, 2020.

**Kimberly D. Bose,**

*Secretary.*

[FR Doc. 2020–12407 Filed 6–8–20; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

## Federal Energy Regulatory Commission

**[Docket No. RM01–5–000]**

## Electronic Tariff Filings; Notice of Procedures for Making Statutory Filings When Authorization for New or Revised Tariff Provisions Is Not Required

This guidance document reiterates prior guidance and sets forth the procedures that filers must use to make statutory filings pursuant to section 205(d) of the Federal Power Act (FPA), section 4(d) of the Natural Gas Act (NGA), or section 6 of the Interstate Commerce Act (ICA) in situations where the filer is not seeking approval of new or revised tariff provisions. Herein, the term statutory filing means a filing pursuant to the above-referenced statutory sections that would go into effect by operation of law, absent Commission action, after the expiration of the applicable statutory prior notice periods of 60 (under the FPA) or 30 days (under the NGA and ICA), or on a specific later effective date proposed by the filer.[1]

### I. Background

The FPA, NGA, and ICA each give the Commission authority to prescribe rules and regulations governing the form of filings to be made thereunder. Pursuant to that authority, the Commission issued Order No. 714,[2] requiring electronic filing for all tariffs [3] made pursuant to Parts 35, 154, and 341 of the Commission's regulations, which correspond to FPA, NGA, and ICA filings, respectively. In a subsequent order, the Commission explained that all filers making filings pursuant to these statutes must choose a statutory filing type and include a proposed effective date in eTariff in order to have their filings treated as filings upon which the Commission must act within statutorily-established time frames.[4] In Order No. 714–A, the Commission revised its regulations to specify that filings intending to have statutorily-defined action dates must be made pursuant to the requirements and formats for electronic filing.[5] That requirement is now stated within each applicable Part of the Commission's regulations:

> A tariff or rate filing must be made electronically in accordance with the requirements and formats for electronic filing listed in the instructions for electronic filings. A tariff or rate filing not made in accordance with these requirements and formats will not have a statutory action date and will not become effective should the Commission not act by the requested action date.[6]

The required formats for electronic filing have been posted by the Secretary of the Commission.[7] Consequently, any filing that filers intend to become effective by operation of law in the absence of Commission action must be made through the Commission's eTariff system. Under the eTariff system, the statutory action dates for statutory filings are determined only by examining the filer's proposed effective dates in the tariff record dataset of an eTariff filing.[8] Therefore, a statutory filing must be submitted using eTariff and must include at least one actual (not a *pro forma*) tariff record with a proposed effective date.

Since the development of eTariff, however, instances have arisen in which a filer seeks to make a statutory filing, but the authorization sought does not require the filing of a new or revised tariff record. For example, a public utility transmission provider with formula rates may wish to make a statutory filing pursuant to section 205 of the FPA for Commission approval of recovery through its formula transmission rates of certain costs such as those held as a regulatory asset, pre-commercial costs, or abandonment costs. If the existing formula rate on file contains a placeholder for recovery of these costs, the filing may not require a tariff revision to the public utility's rate formula in order to recover these costs upon authorization by the Commission. Another example of this situation is a response to a Commission staff deficiency letter that does not require a revision to the entity's tariff records.[9]

[1] The Commission also has referred to statutory filings as those having a statutory action date, *i.e.,* a deadline for Commission action. The effective date of a statutory filing, absent Commission action on the filing, is the 61st or 31st calendar day, respectively, after the date of filing, or a later date specified by the filer. Under the Commission's regulations, the full 60 or 30 calendar days of notice must expire before the filing would become effective. 18 CFR 385.2007(a) (2019) ([A]ny period of time . . . is computed to exclude the day of the act or event from which the time period begins to run.).

[2] *Electronic Tariff Filings,* Order No. 714, 124 FERC 61,270 (2008), *clarified,* Order No. 714–A, 147 FERC 61,115 (2014).

[3] The term tariff refer[s] to tariffs, rate schedules, jurisdictional contracts, and other jurisdictional agreements that are required to be on file with the Commission. *Id.* at P 13 n.11. The regulations promulgated by Order No. 714 required electronic filing of tariffs, rate schedules and service agreements, or parts thereof, and material that relates to or bears upon such documents, such as cancellations, amendments, withdrawals, termination, or adoption of tariffs. *See* 18 CFR 35.7(a) (2019).

[4] *Electronic Tariff Filings,* 130 FERC 61,047, at P 5 (2010).

[5] Order No. 714–A, 147 FERC 61,115 at P 4 (The regulations now will provide explicitly that only tariff filings properly filed as and designated as statutory filings according to the Commission's eTariff requirements will be considered to have statutory action dates, and that tariff filings not properly filed and designated as statutory filings will not become effective in the absence of Commission action.). *See Pioneer Transmission, LLC,* 169 FERC 61,265 (2019) (a filing not made through eTariff does not have a statutory action date).

[6] 18 CFR 35.7(d), 154(d), 341(d) (2019).

[7] Office of the Secretary, *Implementation Guide for Electronic Filing of Parts 35, 154, 284, 300, and 341 Tariff Filings (Implementation Guide)* (Version: November 14, 2016), *https://www.ferc.gov/docs-filing/etariff/implementation-guide.pdf.*

[8] *Id.* at 5 (The Commission will use the Type of Filing Code together with the Tariff Record Proposed Effective Date to establish whether a filing is statutory and the applicable statutory timelines).

[9] Staff deficiency letters frequently require that the deficiency response filing must be filed . . . by making a deficiency filing in accordance with the Commission's electronic tariff requirements. *See, e.g., PJM Interconnection, L.L.C.,* Docket No. ER20–457–000 (Jan. 16, 2020). *See generally,* Transmittal Letter, *Cal. Indep. Sys. Operator Corp.,* Docket No. ER17–1432–001, at 2 n.2 (July 5, 2017) (in response

## II. Procedure for Making a Statutory Filing When No New or Revised Tariff Records Are Required

To make a statutory filing in circumstances where the filer has no need to change the text of the tariff record, the filer must make the filing through eTariff and include at least one actual tariff record (*i.e.,* a live tariff record, not a *pro forma* tariff record) with a proposed effective date. The actual tariff record should be an exact duplicate of an existing tariff record, but with a proposed effective date that would be the proposed effective date for the new filing. While the filer can choose a duplicate of any existing tariff record to make such a filing (*i.e.,* Tariff Title, Table of Contents [10]), staff recommends that the filer include a duplicate of a tariff record to which the filing most closely relates.[11] For example, if the filing is to obtain approval for costs to be added to a formula rate, the filer would file a duplicate of its current formula rate tariff record. Filing a duplicate of a related existing tariff record will allow the Commission and the public to discern how the filing relates to the tariff on file. If the new filing becomes effective by operation of law or Commission acceptance, the duplicate eTariff record will become the new effective version of that record, superseding the identical tariff record without changing the contents of that record.

Below are the step-by-step procedures to have a tariff filing considered to be subject to a statutory action date.

1. The filer must choose a Type of Filing Code (TOFC) within the Normal Filing Category.[12] Specifically, the filer must choose a TOFC appropriate for the FERC Program (*e.g.,* electric, market-based electric, NGA, or oil) at issue. The Type of Filing Codes for Normal filings include Electric Utilities—TOFC 10; Market-Based Rate Filers—TOFC 30; Natural Gas Pipelines—TOFC 570; and Oil Pipelines—TOFC 830.

2. Filers with multiple tariff databases should file the duplicate record in the Tariff ID to which the filing relates.

3. The filer must include at least one duplicate of an actual (live) tariff record (not a *pro forma* tariff record) and specify a proposed effective date.

## III. Determination of Effective Date for Statutory Filings

As discussed above, the NGA, ICA, or FPA all specify that filings with a statutory action date become effective following a statutory notice period of either 30 or 60 days, respectively, unless the Commission takes action that prevents that result. In cases in which a filer proposes an effective date for a tariff record that is later than the day after the end of the statutory notice period, the filing would become effective on that later date in the absence of a Commission order issued before that later date that rejects the filing or suspends its effectiveness. Therefore, the effective date for natural gas and oil pipeline filings subject to a statutory action date is the later of either the 31st day after the date of filing or the earliest of the proposed tariff record effective dates that is after the 31st day, and for public utility filings, the later of either the 61st day after the date of filing or the earliest of the proposed tariff record effective dates that is after the 61st day. A filing requesting waiver of the 30- or 60-day notice period would become effective on the 31st or 61st day if the Commission does not issue an order acting on the filing and granting the waiver.

## IV. How To Ascertain Whether a Filing Is Subject to a Statutory Action Date

There are two ways for filers and the public to ascertain the statutory status of a filing: the Commission's eLibrary system or the Commission's Notice of Filings.

First, in eLibrary, the search results page of a query includes a field called Description. eTariff filings normally include a Filing Type code at the end of the filing's description. This Filing Type corresponds to the codes included in the Commission's list of filing codes.[13] All statutory filings will use a Normal type filing code with a code description indicating a Time expiration in a specified number of days.[14] The following are the filing codes generally associated with pipeline and utility proposed tariff revisions:

| | Filing type codes |
|---|---|
| NGA Section 4(d) ..... | 570, 630, 640, 650, 660, 680, 690, and 730 |
| FPA Section 205(d) ..... | 10, 30, 280, 320, and 340 |
| ICA Section 6 ..... | 830, 840, 860, 890, 920, and 930 |

Second, for public utility and natural gas pipeline proposed tariff revisions, as a general matter, the Commission's combined Notice of Filings publicly issued by the Commission's Secretary translates these codes with a prefatory statement that the filing is an NGA 4(d) Rate Filing or an FPA 205(d) Rate Filing and will include proposed effective dates.[15]

## V. Consultation With FERC Staff

Those who have filed or intend to make filings with the Commission may contact FERC staff to further discuss the guidance provided herein or other questions with respect to making eTariff filings. Inquiries can be directed to the Commission's eTariff help line at (202) 502–6501 or via email at *etariffresponse@ferc.gov.*

Dated: June 3, 2020.

**Kimberly D. Bose,**

*Secretary.*

[FR Doc. 2020–12442 Filed 6–8–20; 8:45 am]

**BILLING CODE 6717–01–P**

to a deficiency letter, a tariff record must be included with the filing. Consistent with the Commission's directive, the CAISO is submitting one unchanged tariff record—proposed CAISO tariff Section 26.7.1.); Transmittal Letter, *PacifiCorp,* Docket No. ER13–1206–001, at 4 n.8 (Jun. 20, 2013) (Because the Deficiency Letter does not direct any changes to the proposed tariff revisions, even though Tariff Record Versions must be included in this filing, PacifiCorp has included in this filing the unchanged April 1, 2013 Tariff Record Versions, and have numbered the versions one version higher in its eTariff filing system.).

[10] *See, e.g.,* Transmittal Letter, at 9, *GridLiance W. LLC,* Docket No. ER19–191–000 (filed Oct. 25, 2018) (The instant Application does not necessitate any change to GridLiance West's tariff. However, to ensure this Application is appropriately recognized as statutory submitted pursuant to section 205, GridLiance West includes an unrevised tariff record of the cover sheet to its Transmission Owner Tariff.).

[11] *See, e.g.,* cases cited *supra* note 9.

[12] The list of TOFCs can be found in documents posted on the Commission's website at *https://www.ferc.gov/docs-filing/etariff.asp.* The TOFCs can be found in the documents entitled *Validation Error Codes, https://www.ferc.gov/docs-filing/etariff/filing_type.csv* and *Type of Filing Rules Table, https://www.ferc.gov/docs-filing/etariff/types-filing-rules-table.pdf.*

[13] *Type of Filing Rules Table, https://www.ferc.gov/docs-filing/etariff/types-filing-rules-table.pdf (Filing Rules Table).*

[14] While, as discussed earlier, Commission regulations require that pipelines and utilities must make statutory filings pursuant to NGA section 4(d), FPA section 205(d), and ICA section 6 using a Normal filing code, it is not necessarily true that all Normal filings fall under NGA section 4(d), FPA section 205(d), and ICA section 6. The Commission included some electric filing types as Normal filings in eTariff, to reflect the general Commission business practice of processing those filings within the specified time periods. For example, the Commission processes filings by non-jurisdictional electric entities for pass-through rates (TOFC Code 1030) as if they were FPA section 205(d) filings. Users must consult Commission and court precedent to determine whether filings are, in fact, subject to statutory time limits.

[15] Oil pipeline filings are not noticed.

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Project No. 2544–050]**

### Hydro Technology Systems, Inc.; Notice of Application Accepted for Filing and Soliciting Comments, Motions to Intervene, and Protests

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Amendment of Project Boundary.

b. *Project No:* 2544–050.

c. *Date Filed:* May 11, 2020.

d. *Applicant:* Hydro Technology Systems, Inc.

e. *Name of Project:* Meyers Falls Hydroelectric Project.

f. *Location:* The project is located on the Colville River near the town of Kettle Falls in Stevens County, Washington.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791a–825r.

h. *Applicant Contact:* Benjamin J. Hendrickson, Hydro Technology Systems, Inc., P.O. Box 245, Kettle Falls, Washington 99141, (509) 993–7629 or *hydrotechnologysystems@gmail.com.*

i. *FERC Contact:* Jon Cofrancesco, (202) 502–8951 or *Jon.Cofrancesco@ferc.gov.*

j. *Deadline for filing comments, motions to intervene, and protests:* July 2, 2020.

The Commission strongly encourages electronic filing. Please file comments, motions to intervene, and protests using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. The first page of any filing should include docket number P–2544–050. Comments emailed to Commission staff are not considered part of the Commission record.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person whose name appears on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. *Description of Request:* Hydro Technology Systems, Inc. (licensee) requests Commission approval to remove a 3.5-acre area of land from the current project boundary and revise the project's approved Exhibit G drawing to reflect this modification. The licensee states that the subject property is undeveloped; does not contain any project facilities or other buildings or structures, or significant habitats or environmental resources; and is not needed for project operations or other project purposes. Commission approval of the proposed boundary modification would allow the licensee to add the property to an existing adjacent lot (outside the current boundary) for the construction of a residential structure.

l. *Locations of the Application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street NE, Room 2A, Washington, DC 20426, or by calling (202) 502–8371. This filing may also be viewed on the Commission's website at *http://www.ferc.gov* using the eLibrary link. Enter the docket number excluding the last three digits in the docket number field to access the document. You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, call 1–866–208–3676 or email *FERCOnlineSupport@ferc.gov,* for TTY, call (202) 502–8659. A copy is also available for inspection and reproduction at the address in item (h) above. Agencies may obtain copies of the application directly from the applicant.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214, respectively. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. *Filing and Service of Documents:* Any filing must (1) bear in all capital letters the title COMMENTS, PROTEST, MOTION TO INTERVENE, RECOMMENDATIONS, or TERMS AND CONDITIONS as applicable; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person commenting, protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene, or protests must set forth their evidentiary basis. Any filing made by an intervenor must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 385.2010.

Dated: June 2, 2020.

**Kimberly D. Bose,**

*Secretary.*

[FR Doc. 2020–12404 Filed 6–8–20; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket No. ID–8941–000]**

### Rogers, Gregory S.; Notice of Filing

Take notice that on June 2, 2020, Gregory S. Rogers, submitted for filing, application for authorization to hold interlocking positions, pursuant to section 305(b) of the Federal Power Act, 16 U.S.C. 825d(b) (2019) and Part 45 of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure, 18 CFR part 45 (2019).

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. On or before the

comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (*http://ferc.gov*) using the eLibrary link. Enter the docket number excluding the last three digits in the docket number field to access the document. At this time, the Commission has suspended access to the Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID–19), issued by the President on March 13, 2020. For assistance, contact the Federal Energy Regulatory Commission at *FERCOnlineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TYY, (202) 502–8659.

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 may mail similar pleadings to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

*Comment Date:* 5:00 p.m. Eastern Time on June 23, 2020.

Dated: June 3, 2020.

**Nathaniel J. Davis, Sr.,**

*Deputy Secretary.*

[FR Doc. 2020–12460 Filed 6–8–20; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

## Federal Energy Regulatory Commission

### Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

*Docket Numbers:* EC20–70–000.

*Applicants:* Longview Power.

*Description:* Application for Authorization Under Section 203 of the Federal Power Act, et al. of Longview Power, LLC.

*Filed Date:* 6/3/20.

*Accession Number:* 20200603–5105.

*Comments Due:* 5 p.m. ET 6/24/20.

Take notice that the Commission received the following exempt wholesale generator filings:

*Docket Numbers:* EG20–176–000.

*Applicants:* Central 40, LLC.

*Description:* Self-Certification of Central 40, LLC.

*Filed Date:* 6/2/20.

*Accession Number:* 20200602–5110.

*Comments Due:* 5 p.m. ET 6/23/20.

*Docket Numbers:* EG20–177–000.

*Applicants:* Pioneer Solar (CO), LLC.

*Description:* Self-Certification of EG of Pioneer Solar (CO), LLC.

*Filed Date:* 6/2/20.

*Accession Number:* 20200602–5126.

*Comments Due:* 5 p.m. ET 6/23/20

*Docket Numbers:* EG20–178–000.

*Applicants:* Maverick Creek Wind, LLC.

*Description:* Notice of Self-Certification of Exempt Wholesale Generation Status of Maverick Creek Wind, LLC.

*Filed Date:* 6/3/20.

*Accession Number:* 20200603–5042.

*Comments Due:* 5 p.m. ET 6/24/20.

*Docket Numbers:* EG20–179–000.

*Applicants:* Northern Colorado Wind Energy Center II, LLC.

*Description:* Notice of Self-Certification of Exempt Wholesale Generator Status of Northern Colorado Wind Energy Center II, LLC.

*Filed Date:* 6/3/20.

*Accession Number:* 20200603–5118.

*Comments Due:* 5 p.m. ET 6/24/20.

Take notice that the Commission received the following electric rate filings:

*Docket Numbers:* ER10–1910–017; ER10–1910–019; ER10–1910–020; ER10–1911–017; ER10–1911–019; ER10–1911–020.

*Applicants:* Duquesne Power, LLC, Duquesne Light Company.

*Description:* Supplement to December 23, 2019, et al. Notice(s) of Change in Status of the Duquesne MBR Sellers.

*Filed Date:* 6/2/20.

*Accession Number:* 20200602–5042.

*Comments Due:* 5 p.m. ET 6/23/20.

*Docket Numbers:* ER20–57–002; ER16–2019–003; ER16–2520–003; ER17–1607–002; ER17–1608–002; ER17–318–003; ER18–97–002; R19–115–002; ER19–119–003; ER19–2476–003; ER19–8–003; ER20–1799–001; ER20–1800–001; ER20–1801–002; ER20–27–002; ER20–339–002; ER20–422–002; ER20–58–002; ER20–59–002.

*Applicants:* GA Solar 3, LLC, Twiggs County Solar, LLC, FL Solar 1, LLC, FL Solar 4, LLC, FL Solar 5, LLC, AZ Solar 1, LLC, Wright Solar Park LLC, Five Points Solar Park LLC, Sunray Energy 2, LLC, Sunray Energy 3 LLC, Three Peaks Power, LLC, Grand View PV Solar Two LLC, Sweetwater Solar, LLC, Techren Solar I LLC, Techren Solar II LLC, Techren Solar III LLC, Techren Solar IV LLC, Techren Solar V LLC, MS Solar 3, LLC.

*Description:* Notice of Non-Material Change in Status of GA Solar 3, LLC, *et. al.*

*Filed Date:* 6/2/20.

*Accession Number:* 20200602–5157.

*Comments Due:* 5 p.m. ET 6/23/20.

*Docket Numbers:* ER19–1956–002.

*Applicants:* Cube Yadkin Transmission LLC.

*Description:* Compliance filing: Order No. 845 Compliance Filing to be effective 5/22/2019.

*Filed Date:* 6/3/20.

*Accession Number:* 20200603–5068.

*Comments Due:* 5 p.m. ET 6/24/20.

*Docket Numbers:* ER20–732–002.

*Applicants:* California Independent System Operator Corporation.

*Description:* Compliance filing: 2020–06–03 Compliance Filing—Deliverability to be effective 3/3/2020.

*Filed Date:* 6/3/20.

*Accession Number:* 20200603–5117.

*Comments Due:* 5 p.m. ET 6/24/20.

*Docket Numbers:* ER20–1971–000.

*Applicants:* West Hines Solar I LLC.

*Description:* Baseline eTariff Filing: Baseline new SFA to be effective 6/3/2020.

*Filed Date:* 6/2/20.

*Accession Number:* 20200602–5082.

*Comments Due:* 5 p.m. ET 6/23/20.

*Docket Numbers:* ER20–1972–000.

*Applicants:* Rock Garden Solar LLC.

*Description:* Baseline eTariff Filing: Baseline new SFA to be effective 6/3/2020.

*Filed Date:* 6/2/20.

*Accession Number:* 20200602–5087.

*Comments Due:* 5 p.m. ET 6/23/20.

*Docket Numbers:* ER20–1973–000.

*Applicants:* Suntex Solar LLC.

*Description:* Baseline eTariff Filing: Baseline new SFA to be effective 6/3/2020.

*Filed Date:* 6/2/20.

*Accession Number:* 20200602–5093.

*Comments Due:* 5 p.m. ET 6/23/20.

*Docket Numbers:* ER20–1974–000.

*Applicants:* Duke Energy Carolinas, LLC.

*Description:* § 205(d) Rate Filing: DEC-Lockhart NITSA (SA No. 407) Revised to be effective 6/1/2020.

*Filed Date:* 6/2/20.

*Accession Number:* 20200602–5107.

*Comments Due:* 5 p.m. ET 6/23/20.

*Docket Numbers:* ER20–1975–000.

*Applicants:* Southern California Edison Company.

*Description:* Tariff Cancellation: Notice of Termination of GIA & DSA SA

Nos. 875 and 876 City of Commerce to be effective 6/4/2020.

*Filed Date:* 6/3/20.

*Accession Number:* 20200603–5000.

*Comments Due:* 5 p.m. ET 6/24/20.

*Docket Numbers:* ER20–1976–000.

*Applicants:* Ameren Transmission Company, Lucky Corridor, LLC, Mora Line, LLC.

*Description:* Request for Continued Negotiated Rate Authority and Approval of Open Solicitation Process of Ameren Transmission Company, et al.

*Filed Date:* 6/2/20.

*Accession Number:* 20200602–5159.

*Comments Due:* 5 p.m. ET 6/23/20.

*Docket Numbers:* ER20–1977–000.

*Applicants:* Versant Power.

*Description:* § 205(d) Rate Filing: OATT Notice of Succession to Versant Power to be effective 5/11/2020.

*Filed Date:* 6/3/20.

*Accession Number:* 20200603–5037.

*Comments Due:* 5 p.m. ET 6/24/20.

*Docket Numbers:* ER20–1978–000.

*Applicants:* AEP Texas Inc.

*Description:* § 205(d) Rate Filing: AEPTX-Victoria Port Power II Interconnection Agreement to be effective 5/20/2020.

*Filed Date:* 6/3/20.

*Accession Number:* 20200603–5041.

*Comments Due:* 5 p.m. ET 6/24/20.

*Docket Numbers:* ER20–1979–000.

*Applicants:* AEP Texas Inc.

*Description:* § 205(d) Rate Filing: AEPTX-Victoria Port Power Interconnection Agreement to be effective 5/20/2020.

*Filed Date:* 6/3/20.

*Accession Number:* 20200603–5050.

*Comments Due:* 5 p.m. ET 6/24/20.

*Docket Numbers:* ER20–1980–000.

*Applicants:* Cedar Springs Wind, LLC.

*Description:* Baseline eTariff Filing: Cedar Springs Wind, LLC Application for MBR Authority to be effective 8/3/2020.

*Filed Date:* 6/3/20.

*Accession Number:* 20200603–5057.

*Comments Due:* 5 p.m. ET 6/24/20.

*Docket Numbers:* ER20–1981–000.

*Applicants:* Pioneer Solar (CO), LLC.

*Description:* Baseline eTariff Filing: Pioneer Solar (CO), LLC Market-Based Rate Tariff to be effective 6/4/2020.

*Filed Date:* 6/3/20.

*Accession Number:* 20200603–5059.

*Comments Due:* 5 p.m. ET 6/24/20.

*Docket Numbers:* ER20–1983–000.

*Applicants:* Central 40, LLC.

*Description:* Baseline eTariff Filing: Central 40, LLC Market-Based Rate Tariff to be effective 6/4/2020.

*Filed Date:* 6/3/20.

*Accession Number:* 20200603–5061.

*Comments Due:* 5 p.m. ET 6/24/20.

*Docket Numbers:* ER20–1984–000.

*Applicants:* RBC Energy Services LP.

*Description:* Notice of Cancellation of Market-Based Rate Tariff of RBC Energy Services LP.

*Filed Date:* 6/3/20.

*Accession Number:* 20200603–5082.

*Comments Due:* 5 p.m. ET 6/24/20.

Take notice that the Commission received the following electric securities filings:

*Docket Numbers:* ES20–41–000.

*Applicants:* Southern Indiana Gas and Electric Company.

*Description:* Application Under Section 204 of the Federal Power Act for Authorization to Issue Securities of Southern Indiana Gas and Electric Company, Inc.

*Filed Date:* 6/2/20.

*Accession Number:* 20200602–5163.

*Comments Due:* 5 p.m. ET 6/23/20.

Take notice that the Commission received the following electric reliability filings:

*Docket Numbers:* RR19–7–001.

*Applicants:* North American Electric Reliability Corporation.

*Description:* Compliance Filing of the North American Electric Reliability Corporation in response to Commission Order on the 5-year Performance Assessment.

*Filed Date:* 6/1/20.

*Accession Number:* 20200601–5404.

*Comments Due:* 5 p.m. ET 6/22/20.

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: June 3, 2020.

**Nathaniel J. Davis, Sr.,**

*Deputy Secretary.*

[FR Doc. 2020–12463 Filed 6–8–20; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Project No. 14787–001]**

### Black Canyon Hydro, LLC; Notice of Intent To File License Application, Filing of Pre-Application Document, and Approving Use of the Traditional Licensing Process

a. *Type of Filing:* Notice of Intent to File License Application and Request to Use the Traditional Licensing Procedures.

b. *Project No.:* 14787–001.

c. *Date Filed:* April 20, 2020.

d. *Submitted By:* Black Canyon Hydro, LLC.

e. *Name of Project:* Seminoe Pumped Storage Project.

f. *Location:* On the North Platte River in Carbon County, near the town of Rawlins, Wyoming. The project would use the Bureau of Reclamation's Seminoe Reservoir as the lower reservoir and is partially located on 1,650.18 acres of Bureau of Land Management land.

g. *Filed Pursuant to:* 18 CFR 5.3 of the Commission's regulations.

h. *Potential Applicant Contact:* Matthew Shapiro, Chief Executive Officer, Black Canyon Hydro, LLC, 800 Main Street, Suite 1220, Boise, Idaho 83702; 208–246–9925; *mshapiro@gridflexenergy.com.*

i. *Contact:* Suzanne Novak at (202) 502–6665; or email at *suzanne.novak@ferc.gov.*

j. Black Canyon Hydro, LLC filed its request to use the Traditional Licensing Process on April 20, 2020. Black Canyon Hydro, LLC provided public notice of its request on April 18, 2020. In a letter dated June 2, 2020, the Director of the Division of Hydropower Licensing approved Black Canyon Hydro, LLC's request to use the Traditional Licensing Process.

k. *With this notice, we are initiating informal consultation with:* (a) The U.S. Fish and Wildlife Service under section 7 of the Endangered Species Act and the joint agency regulations thereunder at 50 CFR, Part 402; and (b) the Wyoming State Historic Preservation Officer, as required by section 106, National Historical Preservation Act, and the implementing regulations of the Advisory Council on Historic Preservation at 36 CFR 800.2.

l. With this notice, we are designating Black Canyon Hydro, LLC as the Commission's non-federal representative for carrying out informal consultation, pursuant to section 7 of the Endangered Species Act, and section

106 of the National Historic Preservation Act.

m. Black Canyon Hydro, LLC filed a Pre-Application Document (PAD; including a proposed process plan and schedule) with the Commission, pursuant to 18 CFR 5.6 of the Commission's regulations.

n. A copy of the PAD may be viewed on the Commission's website (*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 Online Support at *FERCOnlineSupport@ferc.gov* or toll free at 1–866–208–3676, or for TTY, (202) 502–8659.

o. The applicant states its unequivocal intent to submit an application for an original license for Project No. 14787–001.

p. Register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filing and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

Dated: June 3, 2020.

**Kimberly D. Bose,**

*Secretary.*

[FR Doc. 2020–12441 Filed 6–8–20; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket No. RP20–884–000]**

### Gulf South Pipeline Company, LLC; Notice of Petition for Declaratory Order

Take notice that on May 26, 2020, pursuant to Rule 207(a)(2) [1] of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure, Gulf South Pipeline Company, LLC filed a petition for declaratory order (Petition) finding that the Commission has concurrent jurisdiction with U.S. Bankruptcy Courts under sections 4 and 5 of the Natural Gas Act [2] and Part 154 of the Commission's regulations,[3] regarding Gulf South's negotiated rate firm transportation service agreement with Chesapeake Energy Marketing, L.L.C., all as more fully explained in the petition.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Petitioner.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the eFiling link at *http://www.ferc.gov.* Persons unable to file electronically may mail similar pleadings to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (*http://ferc.gov*) using the eLibrary link. Enter the docket number excluding the last three digits in the docket number field to access the document. At this time, the Commission has suspended access to the Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID–19), issued by the President on March 13, 2020. For assistance, contact the Federal Energy Regulatory Commission at *FERCOnlineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TYY, (202) 502–8659.

*Comment Date:* 5:00 p.m. Eastern time on June 25, 2020.

Dated: June 2, 2020.

**Kimberly D. Bose,**

*Secretary.*

[FR Doc. 2020–12405 Filed 6–8–20; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket No. CP18–116–000]**

### Texas Gas Transmission, LLC; Notice of Request for Extension of Time

Take notice that on May 26, 2020, Texas Gas Transmission, LLC (Texas Gas) requested that the Federal Energy Regulatory Commission (Commission) grant an extension of time, until June 26, 2021, to abandon the North Lake Pagie/Bay Junop-Bay Round Project (Project) located in Terrebonne Parish, Louisiana authorized on June 26, 2018.

Texas Gas was initially required to abandon the Project by June 26, 2019. On June 10, 2019, the Commission extended this deadline through June 26, 2020 to accommodate ongoing landowner negotiations and to obtain the necessary environmental permits for the Project, per Texas Gas's request. Texas Gas now requests for an additional year to complete abandonment activities by June 26, 2021. Texas Gas states that landowner negotiations are ongoing and that it continues to work on obtaining a Coastal Use Permit prior to commencing the Project. Accordingly, Texas Gas believes landowner negotiations and the obtainment of a Coastal Use Permit are imminent.

This notice establishes a 15-calendar day intervention and comment period deadline. Any person wishing to comment on Texas Gas request for an extension of time 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).[1]

As a matter of practice, the Commission itself generally acts on requests for extensions of time to complete construction for Natural Gas Act facilities when such requests are contested before order issuance. For those extension requests that are contested,[2] the Commission will aim to

[1] 18 CFR 385.207 (2019). As required by Rule 381.302(a), 18 CFR 381.302(a) (2019).

[2] 15 U.S.C. 717c and 717d (2012).

[3] 18 CFR part 154.

[1] Only motions to intervene from entities that were party to the underlying proceeding will be accepted. *Algonquin Gas Transmission, LLC,* 170 FERC ¶ 61,144, at P 39 (2020).

[2] Contested proceedings are those where an intervenor disputes any material issue of the filing. 18 CFR 385.2201(c)(1) (2019).

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.[4] The Commission will not consider arguments that re-litigate the issuance of the certificate order, including whether the Commission properly found the project to be in the public convenience and necessity and whether the Commission's environmental analysis for the certificate complied with the National Environmental Policy Act.[5] At the time a pipeline requests an extension of time, orders on certificates of public convenience and necessity are final and the Commission will not re-litigate their issuance.[6] The OEP Director, or his or her designee, will act on all of those extension requests that are uncontested.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (*http://www.ferc.gov*) using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. At this time, the Commission has suspended access to Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID–19), issued by the President on March 13, 2020. For assistance, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TYY, (202) 502–8659.

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the ''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 June 16, 2020.

[3] *Algonquin Gas Transmission, LLC,* 170 FERC ¶ 61,144, at P 40 (2020).

[4] *Id.* at P 40.

[5] 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.

[6] *Algonquin Gas Transmission, LLC,* 170 FERC ¶ 61,144, at P 40 (2020).

Dated: June 1, 2020.

**Kimberly D. Bose,**

*Secretary.*

[FR Doc. 2020–12473 Filed 6–8–20; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket No. CP20–462–000]**

### National Fuel Gas Supply Corporation; Notice of Application

Take notice that on May 22, 2020, National Fuel Gas Supply Corporation (National Fuel) 6363 Main Street, Williamsville, New York 14221, filed in Docket No. CP20–462–000 an application pursuant to section 7(c) of the Natural Gas Act (NGA), and Part 157 of the Commission's regulations requesting authorization to operate the 12-inch diameter pipeline installed in the Allegheny River (12-inch Pipeline), in association with its 2018 construction of its jurisdictional Allegheny River crossing under CP16–28–000. The 12-inch Pipeline is located at the crossing of the Allegheny River, in Warren County, Pennsylvania, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (*http://ferc.gov*) using the eLibrary link. Enter the docket number excluding the last three digits in the docket number field to access the document. At this time, the Commission has suspended access to the Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID–19), issued by the President on March 13, 2020. For assistance, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TYY, (202) 502–8659.

Any questions concerning this application may be directed to Alice A. Curtiss, Deputy General Counsel, National Fuel Gas Supply Corporation, 6363 Main Street, Williamsville, New York 14221, by phone at (716) 857–7075, or by email at *curtissa@natfuel.com.*

Pursuant to section 157.9 of the Commission's rules (18 CFR 157.9), within 90 days of this Notice, the Commission staff will either: Complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before the comment date stated below, file with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, 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 NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit five copies of filings made with the Commission and must mail a copy to the applicant and to every other party in the proceeding. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the

Secretary of the Commission. Environmental commenters will be placed on the Commission's environmental mailing list and will be notified of meetings associated with the Commission's environmental review process. Environmental commenters will not be required to serve copies of filed documents on all other parties. However, the non-party commenters will not receive copies of all documents filed by other parties or issued by the Commission and will not have the right to seek court review of the Commission's final order.

As of the February 27, 2018 date of the Commission's order in Docket No. CP16–4–001, the Commission will apply its revised practice concerning out-of-time motions to intervene in any new NGA section 3 or section 7 proceeding.[1] Persons desiring to become a party to a certificate proceeding are to intervene in a timely manner. If seeking to intervene out-of-time, the movant is required to show good cause why the time limitation should be waived, and should provide justification by reference to factors set forth in Rule 214(d)(1) of the Commission's Rules and Regulations.[2]

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 original and five 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 June 23, 2020.

Dated: June 2, 2020.

**Kimberly D. Bose,**

*Secretary.*

[FR Doc. 2020–12406 Filed 6–8–20; 8:45 am]

**BILLING CODE 6717–01–P**

## ENVIRONMENTAL PROTECTION AGENCY

**[EPA–HQ–OPP–2019–0274; FRL–10010–07]**

### Issuance of an Experimental Use Permit

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** EPA has granted an experimental use permit (EUP) to Oxitec, Ltd to test efficacy of OX5034 *Aedes aegypti* mosquitoes expressing tetracycline Trans-Activator Variant (tTAV–OX5034) protein for control of wild *Aedes aegypti* mosquitoes. An EUP permits use of a pesticide for experimental or research purposes only in accordance with the limitations in the permit.

**FOR FURTHER INFORMATION CONTACT:** Robert McNally, Biopesticides and Pollution Prevention Division (7511P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; main telephone number: (703) 305–7090; email address: *BPPDFRNotices@epa.gov.*

**SUPPLEMENTARY INFORMATION:**

#### I. General Information

*A. Does this action Apply to me?*

This action is directed to the public in general. Although this action may be of particular interest to those persons who conduct or sponsor research on pesticides, the Agency has not attempted to describe all the specific entities that may be affected by this action.

*B. How can I get copies of this document and other related information?*

The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2019–0274, is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW, Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805.

Please note that due to the public health emergency the EPA Docket Center (EPA/DC) and Reading Room was closed to public visitors on March 31, 2020. Our EPA/DC staff will continue to provide customer service via email, phone, and webform. For further information on EPA/DC services, docket contact information and the current status of the EPA/DC and Reading Room, please visit *https://www.epa.gov/dockets.*

#### II. EUP

EPA has issued the following EUP:

*93167–EUP–2. Issuance.* Oxitec, Ltd., c/o Wiley Rein 1776 K Street NW, Washington, DC 20006. This EUP allows the use of 0.0115 pounds (5193.56 mg) of the insecticide active ingredient tTAV–OX5034 protein on 6,600 acres to evaluate the control of *Aedes aegypti* mosquitoes. The program is authorized only in the States of Florida and Texas. The EUP is effective from April 30, 2020 to April 30, 2022.

**Authority:** 7 U.S.C. 136 *et seq.*

Dated: May 27, 2020.

**Robert McNally,**

*Director, Biopesticides and Pollution Prevention Division, Office of Pesticide Programs.*

[FR Doc. 2020–12372 Filed 6–8–20; 8:45 am]

**BILLING CODE 6560–50–P**

## FEDERAL COMMUNICATIONS COMMISSION

**[OMB 3060–0057, OMB 3060–0065; FRS 16823]**

### Information Collections Being Submitted for Review and Approval to Office of Management and Budget

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice and request for comments.

**SUMMARY:** As part of its continuing effort to reduce paperwork burdens, as required by the Paperwork Reduction Act (PRA) of 1995, the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal Agencies to take this opportunity to comment on the following information collection. Pursuant to the Small Business Paperwork Relief Act of 2002, the FCC seeks specific comment on how it might ''further reduce the information collection burden for small business concerns with fewer than 25 employees.'' The Commission may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

**DATES:** Written comments and recommendations for the proposed information collection should be submitted on or before July 9, 2020.

**ADDRESSES:** Comments should be sent to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. Your comment must be

[1] *Tennessee Gas Pipeline Company, L.L.C.,* 162 FERC 61,167 at 50 (2018).

[2] 18 CFR 385.214(d)(1).

submitted into *www.reginfo.gov* per the above instructions for it to be considered. In addition to submitting in *www.reginfo.gov* also send a copy of your comment on the proposed information collection to Nicole Ongele, FCC, via email to *PRA@fcc.gov* and to *Nicole.Ongele@fcc.gov.* Include in the comments the OMB control number as shown in the **SUPPLEMENTARY INFORMATION** below.

**FOR FURTHER INFORMATION CONTACT:** For additional information or copies of the information collection, contact Nicole Ongele at (202) 418–2991. To view a copy of this information collection request (ICR) submitted to OMB: (1) Go to the web page *http://www.reginfo.gov/public/do/PRAMain,* (2) look for the section of the web page called ''Currently Under Review,'' (3) click on the downward-pointing arrow in the ''Select Agency'' box below the ''Currently Under Review'' heading, (4) select ''Federal Communications Commission'' from the list of agencies presented in the ''Select Agency'' box, (5) click the ''Submit'' button to the right of the ''Select Agency'' box, (6) when the list of FCC ICRs currently under review appears, look for the Title of this ICR and then click on the ICR Reference Number. A copy of the FCC submission to OMB will be displayed.

**SUPPLEMENTARY INFORMATION:** As part of its continuing effort to reduce paperwork burdens, as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the FCC invited the general public and other Federal Agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology. Pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, see 44 U.S.C. 3506(c)(4), the FCC seeks specific comment on how it might ''further reduce the information collection burden for small business concerns with fewer than 25 employees.''

*OMB Control Number:* 3060–0057.

*Title:* Application for Equipment Authorization, FCC Form 731.

*Form Number:* FCC 731.

*Type of Review:* Revision of a currently approved collection.

*Respondents:* Business or other for-profit.

*Number of Respondents and Responses:* 11,305 respondents; 24,873 responses.

*Estimated Time per Response:* 8.11 hours (rounded).

*Frequency of Response:* On occasion reporting requirement and third-party disclosure requirement.

*Obligation to Respond:* Required to obtain or retain benefits. Statutory authority for this information collection is contained in the 47 U.S.C. 154(i), 301, 302, 303(e), 303(f) and 303(r).

*Total Annual Burden:* 201,603 hours.

*Total Annual Costs:* $ 50,155,140.

*Privacy Act Impact Assessment:* Yes. The personally identifiable information (PII) in this information collection is covered by a Privacy Impact Assessment (PIA), Equipment Authorizations Records and Files Information System. It is posted at: *https://www.fcc.gov/general/privacy-act-information#pia.*

*Nature and Extent of Confidentiality:* Minimal exemption from the Freedom of Information Act (FOIA) under 5 U.S.C. 552(b)(4) and FCC rules under 47 CFR 0.457(d) is granted for trade secrets which may be submitted as attachments to the application FCC Form 731. No other assurances of confidentiality are provided to respondents.

*Needs and Uses:* The Commission will submit this revised information collection to the Office of Management and Budget (OMB) after this 60-day comment period to obtain the three-year clearance. The Commission is reporting program changes, increases to this information collection.

As the Commission notes above, the total number of respondents, total number of responses annually, the total annual hourly burden, and the total annual costs have been updated because of the continuing growth in applications for Certification, streamlining of the application information and combining of different information collection requests. With operations in the new frequencies formed under Section 15.258 the burden hours for the applicants have increased from 201,450 hours to 201,603. However, the additional Applications that will be filed per the frequencies will become the total burden hours for applicants to $ 50,155,140 from $ 50,110,000.

On March 15, 2019, the Commission adopted a First Report and Order, in ET Docket No. 18–2; FCC 19–19, which involves updates to 47 CFR part 15,— ''Radio Frequency Devices,'' to provide permit certain operations above 95 GHz.[1] Among other things, the *Spectrum Horizons Order* made specific frequencies above 95 GHz available for the operation of radiofrequency devices without a license. Such devices are subject to the certification process of the Commission's equipment authorization program. Accordingly, 47 CFR was amended to include a new Section 15.258 as follows:

**§ 15.258 Operation in the Bands 116–123 GHz, 174.8–182 GHz, 185–190 GHz and 244–246 GHz**

(a) Operation on board an aircraft or a satellite is prohibited.

(b) Emission levels within the 116–123 GHz, 174.8–182 GHz, 185–190 GHz and 244–246 GHz bands shall not exceed the following equivalent isotropically radiated power (EIRP) limits as measured during the transmit interval:

(1) The average power of any emission shall not exceed 40 dBm and the peak power of any emission shall not exceed 43 dBm; or

(2) For fixed point-to-point transmitters located outdoors, the average power of any emission shall not exceed 82 dBm and shall be reduced by 2 dB for every dB that the antenna gain is less than 51 dBi. The peak power of any emission shall not exceed 85 dBm and shall be reduced by 2 dB for every dB that the antenna gain is less than 51 dBi. The provisions in this paragraph for reducing transmit power based on antenna gain shall not require that the power levels be reduced below the limits specified in paragraph (b)(1) of this section.

(3) The peak power shall be measured with a detection bandwidth that encompasses the entire occupied bandwidth within the intended band of operation, *e.g.,* 116–123 GHz, 174.8–182 GHz, 185–190 GHz or 244–246 GHz. The average emission levels shall be measured over the actual time period during which transmission occurs.

(4) Transmitters with an emission bandwidth of less than 100 MHz must limit their peak radiated power to the product of the maximum permissible radiated power (in milliwatts) times their emission bandwidth divided by 100 MHz. For the purposes of this paragraph, emission bandwidth is defined as the instantaneous frequency range occupied by a steady state radiated signal with modulation, outside which the radiated power spectral density never exceeds 6 dB below the maximum radiated power spectral density in the band, as

[1] *Spectrum Horizons*, First Report and Order, 34 FCC Rcd 1605(2) (2019) (*Spectrum Horizons Order*).

measured with a 100 kHz resolution bandwidth spectrum analyzer. The center frequency must be stationary during the measurement interval, even if not stationary during normal operation (*e.g.,* for frequency hopping devices).

(c) Limits on spurious emissions:

(1) The power density of any emissions outside the band of operation, *e.g.,* 116–123 GHz, 174.8–182 GHz, 185–190 GHz or 244–246 GHz, shall consist solely of spurious emissions.

(2) Radiated emissions below 40 GHz shall not exceed the general limits in § 15.209.

(3) Between 40 GHz and the highest frequency specified in § 15.33, the level of these emissions shall not exceed 90 $pW/cm^2$ at a distance of 3 meters.

(4) The levels of the spurious emissions shall not exceed the level of the fundamental emission.

(d) *Frequency stability.* Fundamental emissions must be contained within the frequency bands specified in this section during all conditions of operation. Equipment is presumed to operate over the temperature range −20 to +50 degrees Celsius with an input voltage variation of 85% to 115% of rated input voltage, unless justification is presented to demonstrate otherwise.

(e) Regardless of the power density levels permitted under this section, devices operating under the provisions of this section are subject to the radiofrequency radiation exposure requirements specified in §§ 1.1307(b), 2.1091 and 2.1093 of this chapter, as appropriate. Applications for equipment authorization of devices operating under this section must contain a statement confirming compliance with these requirements for both fundamental emissions and unwanted emissions. Technical information showing the basis for this statement must be submitted to the Commission upon request.

(f) Any transmitter that has received the necessary FCC equipment authorization under the rules of this chapter may be mounted in a group installation for simultaneous operation with one or more other transmitter(s) that have received the necessary FCC equipment authorization, without any additional equipment authorization. However, no transmitter operating under the provisions of this section may be equipped with external phase-locking inputs that permit beam-forming arrays to be realized.

(g) Measurement procedures that have been found to be acceptable to the Commission in accordance with § 2.947 of this chapter may be used to demonstrate compliance.

*OMB Control Number:* 3060–0065.

*Title:* Applications for New Authorization or Modification of Existing Authorization Under Part 5 of the FCC Rules-Experimental Radio Service.

*Form Number:* FCC Form 442.

*Type of Review:* Revision of a currently approved collection.

*Respondents:* Business or other for-profit; Not-for-profit institutions, Individuals or households, State, Local or Tribal Government.

*Number of Respondents and Responses:* 405 respondents; 655 responses.

*Estimated Time per Response:* 15–663 hours.

*Frequency of Response:* On occasion reporting requirements; Recordkeeping requirements; and Third party disclosure requirement.

*Obligation to Respond:* Required to obtain or retain benefits. Statutory authority for this information collection is contained in 47 U.S.C. Sections 4, 302, 303, 307 and 336 of the Communications Act of 1934, as amended.

*Total Annual Burden:* 3,474 hours.

*Total Annual Cost:* $52,150.

*Privacy Act Impact Assessment:* This information collection affects individuals or households. The Commission has a System of Records, FCC/OET–1 ''Experimental Radio Station License Files'' which covers the personally identifiable information (PII) that individual applicants may include in their submissions for experimental radio authorizations. The system of records notice (SORN) was published in the **Federal Register** on June 11, 2019, *see* 84 FR 27115. The SORN may be viewed at *https://www.fcc.gov/general/privacy-act-information.*

*Nature and Extent of Confidentiality:* Applicants may request that any information supplied be withheld from public inspection, *e.g.,* granted confidentiality, pursuant to 47 CFR Section 0.459 of the Commission's rules.

*Needs and Uses:* The Commission will submit this revised information collection to the Office of Management and Budget (OMB) after this 60-day comment period to obtain the three-year clearance. On March 15, 2019, the Commission adopted a First Report and Order, in ET Docket No. 18–21; FCC 19–19, which updates a section of Part 5 of the CFR—Experimental Radio Service (ERS). The Commission recent R&O adopts a new subpart to the existing part 5 rules for a new and unique license type—the Spectrum Horizons Experimental Radio license (or ''Spectrum Horizons License''). Specifically, the Spectrum Horizons License will be available for experiments and demonstrations of equipment designed to operate exclusively on any frequency above 95 GHz.

**§ 5.59 Forms To Be Used**

(a) *Application for conventional, program, medical, compliance testing, and Spectrum Horizons experimental radio licenses.* (1) *Application for new authorization or modification of existing authorization.* Entities must submit FCC Form 442.

**§ 5.77 Change in Equipment and Emission Characteristics**

(a) The licensee of a conventional, broadcast, or Spectrum Horizons experimental radio station may make any changes in equipment that are deemed desirable or necessary provided:

* * *

(b) For conventional or Spectrum Horizons experimental radio stations, the changes permitted in paragraph (a) of this section may be made without prior authorization from the Commission provided that the licensee supplements its application file with a description of such change. If the licensee wants these emission changes to become a permanent part of the license, an application for modification must be filed.

**§ 5.121 Station Record Requirements**

(a)(1) For conventional, program, medical testing, compliance testing experimental radio stations, the current original authorization or a clearly legible photocopy for each station shall be retained as a permanent part of the station records but need not be posted. Station records are required to be kept for a period of at least one year after license expiration.

(a)(2) For Spectrum Horizons experimental radio stations, the licensee is solely responsible for retaining the current authorization as a permanent part of the station records but need not be posted. Station records are required to be kept for a period of at least one year after license expiration.

**§ 5.702 Licensing Requirement—Necessary Showing**

Each application must include a narrative statement describing in detail how its experiment could lead to the development of innovative devices and/or services on frequencies above 95 GHz and describe, as applicable, its plans for marketing such devices. This statement must sufficiently explain the proposed new technology/potential new service and incorporate an interference analysis

that explains how the proposed experiment would not cause harmful interference to other services. The statement should include technical details, including the requested frequency band(s), maximum power, emission designators, area(s) of operation, and type(s) of device(s) to be used.

**§ 5.703 Responsible Party**

(a) Each Spectrum Horizons experimental radio applicant must identify a single point of contact responsible for all experiments conducted under the license and ensuring compliance with all applicable FCC rules.

(b) The responsible individual will serve as the initial point of contact for all matters involving interference resolution and must have the authority to discontinue any and all experiments being conducted under the license, if necessary.

(c) The license application must include the name of the responsible individual and contact information at which the person can be reached at any time of the day; this information will be listed on the license. Licensees are required to keep this information current.

**§ 5.704 Marketing of Devices Under Spectrum Horizons Experimental Radio Licenses**

Unless otherwise stated in the instrument of authorization, devices operating in accordance with a Spectrum Horizons experimental radio license may be marketed subject to the following conditions:

(a) Marketing of devices (as defined in § 2.803 of this chapter) and provision of services for hire is permitted before the radio frequency device has been authorized by the Commission.

(b) Licensees are required to ensure that experimental devices are either rendered inoperable or retrieved by them from trial participants at the conclusion of the trial. Licensees are required to notify experiment participants in advance of the trial that operation of the experimental device is subject to this condition. Each device sold under this program must be labeled as ''Authorized Under An Experimental License and May be Subject to Further Conditions Including Termination of Operation'' and carry a licensee assigned equipment ID number.

(c) The size and scope of operations under a Spectrum Horizons experimental license are subject to limitations as the Commission shall establish on a case-by-case basis.

**§ 5.705 Interim Report**

Licensee must submit to the Commission an interim progress report 5 years after grant of its license. If a licensee requests non-disclosure of proprietary information, requests shall follow the procedures for submission set forth in § 0.459 of this chapter.

Federal Communications Commission.

**Marlene Dortch,**

*Secretary, Office of the Secretary.*

[FR Doc. 2020–12492 Filed 6–8–20; 8:45 am]

**BILLING CODE 6712–01–P**

## FEDERAL COMMUNICATIONS COMMISSION

**[GN Docket No. 18–122; DA 20–578; FRS 16821]**

## Wireless Telecommunications Bureau Announces Accelerated Clearing in the 3.7–4.2 GHz Band

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice.

**SUMMARY:** In this document, the Commission announces that Eutelsat S.A. (Eutelsat), Intelsat US LLC (Intelsat), SES Americom Inc. (SES), Claro S.A. f/k/a Star One S.A. (Claro), and Telesat Canada (Telesat) have committed to clearing the 3.7–4.0 GHz band on the accelerated timeline described in the *3.7 GHz Report and Order.* The Commission finds that each of the eligible operators filed an election that meets the criteria set forth in the Report and Order and the Public Notice released on May 11, 2020 detailing the process for making an accelerated relocation election and the commitments that eligible space station operators were required to make when filing an Accelerated Relocation Election. Additionally, each eligible operator has accepted the obligations and acknowledgments associated with accelerated clearing.

**DATES:** Space station operators that have elected to meet the Accelerated Relocation Deadlines must satisfy the Phase I Deadline by December 5, 2021, and the Phase II deadline by December 5, 2023.

**ADDRESSES:** Federal Communications Commission, 445 12th Street SW, Washington, DC 20554.

**FOR FURTHER INFORMATION CONTACT:** Anna Gentry of the Wireless Telecommunications Bureau, at (202) 418–7769 or *anna.gentry@fcc.gov.*

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's *Public Notice* in GN Docket No. 18–122, DA 20–578, released on June 1, 2020. The full text of this document is available for inspection and copying during normal business hours in the FCC Reference Center, 445 12th Street SW, Room CY–A257, Washington, DC 20554, or by downloading the text from the Commission's website at *https://docs.fcc.gov/public/attachments/DA-20-578A1.pdf.* 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 Consumer and Governmental Affairs Bureau at (202) 418–0530 (voice), (202) 418–0432 (TTY).

**Synopsis**

In the *Public Notice,* the Wireless Telecommunications Bureau (WTB) announces that Eutelsat S.A. (Eutelsat), Intelsat US LLC (Intelsat), SES Americom Inc. (SES), Claro S.A. f/k/a Star One S.A. (Claro), and Telesat Canada (Telesat) have committed to clear the 3.7–4.0 GHz band on the accelerated timeline described in the *3.7 GHz Report and Order.* Together, these satellite operators have accepted, in aggregate, relocation payments that exceed the minimum threshold (80%) established by the Commission and, therefore, accelerated clearing of this band has been triggered.

On March 3, 2020, the Commission released the *3.7 GHz Report and Order,* which adopted new rules to make 280 megahertz of mid-band spectrum available for flexible use through a Commission-administered public auction of overlay licenses, plus a 20 megahertz guard band, throughout the contiguous United States by transitioning existing services out of the lower portion and into the upper 200 megahertz of the 3.7–4.2 GHz band (C-band). The *Report and Order* required eligible space station operators committing to accelerated clearing to make their election by May 29, 2020 to provide potential bidders with adequate certainty regarding the clearing date and payment obligations associated with each license should they become overlay licensees. The Commission found that at least 80% of accelerated relocation payments must be accepted via Accelerated Relocation Elections in order for the Commission to accept elections and require overlay licensees to pay accelerated relocation payments.

On May 11, 2020, WTB released a *Public Notice* detailing the process for making an accelerated relocation election and the commitments that eligible space station operators were required to make when filing an Accelerated Relocation Election. By

electing accelerated relocation, the eligible space station operators voluntarily commit to adhere to the requirements, policies, and procedures established by the Commission in the *Report and Order.* WTB prescribed the format for filing an accelerated relocation election.

Each of the eligible operators filed an election that meets the criteria set forth in the *Report and Order* and the *Public Notice.* Additionally, each eligible operator has accepted the obligations and acknowledgements associated with accelerated clearing.

Federal Communications Commission.

**Amy Brett,**

*Associate Division Chief, Competition and Infrastructure Policy Division, Wireless Telecommunications Bureau.*

[FR Doc. 2020–12471 Filed 6–8–20; 8:45 am]

**BILLING CODE 6712–01–P**

## FEDERAL COMMUNICATIONS COMMISSION

**[CC Docket No. 92–237; DA 20–563]**

### Next Meetings of the North American Numbering Council

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice.

**SUMMARY:** In this document, the Commission released a public notice announcing the next meetings of the North American Numbering Council (NANC), which will be held via conference call and available to the public via live internet feed.

**DATES:** Tuesday, July 14, 2020. The meeting will come to order at 2:00 p.m. The next meeting will be on Tuesday, July 28, 2020. This meeting will come to order at 9:30 a.m.

**ADDRESSES:** Both meetings will be conducted via conference call and available to the public via the internet at *http://www.fcc.gov/live.*

**FOR FURTHER INFORMATION CONTACT:** Marilyn Jones, Designated Federal Officer (DFO) of the NANC, at *marilyn.jones@fcc.gov* or 202–418–2357 and Jordan Reth, Deputy DFO, at *jordan.reth@fcc.gov* or 202–418–1418. More information about the NANC is available at *https://www.fcc.gov/about-fcc/advisory-committees/general/north-american-numbering-council.*

**SUPPLEMENTARY INFORMATION:** The NANC meetings are open to the public on the internet via live feed from the FCC's web page at *http://www.fcc.gov/live.* Open captioning will be provided for the events. Other reasonable accommodations for people with disabilities are available upon request. Requests for such accommodations should be submitted via email to *fcc504@fcc.gov* or by calling the Consumer & Governmental Affairs Bureau at (202) 418–0530 (voice), (202) 418–0432 (TTY). Such requests should include a detailed description of the accommodation needed. In addition, please include a way for the FCC to contact the requester if more information is needed to fill the request. Please allow at least five days' advance notice for accommodation requests; last minute requests will be accepted but may not be possible to accommodate. Oral statements at the meetings by parties or entities not represented on the NANC will be permitted to the extent time permits, at the discretion of the NANC Chair and the DFO. Members of the public may submit comments to the NANC in the FCC's Electronic Comment Filing System, ECFS, at *www.fcc.gov/ecfs.* Comments to the NANC should be filed in CC Docket No. 92–237. This is a summary of the Commission's document in CC Docket No. 92–237, DA 20–563 released May 27, 2020.

*Proposed Agenda:* At the July 14 meeting, the NANC will consider and vote on recommendations from the Numbering Administration Oversight Working Group on the Billing & Collection Fund Size Projections and Contributions Factor and from the Toll Free Number Assignment Modernization Working Group on the analysis of the 833 Toll Free Number Auction. At the July 28 meeting, the NANC will consider and vote on recommendations from the Nationwide Number Portability Working Group on an analysis of the internet Protocol Local Routing Number solution and from the Interoperable Video Calling Working Group on the implementation of the ''database approach'' to determine whether an originating video call can be completed to a receiving device and service. This agenda may be modified at the discretion of the NANC Chair and the Designated Federal Officer (DFO).

Federal Communications Commission.

**Daniel Kahn,**

*Associate Bureau Chief, Wireline Competition Bureau.*

[FR Doc. 2020–12376 Filed 6–8–20; 8:45 am]

**BILLING CODE 6712–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

**[Docket No. FDA–2020–D–1414]**

### Institutional Review Board Review of Individual Patient Expanded Access Requests for Investigational Drugs and Biological Products During the COVID–19 Public Health Emergency; Guidance for Institutional Review Boards and Clinical Investigators; 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 final guidance for industry entitled ''Institutional Review Board (IRB) Review of Individual Patient Expanded Access Requests for Investigational Drugs and Biological Products During the COVID–19 Public Health Emergency.'' To facilitate patient access to investigational drugs for treating COVID–19, FDA is issuing this guidance to provide recommendations regarding the key factors and procedures IRBs should consider when reviewing requests—including when such reviews are conducted by a single-member of an IRB—for individual patient expanded access. Given the public health emergency presented by COVID–19, this guidance 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.

**DATES:** The announcement of the guidance is published in the **Federal Register** on June 9, 2020. The guidance is immediately in effect, but it remains subject to comment in accordance with the Agency's good guidance practices.

**ADDRESSES:** You may submit electronic or written comments on Agency guidances 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–1414 for ''Institutional Review Board (IRB) Review of Individual Patient Expanded Access Requests for Investigational Drugs and Biological Products During the COVID–19 Public Health Emergency.'' 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 the Office of Communication, Outreach and Development, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 3128, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the guidance document.

**FOR FURTHER INFORMATION CONTACT:** Juanita Marner, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 6340, Silver Spring, MD 20993–0002, 301–796–8078.

**SUPPLEMENTARY INFORMATION:**

## I. Background

FDA is announcing the availability of a guidance for industry entitled ''Institutional Review Board (IRB) Review of Individual Patient Expanded Access Requests for Investigational Drugs and Biological Products During the COVID–19 Public Health Emergency.'' There is currently an outbreak of respiratory disease caused by a novel coronavirus. The virus has been named SARS–CoV–2, and the disease it causes has been named Coronavirus Disease 2019 (COVID–19). On January 31, 2020, the Department of Health and Human Services (HHS) issued a declaration of a public health emergency related to COVID–19 and mobilized the Operating Divisions of HHS. The public health emergency declaration was renewed on April 21, 2020. In addition, on March 13, 2020, the President declared a national emergency in response to COVID–19.

FDA is issuing this guidance to provide recommendations regarding the key factors and procedures IRBs, including for reviews conducted by a single-member, should consider when reviewing individual patient expanded access submissions for patient access to investigational drugs for treating COVID–19.

Under FDA regulations, three categories of expanded access are available: Expanded access for individual (also known as single) patients, including for emergency use; expanded access for intermediate-size patient populations; and ''treatment'' expanded access for larger populations. This guidance applies to individual patient expanded access requests, as outlined in 21 CFR 312.310. The recommendations in this guidance are intended to assist IRBs in conducting efficient reviews of individual patient expanded access requests.

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 practices 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 described in the guidance are expected to assist the Agency more broadly in its continued efforts to facilitate access to drugs through expanded access beyond the termination 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.

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 ''Institutional Review Board (IRB) Review of Individual Patient Expanded Access Requests for Investigational Drugs and Biological Products During the COVID–19 Public Health Emergency.'' It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations.

### II. Paperwork Reduction Act of 1995

This guidance refers to previously approved collections of information found in FDA regulations. These collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3521). The collections of information in 21 CFR part 312 have been approved under OMB control number 0910–0014; the collections of information relating to the protection of human subjects and IRBs have been approved under OMB control number 0910–0130; and the collections of information in FDA's guidance for industry on ''Individual Patient Expanded Access Applications: Form FDA 3926'' have been approved under OMB control number 0910–0814.

### III. 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, https://www.fda.gov/emergency-preparedness-and-response/mcm-issues/covid-19-related-guidance-documents-industry-fda-staff-and-other-stakeholders*, or *https://www.regulations.gov.*

Dated: June 3, 2020.

**Lowell J. Schiller,**

*Principal Associate Commissioner for Policy.*

[FR Doc. 2020–12429 Filed 6–8–20; 8:45 am]

**BILLING CODE 4164–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Meeting of the Tick-Borne Disease Working Group

**AGENCY:** Office of the Assistant Secretary for Health, Office of the Secretary, Department of Health and Human Services.

**ACTION:** Notice.

**SUMMARY:** As required by the Federal Advisory Committee Act, the Department of Health and Human Services (HHS) is hereby giving notice that the Tick-Borne Disease Working Group (TBDWG) will hold a virtual meeting. The meeting will be open to the public. For this meeting, the TBDWG will review the draft 2020 report to the HHS Secretary and Congress and review and approve graphics and images for the report. The 2020 report will address ongoing tick-borne disease research, including research related to causes, prevention, treatment, surveillance, diagnosis, diagnostics, and interventions for individuals with tick-borne diseases; advances made pursuant to such research; federal activities related to tick-borne diseases; and gaps in tick-borne disease research.

**DATES:** The meeting will be held online via webcast on July 8, 2020, from 9:00 a.m. to 5:30 p.m. ET (times are tentative and subject to change). The confirmed times and agenda items for the meeting will be posted on the TBDWG webpage at *https://www.hhs.gov/ash/advisory-committees/tickbornedisease/meetings/2020-7-8/index.html* when this information becomes available.

**FOR FURTHER INFORMATION CONTACT:** James Berger, Designated Federal Officer for the TBDWG; Office of Infectious Disease and HIV/AIDS Policy, Office of the Assistant Secretary for Health, Department of Health and Human Services, Mary E. Switzer Building, 330 C Street SW, Suite L600, Washington, DC 20024. Email: *tickbornedisease@hhs.gov;* Phone: 202–795–7608.

**SUPPLEMENTARY INFORMATION:** Please register for the virtual meeting at *https://kauffmaninc.adobeconnect.com/tbdwg_july2020/event/event_info.html.* After registering, you will receive an email confirmation with a personalized link to access the webcast on July 8.

The public will have an opportunity to present their views to the TBDWG orally during the meeting's public comment session or by submitting a written public comment. Comments should be pertinent to the meeting discussion. Persons who wish to provide verbal or written public comment should review instructions at *https://www.hhs.gov/ash/advisory-committees/tickbornedisease/meetings/2020-7-8/index.html* and respond by midnight June 24, 2020, ET. Verbal comments will be limited to three minutes each to accommodate as many speakers as possible during the 30 minute session. Written public comments will be accessible to the public on the TBDWG web page prior to the meeting.

*Background and Authority:* The Tick-Borne Disease Working Group was established on August 10, 2017, in accordance with Section 2062 of the 21st Century Cures Act, and the Federal Advisory Committee Act, 5 U.S.C. App., as amended, to provide expertise and review federal efforts related to all tick-borne diseases, to help ensure interagency coordination and minimize overlap, and to examine research priorities. The TBDWG is required to submit a report to the HHS Secretary and Congress on their findings and any recommendations for the federal response to tick-borne disease every two years.

Dated: May 20, 2020.

**James J. Berger,**

*Designated Federal Officer, Tick-Borne Disease Working Group, Office of Infectious Disease and HIV/AIDS Policy.*

[FR Doc. 2020–12432 Filed 6–8–20; 8:45 am]

**BILLING CODE 4150–28–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

**[Document Identifier OS–4040–0018]**

### Agency Information Collection Request. 30-Day Public Comment Request

**AGENCY:** Office of the Secretary, HHS

**ACTION:** Notice.

**SUMMARY:** In compliance with the requirement of the Paperwork Reduction Act of 1995, the Office of the Secretary (OS), Department of Health and Human Services, is publishing the following summary of a proposed collection for public comment.

**DATES:** Comments on the ICR must be received on or before July 9, 2020.

**ADDRESSES:** Submit your comments to *OIRA_submission@omb.eop.gov* or via facsimile to (202) 395–5806.

**FOR FURTHER INFORMATION CONTACT:** Ed Calimag, *ed.calimag@hhs.gov* or (202) 690–7569. When submitting comments or requesting information, please include the document identifier 4040–0018–30D and project title for reference.

**SUPPLEMENTARY INFORMATION:** Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

*Title of the Collections:* SF–428 Tangible Personal Property Report.

*Type of Collection:* Extension.

OMB No. 4040–0018.

*Abstract:* Reporting on the status of Federally owned property, including disposition, is necessitated in 2 CFR part 215, the ''Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations'', and the ''Uniform Administrative Requirements for Grants and Agreements with State and Local Governments'', Additionally, Public Law 106–107, the Federal Financial Assistance Management Improvement Act requires that agencies ''simplify Federal financial assistance application and reporting requirements.'' 31 U.S.C. 6101, Section 3.

Agencies are currently using a variety of forms to account for both federally owned and grantee owned equipment and property. During the public consultation process mandated by Public Law 106–107, grant recipients requested a standard form to help them submit appropriate property information when required. The Public Law 106–107 Post Awards Subgroup developed a new standard form, the Tangible Personal Property Report, for submission of the required data. The form consists of the cover sheet (SF–428), three attachments to be used as required: Annual Report, SF–428–A; Final Report, SF–428–B; Disposition Request/Report, SF–428–C and a Supplemental Sheet, SF–428S to provide detailed individual item information when required. The IC expires on 6/30/2020. We are seeking an extension of this information collection and a three-year clearance.

ESTIMATED ANNUALIZED BURDEN TABLE

| Forms | Number of respondents | Number of responses per respondent | Average burden hours per response | Total burden hours |
|---|---|---|---|---|
| SF–428 Tangible Personal Property Report | 2000 | 1 | 1 | 2000 |
| Total | 2000 | | | 2000 |

**Sherrette A. Funn,**

*Office of the Secretary, Paperwork Reduction Act Reports Clearance Officer.*

[FR Doc. 2020–12401 Filed 6–8–20; 8:45 am]

**BILLING CODE 4151–AE–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

### National Eye 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 Eye Institute Special Emphasis Panel; NEI Translational Research Program (TRP) to Develop Novel Therapies and Devices for the Treatment of Visual System Disorders and R13 Conference Grant Applications.

*Date:* July 30, 2020.

*Time:* 10:00 a.m. to 2:30 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Eye Institute National Institutes of Health, 6700B Rockledge Drive, Suite 3400, Bethesda, MD 20892 (Virtual Meeting).

*Contact Person:* Ashley Fortress, Ph.D., Scientific Review Officer, Division of Extramural Activities, National Eye Institute, National Institutes of Health, 6700B Rockledge Drive, Suite 3400, Bethesda, MD 20817, (301) 451–2020, *ashley.fortress@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.867, Vision Research, National Institutes of Health, HHS)

Dated: June 4, 2020.

**Melanie J. Pantoja,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2020–12458 Filed 6–8–20; 8:45 am]

**BILLING CODE 4140–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

### National Institute on Drug Abuse; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Institute on Drug Abuse Special Emphasis Panel; Development of Medications to Prevent and Treat Opioid Use Disorders and Overdose (UG3/UH3) (Clinical Trials Optional).

*Date:* July 9, 2020.

*Time:* 10:00 a.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Neurosciences Center Building, 6001 Executive Boulevard, Rockville, MD 20852 (Telephone Conference Call).

*Contact Person:* Ivan K. Navarro, Ph.D., Scientific Review Officer, Office of Extramural Policy and Review, Division of Extramural Research, National Institute on Drug Abuse, NIH, 6001 Executive Boulevard, Room 4242, MSC 9550, Bethesda, MD 20892 (301) 827–5833, *ivan.navarro@nih.gov.*

*Name of Committee:* National Institute on Drug Abuse Special Emphasis Panel; R13 Conference Grant Review.

*Date:* July 10, 2020.
*Time:* 1:00 p.m. to 3:00 p.m.
*Agenda:* To review and evaluate grant applications.
*Place:* National Institutes of Health, Neurosciences Center Building, 6001 Executive Boulevard, Rockville, MD 20852 (Telephone Conference Call).
*Contact Person:* Gerald L. McLaughlin, Ph.D., Scientific Review Officer, Office of Extramural Policy and Review, Division of Extramural Research, National Institute on Drug Abuse, NIH, 6001 Executive Boulevard, Room 4235, MSC 9550, Bethesda, MD 20892–9550 (301) 827–5819, *gm145a@nih.gov.*

*Name of Committee:* National Institute on Drug Abuse Special Emphasis Panel; Device-Based Treatments for Substance Use Disorders (UG3/UH3) (Clinical Trial Optional).
*Date:* July 10, 2020.
*Time:* 1:00 p.m. to 5:00 p.m.
*Agenda:* To review and evaluate grant applications.
*Place:* National Institutes of Health, Neurosciences Center Building, 6001 Executive Boulevard, Rockville, MD 20852 (Telephone Conference Call).
*Contact Person:* Ivan K. Navarro, Ph.D., Scientific Review Officer, Office of Extramural Policy and Review, Division of Extramural Research, National Institute on Drug Abuse, NIH, 6001 Executive Boulevard, Room 4242, MSC 9550, Bethesda, MD 20892 (301) 827–5833, *ivan.navarro@nih.gov.*

*Name of Committee:* National Institute on Drug Abuse Special Emphasis Panel; Implementing the HIV Service Cascade for Justice-Involved Populations (U01 Clinical Trial Required).
*Date:* July 15, 2020.
*Time:* 12:00 p.m. to 3:00 p.m.
*Agenda:* To review and evaluate grant applications.
*Place:* National Institutes of Health, Neurosciences Center Building, 6001 Executive Boulevard, Rockville, MD 20852 (Telephone Conference Call).
*Contact Person:* Sheila Pirooznia, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Review, National Institute on Drug Abuse, 6001 Executive Blvd., Bethesda, MD 20892 (301) 496–9350, *sheila.pirooznia@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.277, Drug Abuse Scientist Development Award for Clinicians, Scientist Development Awards, and Research Scientist Awards; 93.278, Drug Abuse National Research Service Awards for Research Training; 93.279, Drug Abuse and Addiction Research Programs, National Institutes of Health, HHS)

Dated: June 3, 2020.

**Tyeshia M. Roberson,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2020–12368 Filed 6–8–20; 8:45 am]

**BILLING CODE 4140–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

### National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Institute of Allergy and Infectious Diseases Special Emphasis Panel; Emergency Awards: Rapid Investigation of Severe Acute Respiratory Syndrome Coronavirus 2 (SARS–CoV–2) and Coronavirus Disease 2019 (COVID–19) (R21, R01 Clinical Trials Not Allowed).
*Date:* June 18, 2020.
*Time:* 11:00 a.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 3F52, Rockville, MD 20892 (Telephone Conference Call).
*Contact Person:* Margaret Allison Morris Fears, Ph.D., Scientific Review Officer, Scientific Review Program, National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3F52, Rockville, MD 20852, *maggie.morrisfears@nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: June 3, 2020.

**Tyeshia M. Roberson,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2020–12366 Filed 6–8–20; 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 Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Member Conflict: Emerging Technologies in Neuroscience.
*Date:* July 1, 2020.
*Time:* 10:30 a.m. to 2:00 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:* Cibu Paul Thomas, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, Bethesda, MD 20894, (301) 402–4341, *cibu.thomas@nih.gov.*

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Small Business: Respiratory Sciences.
*Date:* July 2–3, 2020.
*Time:* 8:00 a.m. to 5:00 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:* Xiang-Ning Li, MD, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5112, MSC 7854, Bethesda, MD 20892, 301–435–1744, *lixiang@csr.nih.gov.*

(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: June 2, 2020.

**Tyeshia M. Roberson,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2020–12369 Filed 6–8–20; 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 Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Member Conflict: Motor Function, Speech and Rehabilitation.

*Date:* July 8, 2020.

*Time:* 11:00 a.m. to 1:30 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

*Contact Person:* Unja Hayes, Ph.D. Scientific Review Officer, National Institutes of Health, Center for Scientific Review, 6701 Rockledge Drive, Bethesda, MD 20892, 301–827–6830, *unja.hayes@nih.gov.*

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; PAR Panel: High Throughput Screening.

*Date:* July 10, 2020.

*Time:* 9:00 a.m. to 6:00 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:* David Filpula, Ph.D. Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6181, MSC 7892, Bethesda, MD 20892, 301–435–2902, *filpuladr@mail.nih.gov.*

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Fellowship: AIDS and AIDS-Related Applications

*Date:* July 10, 2020.

*Time:* 9:00 a.m. to 6:00 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:* Barna Dey, Ph.D. Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3184, Bethesda, MD 20892, 301–451–2796, *bdey@mail.nih.gov.*

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; PAR–19–156: Bioengineering Research Partnerships (U01 Clinical Trial not allowed).

*Date:* July 10, 2020.

*Time:* 11:00 a.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

*Contact Person:* Khalid Masood, Ph.D. Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5120, MSC 7854, Bethesda, MD 20892, 301–435–2392, *masoodk@csr.nih.gov.*

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Member Conflicts: Skeletal Muscle Biology, Pathogenesis, and Regeneration.

*Date:* July 10, 2020.

*Time:* 1:00 p.m. to 6:00 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:* Yi-Hsin Liu, Ph.D. Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4214, MSC 7814 Bethesda, MD 20892, 301–435–1781, *liuyh@csr.nih.gov.*

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; R15 AREA and REAP: Musculoskeletal, Oral, Skin, Rheumatology and Rehabilitation Sciences.

*Date:* July 10, 2020.

*Time:* 12:00 p.m. to 4:00 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:* Chi-Wing Chow, Ph.D. Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4110, Bethesda, MD 20892, 301–402–3912, *chowc2@mail.nih.gov.*

(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: June 4, 2020.

**Melanie J. Pantoja,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2020–12457 Filed 6–8–20; 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 Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Fellowships: Neurodevelopment, Synaptic Plasticity and Neurodegeneration.

*Date:* July 9–10, 2020.

*Time:* 8:00 a.m. to 6:00 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:* Tina Tze-Tsang Tang, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Suite 3030, Bethesda, MD 20817, (301) 435–4436, *tangt@mail.nih.gov.*

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Fellowships: Risks, Prevention and Health Behavior.

*Date:* July 9–10, 2020.

*Time:* 8:00 a.m. to 3:00 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:* Martha M. Faraday, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3110, MSC 7808, Bethesda, MD 20892, (301) 435–3575, *faradaym@csr.nih.gov.*

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Fellowships: Musculoskeletal, Rehabilitation and Skin Sciences.

*Date:* July 9–10, 2020.

*Time:* 9:00 a.m. to 12:00 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:* Chi-Wing Chow, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of

Health, 6701 Rockledge Drive, Room 4110, Bethesda, MD 20892, (301) 402–3912, *chowc2@mail.nih.gov.*

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Societal and Ethical Issues in Research.

*Date:* July 9, 2020.

*Time:* 9:00 a.m. to 3:00 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:* Benjamin Greenberg Shapero, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3182, Bethesda, MD 20892, *shaperobg@mail.nih.gov.*

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Small Business: Innovative Immunology Research.

*Date:* July 9–10, 2020.

*Time:* 9:30 a.m. to 5:00 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:* David B. Winter, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4204, MSC 7812, Bethesda, MD 20892, 301–435–1152, *dwinter@csr.nih.gov.*

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; RFA AA20–006: Impact of Alcohol on the Onset and Progression of Alzheimer's Disease and Its Related Dementias.

*Date:* July 9, 2020.

*Time:* 9:30 a.m. to 5:00 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:* Vanessa S. Boyce, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Rm. 4185, MSC 7850, Bethesda, MD 20892, (301) 402–3726, *boycevs@csr.nih.gov.*

*Name of Committee:* Integrative, Functional and Cognitive Neuroscience Integrated Review Group Chemosensory Systems Study Section.

*Date:* July 9, 2020.

*Time:* 10:00 a.m. to 7:00 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:* John Bishop, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5182, MSC 7844, Bethesda, MD 20892, (301) 408–9664, *bishopj@csr.nih.gov.*

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; PAR Panel: Cardiovascular and Surgical Devices.

*Date:* July 9–10, 2020.

*Time:* 10:00 a.m. to 5:00 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:* Jan Li, MD, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5106, Bethesda, MD 20892, 301.402.9607, *Jan.Li@nih.gov.*

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Fellowships: Sensory and Motor Neuroscience, Cognition and Perception.

*Date:* July 9–10, 2020.

*Time:* 10:00 a.m. to 7:30 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:* Cibu P. Thomas, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, Bethesda, MD 20894, 301–435–1042, *thomascp@mail.nih.gov.*

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; RFA–TR–20–001: Ethical issues in Translational Science Research.

*Date:* July 9, 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 Drive, Bethesda, MD 20892 (Virtual Meeting).

*Contact Person:* Benjamin G. Shapero, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3182, Bethesda, MD 20892, (301) 402–4786, *shaperobg@mail.nih.gov.*

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Member Conflict: Interventions and Mechanisms for Addiction.

*Date:* July 9, 2020.

*Time:* 12:00 p.m. to 5:00 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:* Marc Boulay, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3110, MSC 7808, Bethesda, MD 20892, (301) 300–6541, *boulaymg@csr.nih.gov.*

(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: June 4, 2020.

**Ronald J. Livingston, Jr.,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2020–12461 Filed 6–8–20; 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 contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, 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 Omnibus BAA 2020–1: Research Area 004—Development of Therapeutic Products for Biodefense, Anti-Microbial Resistant (AMR) Infections and Emerging Infectious Diseases.

*Date:* June 29, 2020.

*Time:* 9:00 a.m. to 5:30 p.m.

*Agenda:* To review and evaluate contract proposals.

*Place:* National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3G62A, Rockville, MD 20892 (Telephone Conference Call).

*Contact Person:* Eleazar Cohen, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3G62A, Rockville, MD 20852, (240) 669–5081, *ecohen@niaid.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: June 3, 2020.

**Tyeshia M. Roberson,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2020–12367 Filed 6–8–20; 8:45 am]

**BILLING CODE 4140–01–P**

## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

**[Internal Agency Docket No. FEMA–4544–DR; Docket ID FEMA–2020–0001]**

### Arkansas; Major Disaster and Related Determinations

**AGENCY:** Federal Emergency Management Agency, DHS.

**ACTION:** Notice.

**SUMMARY:** This is a notice of the Presidential declaration of a major disaster for the State of Arkansas (FEMA–4544–DR), dated May 8, 2020, and related determinations.

**DATES:** The declaration was issued May 8, 2020.

**FOR FURTHER INFORMATION CONTACT:** Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that, in a letter dated May 8, 2020, the President issued a major disaster declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''), as follows:

I have determined that the damage in certain areas of the State of Arkansas due to damage resulting from severe storms, tornadoes, and straight-line winds on March 28, 2020, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''). Therefore, I declare that such a major disaster exists in the State of Arkansas.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Public Assistance in the designated areas and Hazard Mitigation throughout the State. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance and Hazard Mitigation will be limited to 75 percent of the total eligible costs.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Roland Jackson, of FEMA is appointed to act as the Federal Coordinating Officer for this major disaster.

The following areas of the State of Arkansas have been designated as adversely affected by this major disaster:

Craighead County for Public Assistance.

All areas within the State of Arkansas are eligible for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

**Pete Gaynor,**

*Administrator, Federal Emergency Management Agency.*

[FR Doc. 2020–12490 Filed 6–8–20; 8:45 am]

**BILLING CODE P**

## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

**[Internal Agency Docket No. FEMA–4517–DR; Docket ID FEMA–2020–0001]**

### West Virginia; Amendment No. 1 to Notice of a Major Disaster Declaration

**AGENCY:** Federal Emergency Management Agency, DHS.

**ACTION:** Notice.

**SUMMARY:** This notice amends the notice of a major disaster declaration for the State of West Virginia (FEMA–4517–DR), dated April 3, 2020, and related determinations.

**DATES:** This amendment was issued May 29, 2020.

**FOR FURTHER INFORMATION CONTACT:** Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

**SUPPLEMENTARY INFORMATION:** The notice of a major disaster declaration for the State of West Virginia is hereby amended to include Individual Assistance limited to the Crisis Counseling Program for those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of April 3, 2020.

Individual Assistance limited to the Crisis Counseling Program for all areas in the State of West Virginia (already designated for emergency protective measures [Category B] not authorized under other Federal statutes, including direct Federal assistance).

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

**Pete Gaynor,**

*Administrator, Federal Emergency Management Agency.*

[FR Doc. 2020–12486 Filed 6–8–20; 8:45 am]

**BILLING CODE 9111–23–P**

## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

**[Internal Agency Docket No. FEMA–3525–EM; Docket ID FEMA–2020–0001]**

### Michigan; Amendment No. 1 to Notice of an Emergency Declaration

**AGENCY:** Federal Emergency Management Agency, DHS.

**ACTION:** Notice.

**SUMMARY:** This notice amends the notice of an emergency declaration for the State of Michigan (FEMA–3525–EM), dated May 21, 2020, and related determinations.

**DATES:** This change occurred on May 27, 2020.

**FOR FURTHER INFORMATION CONTACT:** Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

**SUPPLEMENTARY INFORMATION:** The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Kevin M. Sligh, of FEMA is appointed to act as the Federal Coordinating Officer for this emergency.

This action terminates the appointment of James K. Joseph as Federal Coordinating Officer for this emergency.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

**Pete Gaynor,**

*Administrator, Federal Emergency Management Agency.*

[FR Doc. 2020–12477 Filed 6–8–20; 8:45 am]

**BILLING CODE 9111–23–P**

## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

**[Internal Agency Docket No. FEMA–4545–DR; Docket ID FEMA–2020–0001]**

### Seminole Tribe of Florida; Major Disaster and Related Determinations

**AGENCY:** Federal Emergency Management Agency, DHS.

**ACTION:** Notice.

**SUMMARY:** This is a notice of the Presidential declaration of a major disaster for the Seminole Tribe of Florida (FEMA–4545–DR), dated May 8, 2020, and related determinations.

**DATES:** The declaration was issued May 8, 2020.

**FOR FURTHER INFORMATION CONTACT:** Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that, in a letter dated May 8, 2020, the President issued a major disaster declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''), as follows:

I have determined that the emergency conditions in the lands associated with the Seminole Tribe of Florida resulting from the Coronavirus Disease 2019 (COVID–19) pandemic beginning on January 20, 2020, and continuing, are of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''). Therefore, I declare that such a major disaster exists for the Seminole Tribe of Florida.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide emergency protective measures (Category B), including direct Federal assistance, under the Public Assistance program for the Tribe. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance will be limited to 75 percent of the total eligible costs.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Gracia B. Szczech, of FEMA is appointed to act as the Federal Coordinating Officer for this major disaster.

The following areas of the Seminole Tribe of Florida have been designated as adversely affected by this major disaster:

Emergency protective measures (Category B) not authorized under other Federal statutes, including direct Federal assistance, under the Public Assistance program at 75 percent federal funding for the Seminole Tribe of Florida.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

**Pete Gaynor,**

*Administrator, Federal Emergency Management Agency.*

[FR Doc. 2020–12481 Filed 6–8–20; 8:45 am]

**BILLING CODE 9111–23–P**

## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

**[Internal Agency Docket No. FEMA–4536–DR; Docket ID FEMA–2020–0001]**

### Mississippi; Amendment No. 3 to Notice of a Major Disaster Declaration

**AGENCY:** Federal Emergency Management Agency, DHS.

**ACTION:** Notice.

**SUMMARY:** This notice amends the notice of a major disaster declaration for the State of Mississippi (FEMA–4536–DR), dated April 16, 2020, and related determinations.

**DATES:** This amendment was issued May 29, 2020.

**FOR FURTHER INFORMATION CONTACT:** Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

**SUPPLEMENTARY INFORMATION:** The notice of a major disaster declaration for the State of Mississippi is hereby amended to include the following areas among those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of April 16, 2020.

Bolivar, Calhoun, Carroll, Chickasaw, Choctaw, Clay, Coahoma, Holmes, Lafayette, Leake, Montgomery, Noxubee, Quitman, Smith, Sunflower, Tallahatchie, Tate, Tunica, Webster, and Yalobusha Counties for Public Assistance.

Clarke, Grenada, Jasper, Lawrence, Panola, and Walthall Counties for Public Assistance (already designated for Individual Assistance).

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

**Pete Gaynor,**

*Administrator, Federal Emergency Management Agency.*

[FR Doc. 2020–12482 Filed 6–8–20; 8:45 am]

**BILLING CODE 9111–23–P**

## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

**[Docket ID FEMA–2020–0002; Internal Agency Docket No. FEMA–B–2033]**

### Proposed Flood Hazard Determinations

**AGENCY:** Federal Emergency Management Agency, DHS.

**ACTION:** Notice.

**SUMMARY:** Comments are requested on proposed flood hazard determinations, which may include additions or modifications of any Base Flood Elevation (BFE), base flood depth, Special Flood Hazard Area (SFHA) boundary or zone designation, or regulatory floodway on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports for the communities listed in the table below. The purpose of this notice is to seek general information and comment regarding the preliminary FIRM, and where applicable, the FIS report that the Federal Emergency Management Agency (FEMA) has provided to the affected communities. The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP). In addition, the FIRM and FIS report, once effective, will be used by insurance agents and others to calculate appropriate flood insurance premium rates for new buildings and the contents of those buildings.

**DATES:** Comments are to be submitted on or before September 8, 2020.

**ADDRESSES:** The Preliminary FIRM, and where applicable, the FIS report for each community are available for inspection at both the online location *https://www.fema.gov/preliminaryfloodhazarddata* and the respective Community Map Repository address listed in the tables below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

You may submit comments, identified by Docket No. FEMA–B–2033, to Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov.*

**FOR FURTHER INFORMATION CONTACT:** Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Mapping and Insurance eXchange (FMIX) online at *https://www.floodmaps.fema.gov/fhm/fmx_main.html.*

**SUPPLEMENTARY INFORMATION:** FEMA proposes to make flood hazard determinations for each community listed below, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. These flood hazard determinations are used to meet the floodplain management requirements of the NFIP and are used to calculate the appropriate flood insurance premium rates for new buildings built after the FIRM and FIS report become effective.

The communities affected by the flood hazard determinations are provided in the tables below. Any request for reconsideration of the revised flood hazard information shown on the Preliminary FIRM and FIS report that satisfies the data requirements outlined in 44 CFR 67.6(b) is considered an appeal. Comments unrelated to the flood hazard determinations also will be considered before the FIRM and FIS report become effective.

Use of a Scientific Resolution Panel (SRP) is available to communities in support of the appeal resolution process. SRPs are independent panels of experts in hydrology, hydraulics, and other pertinent sciences established to review conflicting scientific and technical data and provide recommendations for resolution. Use of the SRP only may be exercised after FEMA and local communities have been engaged in a collaborative consultation process for at least 60 days without a mutually acceptable resolution of an appeal. Additional information regarding the SRP process can be found online at *https://www.floodsrp.org/pdfs/srp_overview.pdf.*

The watersheds and/or communities affected are listed in the tables below. The Preliminary FIRM, and where applicable, FIS report for each community are available for inspection at both the online location *https://www.fema.gov/preliminaryfloodhazarddata* and the respective Community Map Repository address listed in the tables. For communities with multiple ongoing Preliminary studies, the studies can be identified by the unique project number and Preliminary FIRM date listed in the tables. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

**Michael M. Grimm,**

*Assistant Administrator for Risk Management, Department of Homeland Security, Federal Emergency Management Agency.*

| Community | Community map repository address |
|---|---|
| **Buena Vista County, Iowa and Incorporated Areas<br>Project: 16–07–2138S Preliminary Date: August 16, 2019** | |
| City of Lakeside | City Hall, 100 Ash Street, Lakeside, IA 50588. |
| City of Linn Grove | Community Center, 110 Weaver Street, Linn Grove, IA 51033. |
| City of Newell | City Hall, 207 East 2nd Street, Newell, IA 50568. |
| City of Sioux Rapids | City Hall, 100 Front Street, Sioux Rapids, IA 50585. |
| City of Storm Lake | City Hall, 620 Erie Street, Storm Lake, IA 50588. |
| City of Truesdale | City Hall, 120 Main Street, Truesdale, IA 50592. |
| Unincorporated Areas of Buena Vista County | Buena Vista Courthouse, 215 East 5th Street, Storm Lake, IA 50588. |

| Community | Community map repository address |
|---|---|
| **Dubuque County, Iowa and Incorporated Areas<br>Project: 16–07–2220S Preliminary Date: August 27, 2018** | |
| City of Bernard | City Hall, 549 Leffler Street, Bernard, IA 52032. |
| City of Farley | City Hall, 114 First Street North, Farley, IA 52046. |
| **Muskegon County, Michigan (All Jurisdictions)<br>Project: 13–05–4248S Preliminary Date: September 30, 2019** | |
| Charter Township of Fruitport | Charter Township Hall, 5865 Airline Road, Fruitport, MI 49415. |
| Charter Township of Muskegon | Charter Township Hall, 1990 East Apple Avenue, Muskegon, MI 49442. |
| City of Montague | City Hall, 8778 Ferry Street, Montague, MI 49437. |
| City of Muskegon | City Hall, 933 Terrace Street, Muskegon, MI 49440. |
| City of Muskegon Heights | City Hall, 2724 Peck Street, Muskegon Heights, MI 49444. |
| City of North Muskegon | City Hall, 1502 Ruddiman Drive, North Muskegon, MI 49445. |
| City of Norton Shores | City Hall, 4814 Henry Street, Norton Shores, MI 49441. |
| City of Whitehall | City Hall, 405 East Colby Street, Whitehall, MI 49461. |
| Township of Fruitland | Fruitland Township Hall, 4545 Nestrom Road, Whitehall, MI 49461. |
| Township of Laketon | Laketon Township Hall, 2735 West Giles Road, North Muskegon, MI 49445. |
| Township of Montague | Township Hall, 8915 Whitbeck Road, Montague, MI 49437. |
| Township of Whitehall | Township Hall, 7644 Durham Road, Whitehall, MI 49461. |
| Township of White River | White River Township Hall, 7386 Post Road, Montague, MI 49437. |
| Village of Fruitport | Village Hall, 45 North 2nd Avenue, Fruitport, MI 49415. |
| **Walworth County, Wisconsin and Incorporated Areas<br>Project: 12–05–2816S Preliminary Date: October 24, 2019** | |
| City of Elkhorn | City Hall, 9 South Broad Street, Elkhorn, WI 53121. |
| City of Lake Geneva | City Hall, 626 Geneva Street, Lake Geneva, WI 53147. |
| Unincorporated Areas of Walworth County | Walworth County Government Center, 100 West Walworth Street, Elkhorn, WI 53121. |
| Village of Bloomfield | Bloomfield Municipal Center, N1100 Town Hall Road, Pell Lake, WI 53157. |
| Village of East Troy | Village Hall, 2015 Energy Drive, East Troy, WI 53120. |
| Village of Genoa City | Village Hall, 715 Walworth Street, Genoa City, WI 53128. |
| Village of Mukwonago | Village Hall, 440 River Crest Court, Mukwonago, WI 53149. |

[FR Doc. 2020–12488 Filed 6–8–20; 8:45 am]
**BILLING CODE 9110–12–P**

## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

**[Docket ID FEMA–2020–0002; Internal Agency Docket No. FEMA–B–2035]**

### Proposed Flood Hazard Determinations

**AGENCY:** Federal Emergency Management Agency, DHS.

**ACTION:** Notice.

**SUMMARY:** Comments are requested on proposed flood hazard determinations, which may include additions or modifications of any Base Flood Elevation (BFE), base flood depth, Special Flood Hazard Area (SFHA) boundary or zone designation, or regulatory floodway on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports for the communities listed in the table below. The purpose of this notice is to seek general information and comment regarding the preliminary FIRM, and where applicable, the FIS report that the Federal Emergency Management Agency (FEMA) has provided to the affected communities. The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP). In addition, the FIRM and FIS report, once effective, will be used by insurance agents and others to calculate appropriate flood insurance premium rates for new buildings and the contents of those buildings.

**DATES:** Comments are to be submitted on or before September 8, 2020.

**ADDRESSES:** The Preliminary FIRM, and where applicable, the FIS report for each community are available for inspection at both the online location *https://www.fema.gov/preliminaryfloodhazarddata* and the respective Community Map Repository address listed in the tables below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

You may submit comments, identified by Docket No. FEMA–B–2035, to Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov.*

**FOR FURTHER INFORMATION CONTACT:** Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Mapping and Insurance eXchange (FMIX) online at *https://www.floodmaps.fema.gov/fhm/fmx_main.html.*

**SUPPLEMENTARY INFORMATION:** FEMA proposes to make flood hazard determinations for each community listed below, in accordance with section

110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. These flood hazard determinations are used to meet the floodplain management requirements of the NFIP and are used to calculate the appropriate flood insurance premium rates for new buildings built after the FIRM and FIS report become effective.

The communities affected by the flood hazard determinations are provided in the tables below. Any request for reconsideration of the revised flood hazard information shown on the Preliminary FIRM and FIS report that satisfies the data requirements outlined in 44 CFR 67.6(b) is considered an appeal. Comments unrelated to the flood hazard determinations also will be considered before the FIRM and FIS report become effective.

Use of a Scientific Resolution Panel (SRP) is available to communities in support of the appeal resolution process. SRPs are independent panels of experts in hydrology, hydraulics, and other pertinent sciences established to review conflicting scientific and technical data and provide recommendations for resolution. Use of the SRP only may be exercised after FEMA and local communities have been engaged in a collaborative consultation process for at least 60 days without a mutually acceptable resolution of an appeal. Additional information regarding the SRP process can be found online at *https://www.floodsrp.org/pdfs/srp_overview.pdf.*

The watersheds and/or communities affected are listed in the tables below. The Preliminary FIRM, and where applicable, FIS report for each community are available for inspection at both the online location *https://www.fema.gov/preliminaryfloodhazarddata* and the respective Community Map Repository address listed in the tables. For communities with multiple ongoing Preliminary studies, the studies can be identified by the unique project number and Preliminary FIRM date listed in the tables. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

**Michael M. Grimm,**

*Assistant Administrator for Risk Management, Department of Homeland Security, Federal Emergency Management Agency.*

| Community | Community map repository address |
|---|---|
| **Madison County, Mississippi and Incorporated Areas<br>Project: 13–04–8486S Preliminary Date: February 9, 2018 and August 17, 2018** | |
| City of Canton | City Hall, 226 East Peace Street, Canton, MS 39046. |
| **Ward County, North Dakota and Incorporated Areas<br>Project: 07–08–0688S Preliminary Date: December 5, 2019** | |
| City of Burlington | City Auditor's Office, 225 North Wallace Street, Burlington, ND 58722. |
| City of Carpio | City Hall, 510 North Main Street, Carpio, ND 58725. |
| City of Donnybrook | City Hall, 321 1st Avenue Southeast, Donnybrook, ND 58734. |
| City of Kenmare | Memorial Hall, 5 3rd Street Northeast, Kenmare, ND 58746. |
| City of Minot | City Planning Office, 515 2nd Avenue Southwest, Minot, ND 58701. |
| City of Sawyer | City Hall, 104 Dakota Avenue South, Sawyer, ND 58781. |
| Township of Burlington | Ward County Highway Department, 900 13th Street Southeast, Minot, ND 58701. |
| Township of Kenmare | Ward County Highway Department, 900 13th Street Southeast, Minot, ND 58701. |
| Unincorporated Areas of Ward County | Ward County Highway Department, 900 13th Street Southeast, Minot, ND 58701. |

[FR Doc. 2020–12476 Filed 6–8–20; 8:45 am]

**BILLING CODE 9110–12–P**

## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

**[Internal Agency Docket No. FEMA–4538–DR; Docket ID FEMA–2020–0001]**

### Mississippi; Amendment No. 2 to Notice of a Major Disaster Declaration

**AGENCY:** Federal Emergency Management Agency, DHS.

**ACTION:** Notice.

**SUMMARY:** This notice amends the notice of a major disaster declaration for the State of Mississippi (FEMA–4538–DR), dated April 23, 2020, and related determinations.

**DATES:** This amendment was issued May 29, 2020.

**FOR FURTHER INFORMATION CONTACT:** Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

**SUPPLEMENTARY INFORMATION:** The notice of a major disaster declaration for the State of Mississippi is hereby amended to include the following area among those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of April 23, 2020.

Wilkinson County for Public Assistance.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance

(Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

**Pete Gaynor,**

*Administrator, Federal Emergency Management Agency.*

[FR Doc. 2020–12479 Filed 6–8–20; 8:45 am]

**BILLING CODE 9111–23–P**

## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

**[Docket ID FEMA–2020–0002]**

### Changes in Flood Hazard Determinations

**AGENCY:** Federal Emergency Management Agency, DHS.

**ACTION:** Notice.

**SUMMARY:** New or modified Base (1-percent annual chance) Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, and/or regulatory floodways (hereinafter referred to as flood hazard determinations) as shown on the indicated Letter of Map Revision (LOMR) for each of the communities listed in the table below are finalized. Each LOMR revises the Flood Insurance Rate Maps (FIRMs), and in some cases the Flood Insurance Study (FIS) reports, currently in effect for the listed communities. The flood hazard determinations modified by each LOMR will be used to calculate flood insurance premium rates for new buildings and their contents.

**DATES:** Each LOMR was finalized as in the table below.

**ADDRESSES:** Each LOMR is available for inspection at both the respective Community Map Repository address listed in the table below and online through the FEMA Map Service Center at *https://msc.fema.gov.*

**FOR FURTHER INFORMATION CONTACT:** Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Mapping and Information eXchange (FMIX) online at *https://www.floodmaps.fema.gov/fhm/fmx_main.html.*

**SUPPLEMENTARY INFORMATION:** The Federal Emergency Management Agency (FEMA) makes the final flood hazard determinations as shown in the LOMRs for each community listed in the table below. Notice of these modified flood hazard determinations has been published in newspapers of local circulation and 90 days have elapsed since that publication. The Deputy Associate Administrator for Insurance and Mitigation has resolved any appeals resulting from this notification.

The modified flood hazard determinations are made pursuant to section 206 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.,* and with 44 CFR part 65.

For rating purposes, the currently effective community number is shown and must be used for all new policies and renewals.

The new or modified flood hazard information is the basis for the floodplain management measures that the community is required either to adopt or to show evidence of being already in effect in order to remain qualified for participation in the National Flood Insurance Program (NFIP).

This new or modified flood hazard information, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities.

This new or modified flood hazard determinations are used to meet the floodplain management requirements of the NFIP and are used to calculate the appropriate flood insurance premium rates for new buildings, and for the contents in those buildings. The changes in flood hazard determinations are in accordance with 44 CFR 65.4.

Interested lessees and owners of real property are encouraged to review the final flood hazard information available at the address cited below for each community or online through the FEMA Map Service Center at *https://msc.fema.gov.*

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

**Michael M. Grimm,**

*Assistant Administrator for Risk Management, Department of Homeland Security, Federal Emergency Management Agency.*

| State and county | Location and case No. | Chief executive officer of community | Community map repository | Date of modification | Community No. |
|---|---|---|---|---|---|
| Colorado: | | | | | |
| Arapahoe (FEMA Docket No.: B–2008). | City of Aurora (19–08–0550P). | The Honorable Bob LeGare, Mayor, City of Aurora, 15151 East Alameda Parkway, Aurora, CO 80012. | Engineering Department, 15151 East Alameda Parkway, Aurora, CO 80012. | May 1, 2020 ..... | 080002 |
| Arapahoe (FEMA Docket No.: B–2008). | City of Centennial (19–08–0550P). | The Honorable Stephanie Piko, Mayor, City of Centennial, 13133 East Arapahoe Road, Centennial, CO 80112. | Southeast Metro Stormwater Authority, 76 Inverness Drive East, Suite A, Englewood, CO 80112. | May 1, 2020 ..... | 080315 |
| Arapahoe (FEMA Docket No.: B–2008). | Unincorporated areas of Arapahoe County (19–08–0550P). | The Honorable Jeff Baker, Chairman, Arapahoe County Board of Commissioners, 5334 South Prince Street, Littleton, CO 80120. | Arapahoe County Public Works and Development Department, 6924 South Lima Street, Centennial, CO 80112. | May 1, 2020 ..... | 080011 |
| Douglas (FEMA Docket No.: B–2006). | Unincorporated areas of Douglas County (19–08–0647P). | The Honorable Roger A. Partridge, Chairman, Douglas County Board of Commissioners, 100 3rd Street, Castle Rock, CO 80104. | Douglas County Department of Public Works, Engineering Division, 100 3rd Street, Castle Rock, CO 80104. | May 1, 2020 ..... | 080049 |
| El Paso (FEMA Docket No.: B–2016). | City of Colorado Springs (19–08–0605P). | The Honorable John Suthers, Mayor, City of Colorado Springs, 30 South Nevada Avenue, Suite 601, Colorado Springs, CO 80903. | Pikes Peak Regional Development Center, 2880 International Circle, Colorado Springs, CO 80910. | May 4, 2020 ..... | 080060 |
| El Paso (FEMA Docket No.: B–2016). | Unincorporated areas of El Paso County (19–08–0605P). | The Honorable Mark Waller, President, El Paso County Board of Commissioners, 200 South Cascade Avenue, Suite 100, Colorado Springs, CO 80903. | Pikes Peak Regional Development Center, 2880 International Circle, Colorado Springs, CO 80910. | May 4, 2020 ..... | 080059 |

| State and county | Location and case No. | Chief executive officer of community | Community map repository | Date of modification | Community No. |
|---|---|---|---|---|---|
| Connecticut: Fairfield (FEMA Docket No.: B–2016). | Town of Darien (19–01–1081P). | The Honorable Jayme J. Stevenson, First Selectman, Town of Darien Board of Selectmen, 2 Renshaw Road, Room 202, Darien, CT 06820. | Planning and Zoning Department, 2 Renshaw Road, Darien, CT 06820. | May 1, 2020 ..... | 090005 |
| Florida: | | | | | |
| Gilchrist (FEMA Docket No.: B–2006). | Unincorporated areas of Gilchrist County (19–04–4501P). | The Honorable Todd Gray, Chairman, Gilchrist County Board of Commissioners, 3400 Southwest 22nd Place, Bell, FL 32619. | Gilchrist County Building and Zoning Department, 209 Southeast 1st Street, Trenton, FL 32693. | Apr. 17, 2020 ..... | 120094 |
| Indian River (FEMA Docket No.: B–2006). | City of Sebastian (19–04–6686P). | The Honorable Jim Hill, Mayor, City of Sebastian, 1225 Main Street, Sebastian, FL 32958. | Community Development Department, 1225 Main Street, Sebastian, FL 32958. | Apr. 17, 2020 ..... | 120123 |
| Monroe (FEMA Docket No.: B–2008). | Unincorporated areas of Monroe County (20-04-0041P). | The Honorable Heather Carruthers, Mayor, Monroe County Board of Commissioners, 500 Whitehead Street, Suite 102, Key West, FL 33040. | Monroe County Building Department, 2798 Overseas Highway, Suite 300, Marathon, FL 33050. | Apr. 27, 2020 ..... | 125129 |
| Monroe (FEMA Docket No.: B–2008). | Unincorporated areas of Monroe County (20-04-0057P). | The Honorable Heather Carruthers, Mayor, Monroe County Board of Commissioners, 500 Whitehead Street, Suite 102, Key West, FL 33040. | Monroe County Building Department, 2798 Overseas Highway, Suite 300, Marathon, FL 33050. | Apr. 28, 2020 ..... | 125129 |
| Polk (FEMA Docket No.: B–2006). | Unincorporated areas of Polk County (19–04–3814P). | The Honorable George Lindsey III, Chairman, Polk County Board of Commissioners, P.O. Box 9005, Drawer BC01, Bartow, FL 33831. | Polk County Land Development Division, 330 West Church Street, Bartow, FL 33830. | Apr. 23, 2020 ..... | 120621 |
| Sarasota (FEMA Docket No.: B–2006). | Unincorporated areas of Sarasota County (20–04–0229P). | The Honorable Charles D. Hines, Chairman, Sarasota County Board of Commissioners, 1660 Ringling Boulevard, Sarasota, FL 34236. | Sarasota County Planning and Development Services Department, 1001 Sarasota Center Boulevard, Sarasota, FL 34240. | Apr. 27, 2020 ..... | 125144 |
| Seminole (FEMA Docket No.: B–2006). | City of Sanford (19–04–1942P). | The Honorable Jeff Triplett, Mayor, City of Sanford, 300 North Park Avenue, Sanford, FL 32772. | City Hall, 300 North Park Avenue, Sanford, FL 32772. | Apr. 17, 2020 ..... | 120294 |
| Seminole (FEMA Docket No.: B–2006). | Unincorporated areas of Seminole County, (19–04–1942P). | The Honorable Brenda Carey, Chair, Seminole County Board of Commissioners, 1101 East 1st Street, Sanford, FL 32771. | Seminole County Development Review Division, 1101 East 1st Street, Sanford, FL 32771. | Apr. 17, 2020 ..... | 120289 |
| Kentucky: | | | | | |
| Fayette (FEMA Docket No.: B–2016). | Lexington-Fayette Urban County, Government (19–04–4057P). | The Honorable Linda Gorton, Mayor, Lexington-Fayette Urban County, Government, 200 East Main Street, Lexington, KY 40507. | Lexington-Fayette Urban County Government Center, 101 East Vine Street, Lexington, KY 40507. | Apr. 16, 2020 ..... | 210067 |
| Pulaski (FEMA Docket No.: B–2016). | Unincorporated areas of Pulaski County (19–04–3595P). | The Honorable Steve Kelley, Pulaski County Judge, 100 North Main Street, Suite 202, Somerset, KY 42501. | Pulaski County Courthouse, 100 North Main Street, Somerset, KY 42501. | Apr. 17, 2020 ..... | 210197 |
| Louisiana: St. Tammany (FEMA Docket, No.: B–2008). | Unincorporated areas of St. Tammany Parish (19-06-0185P). | Mr. Michael B. Cooper, St. Tammany Parish President, 21490 Koop Drive, Mandeville, LA 70471. | St. Tammany Parish Department of Inspections and Enforcement, 21454 Koop Drive, Mandeville, LA 70471. | Apr. 16, 2020 ..... | 225205 |
| Massachusetts: Essex (FEMA Docket No.: B–2006). | Town of Andover (19–01–0700P). | Mr. Andrew P. Flanagan, Town of Andover Manager, 36 Bartlet Street, Andover, MA 01810. | Town Hall, 36 Bartlet Street, Andover, MA 01810. | May 1, 2020 ..... | 250076 |
| North Carolina: | | | | | |
| Durham (FEMA Docket No.: B–2008). | City of Durham (19–04–5407P). | The Honorable Steve Schewel, Mayor, City of Durham, 101 City Hall Plaza, Durham, NC 27701. | City-County Hall, 101 City Hall Plaza, Durham, NC 27701. | May 13, 2020 ..... | 370086 |
| Durham (FEMA Docket No.: B–2008). | Unincorporated Areas of Durham County (19–04–5407P). | The Honorable Wendy Jacobs, Chair, Durham County Board of Commissioners, 200 East Main Street, Durham, NC 27701. | City-County Hall, 101 City Hall Plaza, Durham, NC 27701. | May 13, 2020 ..... | 370085 |
| Wake (FEMA Docket No.: B–2023). | Town of Cary (19–04–3102P). | The Honorable Harold Weinbrecht, Mayor, P.O. Box 8005, Cary, NC 27512. | Stormwater Services Division, 316 North Academy Street, Cary, NC 27513. | April 15, 2020 ..... | 370238 |
| Wake (FEMA Docket No.: B–2023). | Town of Morrisville (19–04–3102P). | The Honorable TJ Cawley, Mayor, 100 Town Hall Drive, Morrisville, NC 27560. | Planning Department, 260 Town Hall Drive, Suite B, Morrisville, NC 27560. | April 15, 2020 ..... | 370242 |
| South Carolina: | | | | | |
| Charleston (FEMA Docket No.: B–2008). | City of Isle of Palms (19–04–6832P). | Ms. Desiree Fragoso, City of Isle of Palms Administrator, 1207 Palm Boulevard, Isle of Palms, SC 29451. | Building and Planning Department, 1207 Palm Boulevard, Isle of Palms, SC 29451. | May 4, 2020 ..... | 455416 |
| Georgetown (FEMA Docket No.: B–2008). | Unincorporated areas of Georgetown County (19–04–6806P). | Mr. Sel Hemingway, Georgetown County Administrator, 716 Prince Street, Georgetown, SC 29440. | Georgetown County Building Department, 129 Screven Street, Georgetown, SC 29440. | Apr. 30, 2020 ..... | 450085 |
| Tennessee: Shelby (FEMA Docket No.: B–2023) | Unincorporated areas of Shelby County (18–04–7494P). | The Honorable Lee Harris, Mayor, Shelby County, 160 North Main Street, Memphis, TN 38103. | Shelby County Department of Engineering, 6463 Haley Road, Memphis, TN 38134. | May 8, 2020 ..... | 470214 |
| Texas: | | | | | |
| Bastrop (FEMA Docket No.: B–2006). | City of Bastrop, (19–06–1419P). | The Honorable Connie Schroeder, Mayor, City of Bastrop, P.O. Box 427, Bastrop, TX 78602. | City Hall, 1311 Chestnut Street, Bastrop, TX 78602. | Apr. 17, 2020 ..... | 480022 |

| State and county | Location and case No. | Chief executive officer of community | Community map repository | Date of modification | Community No. |
|---|---|---|---|---|---|
| Bastrop (FEMA Docket No.: B–2006). | Unincorporated areas of Bastrop County (19–06–1419P). | The Honorable Paul Pape, Bastrop County Judge, 804 Pecan Street, Bastrop, TX 78602. | Bastrop County Engineering and Development Department, 211 Jackson Street, Bastrop, TX 78602. | Apr. 17, 2020 ..... | 481193 |
| Bexar (FEMA Docket No.: B–2008). | City of Live Oak (19–06–2060P). | The Honorable Mary M. Dennis, Mayor, City of Live Oak, 8001 Shin Oak Drive, Live Oak, TX 78233. | Public Works Department, 8001 Shin Oak Drive, Live Oak, TX 78233. | Apr. 20, 2020 ..... | 480043 |
| Bexar (FEMA Docket No.: B–2008). | City of San Antonio (18–06–1183P). | The Honorable Ron Nirenberg, Mayor, City of San Antonio, P.O. Box 839966, San Antonio, TX 78283. | Transportation and Capital Improvements Department, Storm Water Division, 114 West Commerce Street, 7th Floor, San Antonio, TX 78205. | Apr. 20, 2020 ..... | 480045 |
| Bexar (FEMA Docket No.: B–2016). | City of San Antonio (19–06–1775P). | The Honorable Ron Nirenberg, Mayor, City of San Antonio, P.O. Box 839966, San Antonio, TX 78283. | Transportation and Capitol Improvements Department, Storm Water Division, 114 West Commerce Street, 7th Floor, San Antonio, TX 78205. | May 11, 2020 ..... | 480045 |
| Collin (FEMA Docket No.: B–2008). | City of Allen (19–06–3850P). | The Honorable Stephen Terrell, Mayor, City of Allen, 305 Century Parkway, 1st Floor, Allen, TX 75013. | Engineering and Traffic Department, 305 Century Parkway, Allen, TX 75013. | May 8, 2020 ..... | 480131 |
| Harris (FEMA Docket No.: B–2008). | Unincorporated areas of Harris County (19–06–1115P). | The Honorable Lina Hidalgo, Harris County Judge, 1001 Preston Street, Suite 911, Houston, TX 77002. | Harris County Engineering Department, 1001 Preston Street, 7th Floor, Houston, TX 77002. | Apr. 27, 2020 ..... | 480287 |
| Tarrant (FEMA Docket No.: B–2006). | City of Benbrook (19–06–3260P). | The Honorable Jerry B. Dittrich, Mayor, City of Benbrook, 911 Winscott Road, Benbrook, TX 76126. | City Hall, 911 Winscott Road, Benbrook, TX 76126. | Apr. 24, 2020 ..... | 480586 |
| Tarrant (FEMA Docket No.: B–2006). | City of Fort Worth, (19–06–3260P). | The Honorable Betsy Price, Mayor, City of Fort Worth, 200 Texas Street, Fort Worth, TX 76102. | Transportation and Public Works Department, 200 Texas Street, Fort Worth, TX 76102. | Apr. 24, 2020 ..... | 480596 |
| Tarrant (FEMA Docket, No.: B–2008). | City of Keller (19–06–3734P). | The Honorable Pat McGrail, Mayor, City of Keller, P.O. Box 770, Keller, TX 76244. | City Hall, 1100 Bear Creek Parkway, Keller, TX 76248. | Apr. 16, 2020 ..... | 480602 |
| Tarrant (FEMA Docket No.: B–2006). | City of Southlake (19–06–1227P). | The Honorable Laura Hill, Mayor, City of Southlake, 1400 Main Street, Suite 270, Southlake, TX 76092. | Public Works Department, 1400 Main Street, Southlake, TX 76092. | Apr. 27, 2020 ..... | 480612 |
| Waller (FEMA Docket No.: B–2008). | Unincorporated areas of Waller County (19–06–1115P). | The Honorable Carbett "Trey" J. Duhon, III, Waller County Judge, 836 Austin Street, Suite 203, Hempstead, TX 77445. | Waller County Engineering Department, 775 Business Highway 290 East, Hempstead, TX 77445. | Apr. 27, 2020 ..... | 480640 |

[FR Doc. 2020–12487 Filed 6–8–20; 8:45 am]

**BILLING CODE 9110–12–P**

## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

**[Internal Agency Docket No. FEMA–3525–EM; Docket ID FEMA–2020–0001]**

### Michigan; Amendment No. 2 to Notice of an Emergency Declaration

**AGENCY:** Federal Emergency Management Agency, DHS.

**ACTION:** Notice.

**SUMMARY:** This notice amends the notice of an emergency declaration for the State of Michigan (FEMA–3525–EM), dated May 21, 2020, and related determinations.

**DATES:** This amendment was issued May 29, 2020.

**FOR FURTHER INFORMATION CONTACT:** Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

**SUPPLEMENTARY INFORMATION:** The notice of an emergency declaration for the State of Michigan is hereby amended to include the following area among those areas determined to have been adversely affected by the event declared an emergency by the President in his declaration of May 21, 2020.

Gladwin County for emergency protective measures (Category B), limited to direct Federal assistance, under the Public Assistance program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

**Pete Gaynor,**

*Administrator, Federal Emergency Management Agency.*

[FR Doc. 2020–12483 Filed 6–8–20; 8:45 am]

**BILLING CODE 9111–23–P**

## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

**[Internal Agency Docket No. FEMA–4543–DR; Docket ID FEMA–2020–0001]**

### North Carolina; Major Disaster and Related Determinations

**AGENCY:** Federal Emergency Management Agency, DHS.

**ACTION:** Notice.

**SUMMARY:** This is a notice of the Presidential declaration of a major disaster for the State of North Carolina (FEMA–4543–DR), dated May 8, 2020, and related determinations.

**DATES:** The declaration was issued May 8, 2020.

**FOR FURTHER INFORMATION CONTACT:** Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that, in a letter dated May 8, 2020, the President issued a major disaster declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''), as follows:

I have determined that the damage in certain areas of the State of North Carolina resulting from severe storms, tornadoes, and flooding during the period of February 6 to February 19, 2020, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''). Therefore, I declare that such a major disaster exists in the State of North Carolina.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Public Assistance in the designated areas and Hazard Mitigation throughout the State. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance and Hazard Mitigation will be limited to 75 percent of the total eligible costs.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Elizabeth Turner, of FEMA is appointed to act as the Federal Coordinating Officer for this major disaster.

The following areas of the State of North Carolina have been designated as adversely affected by this major disaster:

Alexander, Ashe, Cherokee, Cleveland, Graham, Madison, Mitchell, Pender, Perquimans, Polk, Randolph, Rutherford, Stanly, Stokes, Swain, Wayne, Yadkin, and Yancey Counties for Public Assistance.

All areas within the State of North Carolina are eligible for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

**Pete Gaynor,**

*Administrator, Federal Emergency Management Agency.*

[FR Doc. 2020–12484 Filed 6–8–20; 8:45 am]

**BILLING CODE 9111–23–P**

## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

**[Internal Agency Docket No. FEMA–4499–DR; Docket ID FEMA–2020–0001]**

### Oregon; Amendment No. 1 to Notice of a Major Disaster Declaration

**AGENCY:** Federal Emergency Management Agency, DHS.

**ACTION:** Notice.

**SUMMARY:** This notice amends the notice of a major disaster declaration for the State of Oregon (FEMA–4499–DR), dated March 28, 2020, and related determinations.

**DATES:** This amendment was issued May 28, 2020.

**FOR FURTHER INFORMATION CONTACT:** Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

**SUPPLEMENTARY INFORMATION:** The notice of a major disaster declaration for the State of Oregon is hereby amended to include Individual Assistance limited to the Crisis Counseling Program for those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of March 28, 2020.

Individual Assistance limited to the Crisis Counseling Program for all areas in the State of Oregon (already designated for emergency protective measures [Category B] not authorized under other Federal statutes, including direct Federal assistance).

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

**Pete Gaynor,**

*Administrator, Federal Emergency Management Agency.*

[FR Doc. 2020–12478 Filed 6–8–20; 8:45 am]

**BILLING CODE 9111–23–P**

## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

**[Internal Agency Docket No. FEMA–4493–DR; Docket ID FEMA–2020–0001]**

### Puerto Rico; Amendment No. 2 to Notice of a Major Disaster Declaration

**AGENCY:** Federal Emergency Management Agency, DHS.

**ACTION:** Notice.

**SUMMARY:** This notice amends the notice of a major disaster declaration for the Commonwealth of Puerto Rico (FEMA–4493–DR), dated March 27, 2020, and related determinations.

**DATES:** This amendment was issued May 28, 2020.

**FOR FURTHER INFORMATION CONTACT:** Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

**SUPPLEMENTARY INFORMATION:** The notice of a major disaster declaration for the Commonwealth of Puerto Rico is hereby amended to include Individual Assistance limited to the Crisis Counseling Program for those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of March 27, 2020.

Individual Assistance limited to the Crisis Counseling Program for all areas in the Commonwealth of Puerto Rico (already designated for emergency protective measures [Category B] not authorized under other Federal statutes, including direct Federal assistance).

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals

and Households; 97.050 Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

**Pete Gaynor,**

*Administrator, Federal Emergency Management Agency.*

[FR Doc. 2020–12489 Filed 6–8–20; 8:45 am]

**BILLING CODE 9111–23–P**

## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

**[Internal Agency Docket No. FEMA–4495–DR; Docket ID FEMA–2020–0001]**

### Guam; Amendment No. 1 to Notice of a Major Disaster Declaration

**AGENCY:** Federal Emergency Management Agency, DHS.

**ACTION:** Notice.

**SUMMARY:** This notice amends the notice of a major disaster declaration for the territory of Guam (FEMA–4495–DR), dated March 27, 2020, and related determinations.

**DATES:** This amendment was issued May 28, 2020.

**FOR FURTHER INFORMATION CONTACT:** Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

**SUPPLEMENTARY INFORMATION:** The notice of a major disaster declaration for the territory of Guam is hereby amended to include Individual Assistance limited to the Crisis Counseling Program for those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of March 27, 2020.

Individual Assistance limited to the Crisis Counseling Program for all areas in the territory of Guam (already designated for emergency protective measures [Category B] not authorized under other Federal statutes, including direct Federal assistance).

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050 Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

**Pete Gaynor,**

*Administrator, Federal Emergency Management Agency.*

[FR Doc. 2020–12480 Filed 6–8–20; 8:45 am]

**BILLING CODE 9111–23–P**

## DEPARTMENT OF HOMELAND SECURITY

**[Docket No. DHS–2019–0057]**

### Understanding Public Perception and Acceptance of First Responders Use of Unmanned Aircraft Systems

**AGENCY:** Science and Technology Directorate (S&T), Department of Homeland Security (DHS).

**ACTION:** 30-Day Notice of Information Collection; New request for comment, 1640–NEW.

**SUMMARY:** The Department of Homeland Security (DHS), Science and Technology Directorate (S&T) seeks to submit the following Information Collection Request (ICR) to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995. The survey of Understanding Public Perception and Acceptance of First Responders Use of Unmanned Aircraft Systems (UAS) is the application of unmanned aircraft systems (UAS) to firefighting, law enforcement, and emergency medical missions. First responder organizations have used UAS to search for lost children, identify high risk areas in burning structures, facilitate relief operations following hurricanes, reduce risk and exposure for law enforcement officers in active-shooter events, and many other use cases. The primary purpose of this survey is to understand the public perception of and identify concerns with current and potential uses of UAS technology by first responders. The survey will ask respondents to report their demographic characteristics, their knowledge of unmanned aircraft systems (UAS), their knowledge of the use of UAS by first responders, their overall trust in the use of new technologies by the government and first responders, their general attitudes about such use, and their opinions about the use of drones by first responders for specific applications like search-and-rescue. The survey will also ask respondents to evaluate the effectiveness of different test messages that we have created to deliver information to the public about first responder drone applications.

**DATES:** Comments are encouraged and accepted until July 9, 2020.

**ADDRESSES:** Interested persons are invited to submit written comments on this proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments, identified by docket number DHS–2019–0057, should be submitted via the Federal eRulemaking Portal: *https://www.regulations.gov.* The comments submitted via this method are visible to the Office of Management and Budget and comply with the requirements of 5 CFR 1320.12(c). Please follow the instructions on the site for submitting comments.

**FOR FURTHER INFORMATION CONTACT:** DHS/S&T/OSE/TCD Program Manager: Kathleen Deloughery, *kathleen.deloughery@hq.dhs.gov* or (202) 254–6189 (Not a toll free number).

**SUPPLEMENTARY INFORMATION:** DHS, in accordance with the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.,* provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. DHS is soliciting comments on the proposed information collection request (ICR) that is described below. DHS 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:* Understanding Public Perception and Acceptance of First Responders Use of Unmanned Aircraft Systems.

*Prior* ***Federal Register*** *Document:* 85 FR 7570, Volume 85 No. 27, Dated Feb 10, 2020.

*Type of Review:* New Information Collection.

*Respondents/Affected Public:* Individuals and Households.

*Frequency of Collection:* One per request.

*Average Burden per Response:* 20 minutes or under.

*Total Estimated Number of Annual Responses:* 2,000.

*Total Estimated Number of Annual Burden Hours:* 660.

Dated: May 11, 2020.

**Gregg Piermarini,**

*Chief Information Officer, Science and Technology Directorate.*

[FR Doc. 2020–12378 Filed 6–8–20; 8:45 am]

**BILLING CODE 9110–9F–P**

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

**[Docket No. FR–7029–N–05]**

## 60-Day Notice of Proposed Information Collection: Rental Assistance Demonstration (RAD) Choice Mobility and Long-Term Affordability Evaluation

**AGENCY:** Office of the Assistant Secretary for Policy Development and Research, HUD.

**ACTION:** Notice.

**SUMMARY:** The U.S. Department of Housing and Urban Development (HUD) is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 60 days of public comment.

**DATES:** *Comments Due Date:* August 10, 2020.

**ADDRESSES:** Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Anna P. Guido, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW, Room 4176, Washington, DC 20410–5000; telephone 202–402–5534 (this is not a toll-free number) or email at *Anna.P.Guido@hud.gov* for a copy of the proposed forms or other available information. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

**FOR FURTHER INFORMATION CONTACT:** Anna P. Guido, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410; email Anna P. Guido at *Anna.P.Guido@hud.gov* or telephone 202–402–5535. This is not a toll-free number. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

Copies of available documents submitted to OMB may be obtained from Ms. Guido.

**SUPPLEMENTARY INFORMATION:** This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

### A. Overview of Information Collection

*Title of Information Collection:* Rental Assistance Demonstration (RAD) Choice Mobility and Long-Term Affordability Evaluation.

*OMB Approval Number:* Pending.

*Type of Request:* New collection.

*Form Number:* N/A.

*Description of the need for the information and proposed use:* The Office of Policy Development and Research (PD&R), at the U.S. Department of Housing and Urban Development (HUD), is proposing the collection of information for the *Rental Assistance Demonstration (RAD) Choice Mobility and Long-Term Affordability Evaluation.*

RAD was established under the Consolidated and Further Continuing Appropriations Act of 2012 to preserve affordable housing units over the long term by enabling public housing authorities (PHAs) to apply to HUD to convert at-risk public housing properties to two different forms of project-based Section 8 Housing Assistance Payments contracts—project-based voucher (PBV) or project-based rental assistance (PBRA). Doing so gives PHAs more flexibility to access private and public funding sources to meet with short-term capital needs, reduce their reliance on limited appropriations, and stabilize their financial and physical condition. Choice mobility, an additional feature of RAD, allows residents of RAD properties to request a Housing Choice Voucher that they can use to move to a housing unit in the private market.

Congress requested an evaluation of RAD to assess the impact of the demonstration on the preservation and improvement of public housing, the amount of private sector leveraging, and the effect on tenants. HUD contracted a two-phase evaluation to address these research areas. The Phase I results were published in 2016 and the Phase II results in 2019. The OMB Approval Number for that evaluation was 2528–0304 and expired on January 31st, 2020. The Fiscal Year 2018 Appropriations Act provided funds to conduct a follow-up evaluation of the RAD program, including its implementation and outcomes, the choice mobility option, the impact on tenants and related protections, and the long-term preservation of housing affordability.

This **Federal Register** Notice provides an opportunity to comment on the information collection for this new phase of the RAD evaluation titled *RAD Choice Mobility and Long-Term Affordability Evaluation.* The current information collection is designed to support four studies included in the evaluation. One is the study of the implementation of the RAD choice mobility option and its effects on property outcomes, tenant outcomes, and the voucher program. The second study is the impact of RAD on the long-term preservation and financial viability of converted affordable housing properties. The third is the adequacy of asset management for PBV and PBRA conversions. The fourth study will examine the organizational and operational changes at PHAs that participated in RAD. For the first three studies, the evaluation includes web-based survey of all RAD PHAs, RAD property owners/operators, and former RAD residents who have exercised the choice mobility option; and a sample survey of RAD residents who have not elected the choice mobility option. For the fourth study, we plan to conduct qualitative interviews with senior staff at 26 RAD PHAs.

*Respondents:* PHA officials and staff participating in the RAD program; property owners/operators of RAD properties; former RAD residents who have exercised the choice mobility option; and RAD residents who have not elected the choice mobility option.

*Estimated Number of Respondents:* This information collection will affect approximately 3,596 respondents. This includes: (1) A survey of 500 RAD PHAs; (2) a survey of 1,350 RAD property owners/operators; (3) a survey of approximately 1,300 former RAD residents who are choice mobility option users; (4) a survey of a sample of 420 RAD residents who did not use the choice mobility option, and (5) qualitative interviews of a sample of 26 RAD PHAs.

*Estimated Time per Response:* The RAD PHA survey is expected to take 45 minutes. The RAD property owner/operator survey is expected to take 20 minutes. Surveys of residents, for both the choice mobility census and the non-choice mobility sample, are expected to take 20 minutes. Qualitative interviews with a sample of 26 PHAs will take approximately 60 minutes to complete.

*Frequency of Response:* 1 time for all surveys and qualitative interviews.

*Estimated Total Annual Burden Hours:* 1,414 hours for all surveys and qualitative interviews.

*Estimated Total Annual Cost:* $45,415 for all surveys and qualitative interviews.

*Respondent's Obligation:* PHAs and property owners who participate in the RAD program are required to cooperate with an evaluation of the RAD program as a condition of participation in the RAD program. Resident participation is voluntary.

*Legal Authority:* The collection of information is conducted under Title 12, United States Code, Section 1701z and Section 3507 of the Paperwork Reduction Act of 1995, 44, U.S.C., 35, as amended.

| Information collection | Number of respondents | Frequency of response | Responses per annum | Burden hour per response | Annual burden hours | Hourly cost per response | Cost |
|---|---|---|---|---|---|---|---|
| RAD PHAs survey | 500 | 1 | 1 | 0.75 | 375.00 | $34.46 | $12,922.50 |
| RAD property owners/operators survey | 1,350 | 1 | 1 | 0.33 | 445.50 | 34.46 | 15,351.93 |
| Residents survey (choice mobility option users) | 1,300 | 1 | 1 | 0.33 | 429.00 | 28.62 | 12,277.98 |
| Residents survey (choice mobility option non-users) | 420 | 1 | 1 | 0.33 | 138.60 | 28.62 | 3,966.73 |
| RAD PHAs qualitative interviews | 26 | 1 | 1 | 1 | 26.00 | 34.46 | 895.96 |
| Total | 3,596 | | | | 1,414.10 | | 45,415.10 |

Source: Table B–3. Average hourly and weekly earnings of all employees on private nonfarm payrolls by industry sector, seasonally adjusted. U.S. Bureau of Labor Statistics. March 2020(P) for all private sector ($28.62) and professional and business services ($34.46). *https://www.bls.gov/news.release/empsit.t19.htm.*

To arrive at the dollar cost of the estimated response burden, we have used preliminary estimates from the U.S. Bureau of Labor Statistics on average hourly earnings in March 2020. For PHA staff and property owner/operator staff, we use the estimate for professional and business services ($34.46). For residents, we use the estimate for all private sector employees ($28.62).

**B. Solicitation of Public Comment**

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

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

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

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

(4) Ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

*Authority:* Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35. The Assistant Secretary for Policy Development and Research, Seth Appleton, having reviewed and approved this document, is delegating the authority to electronically sign this document to submitter, Nacheshia Foxx, who is the Federal Register Liaison for HUD, for purposes of publication in the **Federal Register**.

Dated: June 4, 2020.

**Nacheshia Foxx,**

*Federal Liaison for the Department of Housing and Urban Development.*

[FR Doc. 2020–12433 Filed 6–8–20; 8:45 am]

**BILLING CODE 4210–67–P**

## INTERNATIONAL TRADE COMMISSION

**[Investigation No. 332–574]**

## Renewable Electricity: Potential Economic Effects of Increased Commitments in Massachusetts; Notice of a New Date for the Public Hearing

**AGENCY:** United States International Trade Commission.

**ACTION:** Notice of a new date for the public hearing.

**SUMMARY:** The Commission has changed the date of its public hearing for Investigation No. 332–574: *Renewable Electricity: Potential Economic Effects of Increased Commitments in Massachusetts* from May 7, 2020 to July 29, 2020 due to COVID–19.

**DATES:**

July 1, 2020: Deadline for filing requests to appear at the public hearing.

July 15, 2020: Deadline for filing pre-hearing briefs and statements.

July 29, 2020: Public hearing.

August 7, 2020: Deadline for filing post-hearing briefs and statements.

August 14, 2020: Deadline for filing all other written submissions.

January 25, 2021: Transmittal of Commission report to the Committee.

**ADDRESSES:** All Commission offices, including the Commission's hearing rooms, are located in the United States International Trade Commission Building, 500 E Street SW, Washington, DC. All written submissions should be addressed to the Secretary, United States International Trade Commission, 500 E Street SW, Washington, DC 20436. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://www.usitc.gov.*

**FOR FURTHER INFORMATION CONTACT:** Project Leader Diana Friedman (202–205–3433 or *diana.friedman@usitc.gov*) or Deputy Project Leader Patricia Mueller (202–205–2599 or *patricia.mueller@usitc.gov*) for information specific to this investigation. For information on the legal aspects of these investigations, contact William Gearhart of the Commission's Office of the General Counsel (202–205–3091 or *william.gearhart@usitc.gov*). The media should contact Margaret O'Laughlin, Office of External Relations (202–205–1819 or *margaret.olaughlin@usitc.gov*). Hearing-impaired individuals may obtain information on this matter by contacting the Commission's TDD terminal at 202–205–1810. General information concerning the Commission may also be obtained by accessing its internet server (*https://www.usitc.gov*). 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.

**SUPPLEMENTARY INFORMATION:** The Commission published notice of institution of the investigation in the **Federal Register** on February 19, 2020 (85 FR 9479, February 19, 2020). In that notice, the Commission announced it would hold a public hearing on May 7, 2020, and it also set dates by which

requests to appear at the hearing, briefs, and other written submissions should be filed. However, due to COVID–19, the Commission postponed the hearing to a date to be determined (85 FR 21460, April 17, 2020). The Commission has rescheduled the public hearing as well as deadlines for requests to appear at the hearing, briefs, and other written submissions to the following dates. 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. The scope of the investigation remains the same as published in the **Federal Register** on February 19, 2020.

*Public Hearing:* A public hearing in connection with this investigation will be held beginning at 9:30 a.m. on July 29, 2020. Information about the place and form of the hearing, including about how to participate in or view the hearing, will be posted on the Commission's website at (*https://usitc.gov/research_and_analysis/what_we_are_working_on.htm*). Once on that web page, scroll down to the entry for investigation No. 332–574, *Renewable Electricity: Potential Economic Effects of Increased Commitments in Massachusetts,* and click on the link to ''hearing instructions.'' Interested parties should check the Commission's website periodically for updates.

Requests to appear at the public hearing should be filed with the Secretary no later than 5:15 p.m., July 1, 2020 in accordance with the requirements in the ''Submissions'' section below. All pre-hearing briefs and statements should be filed no later than 5:15 p.m., July 15, 2020; and all post-hearing briefs and statements should be filed no later than 5:15 p.m., August 7, 2020. In the event that, as of the close of business on July 14, 2020, no witnesses are scheduled to appear at the hearing, the hearing will be canceled. Any person interested in attending the hearing as an observer or nonparticipant should contact the Office of the Secretary at 202–205–2000 after July 15, 2020, for information concerning whether the hearing will be held.

*Written Submissions:* In lieu of or in addition to participating in the hearing, interested parties are invited to file written submissions concerning this investigation. All written submissions should be addressed to the Secretary, and should be received not later than 5:15 p.m., August 14, 2020. All written submissions must conform to the provisions of section 201.8 of the Commission's Rules of Practice and Procedure (19 CFR 201.8), as temporarily amended by 85 FR 15798 (March 19, 2020). Under that rule waiver, the Office of the Secretary 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. Persons with questions regarding electronic filing should contact the Office of the Secretary, Docket Services Division (202–205–1802), or consult the Commission's Handbook on Filing Procedures.

*Confidential Business Information.* Any submissions that contain confidential business information must also conform to the requirements of section 201.6 of the Commission's Rules of Practice and Procedure (19 CFR 201.6). Section 201.6 of the rules requires that the cover of the document and the individual pages be clearly marked as to whether they are the ''confidential'' or ''non-confidential'' version, and that the confidential business information is clearly identified by means of brackets. All written submissions, except for confidential business information, will be made available for inspection by interested parties.

As requested by the Committee, the Commission will not include any confidential business information in the report that it sends to the Committee or makes available to the public. However, all information, including confidential business information, submitted in 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 for cybersecurity purposes. The Commission will not otherwise disclose any confidential business information in a manner that would reveal the operations of the firm supplying the information.

*Summaries of Written Submissions:* The Commission intends to publish summaries of the positions of interested persons in an appendix to the report. Persons wishing to have a summary of their position included in the report should include a summary with their written submission. The summary may not exceed 500 words, should be in a format that can be easily converted to MS Word, and should not include any confidential business information. The summary will be published as provided if it meets these requirements and is germane to the subject matter of the investigation. The Commission will identify the name of the organization furnishing the summary and will include a link to the Commission's Electronic Document Information System (EDIS) where the full written submission can be found.

By order of the Commission.

Issued: June 4, 2020.

**Lisa Barton,**

*Secretary to the Commission.*

[FR Doc. 2020–12439 Filed 6–8–20; 8:45 am]

**BILLING CODE 7020–02–P**

## INTERNATIONAL TRADE COMMISSION

**[Investigation No. 337–TA–1151]**

## Certain Photovoltaic Cells and Products Containing Same; Notice of Commission Decision to Review in Part and, on Review, to Affirm With Modification an Initial Determination Granting Respondents' Motions for Summary Determination of Non-Infringement; Termination of the Investigation

**AGENCY:** U.S. International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission has determined to review in part and, on review, to affirm with modification an initial determination (''ID'') (Order No. 40) of the presiding administrative law judge (''ALJ'') granting respondents' motions for summary determination of non-infringement. The investigation is terminated.

**FOR FURTHER INFORMATION CONTACT:** Clint Gerdine, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 708–2310. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.* For help accessing EDIS, please email *EDIS3Help@usitc.gov.* General information concerning the Commission may also be obtained by accessing its internet server at *https://www.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:** The Commission instituted this investigation on April 9, 2019, based on a complaint filed on behalf of Hanwha Q CELLS USA, Inc. of Dalton, Georgia and HQC–AMC [1] of Seoul, Republic of Korea (collectively, ''Hanwha''). 84 *FR* 14134–35 (April 9, 2019). The complaint alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 (''section 337''), based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain photovoltaic cells and products containing same by reason of infringement of certain claims of U.S. Patent No. 9,893,215. The complaint further alleges the existence of a domestic industry. The Commission's notice of investigation named the following respondents: JinkoSolar Holding Co., Ltd., c/o Conyers Trust Company (Cayman) Limited of Grand Cayman KY1–111, Cayman Islands; JinkoSolar (U.S.) Inc. of San Francisco, California; Jinko Solar (U.S.) Industries Inc. of San Francisco, California; Jinko Solar Co., Ltd. of Jiangxi, China; Zhejiang Jinko Solar Co., Ltd. of Haining City, China; Jinko Solar Technology Sdn. Bhd. of Persekutuan, Malaysia (collectively, ''Jinko''); LONGi Solar Technology Co., Ltd. of Shaanxi, China; LONGi Green Energy Technology Co., Ltd. of Shaanxi, China; LONGi (H.K.) Trading Ltd. of Wanchai, Hong Kong; LONGi (Kuching) Sdn. Bhd. of Sarawak, Malaysia; Taizhou LONGi Solar Technology Ltd. of Jiangsu, China; Zhejiang LONGi Solar Technology Ltd. of Zhejiang, China; Hefei LONGi Solar Technology Ltd. of Anhui, China; LONGi Solar Technology (U.S.) Inc. of San Ramon, California (collectively, ''LONGi''); and REC Solar Holdings AS of Oslo, Norway; REC Solar Pte. Ltd. of Tuas, Singapore; and REC Americas, LLC of San Mateo, California (collectively, ''REC'') (collectively, ''Respondents''). The Office of Unfair Import Investigations (''OUII'') is participating in the investigation.

On August 19, September 13, and September 18, 2019, LONGi, Jinko, and REC, respectively, filed a motion for summary determination on infringement. On September 26, 2019, the ALJ issued a *Markman* Order (Order No. 24), construing certain claim terms in dispute. On October 10, 2019, the ALJ issued Order No. 26, which struck Hanwha's late-filed contentions concerning infringement under the doctrine of equivalents (DOE).

On April 10, 2020, the ALJ issued the subject ID (Order No. 40), granting Respondents' motions for summary determination of non-infringement. The subject ID finds no literal infringement by any of the accused products. Although the ALJ struck Hanwha's late-filed DOE contentions in Order No. 26, the ID also addresses the merits of the DOE contentions and finds no infringement by equivalents due to prosecution history estoppel.

On April 22, 2020, Hanwha filed a petition for review seeking review of the finding of no literal infringement. Hanwha does not seek review of the ALJ's decision to strike its DOE contentions. On May 5, 2020, Respondents and OUII each filed a response in opposition to Hanwha's petition.

Having reviewed the record including Order No. 24, the subject ID, the parties' briefing before the ALJ, and Hanwha's petition and responses thereto, the Commission has determined to review in part the subject ID (and underlying *Markman* Order). On review, the Commission has determined to affirm with modification the ID's grant of summary determination. Specifically, the Commission clarifies that the findings made on pages 24–26 of the ID relate to statements made by the patentee during prosecution. The ID notes that those findings support the determination that prosecution history estoppel precludes the application of the DOE with respect to the claim terms at issue. The Commission clarifies that these findings also support Order No. 24's claim construction of these terms, including a determination that prosecution disclaimer applies in construing these terms. As one example, the finding on page 25 of the ID that ''the patentee 'made numerous and unambiguous' representations that the '215 patent claims solar cells hav[ing] a two-layer passivation stack, and no more'' lends support to a finding of prosecution disclaimer and Order No. 24's construction of the claim terms at issue. *See, e.g., Omega Eng'g, Inc.* v. *Raytek Corp.,* 334 F.3d 1314, 1323–24 (Fed. Cir. 2003); *Trading Technologies Intern., Inc.* v. *Open E Cry, LLC,* 728 F.3d 1309, 1322 (Fed. Cir. 2013) (''a single action during prosecution can engender both a prosecution *disclaimer* and *prosecution history estoppel*.'') (emphasis in original).

The investigation is terminated with a finding of no violation of section 337.

The Commission vote for this determination took place on June 3, 2020.

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: June 3, 2020.

**Lisa Barton,**

*Secretary to the Commission.*

[FR Doc. 2020–12411 Filed 6–8–20; 8:45 am]

**BILLING CODE 7020–02–P**

[1] Complainant HQC–AMC was subsequently replaced by Hanwha Solutions Corporation. Order No. 38 (Jan. 30, 2020), *unreviewed by* Comm'n Notice (Mar. 2, 2020); *see also* 85 *FR* 13182–83 (Mar. 6, 2020).

## DEPARTMENT OF JUSTICE

### Drug Enforcement Administration

**[Docket No. DEA–656]**

### Bulk Manufacturer of Controlled Substances Application: Bulk Manufacturer of Marihuana: Honeoye Manufacturing

**ACTION:** Notice of application.

**SUMMARY:** The Drug Enforcement Administration (DEA) is providing notice of an application it has received from an entity applying to be registered to manufacture in bulk basic class(es) of controlled substances listed in schedule I. DEA intends to evaluate this and other pending applications according to proposed regulations that, if finalized, would govern the program of growing marihuana for scientific and medical research under DEA registration.

**DATES:** Registered bulk manufacturers of the affected basic class(es), and applicants therefor, may file written comments on or objections to the issuance of the proposed registration on or before August 10, 2020.

**ADDRESSES:** Written comments should be sent to: Drug Enforcement Administration, Attention: DEA **Federal Register** Representative/DPW 8701 Morrissette Drive, Springfield, Virginia 22152. To ensure proper handling of comments, please reference Docket No. DEA–656 in all correspondence, including attachments.

**SUPPLEMENTARY INFORMATION:** The Controlled Substances Act (CSA) prohibits the cultivation and distribution of marihuana except by persons who are registered under the CSA to do so for lawful purposes. In accordance with the purposes specified in 21 CFR 1301.33(a), DEA is providing

notice that the entity identified below has applied for registration as a bulk manufacturer of schedule I controlled substances. In response, registered bulk manufacturers of the affected basic class(es), and applicants therefor, may file written comments on or objections of the requested registration, as provided in this notice. This notice does not constitute any evaluation or determination of the merits of the application submitted.

The applicant plans to manufacture bulk active pharmaceutical ingredients (APIs) for product development and distribution to DEA registered researchers. If the application for registration is granted, the registrant would not be authorized to conduct other activity under this registration aside from those coincident activities specifically authorized by DEA regulations. DEA will evaluate the application for registration as a bulk manufacturer for compliance with all applicable laws, treaties, and regulations and to ensure adequate safeguards against diversion are in place.

As this applicant has applied to become registered as a bulk manufacturer of marihuana, the application will be evaluated under the criteria of 21 U.S.C. 823(a). DEA proposes to conduct this evaluation in the manner described in the rule proposed at 85 FR 16292, published on March 23, 2020, if finalized.

In accordance with 21 CFR 1301.33(a), DEA is providing notice that on May 7, 2020, Honeoye Manufacturing, 4825 County Road 36, Honeoye, New York 14471, applied to be registered as a bulk manufacturer of the following basic class(es) of controlled substances:

| Controlled substance | Drug code | Schedule |
|---|---|---|
| Marihuana | 7360 | I |

The applicant noticed above applied to become registered with DEA to grow marihuana as a bulk manufacturer subsequent to a 2020 DEA notice of proposed rulemaking that provided information on how DEA intends to expand the number of registrations, and described the way it would oversee those additional growers. If finalized, the proposed rule would govern persons seeking to become registered with DEA to grow marihuana as a bulk manufacturer, consistent with applicable law. The notice of proposed rulemaking is available at 85 FR 16292.

**William T. McDermott,**

*Assistant Administrator.*

[FR Doc. 2020–12383 Filed 6–8–20; 8:45 am]

**BILLING CODE 4410–09–P**

## DEPARTMENT OF JUSTICE

### Drug Enforcement Administration

**[Docket No. DEA–661]**

### Importer of Controlled Substances Application: Research Triangle Institute

**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 July 9, 2020. Such persons may also file a written request for a hearing on the application on or before July 9, 2020.

**ADDRESSES:** Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/DPW, 8701 Morrissette Drive, Springfield, Virginia 22152. All requests for a hearing must be sent to: Drug Enforcement Administration, Attn: Administrator, 8701 Morrissette Drive, Springfield, Virginia 22152. All requests for a hearing should also be sent to: (1) Drug Enforcement Administration, Attn: Hearing Clerk/OALJ, 8701 Morrissette Drive, Springfield, Virginia 22152; and (2) Drug Enforcement Administration, Attn: DEA Federal Register Representative/DPW, 8701 Morrissette Drive, Springfield, Virginia 22152.

**SUPPLEMENTARY INFORMATION:** In accordance with 21 CFR 1301.34(a), this is notice that on May 15, 2020, Research Triangle Institute, 3040 East Cornwallis Road, Hermann Building, Room 106, Research Triangle Park, North Carolina 27709–2194, applied to be registered as an importer of the following basic class(es) of controlled substances:

| Controlled substance | Drug code | Schedule |
|---|---|---|
| 3-Fluoro-N-methylcathinone (3–FMC) | 1233 | I |
| Cathinone | 1235 | I |
| Methcathinone | 1237 | I |
| 4-Fluoro-N-methylcathinone (4–FMC) | 1238 | I |
| Pentedrone (α-methylaminovalerophenone) | 1246 | I |
| Mephedrone (4-Methyl-N-methylcathinone) | 1248 | I |
| 4-Methyl-N-ethylcathinone (4–MEC) | 1249 | I |
| Naphyrone | 1258 | I |
| N-Ethylamphetamine | 1475 | I |
| N,N-Dimethylamphetamine | 1480 | I |
| Fenethylline | 1503 | I |
| Aminorex | 1585 | I |
| 4-Methylaminorex (cis isomer) | 1590 | I |
| Gamma Hydroxybutyric Acid | 2010 | I |
| Methaqualone | 2565 | I |
| Mecloqualone | 2572 | I |
| JWH–250 (1-Pentyl-3-(2-methoxyphenylacetyl) indole) | 6250 | I |
| SR–18 (Also known as RCS–8) (1-Cyclohexylethyl-3-(2-methoxyphenylacetyl) indole) | 7008 | I |
| ADB–FUBINACA (N-(1-amino-3,3-dimethyl-1-oxobutan2-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide) | 7010 | I |
| 5-Fluoro-UR–144 and XLR11 [1-(5-Fluoro-pentyl)1H-indol-3-yl](2,2,3,3-tetramethylcyclopropyl)methanone | 7011 | I |
| AB–FUBINACA (N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide) | 7012 | I |
| FUB–144 (1-(4-fluorobenzyl)-1H-indol-3-yl)(2,2,3,3-tetramethylcyclopropyl)methanone) | 7014 | I |
| JWH–019 (1-Hexyl-3-(1-naphthoyl)indole) | 7019 | I |
| MDMB–FUBINACA (Methyl 2-(1-(4-fluorobenzyl)-1H indazole-3-carboxamido)-3,3-dimethylbutanoate) | 7020 | I |
| FUB–AMB, MMB- FUBINACA, AMB–FUBINACA (2-(1-(4-fluorobenzyl)-1Hindazole-3-carboxamido)-3-methylbutanoate). | 7021 | I |
| AB–PINACA (N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-pentyl-1H-indazole3-carboxamide) | 7023 | I |

| Controlled substance | Drug code | Schedule |
|---|---|---|
| THJ–2201 [1-(5-fluoropentyl)-1H-indazol-3-yl](naphthalen-1-yl)methanone | 7024 | I |
| 5F–AB–PINACA (N-(1-amino-3-methyl-1-oxobutan-2 yl)-1-(5-fluoropentyl)-1 H-indazole-3-carboxamide) | 7025 | I |
| AB–CHMINACA (N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)1H-indazole-3-carboxamide | 7031 | I |
| MAB–CHMINACA (N-(1-amino-3,3dimethyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)-1H-indazole-3-carboxamide) | 7032 | I |
| 5F–AMB (Methyl 2-(1-(5-fluoropentyl)-1H-indazole-3 carboxamido)-3-methylbutanoate) | 7033 | I |
| 5F–ADB; 5F–MDMB–PINACA (Methyl 2-(1-(5 fluoropentyl)-1H-indazole-3-carboxamido)-3,3dimethylbutanoate) | 7034 | I |
| ADB–PINACA (N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentyl-1H-indazole-3-carboxamide) | 7035 | I |
| 5F–EDMB–PINACA (ethyl 2-(1-(5-fluoropentyl)-1*H*-indazole-3-carboxamido)-3,3-dimethylbutanoate) | 7036 | I |
| 5F–MDMB–PICA (methyl 2-(1-(5-fluoropentyl)-1H-indole-3-carboxamido)-3,3-dimethylbutanoate) | 7041 | I |
| MDMB–CHMICA, MMB–CHMINACA (Methyl 2-(1-(cyclohexylmethyl)-1H-indole-3-carboxamido)-3,3dimethylbutanoate). | 7042 | I |
| MMB–CHMICA, AMB–CHMICA (methyl 2-(1-(cyclohexylmethyl)-1 H-indole-3-carboxamido)-3methylbutanoate) | 7044 | I |
| FUB–AKB48, FUB–APINACA, AKB48 N-(4–FLUOROBENZYL) (*N*-(adamantan-1-yl)-1-(4-fluorobenzyl)-1*H*-indazole-3-carboximide). | 7047 | I |
| APINACA and AKB48 N-(1-Adamantyl)-1-pentyl-1H-indazole-3-carboxamide | 7048 | I |
| 5F–APINACA, 5F–AKB48 (N-(adamantan-1-yl)-1-(5-fluoropentyl)-1H-indazole-3-carboxamide) | 7049 | I |
| JWH–081 (1-Pentyl-3-(1-(4-methoxynaphthoyl) indole) | 7081 | I |
| 5F–CUMYL–PINACA, SGT–25 (1-(5-fluoropentyl)-*N*-(2-phenylpropan-2-yl)-1*H*-indazole-3-carboxamide) | 7083 | I |
| 5F–CUMYL–P7AICA (1-(5-fluoropentyl)-N-(2-phenylpropan-2-yl)-1 H-pyrrolo[2,3-b]pyridine-3carboxamide) | 7085 | I |
| 4–CN–CUMYL–BUTINACA (1-(4-cyanobutyl)-N-(2-phenylpropan-2-yl)-1 H-indazole-3-carboxamide) | 7089 | I |
| SR–19 (Also known as RCS–4) (1-Pentyl-3-[(4-methoxy)-benzoyl] indole | 7104 | I |
| JWH–018 (also known as AM678) (1-Pentyl-3-(1-naphthoyl)indole) | 7118 | I |
| JWH–122 (1-Pentyl-3-(4-methyl-1-naphthoyl) indole) | 7122 | I |
| UR–144 (1-Pentyl-1H-indol-3-yl)(2,2,3,3-tetramethylcyclopropyl)methanone | 7144 | I |
| JWH–073 (1-Butyl-3-(1-naphthoyl)indole) | 7173 | I |
| JWH–200 (1-[2-(4-Morpholinyl)ethyl]-3-(1-naphthoyl)indole) | 7200 | I |
| AM2201 (1-(5-Fluoropentyl)-3-(1-naphthoyl) indole) | 7201 | I |
| JWH–203 (1-Pentyl-3-(2-chlorophenylacetyl) indole) | 7203 | I |
| NM2201; CBL2201 (Naphthalen-1-yl 1-(5-fluoropentyl) 1 H-indole-3-carboxylate) | 7221 | I |
| PB–22 (Quinolin-8-yl 1-pentyl-1H-indole-3-carboxylate) | 7222 | I |
| 5F–PB–22 (Quinolin-8-yl 1-(5-fluoropentyl)-1H-indole-3-carboxylate) | 7225 | I |
| 4-Methyl-alpha-ethylaminopentiophenone (4–MEAP) | 7245 | I |
| N-Ethylhexedrone | 7246 | I |
| Alpha-ethyltryptamine | 7249 | I |
| Ibogaine | 7260 | I |
| CP–47,497 (5-(1,1-Dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl-phenol) | 7297 | I |
| CP–47,497 C8 Homologue (5-(1,1-Dimethyloctyl)-2-[(1R,3S)3-hydroxycyclohexyl-phenol) | 7298 | I |
| Lysergic acid diethylamide | 7315 | I |
| 2,5-Dimethoxy-4-(n)-propylthiophenethylamine (2C–T–7) | 7348 | I |
| Marihuana Extract | 7350 | I |
| Parahexyl8 | 7374 | I |
| Mescaline | 7381 | I |
| 2-(4-Ethylthio-2,5-dimethoxyphenyl) ethanamine (2C–T–2 ) | 7385 | I |
| 3,4,5-Trimethoxyamphetamine | 7390 | I |
| 4-Bromo-2,5-dimethoxyamphetamine | 7391 | I |
| 4-Bromo-2,5-dimethoxyphenethylamine | 7392 | I |
| 4-Methyl-2,5-dimethoxyamphetamine | 7395 | I |
| 2,5-Dimethoxyamphetamine | 7396 | I |
| JWH–398 (1-Pentyl-3-(4-chloro-1-naphthoyl) indole) | 7398 | I |
| 2,5-Dimethoxy-4-ethylamphetamine | 7399 | I |
| 3,4-Methylenedioxyamphetamine | 7400 | I |
| 5-Methoxy-3,4-methylenedioxyamphetamine | 7401 | I |
| N-Hydroxy-3,4-methylenedioxyamphetamine | 7402 | I |
| 3,4-Methylenedioxy-N-ethylamphetamine | 7404 | I |
| 3,4-Methylenedioxymethamphetamine | 7405 | I |
| 4-Methoxyamphetamine | 7411 | I |
| Peyote | 7415 | I |
| 5-Methoxy-N-N-dimethyltryptamine | 7431 | I |
| Alpha-methyltryptamine | 7432 | I |
| Bufotenine | 7433 | I |
| Diethyltryptamine | 7434 | I |
| Dimethyltryptamine | 7435 | I |
| Psilocybin | 7437 | I |
| Psilocyn | 7438 | I |
| 5-Methoxy-N,N-diisopropyltryptamine | 7439 | I |
| 4-Chloro-alpha-pyrrolidinovalerophenone (4-chloro-a-PVP ) | 7443 | I |
| 4-Methyl-alpha-pyrrolidinohexiophenone (MPHP) | 7446 | I |
| N-Ethyl-1-phenylcyclohexylamine | 7455 | I |
| 1-(1-Phenylcyclohexyl)pyrrolidine | 7458 | I |
| 1-[1-(2-Thienyl)cyclohexyl]piperidine | 7470 | I |
| 1-[1-(2-Thienyl)cyclohexyl]pyrrolidine | 7473 | I |
| N-Ethyl-3-piperidyl benzilate | 7482 | I |
| N-Methyl-3-piperidyl benzilate | 7484 | I |
| N-Benzylpiperazine | 7493 | I |

| Controlled substance | Drug code | Schedule |
|---|---|---|
| 4-Methyl-alphapyrrolidinopropiophenone (4-MePPP) | 7498 | I |
| 2-(2,5-Dimethoxy-4-methylphenyl) ethanamine (2C–D) | 7508 | I |
| 2-(2,5-Dimethoxy-4-ethylphenyl) ethanamine (2C–E ) | 7509 | I |
| 2-(2,5-Dimethoxyphenyl) ethanamine (2C–H) | 7517 | I |
| 2-(4-iodo-2,5-dimethoxyphenyl) ethanamine (2C–I) | 7518 | I |
| 2-(4-Chloro-2,5-dimethoxyphenyl) ethanamine (2C–C) | 7519 | I |
| 2-(2,5-Dimethoxy-4-nitro-phenyl) ethanamine (2C–N) | 7521 | I |
| 2-(2,5-Dimethoxy-4-(n)-propylphenyl) ethanamine (2C–P) | 7524 | I |
| 2-(4-Isopropylthio)-2,5-dimethoxyphenyl) ethanamine (2C–T–4 ) | 7532 | I |
| MDPV (3,4-Methylenedioxypyrovalerone) | 7535 | I |
| 2-(4-bromo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl) ethanamine (25B–NBOMe) | 7536 | I |
| 2-(4-chloro-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl) ethanamine (25C–NBOMe) | 7537 | I |
| 2-(4-iodo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl) ethanamine (25I–NBOMe) | 7538 | I |
| Methylone (3,4-Methylenedioxy-N-methylcathinone) | 7540 | I |
| Butylone | 7541 | I |
| Pentylone | 7542 | I |
| N-Ethylpentylone (1-(1,3-benzodioxol-5-yl)-2(ethylamino)-pentan-1-one | 7543 | I |
| Alpha-pyrrolidinohexanophenone (a-PHP) | 7544 | I |
| alpha-pyrrolidinopentiophenone ($\alpha$-PVP) | 7545 | I |
| alpha-pyrrolidinobutiophenone ($\alpha$-PBP) | 7546 | I |
| Alpha-pyrrolidinoheptaphenone (PV8) | 7548 | I |
| AM–694 (1-(5-Fluoropentyl)-3-(2-iodobenzoyl) indole) | 7694 | I |
| Acetyldihydrocodeine | 9051 | I |
| Benzylmorphine | 9052 | I |
| Codeine-N-oxide | 9053 | I |
| Cyprenorphine | 9054 | I |
| Desomorphine | 9055 | I |
| Etorphine (except HCl) | 9056 | I |
| Codeine methylbromide | 9070 | I |
| Dihydromorphine | 9145 | I |
| Difenoxin | 9168 | I |
| Heroin | 9200 | I |
| Hydromorphinol | 9301 | I |
| Methyldesorphine | 9302 | I |
| Methyldihydromorphine | 9304 | I |
| Morphine methylbromide | 9305 | I |
| Morphine methylsulfonate | 9306 | I |
| Morphine-N-oxide | 9307 | I |
| Myrophine | 9308 | I |
| Nicocodeine | 9309 | I |
| Nicomorphine | 9312 | I |
| Normorphine | 9313 | I |
| Pholcodine | 9314 | I |
| Thebacon | 9315 | I |
| Acetorphine | 9319 | I |
| Drotebanol | 9335 | I |
| MT–45 (1-cyclohexyl-4-(1,2-diphenylethyl)piperazine)) | 9560 | I |
| Acetylmethadol | 9601 | I |
| Allylprodine | 9602 | I |
| Alphacetylmethadol except levo-alphacetylmethadol | 9603 | I |
| Alphameprodine | 9604 | I |
| Alphamethadol | 9605 | I |
| Benzethidine | 9606 | I |
| Betacetylmethadol | 9607 | I |
| Betameprodine | 9608 | I |
| Betamethadol | 9609 | I |
| Betaprodine | 9611 | I |
| Clonitazene | 9612 | I |
| Dextromoramide | 9613 | I |
| Diampromide | 9615 | I |
| Diethylthiambutene | 9616 | I |
| Dimenoxadol | 9617 | I |
| Dimepheptanol | 9618 | I |
| Dimethylthiambutene | 9619 | I |
| Dioxaphetyl butyrate | 9621 | I |
| Dipipanone | 9622 | I |
| Ethylmethylthiambutene | 9623 | I |
| Etonitazene | 9624 | I |
| Etoxeridine | 9625 | I |
| Furethidine | 9626 | I |
| Hydroxypethidine | 9627 | I |
| Ketobemidone | 9628 | I |
| Levomoramide | 9629 | I |
| Levophenacylmorphan | 9631 | I |

| Controlled substance | Drug code | Schedule |
|---|---|---|
| Morpheridine | 9632 | I |
| Noracymethadol | 9633 | I |
| Norlevorphanol | 9634 | I |
| Normethadone | 9635 | I |
| Norpipanone | 9636 | I |
| Phenadoxone | 9637 | I |
| Phenampromide | 9638 | I |
| Phenoperidine | 9641 | I |
| Piritramide | 9642 | I |
| Proheptazine | 9643 | I |
| Properidine | 9644 | I |
| Racemoramide | 9645 | I |
| Trimeperidine | 9646 | I |
| Phenomorphan | 9647 | I |
| Propiram | 9649 | I |
| 1-Methyl-4-phenyl-4-propionoxypiperidine | 9661 | I |
| 1-(2-Phenylethyl)-4-phenyl-4-acetoxypiperidine | 9663 | I |
| Tilidine | 9750 | I |
| Acryl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylacrylamide) | 9811 | I |
| Para-Fluorofentanyl | 9812 | I |
| 3-Methylfentanyl | 9813 | I |
| Alpha-methylfentanyl | 9814 | I |
| Acetyl-alpha-methylfentanyl | 9815 | I |
| N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4 yl)propionamide | 9816 | I |
| Acetyl Fentanyl (N-(1-phenethylpiperidin-4-yl)-N phenylacetamide) | 9821 | I |
| Butyryl Fentanyl | 9822 | I |
| Para-fluorobutyryl fentanyl | 9823 | I |
| 4-Fluoroisobutyryl fentanyl (N-(4-fluorophenyl)-N-(1 phenethylpiperidin-4-yl)isobutyramide) | 9824 | I |
| 2-methoxy-N-(1-phenethylpiperidin-4-yl)-N phenylacetamide | 9825 | I |
| Para-chloroisobutyryl fentanyl | 9826 | I |
| Isobutyryl fentanyl | 9827 | I |
| Beta-hydroxyfentanyl | 9830 | I |
| Beta-hydroxy-3-methylfentanyl | 9831 | I |
| Alpha-methylthiofentanyl | 9832 | I |
| 3-Methylthiofentanyl | 9833 | I |
| Furanyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N phenylfuran-2-carboxamide) | 9834 | I |
| Thiofentanyl | 9835 | I |
| Beta-hydroxythiofentanyl | 9836 | I |
| Para-methoxybutyryl fentanyl | 9837 | I |
| Ocfentanil | 9838 | I |
| Valeryl fentanyl | 9840 | I |
| N-(1-phenethylpiperidin-4-yl)-N-phenyltetrahydrofuran 2-carboxamide | 9843 | I |
| Cyclopropyl Fentanyl | 9845 | I |
| Cyclopentyl fentanyl | 9847 | I |
| Fentanyl related-substances as defined in 21 CFR 1308.11(h) | 9850 | I |
| Phenmetrazine | 1631 | II |
| Methylphenidate | 1724 | II |
| Amobarbital | 2125 | II |
| Pentobarbital | 2270 | II |
| Secobarbital | 2315 | II |
| Glutethimide | 2550 | II |
| Dronabinol in an oral solution in a drug product approved for marketing by the U.S. Food and Drug Administration | 7365 | II |
| Nabilone | 7379 | II |
| 1-Phenylcyclohexylamine | 7460 | II |
| Phencyclidine | 7471 | II |
| 4-Anilino-N-phenethyl-4-piperidine (ANPP) | 8333 | II |
| Phenylacetone | 8501 | II |
| 1-Piperidinocyclohexanecarbonitrile | 8603 | II |
| Alphaprodine | 9010 | II |
| Anileridine | 9020 | II |
| Coca Leaves | 9040 | II |
| Cocaine | 9041 | II |
| Acetyldihydrocodeine | 9051 | II |
| Etorphine HCl | 9059 | II |
| Dihydrocodeine | 9120 | II |
| Oxycodone | 9143 | II |
| Hydromorphone | 9150 | II |
| Diphenoxylate | 9170 | II |
| Ecgonine | 9180 | II |
| Ethylmorphine | 9190 | II |
| Hydrocodone | 9193 | II |
| Levomethorphan | 9210 | II |
| Levorphanol | 9220 | II |
| Isomethadone | 9226 | II |

| Controlled substance | Drug code | Schedule |
|---|---|---|
| Meperidine | 9230 | II |
| Meperidine intermediate-A | 9232 | II |
| Meperidine intermediate-B | 9233 | II |
| Meperidine intermediate-C | 9234 | II |
| Metazocine | 9240 | II |
| Metopon | 9260 | II |
| Dextropropoxyphene, bulk (non-dosage forms) | 9273 | II |
| Dihydroetorphine | 9334 | II |
| Opium extracts | 9610 | II |
| Opium fluid extract | 9620 | II |
| Opium tincture | 9630 | II |
| Opium, powdered | 9639 | II |
| Opium, granulated | 9640 | II |
| Levo-alphacetylmethadol | 9648 | II |
| Opium poppy | 9650 | II |
| Oxymorphone | 9652 | II |
| Poppy Straw Concentrate | 9670 | II |
| Phenazocine | 9715 | II |
| Thiafentanil | 9729 | II |
| Piminodine | 9730 | II |
| Racemethorphan | 9732 | II |
| Racemorphan | 9733 | II |
| Alfentanil | 9737 | II |
| Remifentanil | 9739 | II |
| Sufentanil | 9740 | II |
| Carfentanil | 9743 | II |
| Tapentadol | 9780 | II |
| Bezitramide | 9800 | II |
| Moramide-intermediate | 9802 | II |

The company plans to import small quantities of the listed controlled substances for the National Institute on Drug Abuse for research activities. The company plans to import analytical reference standards for distribution to its customers for research and analytical purposes.

**William T. McDermott,**

*Assistant Administrator.*

[FR Doc. 2020–12377 Filed 6–8–20; 8:45 am]

**BILLING CODE 4410–09–P**

## DEPARTMENT OF JUSTICE

### Notice of Lodging of Proposed Consent Decree Under the Clean Air Act

On June 2, 2020, the Department of Justice lodged a proposed Consent Decree (''Consent Decree'') with the United States District Court for the District of New Jersey in the lawsuit entitled *United States and the State of New Jersey, Department of Environmental Protection* v. *Somerset Raritan Valley Sewerage Authority,* Civil Action No. 3:20–cv–06741–MAS–DEA.

In a Complaint, the United States, on behalf of the U.S. Environmental Protection Agency (''EPA''), and the State of New Jersey, on behalf of the Department of Environmental Protection, allege that the Somerset Raritan Valley Sewerage Authority (''SRVSA'') violated the Clean Air Act (the ''Act''), 42 U.S.C. 7413, by violating: (1) The Solid Waste Combustion provisions in Section 129 of the Clean Air Act, 42 U.S.C. 7429, and (2) the Federal Plan Requirements for Sewage Sludge Incineration Units Constructed on or Before October 14, 2010, 40 CFR part 62, subpart LLL (''Subpart LLL''). The proposed Consent Decree in this case, among other things, requires that SRVSA comply with reporting obligations of the Act and pay a civil penalty of $225,000. In addition, the Consent Decree requires a New Jersey-sponsored supplemental project, to be overseen by the state, involving the collection and removal of mercury-containing equipment in county high schools.

The publication of this notice opens a period for public comment on the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States and the State of New Jersey, Department of Environmental Protection* v. *Somerset Raritan Valley Sewerage Authority,* D.J. Ref. No. 90–5–2–1–11719. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

| *To submit comments:* | *Send them to:* |
|---|---|
| By email .... | *pubcomment-ees.enrd@usdoj.gov.* |
| By mail ..... | Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611. |

During the public comment period, the proposed Consent Decree may be examined and downloaded at this Justice Department website: *https://www.justice.gov/enrd/consent-decrees.* We will provide a paper copy of the proposed Consent Decree upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Please enclose a check or money order for $10.75 (25 cents per page reproduction cost), payable to the United States Treasury.

**Henry Friedman,**

*Assistant Chief, Environmental Enforcement Section, Environment & Natural Resources Division.*

[FR Doc. 2020–12474 Filed 6–8–20; 8:45 am]

**BILLING CODE 4410–15–P**

## DEPARTMENT OF LABOR

### Office of the Secretary

### Agency Information Collection Activities; Submission for OMB Review; Comment Request; Description of Coal Mine Work and Other Employment

**ACTION:** Notice of availability; request for comments.

**SUMMARY:** The Department of Labor (DOL) is submitting this Office of Workers' Compensation Programs (OWCP)-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 July 9, 2020.

**ADDRESSES:** Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

*Comments are invited on:* (1) Whether the collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (2) if the information will be processed and used in a timely manner; (3) the accuracy of the agency's estimates of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (4) ways to enhance the quality, utility and clarity of the information collection; and (5) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

**FOR FURTHER INFORMATION CONTACT:** Crystal Rennie by telephone at 202–693–0456, or by email at *DOL_PRA_PUBLIC@dol.gov.*

**SUPPLEMENTARY INFORMATION:** Description of Coal Mine Work and Other Employment (Form CM–913) is used to compare non-coal mine work to coal mine work. For additional substantive information about this ICR, see the related notice published in the**Federal Register** on March 27, 2020 (85 FR 17368).

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–OWCP.

*Title of Collection:* Description of Coal Mine Work and Other Employment.

*OMB Control Number:* 1240–0035.

*Affected Public:* Individuals or Households.

*Total Estimated Number of Respondents:* 6,100.

*Total Estimated Number of Responses:* 6,100.

*Total Estimated Annual Time Burden:* 3,050 hours.

*Total Estimated Annual Other Costs Burden:* $3,515.

**Authority:** 44 U.S.C. 3507(a)(1)(D).

**Crystal R. Rennie,**

*Acting, Departmental Clearance Officer.*

[FR Doc. 2020–12408 Filed 6–8–20; 8:45 am]

**BILLING CODE 4510–CK–P**

## LEGAL SERVICES CORPORATION

### Sunshine Act Meeting

**DATE AND TIME:** The Legal Services Corporation's Finance Committee will meet telephonically on June 16, 2020. The meeting will commence at 3:00 p.m., EDT, and will continue until the conclusion of the Committee's agenda.

**LOCATION:** Public notice of virtual remote meeting.

Legal Services Corporation (LSC) will be conducting the June 16, 2020 meeting remotely via ZOOM.

*Public Observation:* Unless otherwise noted herein, the Finance Committee meeting will be open to public observation. Members of the public who wish to participate remotely may do so by following the directions provided below.

*Directions for Open Sessions:*

- To join the Zoom meeting by computer please click this link.
- Meeting ID: 858 0230 4129
- Password: Justice74
- To join the Zoom meeting with one touch from your mobile phone, click here: +13126266799, 85802304129#,1#,646050#
- To join the Zoom meeting by phone, use this information:

Dial by your location
+1 301 715 8592 US (Germantown)
+1 312 626 6799 US (Chicago)
+1 929 205 6099 US (New York)
+1 253 215 8782 US (Tacoma)
+1 346 248 7799 US (Houston)
+1 669 900 6833 US (San Jose)

- Meeting ID: 858 0230 4129
- Password: 646050

Find your local number: *https://us02web.zoom.us/u/kBGA8MTJP.*

- When connected to the call, please immediately ''MUTE'' your telephone.

Members of the public are asked to keep their telephones muted to eliminate background noises. To avoid disrupting the meeting, please refrain from placing the call on hold if doing so will trigger recorded music or other sound. From time to time, the Chair may solicit comments from the public.

**STATUS OF MEETING:** Open.

**MATTERS TO BE CONSIDERED:**

1. Approval of agenda
2. Approval of minutes of the Committee's meeting of April 21, 2020
3. Public comment regarding LSC's fiscal year 2022 budget request
   - Presentation by a representative of the American Bar Association's Standing Committee on Legal Aid and Indigent Defendants (SCLAID)
   - Presentation by a representative of National Legal Aid and Defender Association (NLADA)
   - Other Interested Parties
4. Public comment
5. Consider and act on other business
6. Consider and act on adjournment of meeting.

**CONTACT PERSON FOR INFORMATION:** Karly Satkowiak, Special Counsel, at (202) 295–1633 and Katherine Ward, Executive Assistant to the General Counsel & Corporate Secretary, at (202) 295–1500. Questions may be sent by electronic mail to *FR_NOTICE_QUESTIONS@lsc.gov.*

*Accessibility:* LSC complies with the Americans with Disabilities Act and Section 504 of the 1973 Rehabilitation Act. Upon request, meeting notices and materials will be made available in alternative formats to accommodate individuals with disabilities. Individuals needing other accommodations due to disability in

order to attend the meeting in person or telephonically should contact Katherine Ward, at (202) 295–1500 or *FR_NOTICE_QUESTIONS@lsc.gov,* at least 2 business days in advance of the meeting. If a request is made without advance notice, LSC will make every effort to accommodate the request but cannot guarantee that all requests can be fulfilled.

Dated: June 6, 2020.

**Katherine Ward,**

*Executive Assistant to the Vice President for Legal Affairs and General Counsel.*

[FR Doc. 2020–12587 Filed 6–5–20; 4:15 pm]

**BILLING CODE 7050–01–P**

## NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

**[NARA–2020–047]**

### National Industrial Security Program Policy Advisory Committee (NISPPAC); Meeting

**AGENCY:** Information Security Oversight Office (ISOO), National Archives and Records Administration (NARA).

**ACTION:** Notice of Federal Advisory Committee meeting.

**SUMMARY:** We are announcing an upcoming meeting of the National Industrial Security Program Policy Advisory Committee (NISPPAC) in accordance with the Federal Advisory Committee Act and implementing regulations.

**DATES:** The meeting will be on July 15, 2020, from 10:00 a.m. to 12:00 p.m.

*Location:* The July 15, 2020, meeting will be a virtual meeting. See supplementary procedures below.

**FOR FURTHER INFORMATION CONTACT:** Robert Tringali, ISOO Program Analyst, by telephone at 202.357.5335 or by email at *robert.tringali@nara.gov.* Contact ISOO at *ISOO@nara.gov* and the NISPPAC at *NISPPAC@nara.gov.*

**SUPPLEMENTARY INFORMATION:** This virtual meeting is open to the public in accordance with the Federal Advisory Committee Act (5 U.S.C. app 2) and implementing regulations at 41 CFR 101–6. The Committee will discuss National Industrial Security Program policy matters. *Procedures:* Please submit the name and telephone number of people planning to attend to Robert Tringali at ISOO (contact information above) no later than Friday, July 10, 2020. We will provide meeting access information to those who register.

**Maureen Macdonald,**

*Designated Committee Management Officer.*

[FR Doc. 2020–12495 Filed 6–8–20; 8:45 am]

**BILLING CODE 7515–01–P**

## NATIONAL SCIENCE FOUNDATION

### Agency Information Collection Activities: Comment Request; Qualitative Feedback on Agency Service Delivery

**AGENCY:** National Science Foundation.

**ACTION:** Submission for OMB Review; Comment Request.

**SUMMARY:** The National Science Foundation (NSF) has submitted the following information collection requirement to OMB for review and clearance under the Paperwork Reduction Act of 1995. This is the second notice for public comment; the first was published in the **Federal Register**, and no comments were received. NSF is forwarding the proposed submission to the Office of Management and Budget (OMB) for clearance simultaneously with the publication of this second notice.

**DATES:** Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAmain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

**FOR FURTHER INFORMATION CONTACT:** Suzanne H. Plimpton, Reports Clearance Officer, National Science Foundation, 2415 Eisenhower Avenue, Alexandria, VA 22314, or send email to *splimpto@nsf.gov.* Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339, which is accessible 24 hours a day, 7 days a week, 365 days a year (including federal holidays).

Copies of the submission may be obtained by calling 703–292–7556.

**SUPPLEMENTARY INFORMATION:** NSF may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

*Title of Collection:* Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery.

*OMB Number:* 3145–0215.

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

*Proposed Project:* The proposed information collection activity provides a means for the National Science Foundation (NSF) to garner qualitative customer and stakeholder feedback in an efficient, timely manner, in accordance with the Agency's commitment to improving service delivery.

By qualitative feedback we mean information that provides useful insights on perceptions and opinions, but not statistical surveys that yield quantitative results that can be generalized to the population of study. This feedback will provide insights into customer or stakeholder perceptions, experiences, and expectations; provide an early warning of issues with service; or focus attention on areas where communication, training, or changes in operations might improve delivery of products or services. This collection will allow for ongoing, collaborative and actionable communications between the Agency and its customers and stakeholders. It will also allow feedback to contribute directly to the improvement of program management.

The solicitation of feedback will target areas such as: Timeliness, appropriateness, accuracy of information, courtesy, efficiency of service delivery, and resolution of issues with service delivery. Responses will be assessed to plan and inform efforts to improve or maintain the quality of service offered to the public. If this information is not collected, vital feedback from customers and stakeholders on the Agency's services will be unavailable.

NSF will only submit a collection for approval under this generic clearance if it meets the following conditions:

- The collection is voluntary;
- The collection is low-burden for respondents (based on considerations of total burden hours, total number of respondents, or burden-hours per respondent) and is low-cost for both the respondents and the Federal Government;
- The collection is non-controversial and does not raise issues of concern to other Federal agencies;
- The collection is targeted to the solicitation of opinions from respondents who have experience with the program or may have experience with the program in the near future;

○ Personally identifiable information (PII) is collected only to the extent necessary and is not retained;

○ Information gathered is intended to be used only internally for general service improvement and program management purposes and is not intended for release outside of NSF (if released, NSF must indicate the qualitative nature of the information);

○ Information gathered will not be used for the purpose of substantially informing influential policy decisions; and

○ Information gathered will yield qualitative information; the collection will not be designed or expected to yield statistically reliable results or used as though the results are generalizable to the population of study.

Feedback collected under this generic clearance provides useful information, but it does not yield data that can be generalized to the overall population. This type of generic clearance for qualitative information will not be used for quantitative information collections that are designed to yield reliably actionable results, such as monitoring trends over time or documenting program performance. Such data uses require more rigorous designs that address: The target population to which generalizations will be made, the sampling frame, the sample design (including stratification and clustering), the precision requirements or power calculations that justify the proposed sample size, the expected response rate, methods for assessing potential nonresponse bias, the protocols for data collection, and any testing procedures that were or will be undertaken prior to fielding this study. Depending on the degree of influence the results are likely to have, such collections may still be eligible for submission for other generic mechanisms that are designed to yield quantitative results.

As a general matter, this information collection will not result in any new system of records containing privacy information and will not ask questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.

Below we provide the National Science Foundation's projected average estimates for the next three years:

*Affected Public:* Individuals and Households, Businesses and Organizations, State, Local or Tribal Government.

*Average Expected Annual Number of activities:* 50.

*Respondents:* 500 per activity.

*Annual responses:* 100,000.

*Frequency of Response:* Once per request.

*Average minutes per response:* 30.

*Burden hours:* 25,000.

*Comments:* Comments are invited on (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information shall have practical utility; (b) the accuracy of the Agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information on respondents, including through the use of automated collection techniques or other forms of information technology; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Dated: June 3, 2020.

**Suzanne H. Plimpton,**

*Reports Clearance Officer, National Science Foundation.*

[FR Doc. 2020–12370 Filed 6–8–20; 8:45 am]

**BILLING CODE 7555–01–P**

## NUCLEAR REGULATORY COMMISSION

**[NRC–2019–0113]**

## Guidance for a Technology-Inclusive, Risk-Informed, and Performance-Based Methodology To Inform the Licensing Basis and Content of Applications for Licenses, Certifications, and Approvals for Non-Light Water Reactors

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Regulatory guide; issuance.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) is issuing revision 0 of regulatory guide (RG), RG 1.233, ''Guidance for a Technology-Inclusive, Risk-Informed, and Performance-Based Methodology to Inform the Licensing Basis and Content of Applications for Licenses, Certifications, and Approvals for Non-Light Water Reactors.'' This RG provides new guidance for designers, applicants, and licensees of non-light water-cooled nuclear reactors (non-LWRs) to inform the licensing basis and content of applications to the NRC for licenses, certifications, or approvals. The RG provides guidance on using a technology-inclusive, risk-informed, and performance-based methodology to inform the licensing basis and content of applications for licenses, certifications, and approvals for non-LWRs.

**DATES:** Revision 0 to RG 1.233 is available on June 9, 2020.

**ADDRESSES:** Please refer to Docket ID NRC–2019–0113 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document using any of the following methods:

• *Federal Rulemaking website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2019–0113. Address questions about NRC docket IDs in *Regulations.gov* to Jennifer Borges; telephone: 301–287–9127; email: *Jennifer.Borges@nrc.gov.* For technical questions, contact the individuals listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

• *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *https://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* Revision 0 to RG 1.233 and the regulatory analysis may be found in ADAMS under Accession Nos. ML20091L698 and ML18325A214, respectively.

Regulatory guides are not copyrighted, and NRC approval is not required to reproduce them.

**FOR FURTHER INFORMATION CONTACT:** William Reckley, Office of Nuclear Reactor Regulation, telephone: 301–415–7490, email: *William.Reckley@nrc.gov,* or Stanley Gardocki, Office of Nuclear Regulatory Research, telephone: 301–415–1067, email: *Stanley.Gardocki@nrc.gov.* Both are staff of the U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

**SUPPLEMENTARY INFORMATION:**

### I. Discussion

The NRC is issuing a new RG in the NRC's ''Regulatory Guide'' series. This series was developed to describe and make available to the public information regarding methods that are acceptable to the NRC staff for implementing specific parts of the NRC's regulations, techniques that the staff uses in evaluating specific issues or postulated events, and data that the staff needs in its review of applications for permits and licenses.

The RG, entitled ''Guidance for a Technology-Inclusive, Risk-Informed, and Performance-Based Methodology to Inform the Licensing Basis and Content of Applications for Licenses, Certifications, and Approvals for Non-Light Water Reactors,'' endorses, with clarifications, the principles and methodology in the Nuclear Energy Institute (NEI) guidance document NEI 18–04, ''Risk-Informed Performance-Based Guidance for Non-Light Water Reactor Licensing Basis Development,'' as one acceptable method for determining the appropriate scope and level of detail for parts of applications for licenses, certifications, and approvals for non-LWRs. NEI 18–04 outlines an approach for use by reactor developers to select licensing basis events; classify structures, systems, and components; determine special treatments and programmatic controls; and assess the adequacy of a design in terms of providing layers of defense in depth. These actions are fundamental to the safe design of non-LWRs. The methodology described in NEI 18–04 and the RG also provide a general methodology for identifying an appropriate scope and depth of information to be provided in applications to the NRC for licenses, certifications, and approvals for non-LWRs required under part 50 of title 10 of the *Code of Federal Regulations* (10 CFR), ''Domestic Licensing of Production and Utilization Facilities,'' and 10 CFR part 52, ''Licenses, Certifications, and Approvals for Nuclear Power Plants.''

## II. Additional Information

The NRC published a notice of the availability of DG–1353 in the **Federal Register** on May 3, 2019 (84 FR 19132), for a 60-day public comment period. The public comment period closed on July 2, 2019. Public comments on DG–1353 and the staff responses to the public comments are available under ADAMS under Accession No. ML20091L696.

## III. Congressional Review Act

This RG is a rule as defined in the Congressional Review Act (5 U.S.C. 801–808). However, the Office of Management and Budget has not found it to be a major rule as defined in the Congressional Review Act.

## IV. Backfitting, Issue Finality, and Forward Fitting

RG 1.233 provides guidance for informing the licensing basis and content of applications for non-LWRs. The RG does not constitute regulatory requirements. For this reason, the issuance of RG 1.233 does not constitute backfitting as defined in 10 CFR 50.109, ''Backfitting,'' and as described in NRC Management Directive 8.4, ''Management of Backfitting, Forward Fitting, Issue Finality, and Information Requests;'' affect issue finality of any approval issued under 10 CFR part 52; or constitute forward fitting as defined in Management Directive 8.4. Future applicants may choose to follow the guidance or utilize another approach in developing applications for licenses, certifications, or approvals.

Dated: June 3, 2020.

For the Nuclear Regulatory Commission.

**Meraj Rahimi,**

*Chief, Regulatory Guidance and Generic Issues Branch, Division of Engineering, Office of Nuclear Regulatory Research.*

[FR Doc. 2020–12402 Filed 6–8–20; 8:45 am]

**BILLING CODE 7590–01–P**

## NUCLEAR REGULATORY COMMISSION

**[NRC–2020–0001]**

### Sunshine Act Meetings

**FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT:** 85 FR 34660, June 5, 2020.

**PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING:** 2:30 p.m., Thursday, June 4, 2020.

**CHANGES IN THE MEETING:** Cancelled: Affirmation Session—Entergy Nuclear Operations, Inc., Entergy Nuclear Generation Co., Holtec International, and Holtec Decommissioning International, LLC (Pilgrim Nuclear Power Station)—Petitions for Intervention.

**CONTACT PERSON FOR MORE INFORMATION:** Denise McGovern at 301–415–0681 or via email at *Denise.McGovern@nrc.gov.*

Dated: June 5, 2020.

For the Nuclear Regulatory Commission.

**Denise L. McGovern**

*Policy Coordinator, Office of the Secretary.*

[FR Doc. 2020–12591 Filed 6–5–20; 4:15 pm]

**BILLING CODE 7590–01–P**

## SECURITIES AND EXCHANGE COMMISSION

**SEC File No. 270–598, OMB Control No. 3235–0655**

### Submission for OMB Review; Comment Request

*Upon Written Request Copies Available From:* Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736.

Extension:

Regulation 14N and Schedule 14N

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget this request for extension of the previously approved collection of information discussed below.

Schedule 14N (17 CFR 240.14n–101) requires the filing of certain information with the Commission by shareholders who submit a nominee or nominees for director pursuant to applicable state law, or a company's governing documents. Schedule 14N provides notice to the company of the shareholder's or shareholder group's intent to have the company include the shareholder's or shareholder group's nominee or nominees for director in the company's proxy materials. This information is intended to assist shareholders in making an informed voting decision with regards to any nominee or nominees put forth by a nominating shareholder or group, by allowing shareholders to gauge the nominating shareholder's interest in the company, longevity of ownership, and intent with regard to continued ownership in the company. We estimate that Schedule 14N takes approximately 40 hours per response and will be filed by approximately 10 issuers annually. In addition, we estimate that 75% of the 40 hours per response (30 hours per response) is prepared by the issuer for an annual reporting burden of 300 hours (30 hours per response × 10 responses).

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 control number.

The public may view background documentation for this information collection at the following website: *www.reginfo.gov.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to (i) *www.reginfo.gov/public/do/PRAMain* and (ii) David Bottom, Director/Chief Information Officer, Securities and Exchange Commission, c/o Cynthia Roscoe, 100 F Street NE, Washington, DC 20549, or by sending an email to: *PRA_Mailbox@sec.gov.*

Dated: June 3, 2020.

**J. Matthew DeLesDernier,**

*Assistant Secretary.*

[FR Doc. 2020–12398 Filed 6–8–20; 8:45 am]

**BILLING CODE 8011–01–P**

## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34–89001; File No. SR–CboeEDGA–2020–015]**

## Self-Regulatory Organizations; Cboe EDGA Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Allow Members and Clearing Members To Establish or Adjust the Risk Settings Set Forth in Interpretation and Policy .03 of Exchange Rule 11.10 on a Risk Group Identifier Basis

June 3, 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 May 22, 2020, Cboe EDGA Exchange, Inc. (the ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Exchange filed the proposal as a ''non-controversial'' proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act[3] and Rule 19b–4(f)(6) thereunder.[4] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

### I. Self-Regulatory Organization's Statement of the Terms of the Substance of the Proposed Rule Change

Cboe EDGA Exchange, Inc. (''EDGA'' or the ''Exchange'') is filing with the Securities and Exchange Commission (the ''Commission'') a proposed rule change to allow Members and Clearing Members to establish or adjust the risk settings set forth in Interpretation and Policy .03 of Exchange Rule 11.10 on a risk group identifier basis. 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/edga/*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(iii).

[4] 17 CFR 240.19b–4(f)(6).

### 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 purpose of the proposed rule change is to offer Members[5] and Clearing Members[6] a more granular option to manage their credit risk in equity securities. Specifically, the Exchange proposes to allow Members and Clearing Members to establish a risk profile(s) on a risk group identifier basis that would apply the risk settings offered in Interpretation and Policy .03 of Exchange Rule 11.10 to a subset of orders.

Recently, the Exchange adopted Interpretation and Policy .03 to Exchange Rule 11.10 which provides Members certain optional risk settings.[7] As set forth in paragraph (a), the Exchange currently offers the Gross Credit Risk Limit[8] and Net Credit Risk Limit[9] that are applicable to a Member's activities on the Exchange and are available to either the Member or its Clearing Member. Specifically, pursuant to paragraph (c), a Member that does not self-clear may allocate the responsibility of establishing and adjusting the applicable risk settings to its Clearing Member. Further, paragraph (b)(1) provides that the risk limits may only be set at the market participant identifier (''MPID'') level. Now, the Exchange is proposing to amend paragraph (b)(1) to provide that the Gross Credit Risk Limit and Net Credit Risk Limit may be set at the MPID level or at a more granular risk profile level. The Exchange believes the proposed functionality will provide an effective tool for Members and Clearing Members to manage their credit risk associated with equities trading.

As provided in the Original Filing, a Member can allocate responsibility for establishing and adjusting the applicable risk settings to its Clearing Member on an MPID basis via the Exchange's web portal. The proposal would allow a Member or its Clearing Member, if allocated such responsibility, to utilize ''Purge Ports'' to apply Gross Credit Risk Limits and/or Net Credit Risk Limits to more granular subsets of orders associated with the relevant MPID.[10] The Exchange believes the proposal will allow for proactive and reactive risk management and may be useful to firms operating multiple strategies at a given time, those operating multiple groups under a single MPID with disparate risk profiles, or Sponsoring Members[11] managing risk on behalf of a Sponsored Participant.[12] Specifically, Members or Clearing Members may assign a risk group identifier to a specific strategy, group, or Sponsored Participant and then set up a risk profile applicable to that risk group identifier. Without such functionality, the Member or its Clearing Member would only be able to manage risk at the MPID level.

A ''Purge Port'' is a dedicated port that permits a User to simultaneously cancel all or a subset of its orders in one or more symbols across multiple logical

[5] *See* Exchange Rule 1.5(n).

[6] A ''Clearing Member'' refers to a Member that is also a member of a Qualified Clearing Agency and clears transactions on behalf of another Member. *See* Exchange Rule 11.13(a).

[7] *See* Securities Exchange Act No. 88727 (April 22, 2020) 85 FR 23560 (April 28, 2020) (the ''Original Filing'').

[8] The ''Gross Credit Risk Limit'' refers to a pre-established maximum daily dollar amount for purchases and sales across all symbols, where both purchases and sales are counted as positive values. For purposes of calculating the Gross Credit Risk Limit, only executed orders are included. *See* Interpretation and Policy .03(a)(1) of Exchange Rule 11.10.

[9] The ''Net Credit Risk Limit'' refers to a pre-established maximum daily dollar amount for purchases and sales across all symbols, where purchases are counted as positive values and sales are counted as negative values. For purposes of calculating the Net Credit Risk Limit, only executed orders are included. *See* Interpretation and Policy .03(a)(2) of Exchange Rule 11.10.

[10] The risk group identifier is a subset level of an MPID. Members can use MPID and risk group identifier risk settings in conjunction.

[11] *See* Exchange Rule 1.5(aa).

[12] *See* Exchange Rule 1.5(z). As noted in the Original Filing, the Exchange does not guarantee that the proposed risk settings described in proposed Interpretation and Policy .03, are sufficiently comprehensive to meet all of a Member's risk management needs. Pursuant to Rule 15c3–5 under the Act, a broker-dealer with market access must perform appropriate due diligence to assure that controls are reasonably designed to be effective, and otherwise consistent with the rule. Use of the Exchange's risk settings included in proposed Interpretation and Policy .03 will not automatically constitute compliance with Exchange or federal rules and responsibility for compliance with all Exchange and SEC rules remains with the Member. *See* supra note 7.

ports [13] by requesting the Exchange to effect such cancellation.[14] Currently, in order to effect a purge request on a specific subset of orders, a Member must identify which orders should be purged by applying a risk group identifier to such orders. As proposed, the risk group identifiers available for purge requests through Purge Ports would also be utilized to define risk profiles which constitute risk limits at the more granular order subset level. Specifically, through the Exchange's proposed functionality, a Member or its Clearing Member would be able to set risk profiles for up to 10 risk group identifiers per Purge Port that specify different Gross Credit Risk Limits and/or Net Credit Risk Limits to orders bearing the applicable risk group identifier. The Gross Credit Risk Limit and Net Credit Risk Limit would only be applied to the specified subset of orders with the applicable risk group identifier.[15] As such, only open orders or new orders bearing the applicable risk group identifier would be canceled or automatically blocked, respectively, in the event of a risk limit breach as set forth in paragraph (e) of Interpretation and Policy .03.

As noted above, Purge Ports enable Users to simultaneously cancel all open orders, or a subset thereof, across multiple logical ports through a single cancel message. Therefore, Purge Ports allow Members to manage risk for some subset of their business, such as by trading strategy. The proposal would expand the existing Purge Port functionality to allow Members and Clearing Members to use the Exchange's automated risk management functionality in a similar manner. As a result, Members and Clearing Members would be able to set automated gross and net notional risk limits for particular risk group identifiers, while retaining the ability to mass cancel and/or block orders entered with that risk group identifier using current purge functionality, *e.g.,* in response to alerts that the Member is approaching designated limits.

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.[16] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) [17] 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.

The Exchange believes that the proposed rule change would promote just and equitable principles of trade and remove impediments to and perfect the mechanism of a free and open market because the proposal would enhance Members' and Clearing Members' ability to manage their credit risk associated with equities trading, which would, in turn, improve their risk controls to the benefit of all market participants. Specifically, as discussed above, the proposal would allow a Member or its Clearing Member, if allocated such responsibility, to utilize the existing Purge Port risk group identifier functionality to set risk profiles for up to 10 risk group identifiers per Purge Port. Each risk profile would specify the applicable Gross Credit Risk Limits and/or Net Credit Risk Limits that would be applied to the subset of orders bearing the risk group identifier. Further, the proposal would allow the automatic mass cancellation of all open orders and block new orders bearing the risk group identifier in the event of a risk limit breach. As such, the Exchange believes that the proposal will allow for proactive and reactive risk management and may be useful to firms operating multiple strategies at a given time, those operating multiple groups under a single MPID with disparate risk profiles, or Sponsoring Members managing risk on behalf of a Sponsored Participant.[18]

In addition, the Exchange believes that the proposed rule change is designed to protect investors and the public interest because the proposed functionality is a form of risk mitigation that will aid Members, and Clearing Members for firms who do not self-clear, in minimizing their risk associated with operating or clearing multiple business lines with disparate risk profiles. In turn, the introduction of such risk management functionality could enhance the integrity of trading on the securities markets and help to assure the stability of the financial system.

The Exchange also believes that building on the Purge Port functionality to provide the proposed changes would foster cooperation and coordination with persons engaged in facilitating transactions in securities because it offers enhanced use of existing functionality. This may enable more efficient use of Members' and Clearing Members' resources.

Finally, the Exchange believes that the proposed rule change does not unfairly discriminate among the Exchange's Members and Clearing Members because use of the risk settings is optional and are not a prerequisite for participation on the Exchange, and will be available to all Members and Clearing Members as an enhancement to existing Purge Port functionality. The proposed risk settings are completely voluntary and, as they relate solely to optional risk management functionality, no Member or Clearing Member is required or under any regulatory obligation to utilize them.

*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. In fact, the Exchange believes that the proposal may have a positive effect on competition because it would allow the Exchange to offer enhanced risk management functionality. Further, by providing Members and their Clearing Members more granular means to monitor and control risk, the proposed rule may increase confidence in the proper functioning of the markets and contribute to additional competition among trading venues and broker-dealers. Rather than impede

[13] A logical port represents a port established by the Exchange within the Exchange's system for trading and billing purposes. Each logical port established is specific to a Member or non-Member and grants that Member or non-Member the ability to accomplish a specific function, such as order entry, order cancellation, or data receipt. In addition, logical ports enable Users to access information such as execution reports, execution report messages, auction notifications, and administrative data through a single feed.

[14] A User initiating such a request may also request that the Exchange block all or a subset of its new inbound orders in one or more symbols across multiple logical ports. The block will remain in effect until the User requests the Exchange remove the block. *See* Interpretation and Policy .02(b) of Exchange Rule 11.10. Purge Ports are available to Users while risk settings are only available to Members and its Clearing Member.

[15] As proposed, a new optional port level attribute will be available to validate that each new order submitted through that specific logical port contains a risk group identifier. Once this logical port level setting is selected, any orders submitted through that session that are not tagged with a risk group identifier will be rejected in an effort to ensure intended risk thresholds are maintained.

[16] 15 U.S.C. 78f(b).

[17] 15 U.S.C. 78f(b)(5).

[18] *Supra* note 12.

competition, the proposal is designed as an innovative way to facilitate more robust risk management by Members and Clearing Members, which, in turn, could enhance the integrity of trading on the securities markets and help to assure the stability of the financial system. Furthermore, other exchanges are free to propose similar functionality as they see fit.[19]

*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**

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act[20] and Rule 19b–4(f)(6) thereunder.[21]

A proposed rule change filed pursuant to Rule 19b–4(f)(6) under the Act[22] normally does not become operative for 30 days after the date of its filing. However, Rule 19b–4(f)(6)(iii)[23] 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 implement the proposed rule change on the anticipated launch date of May 22, 2020. The Exchange states that waiver of the operative delay would allow Members and Clearing Members to immediately utilize the proposed functionality to manage their risk. For this reason, the Commission believes that waiver of the 30-day operative delay is consistent with the protection of investors and the public interest. Therefore, the Commission hereby waives the operative delay and designates the proposal as operative upon filing.[24]

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–CboeEDGA–2020–015 on the subject line.

*Paper Comments*

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–CboeEDGA–2020–015. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of 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–CboeEDGA–2020–015, and should be submitted on or before June 30, 2020

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[25]

**J. Matthew DeLesDernier,**

*Assistant Secretary.*

[FR Doc. 2020–12386 Filed 6–8–20; 8:45 am]

**BILLING CODE 8011–01–P**

[19] The NYSE has adopted similar provisions that allow for risk settings at a ''sub-ID'' level. *See* Securities Exchange Act No. 88776 (April 29, 2020) 85 FR 26768 (May 5, 2020) (SR–NYSE–2020–17).

[20] 15 U.S.C. 78s(b)(3)(A).

[21] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[22] 17 CFR 240.19b–4(f)(6).

[23] 17 CFR 240.19b–4(f)(6)(iii).

[24] 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).

[25] 17 CFR 200.30–3(a)(12).

## SECURITIES AND EXCHANGE COMMISSION

**[SEC File No. 270–410, OMB Control No. 3235–0466]**

## Submission for OMB Review; Comment Request

*Upon Written Request, Copies Available From:* Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

*Extension:*
Rule 103

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (''PRA'') (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget (''OMB'') a request for approval of extension of the previously approved collection of information provided for in Rule 103 of Regulation M (17 CFR 242.103), under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*).

Rule 103 permits passive market-making in Nasdaq securities during a distribution. A distribution participant that seeks use of this exception would be required to disclose to third parties its intention to engage in passive market making.

There are approximately 307 respondents per year that require an aggregate total of 307 hours to comply

with this rule. Each respondent makes an estimated 1 response annually. Each response takes approximately 1 hour to complete. Thus, the total hourly burden per year is 307 hours. The total estimated internal labor cost of compliance for the respondents is approximately $21,490.00 per year, resulting in an estimated internal labor cost of compliance per response of approximately $70.00 (*i.e.,* $21,490/307 responses).

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information under the PRA unless it displays a currently valid OMB control number.

The public may view background documentation for this information collection at the following website: *www.reginfo.gov*. Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to (i) *www.reginfo.gov/public/do/PRAMain* and (ii) David Bottom, Director/Chief Information Officer, Securities and Exchange Commission, c/o Cynthia Roscoe, 100 F Street NE, Washington, DC 20549, or by sending an email to: *PRA_Mailbox@sec.gov.*

Dated: June 3, 2020.

**J. Matthew DeLesDernier,**

*Assistant Secretary.*

[FR Doc. 2020–12397 Filed 6–8–20; 8:45 am]

**BILLING CODE 8011–01–P**

## SECURITIES AND EXCHANGE COMMISSION

**[SEC File No. 270–408, OMB Control No. 3235–0464]**

### Submission for OMB Review; Comment Request

*Upon Written Request, Copies Available From:* Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

*Extension:*
Rule 101

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (''PRA'') (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget (''OMB'') a request for approval of extension of the previously approved collection of information provided for in Rule 101 of Regulation M (17 CFR 242.101), under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*).

Rule 101 prohibits distribution participants from purchasing activities at specified times during a distribution of securities. Persons otherwise covered by this rule may seek to use several applicable exceptions such as a calculation of the average daily trading volume of the securities in distribution, the maintenance of policies regarding information barriers between their affiliates, and the maintenance of a written policy regarding general compliance with Regulation M for de minimus transactions.

There are approximately 1,589 respondents per year that require an aggregate total of 27,215 hours to comply with this rule. Each respondent makes an estimated 1 annual response. Each response takes on average approximately 17.127 hours to complete. Thus, the total compliance burden per year is 27,215 burden hours. The total estimated internal labor compliance cost for the respondents is approximately $1,905,050.00, resulting in an internal cost of compliance for each respondent per response of approximately $1,198.90 (*i.e.,* $1,905,050/1,589 responses).

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information under the PRA unless it displays a currently valid OMB control number.

The public may view background documentation for this information collection at the following website: >*www.reginfo.gov*<. Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to (i) >*www.reginfo.gov/public/do/PRAMain*< and (ii) David Bottom, Director/Chief Information Officer, Securities and Exchange Commission, c/o Cynthia Roscoe, 100 F Street NE, Washington, DC 20549, or by sending an email to: *PRA_Mailbox@sec.gov.*

Dated: June 3, 2020.

**J. Matthew DeLesDernier,**

*Assistant Secretary.*

[FR Doc. 2020–12396 Filed 6–8–20; 8:45 am]

**BILLING CODE 8011–01–P**

## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34–89000; File No. SR–CboeEDGX–2020–023]**

### Self-Regulatory Organizations; Cboe EDGX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Allow Members and Clearing Members To Establish or Adjust the Risk Settings Set Forth in Interpretation and Policy .03 of Exchange Rule 11.10 on a Risk Group Identifier Basis

June 3, 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 May 28, 2020, Cboe EDGX Exchange, Inc. (the ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Exchange filed the proposal as a ''non-controversial'' proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act[3] and Rule 19b–4(f)(6) thereunder.[4] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

#### I. Self-Regulatory Organization's Statement of the Terms of the Substance of the Proposed Rule Change

Cboe EDGX Exchange, Inc. (''EDGX'' or the ''Exchange'') is filing with the Securities and Exchange Commission (the ''Commission'') a proposed rule change to allow Members and Clearing Members to establish or adjust the risk settings set forth in Interpretation and Policy .03 of Exchange Rule 11.10 on a risk group identifier basis. 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/edgx/*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

#### II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(iii).

[4] 17 CFR 240.19b–4(f)(6).

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 purpose of the proposed rule change is to offer Members [5] and Clearing Members [6] a more granular option to manage their credit risk in equity securities. Specifically, the Exchange proposes to allow Members and Clearing Members to establish a risk profile(s) on a risk group identifier basis that would apply the risk settings offered in Interpretation and Policy .03 of Exchange Rule 11.10 to a subset of orders.

Recently, the Exchange adopted Interpretation and Policy .03 to Exchange Rule 11.10 which provides Members certain optional risk settings.[7] As set forth in paragraph (a), the Exchange currently offers the Gross Credit Risk Limit [8] and Net Credit Risk Limit [9] that are applicable to a Member's activities on the Exchange and are available to either the Member or its Clearing Member. Specifically, pursuant to paragraph (c), a Member that does not self-clear may allocate the responsibility of establishing and adjusting the applicable risk settings to its Clearing Member. Further, paragraph (b)(1) provides that the risk limits may only be set at the market participant identifier (''MPID'') level. Now, the Exchange is proposing to amend paragraph (b)(1) to provide that the Gross Credit Risk Limit and Net Credit Risk Limit may be set at the MPID level or at a more granular risk profile level. The Exchange believes the proposed functionality will provide an effective tool for Members and Clearing Members to manage their credit risk associated with equities trading.

As provided in the Original Filing, a Member can allocate responsibility for establishing and adjusting the applicable risk settings to its Clearing Member on an MPID basis via the Exchange's web portal. The proposal would allow a Member or its Clearing Member, if allocated such responsibility, to utilize ''Purge Ports'' to apply Gross Credit Risk Limits and/or Net Credit Risk Limits to more granular subsets of orders associated with the relevant MPID.[10] The Exchange believes the proposal will allow for proactive and reactive risk management and may be useful to firms operating multiple strategies at a given time, those operating multiple groups under a single MPID with disparate risk profiles, or Sponsoring Members [11] managing risk on behalf of a Sponsored Participant.[12] Specifically, Members or Clearing Members may assign a risk group identifier to a specific strategy, group, or Sponsored Participant and then set up a risk profile applicable to that risk group identifier. Without such functionality, the Member or its Clearing Member would only be able to manage risk at the MPID level.

A ''Purge Port'' is a dedicated port that permits a User to simultaneously cancel all or a subset of its orders in one or more symbols across multiple logical ports [13] by requesting the Exchange to effect such cancellation.[14] Currently, in order to effect a purge request on a specific subset of orders, a Member must identify which orders should be purged by applying a risk group identifier to such orders. As proposed, the risk group identifiers available for purge requests through Purge Ports would also be utilized to define risk profiles which constitute risk limits at the more granular order subset level. Specifically, through the Exchange's proposed functionality, a Member or its Clearing Member would be able to set risk profiles for up to 10 risk group identifiers per Purge Port that specify different Gross Credit Risk Limits and/or Net Credit Risk Limits to orders bearing the applicable risk group identifier. The Gross Credit Risk Limit and Net Credit Risk Limit would only be applied to the specified subset of orders with the applicable risk group identifier.[15] As such, only open orders or new orders bearing the applicable risk group identifier would be canceled or automatically blocked, respectively, in the event of a risk limit breach as set forth in paragraph (e) of Interpretation and Policy .03.

As noted above, Purge Ports enable Users to simultaneously cancel all open orders, or a subset thereof, across multiple logical ports through a single cancel message. Therefore, Purge Ports allow Members to manage risk for some subset of their business, such as by trading strategy. The proposal would expand the existing Purge Port functionality to allow Members and Clearing Members to use the Exchange's automated risk management functionality in a similar manner. As a result, Members and Clearing Members would be able to set automated gross and net notional risk limits for particular risk group identifiers, while retaining the ability to mass cancel and/or block orders entered with that risk group identifier using current purge functionality, *e.g.,* in response to alerts that the Member is approaching designated limits.

[5] *See* Exchange Rule 1.5(n).

[6] A ''Clearing Member'' refers to a Member that is also a member of a Qualified Clearing Agency and clears transactions on behalf of another Member. *See* Exchange Rule 11.13(a).

[7] *See* Securities Exchange Act No. 88783 (April 30, 2020) 85 FR 26991 (May 6, 2020) (the ''Original Filing'').

[8] The ''Gross Credit Risk Limit'' refers to a pre-established maximum daily dollar amount for purchases and sales across all symbols, where both purchases and sales are counted as positive values. For purposes of calculating the Gross Credit Risk Limit, only executed orders are included. *See* Interpretation and Policy .03(a)(1) of Exchange Rule 11.10.

[9] The ''Net Credit Risk Limit'' refers to a pre-established maximum daily dollar amount for purchases and sales across all symbols, where purchases are counted as positive values and sales are counted as negative values. For purposes of calculating the Net Credit Risk Limit, only executed orders are included. *See* Interpretation and Policy .03(a)(2) of Exchange Rule 11.10.

[10] The risk group identifier is a subset level of an MPID. Members can use MPID and risk group identifier risk settings in conjunction.

[11] *See* Exchange Rule 1.5(aa).

[12] *See* Exchange Rule 1.5(z). As noted in the Original Filing, the Exchange does not guarantee that the proposed risk settings described in proposed Interpretation and Policy .03, are sufficiently comprehensive to meet all of a Member's risk management needs. Pursuant to Rule 15c3–5 under the Act, a broker-dealer with market access must perform appropriate due diligence to assure that controls are reasonably designed to be effective, and otherwise consistent with the rule. Use of the Exchange's risk settings included in proposed Interpretation and Policy .03 will not automatically constitute compliance with Exchange or federal rules and responsibility for compliance with all Exchange and SEC rules remains with the Member. *See* supra note 7.

[13] A logical port represents a port established by the Exchange within the Exchange's system for trading and billing purposes. Each logical port established is specific to a Member or non-Member and grants that Member or non-Member the ability to accomplish a specific function, such as order entry, order cancellation, or data receipt. In addition, logical ports enable Users to access information such as execution reports, execution report messages, auction notifications, and administrative data through a single feed.

[14] A User initiating such a request may also request that the Exchange block all or a subset of its new inbound orders in one or more symbols across multiple logical ports. The block will remain in effect until the User requests the Exchange remove the block. *See* Interpretation and Policy .02(b) of Exchange Rule 11.10. Purge Ports are available to Users while risk settings are only available to Members and its Clearing Member.

[15] As proposed, a new optional port level attribute will be available to validate that each new order submitted through that specific logical port contains a risk group identifier. Once this logical port level setting is selected, any orders submitted through that session that are not tagged with a risk group identifier will be rejected in an effort to ensure intended risk thresholds are maintained.

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.[16] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) [17] 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.

The Exchange believes that the proposed rule change would promote just and equitable principles of trade and remove impediments to and perfect the mechanism of a free and open market because the proposal would enhance Members' and Clearing Members' ability to manage their credit risk associated with equities trading, which would, in turn, improve their risk controls to the benefit of all market participants. Specifically, as discussed above, the proposal would allow a Member or its Clearing Member, if allocated such responsibility, to utilize the existing Purge Port risk group identifier functionality to set risk profiles for up to 10 risk group identifiers per Purge Port. Each risk profile would specify the applicable Gross Credit Risk Limits and/or Net Credit Risk Limits that would be applied to the subset of orders bearing the risk group identifier. Further, the proposal would allow the automatic mass cancellation of all open orders and block new orders bearing the risk group identifier in the event of a risk limit breach. As such, the Exchange believes that the proposal will allow for proactive and reactive risk management and may be useful to firms operating multiple strategies at a given time, those operating multiple groups under a single MPID with disparate risk profiles, or Sponsoring Members managing risk on behalf of a Sponsored Participant.[18]

In addition, the Exchange believes that the proposed rule change is designed to protect investors and the public interest because the proposed functionality is a form of risk mitigation that will aid Members, and Clearing Members for firms who do not self-clear, in minimizing their risk associated with operating or clearing multiple business lines with disparate risk profiles. In turn, the introduction of such risk management functionality could enhance the integrity of trading on the securities markets and help to assure the stability of the financial system.

The Exchange also believes that building on the Purge Port functionality to provide the proposed changes would foster cooperation and coordination with persons engaged in facilitating transactions in securities because it offers enhanced use of existing functionality. This may enable more efficient use of Members' and Clearing Members' resources.

Finally, the Exchange believes that the proposed rule change does not unfairly discriminate among the Exchange's Members and Clearing Members because use of the risk settings is optional and are not a prerequisite for participation on the Exchange, and will be available to all Members and Clearing Members as an enhancement to existing Purge Port functionality. The proposed risk settings are completely voluntary and, as they relate solely to optional risk management functionality, no Member or Clearing Member is required or under any regulatory obligation to utilize them.

*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. In fact, the Exchange believes that the proposal may have a positive effect on competition because it would allow the Exchange to offer enhanced risk management functionality. Further, by providing Members and their Clearing Members more granular means to monitor and control risk, the proposed rule may increase confidence in the proper functioning of the markets and contribute to additional competition among trading venues and broker-dealers. Rather than impede competition, the proposal is designed as an innovative way to facilitate more robust risk management by Members and Clearing Members, which, in turn, could enhance the integrity of trading on the securities markets and help to assure the stability of the financial system. Furthermore, other exchanges are free to propose similar functionality as they see fit.[19]

*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**

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act [20] and Rule 19b–4(f)(6) thereunder.[21]

A proposed rule change filed pursuant to Rule 19b–4(f)(6) under the Act [22] normally does not become operative for 30 days after the date of its filing. However, Rule 19b–4(f)(6)(iii) [23] 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 implement the proposed rule change on the anticipated launch date of May 29, 2020. The Exchange states that waiver of the operative delay would allow Members and Clearing Members to immediately utilize the proposed functionality to manage their risk. For this reason, the Commission believes that waiver of the 30-day operative delay is consistent with the protection of investors and the public interest. Therefore, the Commission hereby waives the operative delay and designates the proposal as operative upon filing.[24]

[16] 15 U.S.C. 78f(b).

[17] 15 U.S.C. 78f(b)(5).

[18] *Supra* note 12.

[19] The NYSE has adopted similar provisions that allow for risk settings at a ''sub–ID'' level. *See* Securities Exchange Act No. 88776 (April 29, 2020) 85 FR 26768 (May 5, 2020) (SR–NYSE–2020–17).

[20] 15 U.S.C. 78s(b)(3)(A).

[21] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[22] 17 CFR 240.19b–4(f)(6).

[23] 17 CFR 240.19b–4(f)(6)(iii).

[24] 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).

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–CboeEDGX–2020–023 on the subject line.

*Paper Comments*

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–CboeEDGX–2020–023. 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–CboeEDGX–2020–023, and should be submitted on or before June 30, 2020.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[25]

**J. Matthew DeLesDernier,**

*Assistant Secretary.*

[FR Doc. 2020–12385 Filed 6–8–20; 8:45 am]

**BILLING CODE 8011–01–P**

## SECURITIES AND EXCHANGE COMMISSION

**[SEC File No. 270–189 OMB Control No. 3235–0201]**

## Submission for OMB Review; Comment Request

*Upon Written Request, Copies Available From:* Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736.

Extension:
Rule 17a–2

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (''PRA'') (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget (''OMB'') a request for approval of extension of the previously approved collection of information provided for in Rule 17a–2 (17 CFR 240.17a–2), under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*).

Rule 17a–2 requires underwriters to maintain information regarding stabilizing activities conducted in accordance with Rule 104 of Regulation M. The collections of information under Regulation M and Rule 17a–2 are necessary for covered persons to obtain certain benefits or to comply with certain requirements. The collections of information are necessary to provide the Commission with information regarding syndicate covering transactions and penalty bids. The Commission may review this information during periodic examinations or with respect to investigations. Except for the information required to be kept under Rule 104(i) (17 CFR 242.104(i)) and Rule 17a–2(c), none of the information required to be collected or disclosed for PRA purposes will be kept confidential. The recordkeeping requirement of Rule 17a–2 requires the information be maintained in a separate file, or in a separately retrievable format, for a period of three years, the first two years in an easily accessible place, consistent with the requirements of Exchange Act Rule 17a–4(f) (17 CFR 240.17a–4(f)).

There are approximately 805 respondents per year that require an aggregate total of 4,025 hours to comply with this rule. Each respondent makes an estimated 1 annual response. Each response takes approximately 5 hours to complete. Thus, the total compliance burden per year is 4,025 burden hours. The total internal compliance cost for the respondents is approximately $281,750, resulting in an internal cost of compliance for each respondent per response of approximately $350.00 (*i.e.,* $281,750.00/805 responses).

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information under the PRA unless it displays a currently valid OMB control number.

The public may view background documentation for this information collection at the following website: *www.reginfo.gov*. Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to (i) *www.reginfo.gov/public/do/PRAMain* and (ii) David Bottom, Director/Chief Information Officer, Securities and Exchange Commission, c/o Cynthia Roscoe, 100 F Street NE, Washington, DC 20549, or by sending an email to: *PRA_Mailbox@sec.gov.*

Dated: June 3, 2020.

**J. Matthew DeLesDernier,**

*Assistant Secretary.*

[FR Doc. 2020–12395 Filed 6–8–20; 8:45 am]

**BILLING CODE P**

## SECURITIES AND EXCHANGE COMMISSION

**[SEC File No. 270–456, OMB Control No. 3235–0515]**

## Submission for OMB Review; Comment Request

*Upon Written Request Copies Available From:* Securities and Exchange Commission Office of FOIA Services 100 F Street NE, Washington, DC 20549–2736

Extension:

[25] 17 CFR 200.30–3(a)(12).

Schedule TO

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget the request for extension of the previously approved collection of information discussed below.

Schedule TO (17 CFR 240.14d-100) must be filed by a reporting company that makes a tender offer for its own securities. Also, persons other than the reporting company making a tender offer for equity securities registered under Section 12 of the Exchange Act (15 U.S.C. 78*l*) (which offer, if consummated, would cause that person to own over 5% of that class of the securities) must file a Schedule TO. The purpose of Schedule TO is to improve communications between public companies and investors before companies file registration statements involving tender offer statements. This information is made available to the public. The information provided on Schedule TO is mandatory. Schedule TO takes approximately 43.5 hours per response and is filed by approximately 1,378 issuers annually. We estimate that 50% of the 43.5 hours per response (21.75 hours) is prepared by the issuer for an annual reporting burden of 29,972 hours (21.75 hours per response × 1,378 responses).

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 control number.

The public may view background documentation for this information collection at the following website: *www.reginfo.gov.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to (i) *www.reginfo.gov/public/do/PRAMain* and (ii) David Bottom, Director/Chief Information Officer, Securities and Exchange Commission, c/o Cynthia Roscoe, 100 F Street NE, Washington, DC 20549, or by sending an email to: *PRA_Mailbox@sec.gov.*

Dated: June 3, 2020.

**J. Matthew DeLesDernier,**

*Assistant Secretary.*

[FR Doc. 2020–12399 Filed 6–8–20; 8:45 am]

**BILLING CODE 8011–01–P**

## SECURITIES AND EXCHANGE COMMISSION

**[SEC File No. 270–323, OMB Control No. 3235–0362]**

## Submission for OMB Review; Comment Request

*Upon Written Request Copies Available From:* Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Extension:
Form 5

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget this request for extension of the previously approved collection of information discussed below.

Under Section 16(a) of the Securities Exchange Act of 1934 (''Exchange Act'') (15 U.S.C. 78a *et seq.*) every person who is directly or indirectly the beneficial owner of more than 10 percent of any class of any equity security (other than an exempted security) which registered pursuant to Section 12 of the Exchange Act, or who is a director or an officer of the issuer of such security (collectively ''reporting persons''), must file statements setting forth their security holdings in the issuer with the Commission. Form 5 (17 CFR 249.105) is an annual statement of beneficial ownership of securities. The information disclosure provided on Form 5 is mandatory. All information is provided to the public for review. We estimate that approximately 5,939 reporting persons file Form 5 annually and we estimate that it takes approximately one hour to prepare the form for a total of 5,939 annual burden hours.

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 control number.

The public may view background documentation for this information collection at the following website: *www.reginfo.gov.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to (i) *www.reginfo.gov/public/do/PRAMain* and (ii) David Bottom, Director/Chief Information Officer, Securities and Exchange Commission, c/o Cynthia Roscoe, 100 F Street NE, Washington, DC 20549, or by sending an email to: *PRA_Mailbox@sec.gov.*

Dated: June 3, 2020.

**J. Matthew DeLesDernier,**

*Assistant Secretary.*

[FR Doc. 2020–12391 Filed 6–8–20; 8:45 am]

**BILLING CODE P**

## SECURITIES AND EXCHANGE COMMISSION

**[SEC File No. 270–619, OMB Control No. 3235–0681]**

## Submission for OMB Review; Comment Request

*Upon Written Request, Copies Available From:* Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736.

Extension:
Rules 15Ba1–1 through 15Ba1–8

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') is soliciting comments on the collection of information provided for in Rules 15Ba1–1 to 15Ba1–8 (17 CFR 240.15Ba1–1 to 17 CFR 240.15Ba1–8)—Registration of Municipal Advisors, under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*) (the ''Act''). The Commission plans to submit this existing collection of information to the Office of Management and Budget for extension and approval.

On September 20, 2013 (*see* 78 FR 67468, November 12, 2013), the Commission adopted Rules 15Ba1–1 through 15Ba1–8 and Rule 15Bc4–1 under the Act to establish the rules by which a municipal advisor must obtain, maintain, and terminate its registration with the Commission. In addition, the rules interpret the definition of the term ''municipal advisor,'' interpret the statutory exclusions from that definition, and provide certain additional regulatory exemptions. The rules became effective on January 13, 2014; however, on January 13, 2014, the Commission temporarily stayed such rules until July 1, 2014 (*see* 79 FR 2777, January 16, 2014). Amendments to Form MA and Form MA–I designed to eliminate aspects of the forms that request filers to provide certain forms of personally identifiable information (''PII''), including Social Security

numbers, dates of birth, or Foreign ID numbers became effective on May 14, 2018 (*see* 83 FR 22190, May 14, 2018). Section 15B(a)(1) of the Act makes it unlawful for a municipal advisor to provide advice to or on behalf of a municipal entity or obligated person with respect to municipal financial products or the issuance of municipal securities, or to undertake certain solicitations of a municipal entity or obligated person, unless the municipal advisor is registered with the Commission. The rules, among other things (i) require municipal advisors to file certain forms (*i.e.,* Form MA, Form MA–A, Form MA/A, Form MA–I, Form MA–I/A, Form MA–NR, and Form MA–W) with the Commission to obtain, maintain, or terminate their registration with the Commission and maintain certain books and records in accordance with the Act, and (ii) set forth how certain entities may meet the requirements of the statutory exclusions or regulatory exemptions from the definition of ''municipal advisor.''

**Form MA**

The Commission estimates that approximately 35 respondents will submit new Form MA applications annually in each of the next three years.[1] The Commission further estimates that each submission will take approximately 3.5 hours. Thus, the total annual burden borne by respondents for submitting an initial Form MA application will be approximately 123 hours.[2] The Commission estimates that respondents submitting new Form MA applications would, on average, consult with outside counsel for one hour, at a rate of $400/hour. Thus, the Commission estimates that the average total annual cost that may be incurred by all respondents filing new Form MA applications will be $14,000.[3] In addition to filing initial Form MA applications, the rules require municipal advisors to amend Form MA once annually (Form MA–A) and after the occurrence of any enumerated material event (Form MA/A). The requirement to amend Form MA applies to all registered municipal advisors. There are currently approximately 535 municipal advisors registered with the Commission and, as noted above, the Commission anticipates receiving 105 new Form MA submissions over the next three years. Therefore, the Commission expects that the rules' requirement to amend Form MA will apply to approximately 570 municipal advisors in year one, approximately 605 municipal advisors in year two, and approximately 640 municipal advisors in year three. The Commission estimates that completing an annual amendment would take a municipal advisor approximately 1.5 hours and completing a material event amendment would take 0.5 hours. The Commission further estimates that each municipal advisor will submit two amendments per year (one Form MA–A and one Form MA/A). Thus, the Commission estimates that the average annual burden borne by respondents for amending Form MA during the three-year period will be approximately 1,210 hours.[4]

**Form MA–I**

The Commission estimates that it will receive approximately 570 new Form MA–I submissions annually.[5] The Commission further estimates that each Form MA–I submission will take approximately three hours to complete. Thus, the total annual burden borne by respondents submitting Form MA–I will be approximately 1,710 hours.[6] The Commission also estimates that a Form MA–I respondent will submit 2.95 updating amendments per year (Form MA–I/A), and that each such amendment will take approximately 0.5 hours to complete.[7] There are currently approximately 3,385 Form MA-Is on file with the Commission for natural persons currently associated with a municipal advisor and, as noted above, the Commission expects to receive 1,710 Form MA–I submissions over the next three years.[8] Therefore, the Commission expects the rules' requirement to amend Form MA–I to apply to approximately 3,955 Form MA-Is in year one, approximately 4,525 Form MA-Is in year two, and approximately 5,095 Form MA-Is in year three. Thus, the Commission estimates that the average annual burden borne by respondents submitting Form MA–I amendments during the three-year period will be approximately 6,674 hours.[9]

**Form MA–W**

The Commission estimates that it will receive 46 new Form MA–W submissions annually.[10] The Commission further estimates that each Form MA–W submission will take approximately 0.5 hours to complete. Thus, the total annual burden borne by respondents submitting Form MA–W will be approximately 23 hours.[11]

**Form MA–NR**

The Commission estimates that three municipal advisors will have a non-resident general partner, non-resident managing agent, or non-resident associated person and such advisors will submit a total of approximately five Form MA–NRs annually.[12] The Commission further estimates that each Form MA–NR submission will take approximately 1.5 hours to complete. Thus, the total annual burden borne by respondents submitting Form MA–NR will be approximately 7.5 hours.[13] In addition, each respondent that submits a Form MA–NR must also provide an opinion of counsel. The Commission estimates that such an opinion of counsel would take three hours to complete, at a rate of $400/hour. Thus, the Commission estimates that the total annual burden borne by respondents providing an opinion of counsel will be approximately nine hours.[14] The

[1] The estimate is derived by averaging the number of Form MA filings over the last three years and rounding up. There were 39 Form MA submissions in 2017, 34 Form MA submissions in 2018, and 30 Form MA submissions in 2019.

[2] 35 respondents × 3.5 hours = 122.5 hours.

[3] 35 respondents × ($400/hour × 1 hour) = $14,000.

[4] ((570 respondents × 2 hours) + (605 respondents × 2 hours) + (640 respondents × 2 hours))/3 = 1,210 hours.

[5] The estimate is derived by averaging the number of Form MA–I submissions over the last three years. There were 619 Form MA–I submissions in 2017, 466 Form MA–I submissions in 2018, and 624 Form MA–I submissions in 2019.

[6] 570 submissions × 3 hours = 1,710 hours.

[7] The estimate is derived by averaging the number of updating amendments submitted by respondents over the last three years. In 2017, the average number is 2,078 Form MA–I/A/574 municipal advisors = 3.62. In 2018 the average number is 1,398 Form MA–I/A/555 municipal advisors = 2.52. In 2019, the average number is 1,442 Form MA–I/A/535 municipal advisors = 2.70. Averaging the average number of updating amendments for the last three years: 3.62 (2017) + 2.52 (2018) + 2.70 (2019)/3 = 2.95 updating amendments per year.

[8] The estimated number of active Form MA–I filings is derived by taking the total number of Form MA–I submissions with the Commission as of December 31, 2019 and subtracting the number of Form MA–I/A withdrawals as of the same date. 7,564 (Form MA–I submissions)—4,179 (Form MA–I/A withdrawals) = 3,385 Form MA-Is on file.

[9] (((3,955 Form MA–I/As × (2.95 amendments × 0.5 hours)) + ((4,525 Form MA–I/As × (2.95 amendments × 0.5 hours)) + ((5,095 Form MA–I/As × (2.95 amendments × 0.5 hours)))/3 = 6,674.375 hours.

[10] The estimate of 46 Form MA–W submissions is derived by averaging the number of Form MA–W submissions over the last two years. There were 46 Form MA–W submissions in 2018 and 2019 respectively. The filing number from 2017 was omitted because an abnormally large number of Form MA–W submissions were submitted (116 submissions in 2017), likely due to the advent of the Municipal Securities Rulemaking Board's Series 50 exam requirement which became effective on September 12, 2017.

[11] 46 respondents × 0.5 hours = 23 hours.

[12] The estimate is derived by averaging the number of Form MA–NR submissions over the last three years. There were seven Form MA–NR submissions in 2017, four Form MA–NR submissions in 2018, and five Form MA–NR submissions in 2019.

[13] 3 respondents × (1.67 Form MA–NR submissions × 1.5 hours) = 7.5 hours.

[14] 3 respondents × 3 hours = 9 hours.

estimated average total cost that may be incurred by all respondents providing an opinion of counsel will be $3,600.[15]

**Consent to Service of Process**

The Commission estimates that 35 new municipal advisors will have to develop a template document to use in obtaining written consents to service of process from their associated persons annually. The Commission further estimates that each template document will take approximately one hour to draft. Thus, the Commission estimates that the total annual burden borne by respondents developing a template document will be approximately 35 hours.[16] In addition, the Commission estimates that municipal advisors will need to obtain 570 new consents to service of process from associated persons annually. The Commission further estimates that, after the written consents are drafted, it will take municipal advisors approximately 0.10 hours to obtain each consent. Thus, the Commission estimates that the total annual burden borne by respondents obtaining consents to service of process will be 92 hours.[17]

**Books and Records To Be Maintained by Municipal Advisors**

The Commission estimates 570, 605, and 640 municipal advisors will be subject to the books and records rules during each of the next three years, respectively. The Commission further estimates that the average annual burden for a municipal advisor to comply with the books and records requirement is approximately 182 hours. Thus, the Commission estimates that the average annual burden borne by respondents to comply with the books and records requirements during the three-year period will be approximately 110,110 hours.[18]

**Independent Registered Municipal Advisor Exemption**

The Commission estimates that approximately 231 persons will seek to rely on the independent registered municipal advisor exemption annually.[19] The Commission further estimates that the one-time burden of developing a written template disclosure document will be approximately one hour. Thus, the Commission estimates that the total one-time burden borne by respondents developing a template disclosure document will be approximately 231 hours.[20] The Commission also recognizes that respondents will be subject to a recurring burden each time they seek to rely on the exemption. The Commission estimates that respondents may seek the exemption on approximately 8,211 transactions annually.[21] The Commission further estimates that the burden of obtaining the written representations needed from the municipal entity or obligated person client will be approximately 0.25 hours. Thus, the Commission estimates that the total annual burden borne by respondents seeking to rely on the independent registered municipal advisor exemption will be approximately 2,053 hours.[22]

**Municipal Escrow Investments**

The Commission estimates that approximately 694 respondents will seek to rely on the municipal escrow investments exemption.[23] The Commission further estimates that the one-time burden of creating a template document to use in obtaining the written representations necessary to rely on the exemption will be approximately one hour. Thus, the Commission estimates that the total one-time burden borne by respondents developing a template document will be approximately 694 hours.[24] The Commission also recognizes that respondents will be subject to a recurring burden each time they seek to rely on the exemption. The Commission estimates the respondents will seek to rely on the exemption with approximately 2,321 municipal entity clients.[25] The Commission further estimates that the burden of obtaining the required written representations from the respondent's client will be approximately 0.25 hours. Thus, the Commission estimates that the total annual burden borne by respondents seeking to rely on the municipal escrow investments exemption will be approximately 580 hours.[26]

**Proceeds of Municipal Securities**

The Commission estimates that approximately 720 respondents will seek to rely on the proceeds of municipal securities exemption.[27] The Commission further estimates that the one-time burden of creating a template document to use in obtaining the written representations necessary to rely on the exemption will be approximately one hour. Thus, the Commission estimates that the total one-time burden borne by respondents developing a template document will be approximately 720 hours.[28] The Commission also recognizes that respondents will be subject to a recurring burden each time they seek to rely on the exemption. The Commission estimates that respondents will seek to rely on the exemption in connection with services provided to approximately 4,056 clients.[29] The Commission further estimates that the burden of obtaining the required written consents from the respondent's client will be approximately 0.25 hours. Thus, the Commission estimates that the total annual burden borne by respondents seeking to rely on proceeds of municipal securities exemption will be approximately 1,014 hours.[30]

Written comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's estimates of the burden of the proposed

[15] 3 respondents × (3.0 hours × $400/hour) = $3,600.

[16] 35 respondents × 1 hour = 35 hours.

[17] 35 hours + (570 × 0.1 hours) = 92 hours.

[18] ((570 respondents × 182 hours) + (605 respondents × 182 hours) + (640 respondents × 182 hours))/3 = 110,110 hours.

[19] Estimate based on information obtained from Mergent Municipal Bond Securities Database. The estimate represents the average number of underwriters that participated in negotiated transactions from 2017 to 2019.

[20] 231 respondents × 1 hour = 231 hours.

[21] Estimate based on information obtained from Mergent Municipal Bond Securities Database. The estimate represents the average number of negotiated deals using an underwriter each year.

[22] 8,211 transactions × 0.25 hours = 2,052.75 hours.

[23] The Commission estimates in this section are based on information reported directly by state-registered investment advisers in Item 5.D.(i)(1) within Form ADV.

[24] 694 respondents × 1 hour = 694 hours.

[25] The Commission estimates in this section are based on information reported directly by state-registered investment advisers in Item 5.D.(i)(1) within Form ADV.

[26] 2,321 clients × 0.25 hours = 580.25 hours.

[27] The Commission estimates in this section are based on information reported directly by state-registered investment advisers in Item 5.D.(f)(1) within Form ADV. The number of state-registered investment advisers which have pooled investment vehicle clients (other than investment company and business development company clients) within Form ADV, Item 5.D.(f)(1) = 637. The percentage of state-registered investment advisers which have municipal government entity clients (other than investment company and business development company clients) within Form ADV, Item 5.D.(f)(1) = 4%. (637 × .04) = 26. The number of state-registered investment advisers relying on the exception to the definition of ''municipal escrow investment'' = 694. (26 + 694) = 720 respondents.

[28] 720 respondents × 1 hour = 720 hours.

[29] The number of municipal entity clients of state-registered investment advisers relying on the exception to the definition of ''municipal escrow investment'' in Item 5.D.(i)(1) within Form ADV = 2,321 clients. The number of pooled investment vehicle clients (other than investment company and business development company clients) of state-registered investment advisers in Item 5.D.(f)(1) within Form ADV = 1,735 clients. (2,321 + 1,735) = 4,056 clients.

[30] 4,056 clients × 0.25 hours = 1,014 hours.

collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 30 days of this publication.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information under the PRA unless it displays a currently valid OMB control number.

The public may view background documentation for this information collection at the following website: *www.reginfo.gov.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to (i) *www.reginfo.gov/public/do/PRAMain* and (ii) David Bottom, Director/Chief Information Officer, Securities and Exchange Commission, c/o Cynthia Roscoe, 100 F Street NE, Washington, DC 20549, or by sending an email to: *PRA_Mailbox@sec.gov.*

Dated: June 3, 2020.

**J. Matthew DeLesDernier,**

*Assistant Secretary.*

[FR Doc. 2020–12394 Filed 6–8–20; 8:45 am]

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## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34–88997; File No. SR–CBOE–2020–014]**

## Self-Regulatory Organizations; Cboe 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 a Delta-Adjusted at Close Order Instruction

June 3, 2020.

### I. Introduction

On February 18, 2020, Cboe Exchange, Inc. (''Exchange'' or ''Cboe Options'') 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 introduce a Delta-Adjusted at Close (''DAC'') Order Instruction on Cboe Options. The proposed rule change was published for comment in the **Federal Register** on March 9, 2020.[3] On April 13, 2020, 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 the proposed rule change should be disapproved.[4] On May 12, 2020, the Exchange submitted Amendment No. 1 to the proposed rule change.[5] The Commission has received no comments 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 Exchange Act[6] to determine whether to approve or disapprove the proposed rule change, as modified by Amendment No. 1.

### II. -Exchange's Description of the Proposal, as Modified by Amendment No. 1

As amended, the Exchange proposes to adopt a Delta-Adjusted at Close or DAC order instruction that a User[7] may apply to an order for an option on an ETP or index when entering it into the System for execution in a FLEX electronic or open outcry auction. In particular, if a DAC order executes during the trading day, upon receipt of the official closing price or value for the underlying from the primary listing exchange or index provider, respectively, the System will adjust the original execution price of a DAC order based on a delta value applied to the change in the underlying reference price between the time of execution and the market close. As proposed, DAC orders will allow Users the opportunity to incorporate into the pricing of their FLEX Options the closing price or value of the underlying on the transaction date based on how much the price or value changed during the trading day.

Near the market close, the Exchange has observed that significant numbers of market participants interact in the equity markets, which may substantially impact the price or value, as applicable, of the underlying at the market close. For example, shares of exchange-traded funds (''ETFs'') that track indexes, which are increasingly popular, often trade at or near the market close in order to better align with the indexes they track and attempt to align the market price of shares of the ETF as close to the net asset value (''NAV'')[8] per share as possible. Further, the Exchange understands that market makers and other liquidity providers seek to balance their books before the market close and contribute to increased price discovery surrounding the market close. The Exchange also believes it is common for other market participants to seek to offset intraday positions and mitigate exposure risks based on their predictions of the closing underlying prices or underlying indexes (which represent the settlement prices of options on those underlyings). The Exchange understands this substantial activity near the market close may create wider spreads and increased price volatility, which may attract further trading activity from those participants seeking arbitrage opportunities and further drive prices. In light of the significant liquidity and price/value movements in equity shares that can occur near the market close, option closing and settlement prices may deviate significantly from option execution prices earlier that trading day.

The proposed DAC order instruction is designed to allow investors to incorporate any upside market moves that may occur following execution of the order up to the market close while limiting downside risk. Additionally, the Exchange has noted that there have been a number of managed funds that recognize the benefits to their investors in employing certain strategies that allow for their investors to mitigate risk at the market close while also participating in beneficial market moves at the close. The proposed DAC order would provide such funds with an additional method to attempt to meet their objectives through FLEX options strategies, thereby benefitting their investors. The Exchange understands that, for example, defined-outcome ETF issuers[9] often times use multi-leg strategy orders when seeding their

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 88312 (March 3, 2020), 85 FR 13686 (''Notice'').

[4] *See* Securities Exchange Act Release No. 88622, 85 FR 21490 (April 17, 2020).

[5] *See https://www.sec.gov/comments/sr-cboe-2020-014/srcboe2020014-7180918-216787.pdf*

[6] 15 U.S.C. 78s(b)(2)(B).

[7] The term ''User'' means any TPH or Sponsored User who is authorized to obtain access to the System pursuant to Rule 5.5. *See* Rule 1.1.

[8] The NAV is an ETF's total assets minus its total liabilities. ETFs generally must calculate their NAV at least once every business day, and typically do so after market close. *See* 17 CFR 270.2a–4.

[9] The Exchange notes that defined outcome ETF issuers do not buy stocks directly, but instead, use options contracts to deliver the price gain or loss of an index (such as the S&P 500) over the course of a year, up to a preset cap.

funds.[10] The goal of these strategies is to price the execution of these orders at the close of the underlying; however, there is operational execution risk in attempting to fill an order late in the day to capture the underlying closing price. As such, a DAC complex order would allow the User to execute the order prior to the close and have its price adjusted at the close. Because multi-leg strategies themselves have delta offsets, the User is hedged, meaning that the User may realize a negative movement versus the initial execution on some legs, which is offset by a positive move in other legs. The Exchange notes that the strategies may or may not define an exact delta offset (''delta neutrality'' occurs where the strategy defines an exact delta offset). Given the delta neutral nature of an order with exact offset, a User would be indifferent to any movement in the underlying from the time of execution to the close. Whether or not a User defines an exact delta offset, a User would anticipate a given amount of market exposure, either partial or none, depending on the strategy and combinations of buy/sell, call/put and quantity. A DAC complex order allows the order to be executed anytime, eliminating the execution risk, while realizing the objective of pricing based on the exact underlying close for those strategies that require pricing at the close or a defined amount of market exposure through the close.

As stated, the System will adjust the original execution price of a DAC order based on a delta value applied to the change in the price of the underlying from the time of order execution to the market close. Delta is the measure of the change in the option price as it relates to a change in the price of the underlying security or value of the underlying index, as applicable. For example, an option with a 50 delta (which is generally represented as 0.50) would result in the option moving $0.50 per $1.00 move in the underlying (*i.e.,* price move in the underlying x delta value = anticipated price move in the option). Delta changes as the price or value of the underlying stock or index changes and as time changes, thus giving a User an estimate of how an option will behave if the price of the underlying moves in either direction. Call option deltas are positive (ranging from 0 to 1), because as the underlying increases in price so does a call option. Conversely, put option deltas are negative (ranging from -1 to 0), because as the underlying increases in price the put option decreases in price. The Exchange understands that investors use delta as an important hedging and risk management tool in options trading. For example, by trading an option with a lower delta, an investor's underlying position will be exposed to more downside risk if price or value of the underlying fall. Therefore, the Exchange believes the proposed DAC order instruction will allow a market participant to maintain a full hedge of its position taken upon intraday execution of a DAC order throughout the remainder of the trading day, which ultimately reduces the market participant's portfolio risk.

The Exchange proposes to make the DAC pricing instruction available for orders submitted in FLEX ETP and index options in Rule 5.70(a)(2).[11] As proposed, Rule 5.6(c) (Order Types, Order Instructions, and Times-in-Force) provides that a DAC order is an order for which the System delta-adjusts its execution price after the market close. Specifically, the delta-adjusted execution price equals the original execution price plus the delta value times the difference between the official closing price or value of the underlying on the transaction date and the reference price or index value of the underlying (''reference price''). Upon order entry for electronic execution, a User must designate a delta value and may designate a reference price. If no reference price is designated, the System will include the price or value, as applicable, of the underlying at the time of order entry as the reference price. Upon order entry for open outcry execution, a User may designate a delta value and/or a reference price. During the open outcry auction, in-crowd market participants will determine the final delta value and/or reference price, which may differ from any delta value or reference price designated by the submitting User. The final delta value and reference price would be reflected in the final terms of the execution.

Likewise, the proposed definition in Rule 5.33(b)(5) (Types of Complex Orders) provides for essentially the same definition, differing only in that: it applies to complex orders; upon order entry for electronic execution a User must designate a delta value per leg, and for open outcry execution may designate a delta value for one or more legs; a DAC complex order may only be submitted for execution in a FLEX complex electronic auction or open outcry auction on the Exchange's trading floor pursuant to Rule 5.72.

Users will enter into the System all DAC orders as they would any other FLEX Order pursuant to 5.72(b) (governing the order entry of FLEX orders) and the applicable FLEX auction rules. As such, the Exchange points out that FLEX DAC orders may only be submitted for series consistent with the FLEX rules.[12] As defined above, a User may designate the reference price of the underlying upon submitting a DAC order. Proposed Rule 5.34(c)(12) (Order and Quote Price Protection Mechanisms and Risk Controls) provides that a User-designated reference price will be subject to a reasonability check. Specifically, if a User submits a DAC order to the System with a reference price more than an Exchange-determined amount away from the underlying price or value at the time of submission of the DAC order, the System cancels or rejects the order.[13] Moreover, if a User chooses to submit a DAC order without a reference price, the System will automatically input the price or value of the underlying at the time of order entry as the reference price.

For a DAC order submitted into a FLEX electronic auction, a User will be required to designate a delta value upon order entry (including for each leg of a DAC complex order as set forth in proposed Rule 5.33(b)(5)).[14] A User may designate a delta value upon entry of a DAC order submitted into a FLEX open outcry auction. As noted above, delta is either between 0 and 1 for calls, and 0 and −1 for puts.[15] The Exchange notes that 1.0000 is the equivalent of a 100 delta. Pursuant to the general principles by which deltas function, the delta for a call leg(s) must be greater than zero

[10] Amendment No. 1 provides additional description regarding DAC complex order strategies and the purpose of such orders.

[11] Amendment No. 1 amends the Initial Rule Filing to provide that DAC orders are available only for ETP and index options and amends the Initial Rule Filing to remove the proposed availability of DAC orders for entry into non-FLEX auctions (electronic and open outcry). Thus, Amendment No. 1 removes from the proposed DAC definitions in Rule 5.6(c) and 5.33(b)(5) that DAC may trade in an electronic auction or in open outcry trading pursuant to specific non-FLEX auction Rules, as well as the provision that a DAC order is not eligible to rest in the Book (as there is no electronic book for resting FLEX Orders), and the provision regarding bulk messages (as bulk messages are not applicable to trading in FLEX Options). The Exchange intends to submit a proposal at a later date to permit the entry of DAC orders into non-FLEX auctions.

[12] *See* Rules 5.72(b), (c), and (d).

[13] The System will use the most recent last sale (or disseminated index value) as the reference price.

[14] *See* proposed Rule 5.72(b)(2)(A).

[15] Note the Exchange will permit delta values to be input up to four decimals, as prices for the underlying securities and index values may be expressed in four decimals. However, bids and offers may only be input in accordance with Rule 5.4, which bids and offers the System will use to rank and allocate orders and auction responses.

and the delta for a put option leg(s) must be less than zero. Additionally, the delta for call (put) legs must be less (greater) than or equal to the delta for the adjacent call (put) leg (*i.e.* the leg with the next largest strike price) of the same expiration as the strike price increases. This is also consistent with the general manner in which deltas function, and ensures that the deltas on the same leg type within the same expiration trend away from zero as the strike value increases.

Typically, a User submits an electronic complex order (including a DAC complex order, as proposed) with a net price, and, for a FLEX complex order, a User must include a price for each leg upon electronic submission.[16] Therefore, upon electronic submission a User must also designate a delta value per leg along with the leg prices. At market close, the System will then be able to apply the delta value per each of the leg prices to properly calculate the DAC by adjusting the execution price of each leg.

A User may apply the DAC order instruction to a FLEX order submitted into an electronic FLEX auction,[17] the FLEX Automated Improvement Auction (''FLEX AIM'' or FLEX AIM Auction'') [18] or the FLEX Solicitation Auction Mechanism (''FLEX SAM'' or ''FLEX SAM Auction''); [19] or a FLEX order submitted for manual handling in an open outcry auction on the Exchange's trading floor.[20] A DAC order will be handled and executed in the FLEX auctions in the same manner as any other FLEX order pursuant to the applicable FLEX auction rules, including pricing, priority, and allocation rules.[21] Similarly, a FLEX DAC order submitted for open outcry trading will execute in the same manner as any other FLEX order executed in open outcry pursuant to Rule 5.72(d). The Exchange also notes that DAC orders submitted to the Exchange will have unique message characteristics, indicative that the order is a DAC order. Therefore, contra-side interest will be aware of the specific order type and may then choose whether or not they wish to interact with DAC orders.[22]

Pursuant to Rules 5.72, 5.73, and 5.74, FLEX Orders (including proposed DAC orders) may only execute in a FLEX electronic or open outcry auction. The Exchange believes it is appropriate for DAC orders to only execute in auctions. The delta and reference price appended to a DAC order would be based on data regarding the underlying at the time of order entry. As those values change as the price or value of the underlying change, the reference price and delta at the time of submission would achieve the desired delta-adjusted price result only if the DAC order executes almost immediately upon submission. To allow a DAC order to potentially execute after a significant amount of time has passed since entry, underlying price and related delta at the time a DAC order would eventually execute would be different and thus not achieve the User's desired result. If a DAC orders executes in an auction, it will do so within a short time following submission. Indeed, the Exchange's electronic and open outcry FLEX auctions last for a brief, defined period, the length of which is currently between three seconds to five minutes as designated by the Submitting/Initiating FLEX Trader.[23] As such, the Exchange believes that the execution of DAC orders in FLEX auctions is consistent with the intended purpose of a DAC order.

In addition to this, the Exchange also believes that making DAC orders available only for options on ETPs and indexes is consistent with the intended purpose of a DAC order. As stated above, DAC orders are intended to allow investors to incorporate any market moves that may occur following execution of the order up to the market close while limiting risk and to allow funds to employ certain strategies that would enable their investors to mitigate risk at the market close while also participating in beneficial market moves at the close. That is, a DAC order may assist investors that participate in defined-outcome investment strategies, including defined-outcome ETFs, other managed funds, unit investment trusts (''UITs''), index funds, structured annuities, and other such funds or instruments that are indexed. Therefore, the Exchange believes it is appropriate to, at present, limit the use of DAC orders to options on ETPs and indexes.[24]

Pursuant to the proposed definitions in Rules 5.6(c), 5.33(b)(5), and Rule 5.72(b)(2)(B), for DAC orders submitted for execution in a FLEX open outcry auction, a User has the option to designate a delta value (per one or more legs for DAC complex orders) and/or a reference price. In-crowd market participants then determine the final delta value(s) [25] and/or reference price during the open outcry auction. That is, they would negotiate the delta value(s)/reference price as terms of the order (in conjunction with their negotiation of the price of the order) and reflect the ultimately agreed upon delta value(s)/reference price in the final terms of the DAC order. This is consistent with the manner that the terms (including execution price) of any other FLEX Order are currently negotiated and ultimately reflected for open outcry executions. For similar reasons why the Exchange believes execution of DAC orders in FLEX auctions is appropriate, the proposed rule change does not require a User to include a delta value or reference price when submitting a DAC order for open outcry execution. A floor broker may be unable to execute an order until well after it received the order for manual handling. Given that the delta and reference price may move during that time, the proposed rule provides the ability of market participants to agree to appropriate terms given the then-current underlying price or value at the time of execution. Unlike in the electronic market, in-crowd market participants are able to negotiate and agree to these terms as part of open outcry trading. As a result, the delta-adjusted price may achieve the desired result of the broker's customer.

For any DAC order that executes during a trading day, upon receipt of the official closing price for the underlying from the primary listing exchange or index provider, the System will adjust the original execution price based on the delta applied to the absolute change in the underlying between the time of execution and the market close. The Exchange notes that, like the execution price of any option, a delta-adjusted price may never be zero or negative. If this occurs as a result of the DAC calculation, the System will set the delta-adjusted price to the minimum permissible increment.

The delta adjustment formula that will be applied at the close will be as follows: [26]

[16] *See* Rule 5.72(b)(2)(A).

[17] *See* Rule 5.72(c).

[18] *See* Rule 5.73.

[19] *See* Rule 5.74.

[20] *See* Rule 5.72(d).

[21] *See* Rules 5.72(d).

[22] Amendment No. 1 provides this additional detail to the Initial Regarding Filing regarding how a DAC order message will be indicative that an order is DAC.

[23] *See* Rules 5.72(c), 5.73(c)(3) and 5.74(c)(3).

[24] The Exchange notes that if, at a later date, User demand warrants the availability of DAC orders for equity options and non-FLEX options, the Exchange could submit a proposal to make DAC orders available for equity options.

[25] The Exchange notes that in-crowd participants currently have delta values built into their own analytics and pricing tools and that generally such values only slightly differ across participants.

[26] Amendment No. 1 adds Example 3 and Example 4 below in order to provide additional detail and clarity regarding the execution and adjustment process in connection with complex strategies.

The delta-adjusted price = the original execution price + (the change in the underlying price × delta) or P2 = P1 + (U—R) * D, where:

- P1 = Original execution price
- P2 = Delta-adjusted price calculated at the close
- R = Reference price
- U = price of the underlying at the market close
- D = Delta

*Example 1:* A DAC call order is submitted for execution in an electronic auction or PAR and the price of the underlying increases from the time of execution to the market close.

- P1 = $1.00
- R = $100.00
- U = $101.00
- D = .4000

Therefore, P2 = ($1.00 + (($101–$100) * .4000) = $1.40

*Example 2:* A DAC put order in a penny increment is submitted for execution in an electronic auction or PAR and the price of the underlying increases from the time of execution to the market close.

- P1 = $1.00
- R = $100.00
- U = $103.00
- D = −.4000

Therefore, P2 = ($1.00 + ((103–$100) * −.4000) = −$0.20. However, because an execution price, including a delta-adjusted execution price, may not be negative, the System would adjust P2 = $0.01 (the minimum permissible increment).

*Example 3:* A DAC complex order has two legs, where leg 1 is buy call and leg 2 is buy put (straddle).[27]

**Leg 1**

- P1 = $18.00
- R = $2875.00
- U = $2878.00
- D = .5000

Therefore, P2 = ($18.00 + (($2878–$2875) * .5000) = $19.50

**Leg 2**

P1 = $42.00
R = $2875.00
U = $2878.00
D = −.5000
Therefore, P2 = ($42.00 + (($2878–$2875) * −.5000) = $40.50

As described above, the User would be indifferent to the move in the underlying due to the offsetting nature of the two legs. The initial execution price for the DAC complex order (P1) would be $18.00 + $42.00 = $60.00, and the adjusted price calculated at the close (P2) for the DAC complex order would be $19.50 + $40.50 = $60.00. As a result, the User in this Example 3 would be able to execute a hedged strategy earlier in the trading day and have it priced exactly in line with the underlying close without incurring any market risk or operational risk of trying to time the execution exactly at the close.

*Example 4:* A defined outcome ETF uses a simple buffer protect strategy in connection with a seed trade. The User buys the at the money put and sells the 10% out of the money put while selling the 5% out of the money call.

Leg 1: Buy SPX May 2875 put at $69.00 with 50 delta.

- P1 = $69.00
- R = $2875.00
- U = $2878.00
- D = −.5000

Therefore, P2 = ($69.00 + (($2878–$2875) * −.5000) = $67.50

Leg 2: Sell SPX May 2590 put at $15.00 with 12 delta.

- P1 = $15.00
- R = $2875.00
- U = $2878.00
- D = −.1200

Therefore, P2 = ($15.00 + (($2878—$2875) * −.1200) = $14.64

Leg 3: Sell SPX May 3020 call at $11.50 with 16 Delta.

- P1 = $11.50
- R = $2875.00
- U = $2878.00
- D = −.1600

Therefore, P2 = ($11.50 + (($2878—$2875) * −.1600) = $11.98

The initial execution price for the order would be $69.00 − $15.00 − $11.50 = $42.50. The adjusted execution price would be $67.50 − $14.64 − $11.98 = $40.88. The strategy would have an overall delta of −.54 (−.5000 + .1200 −.16). As a result, the fund would be seeded exactly at the closing price with exactly the delta exposure defined by the strategy, without incurring any operational execution risk. The User would be able to execute a hedged strategy earlier in the trading day and have it priced exactly in line with the underlying close without incurring any unanticipated market risk or operational risk of trying to time the execution exactly at the close.

The Exchange notes a User may only apply the DAC order instruction to a FLEX Order for a FLEX Option series with an exercise price expressed as a fixed price in dollars and decimals. The proposed change to Rule 5.70(a)(2) specifies that a User may not apply the DAC order instruction to a FLEX Order for a FLEX Option series with an exercise price formatted as a percentage of the closing value of the underlying on the trade date, as this functionality is not compatible with the DAC order instruction.[28] The System will need a fixed execution price at the time of order execution that will be delta-adjusted (which delta value is based on dollar price movements in the underlying) following the market close. However, a FLEX Order for a series with an exercise price formatted as a percentage of the closing value will execute at a percentage rather than a fixed price, which would not be determined until the market close. Therefore, execution price of such a FLEX Order will incorporate the closing price or value of the underlying in a different manner, and the System would not have an execution price to adjust. Similarly, the proposed change to Rule 5.70(a)(2) specifies a User will not be able to designate a FLEX Order in a FLEX Option series that is Asian- or Cliquet-settled. The settlement prices for these options are determined by averaging a pre-set number of closing index values or summing the monthly returns, respectively, on specified monthly observation dates.[29] The transaction prices for these options reflect these terms, and delta-adjustment of those transaction prices would be based on the movement of the underlying on only the transaction date. These settlement types are, as a result, inconsistent with the DAC order instruction.

The proposed definition of DAC orders in Rule 5.6(c) also states that a DAC order submitted through PAR has a Time-in-Force of Day.[30] A Time-in-force of Day for an order so designated means that the order, if not executed, expires at RTH market close. Thus, this proposed Time-in-Force for DAC orders submitted for execution in open outcry ensures that such orders will execute in line with their intended purpose—

[27] The Exchange notes that the data in Example 3 is based on actual market data pulled for SPX with: An April 30, 2020 expiration; an initial SPX index value of 2875; a closing SPX index value of 2878; 2900 call at $18; and a 2900 put at $42.

[28] *See* Rule 4.21(b)(6)(A). The Exchange notes that the proposed language in connection with FLEX Option exercise prices as a percentage of the closing value and Asian-/Cliquet-settled series was originally proposed in Rules 5.83(a)(2) and (b)(2), however, the Exchange believes that moving the proposed language to Rule 5.70(a)(2), as well as the definition of complex orders, provides better clarity regarding the application of this proposed limitation on proposed DAC orders submitted to FLEX auctions.

[29] *See* Rule 4.21(b)(5)(B). *See also id.*

[30] The Exchange again notes that electronically submitted DAC orders will be submitted through the electronic auctions, and either executed or cancelled upon the conclusion of an auction, making an instruction regarding the time the System will hold an order unnecessary. Therefore, a requirement to apply a Time-in-Force of Day is not necessary for electronic DAC orders.

intraday and as close in time as possible to the time in which it was submitted to achieve the desired result of the broker's customer. Moreover, the proposed DAC definition provides that a User may not designate a DAC order as All Sessions (*i.e.* eligible for Regular Trading Hours (''RTH'') and Global Trading Hours (''GTH'')),[31] as the adjustment calculation for DAC orders is linked to the RTH market close for the underlying securities and indexes. Additionally, equities are not traded during the entire GTH session, and not all indexes have values disseminated during GTH, so there would not be a then-current reference price for DAC orders outside of RTH.

The reference price and delta value, as well as the execution price, will be provided to all transaction parties on all fill reports at the time of the execution of a DAC order (*i.e.* an ''unadjusted DAC trade''). Unadjusted DAC trade information will also be sent to the Options Clearing Corporation (''OCC'') and disseminated to Options Price Reporting Agency (''OPRA''). Specifically for FLEX DAC orders, like for all FLEX Orders, trade information will be reported via a text message to OPRA. The Exchange notes that text messages for FLEX DAC orders will contain an indicator that the order was executed as DAC, as well as the delta and the reference price.[32] The Exchange also notes that individual legs of a FLEX DAC complex order will be reported with an identifier that they are part of a complex order just like any complex order legs are reported today.[33] Upon conclusion of the delta-adjustment of the execution price following the market close, fill restatements will be sent to all transaction parties. Matched trades will be sent to the OCC and OPRA once the restatement process is complete with the delta-adjusted price. The prior unadjusted trade reported to the OCC and disseminated to OPRA will be cancelled and replaced with a trade report with all of the same information, except the original execution price will be replaced with the delta-adjusted price.[34] A new FLEX DAC order text message will be disseminated to OPRA with the same information included in the original text plus the closing price.

[31] *See* Rule 1.1.

[32] Amendment No. 1 adds detail regarding the specific information that will be included in the FLEX text message report to OPRA in connection with the proposed DAC orders.

[33] *See id.*

[34] The Exchange notes that this restatement process is the same for an order that has been adjusted or nullified and subsequently restated pursuant to the Exchange's obvious error rules. *See* Rule 6.5.

The Exchange has discussed with both the OCC and OPRA of its plans to adopt DAC orders and confirmed that adopting the proposed restatement process is acceptable.

The Exchange has analyzed its capacity and represents that it believes the Exchange and OPRA have the necessary systems capacity to handle additional any additional order traffic, and the associated restatements, that may result from the adoption of DAC orders. Further, the Exchange represents it has an adequate surveillance program in place to monitor orders with DAC pricing and that the proposed pricing instruction will not have an adverse impact on surveillance capacity. Finally, the Exchange does not believe the proposed order instruction will have any impact on pricing or price discovery at or near the market close. A DAC order will execute intraday in the same manner as any other order, and its price will merely be automatically adjusted following determination of the final closing price or value of the underlying security or index, respectively.

## III. Proceedings To Determine Whether To Approve or Disapprove the Proposed Rule Change, as Modified by Amendment No. 1

The Commission is instituting proceedings pursuant to Section 19(b)(2)(B) of the Exchange Act [35] 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 amended proposal. Institution of proceedings does not indicate that the Commission has reached any conclusions with respect to any of the issues involved. Rather, as stated below, the Commission seeks and encourages interested persons to provide comments on the proposed rule change, as modified by Amendment No. 1, to inform the Commission's analysis of whether to approve or disapprove the proposal.

Pursuant to Section 19(b)(2)(B) of the Exchange Act,[36] 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 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.[37] Section 6(b)(5) of the Exchange Act also requires that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.[38]

[35] 15 U.S.C. 78s(b)(2)(B).

[36] *Id.*

## IV. Proccedure: 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 the proposed rule change, as modified by Amendment No. 1, including whether the proposal is consistent with Sections 6(b)(5) of the Exchange Act, any other provision of the Exchange Act, or any other rule or regulation under the Exchange Act. 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.[39]

Interested persons are invited to submit written data, views, and arguments concerning the proposed rule change, as modified by Amendment No. 1, including whether the proposal should be approved or disapproved by June 30, 2020. Any person who wishes to file a rebuttal to any other person's submission must file that rebuttal by July 14, 2020. The Commission asks that commenters address the sufficiency of the Exchange's statements in support of the proposed rule change, as modified by Amendment No. 1, in addition to any other comments they may wish to submit about the proposed rule change.

[37] 15 U.S.C. 78f(b)(5).

[38] *Id.*

[39] 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).

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–2020–014 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–2020–014. 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 these filings 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–2020–014 and should be submitted on or before June 30, 2020. Rebuttal comments should be submitted by July 14, 2020.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[40]

**J. Matthew DeLesDernier,**

*Assistant Secretary.*

[FR Doc. 2020–12381 Filed 6–8–20; 8:45 am]

**BILLING CODE 8011–01–P**

[40] 17 CFR 200.30–3(a)(57).

## SECURITIES AND EXCHANGE COMMISSION

**[SEC File No. 270–196, OMB Control No. 3235–0202]**

## Submission for OMB Review; Comment Request

*Upon Written Request, Copies Available From:* Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Extension:
Rule 15c2–11

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) (''PRA''), the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget (''OMB'') a request for approval of extension of the previously approved collection of information provided for in Rule 15c2–11, (17 CFR 240.15c2–11), under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*) (''Exchange Act'').

Rule 15c2–11 under the Exchange Act regulates the initiation or resumption of quotations in a quotation medium by a broker-dealer for over-the-counter (''OTC'') securities. The Rule is intended to prevent broker-dealers from initiating or resuming quotations for OTC securities that may facilitate a fraudulent or manipulative scheme. Subject to certain exceptions, the Rule prohibits broker-dealers from publishing a quotation for a security, or submitting a quotation for publication, in a quotation medium unless they have reviewed specified information concerning the security and the issuer. With respect to the securities of certain private issuers, a broker-dealer must make such specified information reasonably available upon request to any person expressing an interest in a proposed transaction in the security with such broker or dealer.

Based on information provided by Financial Industry Regulatory Authority, Inc. (''FINRA''), we understand that in the 2019 calendar year, approximately 34 broker-dealers completed information reviews pursuant to the Rule for 384 securities—87 concerning securities of reporting issuers and 297 concerning securities of non-reporting issuers. The collection of information that is submitted to FINRA for review and approval is currently not available to the public from FINRA.

We estimate that it will take a broker-dealer 4 hours to review, record and retain the information pertaining to a reporting issuer (approximately 3 hours relating to recordkeeping and one hour relating to third-party disclosure), and 8 hours to review, record and retain the information pertaining to a non-reporting issuer (approximately 7 hours relating to recordkeeping and one hour relating to third-party disclosure). We therefore estimate that the total time burden for recordkeeping associated with the information review requirement of the Rule will be 2,340 hours [for (87 reviews for reporting issuers × 3 hours) + (297 reviews for non-reporting issuers × 7 hours)]; and the total time burden for third-party disclosure associated with the information review requirement under the Rule will be 384 hours [for (87 reviews for reporting issuers × 1 hour) + (297 reviews for non-reporting issuers × 1 hour)]. Thus, we estimate the industrywide total annual burden hours associated with the information review requirement under the Rule to be 2,724 hours (2,340 hours for recordkeeping + 384 hours for third-party disclosure). The Commission believes that the compliance costs for these 2,724 hours would be borne by internal staff working at a rate of $62 per hour.[1]

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information under the PRA unless it displays a currently valid OMB control number.

The public may view background documentation for this information collection at the following website: *www.reginfo.gov*. Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to (i) *www.reginfo.gov/public/do/PRAMain* and (ii) David Bottom, Director/Chief Information Officer, Securities and Exchange Commission, c/o Cynthia Roscoe, 100 F Street NE, Washington, DC 20549, or by sending an email to: *PRA_Mailbox@sec.gov.*

Dated: June 3, 2020.

**J. Matthew DeLesDernier,**

*Assistant Secretary.*

[FR Doc. 2020–12389 Filed 6–8–20; 8:45 am]

**BILLING CODE 8011–01–P**

[1] The $62 per hour figure for a General Clerk is from SIFMA's Office Salaries in the Securities Industry 2013, modified by Commission staff to account for an 1800-hourwork-year and inflation, and multiplied by 2.93 to account for bonuses, firm size, employee benefits and overhead.

## SECURITIES AND EXCHANGE COMMISSION

**[SEC File No. 270–203, OMB Control No. 3235–0195]**

### Proposed Collection; Comment Request

*Upon Written Request, Copies Available From:* Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

*Extension:*
Rule 17Ab2–1, Form CA–1

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (''PRA'') (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') is soliciting comments on the collection of information provided for in Rule 17Ab2–1 (17 CFR 240.17Ab2–1) and Form CA–1: Registration of Clearing Agencies (17 CFR 249b.200) under the Securities Exchange Act of 1934 (''Exchange Act'') (15 U.S.C. 78a *et seq.*). The Commission plans to submit this existing collection of information to the Office of Management and Budget (''OMB'') for extension and approval.

Rule 17Ab2–1 and Form CA–1 require clearing agencies to register with the Commission and to meet certain requirements with regard to, among other things, the clearing agency's organization, capacities, and rules. The information is collected from the clearing agency upon the initial application for registration on Form CA–1. Thereafter, information is collected by amendment to the initial Form CA–1 when changes in circumstances that render certain information on Form CA–1 inaccurate, misleading, or incomplete necessitate modification of the information previously provided to the Commission.

The Commission uses the information disclosed on Form CA–1 to (i) determine whether an applicant meets the standards for registration set forth in Section 17A of the Exchange Act, (ii) enforce compliance with the Exchange Act's registration requirement, and (iii) provide information about specific registered clearing agencies for compliance and investigatory purposes. Without Rule 17Ab2–1, the Commission could not perform these duties as statutorily required.

The Commission staff estimates that the average Form CA–1 requires approximately 340 hours to complete and submit for approval, and that on average, the Commission receives one application each year. The Commission staff estimates that completion of an initial Form CA–1 will result in an internal cost of compliance of approximately $132,140 per year. The Commission staff estimates that it receives one amendment per year, and that an amendment requires approximately 60 hours of the exempt or registered clearing agency's staff time. The Commission staff estimates that amendment of a filed Form CA–1 will result in an internal cost of compliance of approximately $25,480 per year. Therefore, the aggregate hour burden is approximately 400 hours per year (340 + 60) and the aggregate internal cost of compliance is approximately $157,620 per year ($132,140 + $25,480).

The external costs associated with work on Form CA–1 include fees charged by outside lawyers and accountants to assist the applicant or registrant to collect and prepare the information sought by the form (though such consultations are not required by the Commission). The Commission staff estimates that these external costs are more likely when novel questions arise under a new application, rather than under periodic review and amendment. The staff estimates an annual external cost of 45 hours of an Attorney's time (estimated at $420 per hour) and 10 hours of a Senior Accountant's time (estimated at $219 per hour) for preparation of the Form CA–1, resulting in an aggregate external cost of approximately $21,090 per year (18,900 + 2,190).

Written comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's estimates of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information under the PRA unless it displays a currently valid OMB control number.

Please direct your written comments to: David Bottom, Director/Chief Information Officer, Securities and Exchange Commission, c/o Cynthia Roscoe, 100 F Street NE, Washington, DC 20549, or send an email to: *PRA_Mailbox@sec.gov.*

Dated: June 3, 2020.

**J. Matthew DeLesDernier,**

*Assistant Secretary.*

[FR Doc. 2020–12390 Filed 6–8–20; 8:45 am]

**BILLING CODE 8011–01–P**

## SECURITIES AND EXCHANGE COMMISSION

**[SEC File No. 270–112, OMB Control No. 3235–0101]**

### Submission for OMB Review; Comment Request

*Upon Written Request Copies Available From:* Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

*Extension:*
Form 144

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget this request for extension of the previously approved collections of information discussed below.

Form 144 (17 CFR 239.144) is used to report the sale of securities during any three-month period that exceeds 5,000 shares or other units and has an aggregate sales price that does not exceed $50,000. Under Sections 2(a)(11), 4(a)(1), 4(a)(2), 4(a)(4) and 19(a) of the Securities Act of 1933 (15 U.S.C. 77b(a)(11), 77d(a)(1), 77d(a)(2), 77d(a)(4) and 77s (a)) and Rule 144 (17 CFR 230.144) there under, the Commission is authorized to solicit the information required to be supplied by Form 144. The objectives of the rule could not be met, if the information collection was not required. The information collected must be filed with the Commission and is publicly available. Form 144 takes approximately one burden hour per response and is filed by 33,725 respondents for a total of 33,725 total burden hours.

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 control number.

The public may view background documentation for this information collection at the following website: *www.reginfo.gov.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. Written comments and

recommendations for the proposed information collection should be sent within 30 days of publication of this notice to (i) *www.reginfo.gov/public/do/PRAMain* and (ii) David Bottom, Director/Chief Information Officer, Securities and Exchange Commission, c/o Cynthia Roscoe, 100 F Street NE, Washington, DC 20549, or by sending an email to: *PRA_Mailbox@sec.gov.*

Dated: June 3, 2020.

**J. Matthew DeLesDernier,**

*Assistant Secretary.*

[FR Doc. 2020–12392 Filed 6–8–20; 8:45 am]

**BILLING CODE 8011–01–P**

## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34–88999; File No. SR–NYSE–2020–42]**

## Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Section 902.02 of the NYSE Listed Company Manual Concerning Pre-Revenue Companies That Can Qualify for Reduced Listing and Annual Fees

June 3, 2020.

Pursuant to Section 19(b)(1) [1] of the Securities Exchange Act of 1934 (the ''Act'') [2] and Rule 19b–4 thereunder,[3] notice is hereby given that on May 21, 2020, New York Stock Exchange LLC (''NYSE'' or the ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

### I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Section 902.02 of the NYSE Listed Company Manual (the ''Manual'') to modify the definition of a Pre-Revenue Company contained in that rule. The proposed rule change is available on the Exchange's website at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

[1] 15 U.S.C.78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

### II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

*A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change*

1. Purpose

Section 902.02 of the Manual includes a provision providing for modified listing and annual fees for companies that meet the definition of a Pre-Revenue Company set forth in that rule. For purposes of this provision, a ''Pre-Revenue Company'' is a company whose initial listing date is on or after June 1, 2019, and which has not recorded revenue in excess of $5 million in either (i) the most recent completed fiscal year prior to listing or (ii) during the year of listing through the most recently completed fiscal quarter before the listing date.[4]

In adding the provisions specific to Pre-Revenue Companies,[5] the Exchange noted that its Global Market Capitalization Test (as set forth in Section 102.01C of the Manual) allows the Exchange to list companies that have not yet recorded any significant revenues, provided the issuer has at least a $200 million global market capitalization and meets the other requirements for listing. These companies are typically engaged in research and development (in many cases they are biotechnology companies focused on developing new drug candidates) or are in the early stages of commercialization of a product. Generally, a company of this kind relies primarily on the proceeds from its initial public offering to fund its operations. As such, the fees charged by the Exchange represent a more significant expense for these companies than they do for other newly-listed companies and in many cases these fees are an impediment to the Exchange in competing for the listing of these companies. The adoption of the special provisions applicable to Pre-Revenue Companies was intended to address the particular difficulties faced by Pre-Revenue Companies in being able to pay the Exchange's fees.

Since adopting the provisions for Pre-Revenue Companies, the Exchange has observed that some companies that would otherwise qualify as a Pre-Revenue Company will have a single revenue-generating event that is not typical for a company at that stage in its life cycle. An event of this nature renders the company ineligible for Pre-Revenue Company status, notwithstanding the fact that the company has not previously generated any material revenue and does not have the prospect of generating any meaningful additional revenue for the foreseeable future. An example of this sort of one-time revenue event that the Exchange has observed is a one-time licensing payment received by a biotechnology company that is otherwise fully engaged in pre-commercial research and development activity and does not generate any revenue in the ordinary course. The Exchange believes that a company that has this sort of event that is anomalous given the nature of that company's business can still be the kind of company for which the Pre-Revenue Company provision was designed. Such a company continues to face the same challenges faced by a Pre-Revenue Company. Consequently, the Exchange now proposes to amend the definition of a Pre-Revenue Company to provide that, in determining whether a company qualifies as a Pre-Revenue Company, the Exchange will exclude from its calculations any one-time non-recurring revenue items.[6]

[4] The Annual Fees of any company which qualifies as a Pre-Revenue Company at the time of listing will be calculated quarterly for the fiscal quarter in which it lists and in each of the succeeding 12 full fiscal quarters, at a rate of one-fourth of the applicable Annual Fee rate. The total fees (including Listing Fees and Annual Fees, but excluding listing fees paid at the time of initial listing) that may be billed to such an issuer during this period will be subject to a $25,000 cap in the fiscal quarter in which the issuer lists and in each of the succeeding 12 full fiscal quarters. This fee cap is subject to the same exclusions as apply in relation to the $500,000 per year fee cap described in the subsection of Section 902.02 entitled ''Total Maximum Fee Payable in a Calendar Year.'' If there are one or more fiscal quarters remaining in the calendar year after the conclusion of the period described herein, the issuer will, on a prorated basis, be billed the regular Annual Fee subject to the $500,000 total fee cap for the remainder of that calendar year.

[5] *See* Exchange Act Release No. 85961 (May 29, 2019), 84 FR 25856 (June 4, 2019 (SR–NYSE– 2019–30).

[6] The determination of Pre-Revenue Company status is made at the time of initial listing. Therefore, there are no companies currently listed that would benefit from the proposed modification to the definition of Pre-Revenue Company.

The Exchange does not expect there to be a significant number of listings in which this proposed revision of the definition of a Pre-Revenue Company would be applicable. Consequently, the proposed rule change would not affect the Exchange's commitment of resources to its regulatory oversight of the listing process or its regulatory programs.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[7] in general, and furthers the objectives of Section 6(b)(4)[8] of the Act, in particular, in that it is designed to provide for the equitable allocation of reasonable dues, fees, and other charges. The Exchange also believes that the proposed rule change is consistent with Section 6(b)(5) of the Act,[9] in that it is designed 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 and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Proposed Change is Reasonable

The Exchange operates in a highly competitive marketplace for the listing of equity securities. The Commission has repeatedly expressed its preference for competition over regulatory intervention in determining prices, products, and services in the securities markets.

The Exchange believes that the ever-shifting market share among the exchanges with respect to new listings and the transfer of existing listings between competitor exchanges demonstrates that issuers can choose different listing markets in response to fee changes. Accordingly, competitive forces constrain exchange listing fees. Stated otherwise, changes to exchange listing fees can have a direct effect on the ability of an exchange to compete for new listings and retain existing listings.

Given this competitive environment, the Exchange believes that the proposed fee waivers are reasonable because the cost of paying initial listing fees and Annual acts as a disincentive to listing on the Exchange for companies that do not yet generate significant recurring revenues.

The Proposal is an Equitable Allocation of Fees

The Exchange believes that the proposal is equitable as it is designed to address an anomaly in the treatment of companies that are similar in nature to companies that meet the current definition of a Pre-Revenue Company.

The Proposal is Not Unfairly Discriminatory

The Exchange believes that the proposal is not unfairly discriminatory because the proposed waive is designed solely to avoid the impact on a small group of issuers of an anomalous fee outcome arising from the manner in which a one-time nonrecurring event causes them to be treated differently for fee purposes than companies that are similar to them in every other respect. Occasionally, a company will receive a one-time non-recurring payment that causes it to be ineligible for treatment as a Pre-Revenue Company for fee purposes, notwithstanding the fact that it has not generated any recurring stream of ordinary course revenue in the past and does not expect to do so for the foreseeable future. A company in this situation is subject to the same ongoing financial challenges as other companies that meet the definition of a Pre-Revenue Company and the Exchange believes that it is consistent with the purpose of the modified listing fees for a Pre-Revenue Company to modify the definition of such a company to include a company that would qualify but for the existence of a one-time, non-recurring revenue item.

Finally, the Exchange believes that it is subject to significant competitive forces, as described below in the Exchange's statement regarding the burden on competition.

For the foregoing reasons, the Exchange believes that the proposal is consistent with the Act.

*B. Self-Regulatory Organization's Statement on Burden on Competition*

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.

Intramarket Competition.

The proposed waiver will be available to all similarly situated issuers on the same basis. The Exchange does not believe that the proposed modification of the definition of a Pre-Revenue Company will have any meaningful effect on the competition among issuers listed on the Exchange.

Intermarket Competition

The Exchange operates in a highly competitive market in which issuers can readily choose to list new securities on other exchanges and transfer listings to other exchanges if they deem fee levels at those other venues to be more favorable. Because competitors are free to modify their own fees in response, and because issuers may change their listing venue, the Exchange does not believe its proposed modification of the definition of a Pre-Revenue Company can impose any burden on intermarket competition.

*C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

No written comments were solicited or received with respect to the proposed rule change.

**III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

The foregoing rule change is effective upon filing pursuant to Section 19(b)(3)(A)[10] of the Act and subparagraph (f)(2) of Rule 19b–4[11] thereunder, because it establishes a due, fee, or other charge imposed by the Exchange.

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B)[12] of the Act to determine whether the proposed rule change should be approved or disapproved.

**IV. Solicitation of Comments**

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

*Electronic Comments*

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or

[7] 15 U.S.C. 78f(b).

[8] 15 U.S.C. 78f(b)(4).

[9] 15 U.S.C. 78f(b)(5).

[10] 15 U.S.C. 78s(b)(3)(A).

[11] 17 CFR 240.19b–4(f)(2).

[12] 15 U.S.C. 78s(b)(2)(B).

• Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSE–2020–42 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–2020–42. 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–2020–42 and should be submitted on or before June 30, 2020.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[13]

**J. Matthew DeLesDernier,**

*Assistant Secretary.*

[FR Doc. 2020–12384 Filed 6–8–20; 8:45 am]

**BILLING CODE 8011–01–P**

[13] 17 CFR 200.30–3(a)(12).

## SMALL BUSINESS ADMINISTRATION

**[Disaster Declaration #16253 and #16254; Puerto Rico Disaster Number PR–00034]**

### Presidential Declaration Amendment of a Major Disaster for the Commonwealth of Puerto Rico

**AGENCY:** U.S. Small Business Administration.

**ACTION:** Amendment 9.

**SUMMARY:** This is an amendment of the Presidential declaration of a major disaster for the Commonwealth of Puerto Rico (FEMA—4473—DR), dated 01/16/2020.

*Incident:* Earthquakes.

*Incident Period:* 12/28/2019 and continuing.

**DATES:** Issued on 06/02/2020.

*Physical Loan Application Deadline Date:* 07/02/2020.

*Economic Injury (EIDL) Loan Application Deadline Date:* 10/16/2020.

**ADDRESSES:** Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

**FOR FURTHER INFORMATION CONTACT:** A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

**SUPPLEMENTARY INFORMATION:** The notice of the President's major disaster declaration for the Commonwealth of Puerto Rico, dated 01/16/2020, is hereby amended to extend the deadline for filing applications for physical damages as a result of this disaster to 07/02/2020.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Number 59008)

**Cynthia Pitts,**

*Acting Associate Administrator for Disaster Assistance.*

[FR Doc. 2020–12419 Filed 6–8–20; 8:45 am]

**BILLING CODE 8026–03–P**

## SOCIAL SECURITY ADMINISTRATION

**[Docket No. 2020–0025; Sequence No. 1; OMB Control No. 0960–XXXX]**

### Information Collection; Improving Customer Experience (OMB Circular A–11, Section 280 Implementation)

**AGENCY:** Social Security Administration.

**ACTION:** Request for comments.

**SUMMARY:** As part of the Administration's commitment to improving customer service delivery, the following proposed Information Collection Request ''Improving Customer Experience (OMB Circular A–11, Section 280 Implementation)'' is pending at the Social Security Administration. The Social Security Administration will submit it to OMB for approval under the Paperwork Reduction Act (PRA) within 30 days from the date of this notice.

**DATES:** Submit comments on or before: July 9, 2020.

**ADDRESSES:** Submit comments identified by Information Collection 0960–XXXX, Improving Customer Experience (OMB Circular A–11, Section 280 Implementation), by any of the following methods:

• *Federal eRulemaking portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments to *https://www.regulations.gov,* will be posted to the docket unchanged.

• *Mail:* Social Security Administration, OLCA, 3100 West High Rise, 6401 Security Blvd. Baltimore, MD. ATTN: Reports Clearance Director, Improving Customer Experience (OMB Circular A–11, Section 280 Implementation).

*Instructions:* Please submit comments only and cite Information Collection 0960–XXXX, Improving Customer Experience (OMB Circular A–11, Section 280 Implementation) in all correspondence related to this collection. To confirm receipt of your comment(s), please check *regulations.gov,* approximately two-to-three business days after submission to verify posting (except allow 30 days for posting of comments submitted by mail).

**SUPPLEMENTARY INFORMATION:**

*Title:* Improving Customer Experience (OMB Circular A–11, Section 280 Implementation).

*Abstract:* A modern, streamlined and responsive customer experience means: Raising government-wide customer experience to the average of the private sector service industry; developing indicators for high-impact Federal programs to monitor progress towards excellent customer experience and mature digital services; and providing the structure (including increasing transparency) and resources to ensure customer experience is a focal point for agency leadership.

This proposed information collection activity provides a means to garner customer and stakeholder feedback in an efficient, timely manner in accordance with the Administration's

commitment to improving customer service delivery as discussed in Section 280 of OMB Circular A–11 at *https://www.whitehouse.gov/wp-content/uploads/2018/06/s280.pdf.*

As discussed in OMB guidance, agencies should identify their highest-impact customer journeys (using customer volume, annual program cost, and/or knowledge of customer priority as weighting factors) and select touchpoints/transactions within those journeys to collect feedback.

These results will be used to improve the delivery of Federal services and programs. It will also provide government-wide data on customer experience that can be displayed on *www.performance.gov* to help build transparency and accountability of Federal programs to the customers they serve.

As a general matter, these information collections will not result in any new system of records containing privacy information and will not ask questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.

Social Security Administration will only submit collections if they meet the following criteria.

- The collections are voluntary;
- The collections are low-burden for respondents (based on considerations of total burden hours or burden-hours per respondent) and are low-cost for both the respondents and the Federal Government;
- The collections are non-controversial and do not raise issues of concern to other Federal agencies;
- Any collection is targeted to the solicitation of opinions from respondents who have experience with the program or may have experience with the program in the near future;
- Personally identifiable information (PII) is collected only to the extent necessary and is not retained;
- Information gathered is intended to be used for general service improvement and program management purposes; and
- Upon agreement between OMB and the agency all or a subset of information may be released as part of A–11, Section 280 requirements only on *performance.gov.* Summaries of customer research and user testing activities may be included in public-facing customer journey maps.
- Additional release of data must be done coordinated with OMB.

These collections will allow for ongoing, collaborative and actionable communications between the Agency, its customers and stakeholders, and OMB as it monitors agency compliance on Section 280. These responses will inform efforts to improve or maintain the quality of service offered to the public. If this information is not collected, vital feedback from customers and stakeholders on services will be unavailable.

*Current Action:* New Collection of Information.

*Type of Review:* New.

*Affected Public:* Individuals and Households, Businesses and Organizations, State, Local or Tribal Government.

*Estimated Number of Respondents:* Below is a preliminary estimate of the aggregate burden hours for this new collection. Social Security Administration will provide refined estimates of burden in subsequent notices.

*Average Expected Annual Number of Activities:* Approximately <17,866,680> customer experience activities such as feedback surveys, focus groups, user testing, and interviews.

*Average Number of Respondents per Activity:* 1 response per respondent per activity.

*Annual Responses:* 5,955,560.

*Average Minutes per Response:* 12 minutes, dependent upon activity.

*Note:* This burden per response figure is not exact, as we will have multiple collection modalities under this OMB Number with different response time estimates, and we input the closest minute estimate to complete the chart. In the Supporting documents, we will explain in further detail the different modalities and their actual numbers.

*Burden Hours:* Social Security Administration requests approximately 1,142,192 burden hours.

*Request for Comments:* Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information, to search data sources, to complete and review the collection of information; and to transmit or otherwise disclose the information.

All written comments will be available for public inspection at *Regulations.gov*.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid Office of Management and Budget control number.

Dated: June 4, 2020.

**Naomi Sipple,**

*Reports Clearance Officer, Social Security Administration.*

[FR Doc. 2020–12448 Filed 6–8–20; 8:45 am]

**BILLING CODE 4191–02–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

**[Summary Notice No. 2020–38]**

### Petition for Exemption; Summary of Petition Received; AirOne Helicopters, 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 June 15, 2020.

**ADDRESSES:** Send comments identified by docket number FAA–2020–0357 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:** Linda Lane (202) 267–7280, 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 June 3, 2020.

**Brandon Roberts,**

*Acting Executive Director, Office of Rulemaking.*

## PETITION FOR EXEMPTION

*Docket No.:* FAA–2020–0357

*Petitioner:* AirOne Helicopters, LLC

*Section(s) of 14 CFR Affected:* § 135.293

*Description of Relief Sought:* The petitioner seeks relief from the initial and recurrent pilot testing requirements of § 135.293 of 14 CFR. The petitioner proposes utilizing a Designated Pilot Examiner (DPE) instead of the Administrator or authorized check pilot to fulfill the flight competency check requirements.

[FR Doc. 2020–12420 Filed 6–8–20; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

**[Summary Notice No. 2020–24]**

### Petition for Exemption; Summary of Petition Received; School of Missionary Aviation Technology

**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 June 15, 2020.

**ADDRESSES:** Send comments identified by docket number FAA–2020–0417 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:** Brent Hart (202–267–4034), 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 June 3, 2020.

**Brandon Roberts,**

*Acting Executive Director, Office of Rulemaking.*

## Petition for Exemption

*Docket No.:* FAA–2020–0417.

*Petitioner:* School of Missionary Aviation Technology.

*Section(s) of 14 CFR Affected:* § 147.31(a).

*Description of Relief Sought:* The School of Missionary Aviation Technology is seeking an exemption to allow it to conduct classes of instruction 9 hours per day, 45 hours per week for the remaining 797 hours of instruction required to complete the current FAA approved aviation maintenance technician (AMT) program year as a result of the effects of the COVID–19 virus.

[FR Doc. 2020–12388 Filed 6–8–20; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

### Notice of Funding Opportunity for Railroad Trespassing Suicide Prevention Grant Program

**AGENCY:** Federal Railroad Administration (FRA), Department of Transportation (DOT or Department).

**ACTION:** Notice of Funding Opportunity (notice or NOFO).

**SUMMARY:** This notice details the application requirements and procedures to obtain funding for eligible projects under the Railroad Trespassing Suicide Prevention Grant Program. Railroad Trespassing Suicide Prevention Grant Program funding totaling $293,000 is provided in this NOFO by the 2019 and 2020 consolidated appropriations acts, which require the FRA to implement a railroad trespasser prevention strategy. This program is part of the FRA's implementation of railroad trespass prevention efforts. The opportunities described in this notice

are available under Catalog of Federal Domestic Assistance number 20.301, ''Rail Safety Grants.''

**DATES:** Applications for funding under this solicitation are due no later than 5:00 p.m. Eastern Time (ET), on August 10, 2020. Applications for funding received after 5:00 p.m. ET on August 10, 2020 will not be considered for funding. See Section D of this notice for additional information on the application process.

**ADDRESSES:** Applications must be submitted via *www.Grants.gov*. Only applicants who comply with all submission requirements described in this notice and submit applications through *Grants.gov* will be eligible for award. For any supporting application materials that an applicant is unable to submit via *Grants.gov*, an applicant may submit an original and two (2) copies to Matthew Lorah, Office of the Chief Financial Officer, Federal Railroad Administration, 1200 New Jersey Avenue SE, Room W36–103, Washington, DC 20590; email: *matthew.lorah@dot.gov;* phone: 202–493–6186. However, due to delays caused by enhanced screening of mail delivered via the U.S. Postal Service, applicants are advised to use other means of conveyance (such as courier service) to assure timely receipt of materials.

**FOR FURTHER INFORMATION CONTACT:** For further information regarding this program, please contact Michail Grizkewitsch, Office of Railroad Safety, Federal Railroad Administration, 1200 New Jersey Avenue SE, Room W33–446, Washington, DC 20590; email: *Michail.grizkewitsch@dot.gov;* phone: (202) 493–1370. Application submission and processing questions should be addressed to Matthew Lorah, Office of the Chief Financial Officer, Federal Railroad Administration, 1200 New Jersey Avenue SE, Room W36–103, Washington, DC 20590; email: *matthew.lorah@dot.gov;* phone: 202–493–6186.

**SUPPLEMENTARY INFORMATION:**

*Notice to applicants:* FRA recommends that applicants read this notice in its entirety prior to preparing application materials. Definitions of key terms used throughout the NOFO are provided in Section A(2) below. These key terms are capitalized throughout the NOFO. There are several administrative prerequisites and eligibility requirements described herein with which applicants must comply. Additionally, applicants should note that the required Project Narrative component of the application package may not exceed 25 pages in length.

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## A. Program Description

*1. Overview*

An average of 289 individuals commit suicide each year on the U.S. rail system. This represents nearly a third of the fatalities related to railroad operations in the U.S. Grade crossing safety and trespass prevention are incorrectly considered by some as challenges to be addressed by Railroad Carriers alone, when in fact the prevention of grade crossing and trespasser fatalities is most effectively addressed through thoughtful and consistent collaboration between all stakeholders, including the Railroad Carriers, communities, law enforcement, educators, and mental health organizations. Funding under this NOFO is intended to facilitate this collaboration, specifically as pertains to suicide prevention.

Trespassing is the leading cause of rail-related casualties (injuries and fatalities) in the U.S. and many of these trespass deaths are the result of an intentional act of suicide. The increasing number of fatalities resulting from trespassing prompted Congress to direct FRA to create a National Trespass Prevention Strategy. In its strategy, FRA identified approaches to reduce the occurrence of trespassing, including collaboration with stakeholders to address the issue of suicide.

Suicides related to railroad operations represent a small, but continually increasing, percentage of the total suicides that occur in the U.S. each year. Funding under this NOFO is intended to identify and fund partnerships between organizations focused on suicide prevention and/or mental health assistance and Railroad Carriers to develop and implement a targeted Outreach Campaign (as defined below) to reduce the number of railroad-related suicides.

The purpose of this notice is to solicit applications for the competitive Railroad Trespassing Suicide Prevention Grant Program funding provided in the Consolidated Appropriations Act, 2019, Div. G, Title I, Public Law 116–6 and Consolidated Appropriations Act, 2020, Div. H, Title I, Public Law 116–94. Grants [1] under this NOFO are authorized in 49 U.S.C. 103(i), pursuant to FRA's implementation of 49 U.S.C. 20151(b).

Rural transportation networks play a vital role in supporting our national economic vitality. Addressing the deteriorating conditions and disproportionately high fatality rates on our rural transportation infrastructure is of critical interest to the Department, as rural transportation networks face unique challenges in safety, infrastructure condition, and passenger and freight usage. Consistent with the R.O.U.T.E.S. Initiative, the Department will consider how projects would address the challenges faced by Rural Areas.

*2. Definitions of Key Terms*

a. ''Railroad Carrier'' means a person providing railroad transportation. For the purpose of this definition, ''railroad'' is defined under 49 U.S.C. 20102(2).

b. ''Outreach Campaign'' means any coordinated communication and assistance effort focused on a specific population, in this case individuals suffering from mental health issues who may be contemplating suicide.

c. ''Rural Area'' means any area not in an urbanized area as defined by the Census Bureau. The Census Bureau defines Urbanized Area (UA) as an area with a population of 50,000 or more people. Updated lists of UAs as defined by the Census Bureau are available on the Census Bureau website at *http://www2.census.gov/geo/maps/dc10map/UAUC_RefMap/ua/.*

## B. Federal Award Information

*1. Available Award Amount*

The total funding available for awards under this NOFO is $293,000. Should additional funds become available after the release of this NOFO, FRA may elect to award such additional funds to applications received under this NOFO not to exceed $100,000 per project. Any selection and award under this NOFO is subject to the availability of appropriated funds.

*2. Award Size*

The maximum dollar threshold for awards is $100,000 per project. There is no predetermined minimum dollar threshold, and FRA may choose to select one or more eligible projects for funding. FRA may not be able to award grants to all eligible applications, nor

[1] The term ''grant'' used throughout this document is intended to reference funding awarded through a grant agreement, as well as funding awarded through a cooperative agreement.

even to all applications that meet or exceed the stated evaluation criteria (see Section E, Application Review Information).

*3. Award Type*

FRA will make awards for projects selected under this notice through grant agreements. Grant agreements are used when FRA does not expect to have substantial Federal involvement in carrying out the funded activity. The funding provided under this NOFO will be made available to grantees on a reimbursable basis. Applicants must certify that their expenditures are allowable, allocable, reasonable, and necessary to the approved project before seeking reimbursement from FRA. See an example of standard terms and conditions for FRA grant awards at *https://railroads.dot.gov/elibrary/notice-grant-award-example.* This template is subject to revision.

**C. Eligibility Information**

This section of the notice explains the requirements for submitting an eligible grant application. Applications that do not meet the requirements in this section will be considered ineligible for funding. Instructions for conveying eligibility information to FRA are detailed in Section D of this NOFO.

*1. Eligible Applicants*

The following entities are eligible applicants permitted under this notice. See Section C(3). Applicants for this grant must be an organization in the U.S. that focus on suicide prevention and/or mental health assistance that can implement an Outreach Campaign for reducing suicide involving railroad trespassing or be a Railroad Carrier interested in starting or expanding efforts to prevent trespass suicide. Ideally, an organization without direct rail domain knowledge would coordinate with a particular Railroad Carrier, as shown through a letter of support. A similar letter of support from a suicide prevention and/or mental health assistance focused organization would be ideal should a Railroad Carrier apply for funding.

*2. Cost Sharing or Matching*

Neither cost sharing nor matching is a requirement for this grant program. The funds provided under this NOFO are available only for eligible project costs of eligible Railroad Trespassing Suicide Prevention Grant Program projects. The estimated total cost of a project must be based on the best available information.

*3. Project Eligibility*

Projects eligible for funding under this NOFO implement a proposed Outreach Campaign for reducing suicides that involve railroad trespassing. The Outreach Campaign may involve training staff to identify individuals at risk and intervene, raising awareness of services via signage or public awareness campaigns, or implementing other strategies. Projects must be specifically tailored to directly reduce railroad suicide incidents. At least 1 mile of FRA-regulated railroad track must be within the boundaries of the planned outreach activities.

Funding under this NOFO may not be used for costs that are included in, or used to meet cost sharing or matching requirements of, any other Federally-financed award or program.

FRA will consider a project to be in a Rural Area if all or the majority of the project (determined by geographic location(s) where the majority of the project funds will be spent) is located in a Rural Area. However, in the event FRA elects to fund a component of the project, then FRA will reexamine whether the project is in a Rural Area.

**D. Application and Submission Information**

Required documents for the application are outlined in the following paragraphs. Applicants must complete and submit all components of the application. See Section D(2) for the application checklist. FRA welcomes the submission of additional relevant supporting documentation, such as letters of support from partnering organizations and references to previous work on suicide prevention Outreach Campaigns that will not count against the Project Narrative 25-page limit.

*1. Address To Request Application Package*

Applicants must submit all application materials through *http://www.Grants.gov* no later than 5:00 p.m. ET, on August 10, 2020. Applicants are strongly encouraged to apply early to ensure that all materials are received before the application deadline. General information for submitting applications through *Grants.gov* can be found at: *https://www.fra.dot.gov/Page/P0270.* FRA is committed to ensuring that information is available in appropriate alternative formats to meet the requirements of persons who have a disability. If you require an alternative version of files provided, please contact Matthew Lorah, Office of the Chief Financial Officer, Federal Railroad Administration, 1200 New Jersey Avenue SE, Room W36–103, Washington, DC 20590; email: *matthew.lorah@dot.gov;* phone: 202–493–6186.

*2. Content and Form of Application Submission*

FRA strongly advises applicants to read this section carefully. Applicants must submit all required information and components of the application package to be considered for funding. Required documents for an application package are outlined in the checklist below.

- Project Narrative (see D.2.a)
- Statement of Work (see D.2.b.i)
- SF424—Application for Federal Assistance
- 424A—Budget Information for Non-Construction projects
- SF 424B—Assurances for Non-Construction projects
- FRA's Additional Assurances and Certifications
- SF LLL—Disclosure of Lobbying Activities

a. Project Narrative

This section describes the minimum content required in the Project Narrative of the grant application. The Project Narrative must follow the basic outline below to address the program requirements and assist evaluators in locating relevant information.

| | |
|---|---|
| I. Cover Page | See D.2.a.i |
| II. Project Summary | See D.2.a.ii |
| III. Applicant Eligibility Criteria | See D.2.a.iii |
| IV. Project Eligibility Criteria | See D.2.a.iv |
| V. Detailed Project Description | See D.2.a.v |
| VI. Evaluation and Selection Criteria. | See D.2.a.vi |
| VII. Project Implementation and Management. | See D.2.a.vii |

The above content must be provided in a narrative statement submitted by the applicant. The Project Narrative may not exceed 25 pages in length (excluding cover pages, table of contents, and supporting documentation.) FRA will not review or consider Project Narratives beyond the 25-page limitation. If possible, applicants should submit supporting documents via website links rather than hard copies. If supporting documents are submitted, applicants must clearly identify the page number of the relevant portion of the supporting documentation in the Project Narrative. The Project Narrative must adhere to the following outline.

i. *Cover Page:* Include a cover page that lists the following elements in either a table or formatted list:

Project Title
Applicant

Total project cost
Amount of Federal funding requested
City(ies), State(s) where the project is located
Congressional district(s) where the project is located

ii. *Project Summary:* Provide a brief 4–6 sentence summary of the proposed Outreach Campaign. Include challenges and summarize the intended outcomes and anticipated benefits that will result from the proposed project.

iii. *Applicant Eligibility Criteria:* Explain how the applicant meets the applicant eligibility criteria outlined in Section C(1) of this notice.

iv. *Project Eligibility Criteria:* Explain how the project meets the project eligibility criteria in Section C(3) of this notice.

v. *Detailed Project Description:* Include a detailed project description of the suicide prevention Outreach Campaign proposed for implementation that expands upon the brief summary required above. This detailed description should provide, at a minimum: How the proposed campaign will be implemented along with additional background on the challenges the project aims to address, the expected users, beneficiaries, and outcomes of the project, and any other information the applicant deems necessary to justify the proposed project. Describe how and to what extent rail trespass suicide is expected to be reduced, including proposed measures to assess this reduction. Specify the relevance or relationship of the proposed project to other investments, if applicable, as well as the changes that are anticipated to result from the project. Provide a detailed summary of all related outreach completed to date, if applicable. Include previous accomplishments and funding history including Federal financial assistance, and a chronology of key documents produced.

If applicable, explain how the project will benefit communities in Rural Areas. If all or a majority of a project is located in a Rural Area, identify the Rural Area(s) and estimated percentage of project costs that will be spent in the Rural Area.

vi. *Evaluation and Selection Criteria:* Include a thorough discussion of how the proposed project meets all of the evaluation and selection criteria, as outlined in Section E of this notice. If an application does not sufficiently address the evaluation criteria and the selection criteria, it is unlikely to be a competitive application.

vii. *Project Implementation and Management:* Describe proposed project implementation and project management arrangements for the project, including the activities proposed in this application. Include descriptions of the expected arrangements for project contracting, contract oversight, risk management, and conformance to Federal requirements for project progress reporting (see *https://www.fra.dot.gov/Page/P0274*). Describe past experience in managing and overseeing similar projects.

viii. *Procurement System.* A statement that the lead applicant has a system for procuring property and services under a Federal award provided under this NOFO that supports the provisions in 2 CFR part 200 Subpart D-Procurement Standards at 2 CFR 200.317–326 and 2 CFR 1201.317.

ix. *Applicant Statement.* A statement indicating whether the applicant or any of its principals:

(A) is presently suspended, debarred, voluntarily excluded, or disqualified;

(B) has been convicted within the preceding 3 years of any of the offenses listed in 2 CFR 180.800(a); or had a civil judgment rendered against the organization or the individual for one of those offenses within that time period;

(C) is presently indicted for, or otherwise criminally or civilly charged by a governmental entity (Federal, state or local) with, commission of any of the offenses listed in 2 CFR 180.800(a); or,

(D) has had one or more public transactions (Federal, state, or local) terminated within the preceding 3 years for cause or default (including material failure to comply).

b. Additional Application Elements

Applicants must include the following documents in the application package:

i. A Statement of Work (SOW) addressing the scope, schedule, and budget for the proposed project if it were selected for award. The SOW must contain sufficient detail so FRA, and the applicant, can understand the expected outcomes of the proposed work to be performed and can monitor progress toward completing project tasks and deliverables during a prospective grant's period of performance. Applicants must use FRA's standard SOW, schedule, and budget templates to be considered for award. The templates are located at: *https://www.fra.dot.gov/Page/P0325*. When preparing the budget, the total cost of a project must be based on the best available information as indicated in cited references.

ii. SF 424—Application for Federal Assistance;

iii. SF 424A—Budget Information for Non-Construction;

iv. SF 424B—Assurances for Non-Construction;

v. FRA's Additional Assurances and Certifications; and

vi. SF LLL—Disclosure of Lobbying Activities.

Forms needed for the electronic application process are at *www.grants.gov.*

c. Post-Selection Requirements

See Section F(2) for post-selection requirements.

*3. Unique Entity Identifier and System for Award Management (SAM)*

To apply for funding through *Grants.gov*, applicants must be properly registered in SAM before submitting an application, provide a valid unique entity identifier in its application, and continue to maintain an active SAM registration as described in detail below. Complete instructions on how to register and submit an application can be found at *Grants.gov*. Registering with *Grants.gov* is a one-time process; however, it can take up to several weeks for first-time registrants to receive confirmation and a user password. FRA recommends that applicants start the registration process as early as possible to prevent delays that may preclude submitting an application package by the application deadline. Applications will not be accepted after the due date. Delayed registration is not an acceptable justification for an application extension.

FRA may not make a grant award to an applicant until the applicant has complied with all applicable Data Universal Numbering System (DUNS) and SAM requirements, and if an applicant has not fully complied with the requirements by the time the Federal awarding agency is ready to make a Federal award, the Federal awarding agency may determine that the applicant is not qualified to receive a Federal award and use that determination as a basis for making a Federal award to another applicant. (Please note that if a Dun & Bradstreet DUNS number must be obtained or renewed, this may take a significant amount of time to complete.) Late applications that are the result of a failure to register or comply with *Grants.gov* applicant requirements in a timely manner will not be considered. If an applicant has not fully complied with the requirements by the submission deadline, the application will not be considered. To submit an application through *Grants.gov*, applicants must:

a. Obtain a DUNS Number

A DUNS number is required for *Grants.gov* registration. The Office of Management and Budget requires that all businesses and nonprofit applicants for Federal funds include a DUNS number in their applications for a new award or renewal of an existing award. A DUNS number is a unique nine-digit sequence recognized as the universal standard for the government in identifying and keeping track of entities receiving Federal funds. The identifier is used for tracking purposes and to validate address and point of contact information for Federal assistance applicants, recipients, and subrecipients. The DUNS number will be used throughout the grant life cycle. Obtaining a DUNS number is a free, one-time activity. Applicants may obtain a DUNS number by calling 1–866–705–5711 or by applying online at *http://www.dnb.com/us.*

b. Register With the SAM at *www.SAM.gov*

All applicants for Federal financial assistance must maintain current registrations in the SAM database. An applicant must be registered in SAM to successfully register in *Grants.gov*. The SAM database is the repository for standard information about Federal financial assistance applicants, recipients, and subrecipients. Organizations that have previously submitted applications via *Grants.gov* are already registered with SAM, as it is a requirement for *Grants.gov* registration. Please note, however, that applicants must update or renew their SAM registration at least once per year to maintain an active status. Therefore, it is critical to check registration status well in advance of the application deadline. If an applicant is selected for an award, the applicant must maintain an active SAM registration with current information throughout the period of the award.

Information about SAM registration procedures is available at *www.sam.gov.*

c. Create a *Grants.gov* Username and Password

Applicants must complete an Authorized Organization Representative (AOR) profile on *www.Grants.gov* and create a username and password. Applicants must use the organization's DUNS number to complete this step. Additional information about the registration process is available at: *https://www.grants.gov/web/grants/applicants/organization-registration.html.*

d. Acquire Authorization for Your AOR From the E-Business Point of Contact (E-Biz POC)

The E-Biz POC at the applicant's organization must respond to the registration email from *Grants.gov* and login at *www.Grants.gov* to authorize the applicant as the AOR. Please note there can be more than one AOR for an organization.

*4. Submission Dates and Times*

Applicants must submit complete applications in their entirety to *www.Grants.gov* no later than 5:00 p.m. ET, August 10, 2020. Applicants will receive a system-generated acknowledgement of receipt. FRA reviews *www.Grants.gov* information on dates/times of applications submitted to determine timeliness of submissions. Late applications will be neither reviewed nor considered. Delayed registration is not an acceptable reason for late submission. Applicants are strongly encouraged to apply early to ensure that all materials are received before this deadline.

To ensure a fair competition of limited discretionary funds, the following conditions are not valid reasons to permit late submissions: (1) Failure to complete the registration process before the deadline; (2) failure to follow *Grants.gov* instructions on how to register and apply as posted on its website; (3) failure to follow all instructions in this NOFO; and (4) technical issues experienced with the applicant's computer or information technology environment.

*5. Intergovernmental Review*

Executive Order 12372 requires applicants from State and local units of government or other organizations providing services within a State to submit a copy of the application to the State Single Point of Contact (SPOC), if one exists, and if this program has been selected for review by the State. Applicants may contact their State SPOC to determine if the program has been selected for State review. As of October 1, 2018, Intergovernmental Review was not required for this program.

*6. Funding Restrictions*

Consistent with 2 CFR 200.458, FRA will only approve pre-award costs if such costs are incurred pursuant to the negotiation and in anticipation of the grant agreement and if such costs are necessary for efficient and timely performance of the scope of work. Under 2 CFR 200.458, grantees must seek written approval from the FRA for pre-award activities to be eligible for reimbursement under the grant. Activities initiated prior to the execution of a grant or without written approval may not be eligible for reimbursement or included as a grantee's matching contribution. Further, funding under this NOFO may not be used for costs that are included as a cost or used to meet cost sharing or matching requirements of any other Federally financed project or program. Cost sharing or matching may be used only for authorized Federal award purposes. Indirect costs will not be reimbursed under this grant program.

*7. Other Submission Requirements*

For any supporting application materials that an applicant cannot submit via *Grants.gov*, an applicant may submit an original and two (2) copies to Matthew Lorah, Office of the Chief Financial Officer, Federal Railroad Administration, 1200 New Jersey Avenue SE, Room W36–103, Washington, DC 20590. However, due to delays caused by enhanced screening of mail delivered via the U.S. Postal Service, FRA advises applicants to use other means of conveyance (such as courier service) to assure timely receipt of materials before the application deadline. Additionally, if documents can be obtained online, providing instructions to FRA on how to access files on a referenced website may also be sufficient.

**Note:** Please use generally accepted formats such as .pdf, .doc, .docx, .xls, .xlsx and .ppt, when uploading attachments. While applicants may embed picture files, such as .jpg, .gif, and .bmp, in document files, applicants should not submit attachments in these formats. Additionally, the following formats will not be accepted: .com, .bat, .exe, .vbs, .cfg, .dat, .db, .dbf, .dll, .ini, .log, .ora, .sys, and .zip.

If an applicant experiences difficulties at any point during this process, please call the *Grants.gov* Customer Center Hotline at 1–800–518–4726, 24 hours a day, 7 days a week (closed on Federal holidays). For information and instructions on each of these processes, please see instructions at: *http://www.grants.gov/web/grants/applicants/apply-for-grants.html.* See Section D(1) of this NOFO for information on where applications must be submitted if sent by postal mail, electronic means or hand delivery.

**E. Application Review Information**

*1. Criteria*

a. Eligibility, Completeness and Applicant Risk Review

FRA will first screen each application for eligibility (eligibility requirements

are outlined in Section C of this notice), completeness (application documentation and submission requirements are outlined in Section D of this notice) and applicant risk.

b. Evaluation Criteria

FRA subject-matter experts will evaluate all eligible and complete applications against the following evaluation criteria:

i. Technical Merit. FRA will evaluate application information for the degree to which:

(E) The application is thorough and responsive to all the requirements outlined in this NOFO.

(F) The tasks outlined in the SOW and described in the project narrative are appropriate to achieve the expected benefits of the proposed project.

(G) The technical qualifications and experience of key personnel proposed to lead and perform the technical efforts, and the qualifications of the primary and supporting organizations to fully and successfully execute the proposed project within the proposed timeframe and budget are demonstrated.

ii. Project Benefits. FRA intends to award funds to projects that achieve the maximum benefits possible. FRA will evaluate the extent to which:

(A) The application contains data and/or supporting information to support the proposed suicide prevention Outreach Campaign. This information could include:

- Data from prior suicide prevention or public safety initiatives which demonstrate the ability to implement a mitigation strategy and document impact.
- Examples of prior collaborative efforts with transportation entities, state/local government, communities, and/or other suicide prevention or safety organizations.
- Examples of prior efforts to address suicide and or mental health awareness.

(B) The applicant describes the expected benefit of the project, namely how the funded project will prevent rail-related suicide including how and to what extent rail trespass suicide is expected to be reduced.

(C) The applicant demonstrates a cooperative relationship with stakeholders (*e.g.,* Railroad Carriers).

c. Selection Criteria

In addition to the eligibility, completeness and applicant risk review and the evaluation criteria outlined in this section, the FRA Administrator (or his designee) will determine the final selection of projects for program funding.

i. FRA will take into account the following key Departmental objectives:

(A) Using innovative approaches to improve safety and expedite project delivery; and,

(B) Holding grant recipients accountable for their performance and achieving specific, measurable outcomes identified by grant applicants.

ii. In determining the allocation of program funds, FRA will also consider geographic diversity, diversity in the size of the systems receiving funding, the applicant's receipt of other competitive awards, projects located in or that support transportation service in a qualified opportunity zone designated pursuant to 26 U.S.C. 1400Z–1.

iii. Consistent with the Department's R.O.U.T.E.S. Initiative, the DOT recognizes that rural transportation networks face unique challenges. To the extent that those challenges are reflected in the applicant's response to the criteria listed in this section, the FRA will consider how the activities proposed in the application will address those challenges, regardless of the geographic location of those activities.

*2. Review and Selection Process*

FRA will conduct a three-part application review process, as follows:

a. Screening applications for completeness, eligibility and applicant risk (completed by FRA grants staff);

b. Evaluating the technical merit of eligible applications (completed by subject matter experts applying the evaluation criteria); and

c. Selection of projects for award by the FRA Administrator for the Secretary's review and approval.

*3. Reporting Matters Related to Integrity and Performance*

Before making a Federal award with a total amount of Federal share greater than the simplified acquisition threshold (see 2 CFR 200.88 Simplified Acquisition Threshold), FRA will review and consider any information about the applicant that is in the designated integrity and performance system accessible through SAM (currently the Federal Awardee Performance and Integrity Information System (FAPIIS)). See 41 U.S.C. 2313.

An applicant, at its option, may review information in the designated integrity and performance systems accessible through SAM and comment on any information about itself that a Federal awarding agency previously entered and is currently in the designated integrity and performance system accessible through SAM.

FRA will consider any comments by the applicant, in addition to the other information in the designated integrity and performance system, in making a judgment about the applicant's integrity, business ethics, and record of performance under Federal awards when completing the review of risk posed by applicants as described in 2 CFR 200.205.

**F. Federal Award Administration Information**

*1. Federal Award Notice*

FRA will announce applications selected for funding in a press release and on the FRA website after the application review period. FRA will contact applicants with successful applications after announcement with information and instructions about the award process. This notification is not an authorization to begin proposed project activities. FRA requires satisfaction of applicable requirements by the applicant and a formal agreement signed by both the grantee and the FRA, including an approved scope, schedule, and budget, to obligate the grant.

*2. Administrative and National Policy Requirements*

In connection with any program or activity conducted with or benefiting from funds awarded under this notice, recipients of funds must comply with all applicable requirements of Federal law, including, without limitation, the Constitution of the United States; the conditions of performance, nondiscrimination requirements, and other assurances made applicable to the award of funds in accordance with regulations of the Department of Transportation; and applicable Federal financial assistance and contracting principles promulgated by the Office of Management and Budget. In complying with these requirements, recipients, in particular, must ensure that no concession agreements are denied or other contracting decisions made on the basis of speech or other activities protected by the First Amendment. If the Department determines that a recipient has failed to comply with applicable Federal requirements, the Department may terminate the award of funds and disallow previously incurred costs, requiring the recipient to reimburse any expended award funds.

Examples of administrative and national policy requirements include: 2 CFR part 200; procurement standards at 2 CFR part 200 Subpart D—Procurement Standards, 2 CFR 1207.317 and 2 CFR 200.401; compliance with Federal civil rights laws and regulations; disadvantaged business enterprises; debarment and suspension; drug-free workplace; FRA's and OMB's Assurances and Certifications;

Americans with Disabilities Act; safety requirements; NEPA; environmental justice and the Buy American Act, 41 U.S.C. 8301–8305. Unless otherwise stated in statutory or legislative authority, or appropriations language, all financial assistance awards follow the Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards at 2 CFR part 200 and 2 CFR part 1201.

Grantees must comply with applicable appropriations act requirements and all relevant requirements of 2 CFR part 200. Rights to intangible property under grants awarded under this NOFO are governed in accordance with 2 CFR 200.315. Unless otherwise stated in the Federal award, FRA will not consider non-federal entities as that term is used in 2 CFR part 200 to include for-profit entities. See an example of standard terms and conditions for FRA grant awards at *https://www.fra.dot.gov/eLib/details/L05285.* This template is subject to revision.

*3. Reporting*

a. Progress Reporting on Grant Activity

Each applicant selected for a grant will be required to comply with all standard FRA reporting requirements, including quarterly progress reports, quarterly Federal financial reports, and interim and final performance reports, as well as all applicable auditing, monitoring and close out requirements. Reports may be submitted electronically.

b. Additional Reporting

Applicants selected for funding are required to comply with all reporting requirements in the standard terms and conditions for FRA grant awards including 2 CFR 180.335 and 2 CFR 180.350. See an example of standard terms and conditions for FRA grant awards at: *https://www.fra.dot.gov/eLib/details/L05285.* This template is subject to revision.

c. Performance Reporting

Each applicant selected for funding must report on the project's performance using measures mutually agreed upon by FRA and the grantee to assess progress in achieving strategic goals and objectives. The information should include indicators of success (*e.g.,* anticipated reach of messaging efforts or contacts made by personnel with individuals at risk or reduced suicide incidents.) The FRA maintains the rights to re-publish and use information under this grant for the advancement of safety.

**G. Federal Awarding Agency Contacts**

For further information regarding this notice and the Railroad Trespassing Suicide Prevention Grant Program, please contact Michail Grizkewitsch, Office of Railroad Safety, Federal Railroad Administration, 1200 New Jersey Avenue SE, Room W33–446, Washington, DC 20590; email: *Michail.grizkewitsch@dot.gov*; phone: (202) 493–1370. Grant application submission and processing questions should be addressed to Matthew Lorah, Office of the Chief Financial Officer, Federal Railroad Administration, 1200 New Jersey Avenue SE, Room W36–103, Washington, DC 20590; email: *matthew.lorah@dot.gov;* phone: 202–493–6186.

**H. Other Information**

All information submitted as part of or in support of any application shall use publicly available data or data that can be made public and methodologies that are accepted by industry practice and standards, to the extent possible. If the application includes information the applicant considers to be a trade secret or confidential commercial or financial information, the applicant should do the following: (1) Note on the front cover that the submission ''Contains Confidential Business Information (CBI)''; (2) mark each affected page ''CBI''; and (3) highlight or otherwise denote the CBI portions.

The DOT regulations implementing the FOIA are found at 49 CFR part 7 Subpart C—Availability of Reasonably Described Records under the Freedom of Information Act which sets forth rules for FRA to make requested materials, information and, and records publicly available under FOIA. Unless prohibited by law and to the extent permitted under the FOIA, contents of application and proposals submitted by successful applicants may be released in response to FOIA requests.

Issued in Washington, DC.

**Quintin Kendall,**

*Deputy Administrator.*

[FR Doc. 2020–12443 Filed 6–8–20; 8:45 am]

**BILLING CODE 4910–06–P**

## DEPARTMENT OF TRANSPORTATION

### Pipeline and Hazardous Materials Safety Administration

**[Docket No. PHMSA–2019–0156; Notice No. 2019–06]**

### Hazardous Materials: Request for Information on Safety Devices

**AGENCY:** Pipeline and Hazardous Materials Safety Administration (PHMSA), Department of Transportation (DOT).

**ACTION:** Notice; Request for information.

**SUMMARY:** PHMSA is developing a national policy regarding safety devices (UN0503 and UN3268). PHMSA has continued to see advancements in technologies for articles containing hazardous materials that have been submitted to PHMSA requesting an approval or special permit to transport as safety devices (UN0503 and UN3268). PHMSA is requesting information or data from stakeholders regarding the classification, testing, and conditions for transportation of these devices requesting an approval to be classified as safety devices.

**DATES:** Interested persons are invited to submit comments on or before August 10, 2020. Comments received after that date will be considered to the extent practicable.

**ADDRESSES:** You may submit comments identified by the Docket Number PHMSA–2019–0156 by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Fax:* 1–202–493–2251.
- *Mail:* Docket Management System; U.S. Department of Transportation, West Building, Ground Floor, Room W12–140, Routing Symbol M–30, 1200 New Jersey Avenue SE, Washington, DC 20590.
- *Hand Delivery:* Docket Management System; Room W12–140 on the ground floor of the West Building, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

*Instructions:* All submissions must include the agency name and Docket Number (PHMSA–2019–0156) for this notice. To avoid duplication, please use only one of these four methods. All comments received will be posted without change to the Federal Docket Management System (FDMS) and will include any personal information you provide.

*Docket:* For access to the dockets to read background documents or

comments received, go to *http://www.regulations.gov* or DOT's Docket Operations Office (see **ADDRESSES**).

*Privacy Act:* In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public. DOT posts these comments, without edit, including any personal information the commenter provides, to *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.*

*Confidential Business Information (CBI):* CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this notice contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this notice, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' PHMSA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this notice. Submissions containing CBI should be sent to Candace Casey, Standards and Rulemaking Division, (202) 366–8553, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590–0001. Any commentary that PHMSA receives which is not specifically designated as CBI will be placed in the public docket for this notice.

**FOR FURTHER INFORMATION CONTACT:** Candace Casey, Standards and Rulemaking Division, (202) 366–8553, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590–0001.

**SUPPLEMENTARY INFORMATION:**

## I. Executive Summary

On January 8, 2015, PHMSA published a final rule titled, ''Hazardous Materials: Harmonization with International Standards (RRR)'' [80 FR 1075; HM–215M] which introduced, defined, and outlined broad criteria for transportation of safety devices in the HMR. Prior to publication of HM–215M, the safety device transport provisions were limited to air bag inflators, air bag modules, or seat-belt pretensioners, which were classed and described as either Division 1.4G (explosive) or Class 9 (miscellaneous) under UN0503 or UN3268, respectively.

Due to advancements in technologies for safety devices and their associated use and questions concerning the appropriate application of the safety devices proper shipping name and its associated classification, PHMSA is developing a national policy to ensure consistent decisions regarding what devices and uses are eligible for these classifications and potentially the provisions and conditions for their transportation.

## II. Background

The Hazardous Materials Regulations (HMR; 49 CFR parts 171–180) prescribe requirements for the transportation in commerce of safety devices, [1] including classification, packaging, and hazard communication provisions. On January 8, 2015, PHMSA adopted provisions for safety devices into the HMR in a final rule titled, ''Hazardous Materials: Harmonization with International Standards (RRR)'' [80 FR 1075; HM–215M].[2] Safety devices are described in the HMR as ''articles which contain pyrotechnic substances or hazardous materials of other classes and are used in vehicles, vessels, or aircraft to enhance safety to persons.'' 49 CFR 173.166. Prior to publication of HM–215M, the use of the § 173.166 provisions was limited to air bag inflators, air bag modules, or seat-belt pretensioners for transportation and described as either ''UN0503, Air bag inflators, *or* Air bag modules, *or* Seat-belt pretensioners, 1.4G'' or ''UN3268, Air bag inflators, *or* Air bag modules, *or* Seat-belt pretensioners, 9.''

As discussed in the preamble:

> The development of safety products has seen significant progress since the introduction of UN3268 and the range of current products extends beyond what can presently be assigned to UN3268. Some of the newer safety products include elements that are actuated by the electrical signal of the crash sensor (*e.g.,* pyromechanical devices). Examples include: Devices that interrupt the electrical connection in case of emergency by disconnecting the main power cable in the vehicle from the battery to prevent short circuit and consequentially minimize the risk of fire in the vehicle; and actuators which are used for active headrests or for pedestrian protection to release special hinges of the engine hood.

When offering safety devices for transportation, the articles may be classified as either a Division 1.4G (explosive) material or a Class 9 (miscellaneous) hazardous material and transported with the applicable basic description of ''UN0503, Safety devices, pyrotechnic, 1.4G'' or ''UN3268, Safety devices, *electrically initiated,* 9.'' [3] The appropriate classification may depend on the method of initiation, type of safety device, testing results, and other parameters. With the exception of air bag inflators, air bag modules, and seat-belt pretensioners, all safety device designs are required to be submitted to the Associate Administrator for an approval and assignment of an EX number.[4] The exception for these three devices stems from PHMSA's experience with the safety in the design and manufacture of these devices and PHMSA's long history of approving them for transportation as Class 9. Manufacturers of safety devices that do not meet the criteria for UN3268 may request an approval for classification as a Division 1.4G and may be issued an EX approval if the design type has been examined and tested in accordance with § 173.56 of the HMR.

In order for a safety device to be classified as ''UN3268, Safety devices, *electrically initiated,* 9,'' the safety device must be tested in accordance with Test series 6(c) of Part I of the United Nations (UN) Manual of Tests and Criteria (incorporated by reference in § 171.7), with no explosion of the device, no fragmentation of device casing or pressure vessel, and no projection hazard or thermal effect that would significantly hinder fire-fighting or other emergency response efforts in the immediate vicinity.[5] Those safety devices must also be packaged and transported in accordance with provisions in § 173.166 and other appropriate general provisions of the HMR.

PHMSA adopted provisions for UN3268 into the HMR based on provisions adopted in the 19th Revised Edition of the UN Model Regulations. The UN Sub-Committee of Experts on the Transport of Dangerous Goods considered multiple proposals during 2012–2016 to develop classification and transport provisions similar to those applied to air bags, air bag inflators, and seat-belt pretensioners. The UN Sub-Committee recognized that these articles (*e.g.,* articles containing micro gas

[1] This is separate from HMR provisions for life-saving devices. Life-saving devices are items, such as inflatable vests or rafts, used to assist with life-saving measures and do not require approval for classification and transport and are not used as part of vehicles (*e.g.,* an air bag).

[2] *https://www.govinfo.gov/content/pkg/FR-2015-01-08/pdf/2014-30462.pdf.*

[3] Words in italics are not a required part of a proper shipping name.

[4] An EX number is a unique identifier for each approved explosive.

[5] See § 172.102 Special Provision 160, assigned to ''UN3268, Safety devices, 9.''

generators) had a long-standing experience of consistent performance in the classification testing. As such, many competent authorities provided streamlined testing and approval mechanisms commensurate with that experience. However, by providing a general description, the UN Sub-Committee determined that additional conditions should apply. Specifically, the UN Model Regulations Special Provision 280 was developed and assigned to UN3268. SP 280 includes the definition of a Division 1.4S (''no explosion of the device, no fragmentation of device casing or pressure receptacle, and no projection hazard nor thermal effect which would significantly hinder fire-fighting or emergency response efforts in the immediate vicinity'') with the addition of slightly more stringent assessment criteria for the Series 6(c) test. In supporting this amendment at the UN, it was the view of the U.S. delegation that the intent was to require that, in order for an article to be considered a Class 9 safety device, the article would first have to qualify as a Division 1.4S, including the required Division 1.4S testing provisions, with the additional assessment criteria provided in SP 280 for the Series 6(c) test. The result would be a clear safety distinction from Division 1.4G safety devices and those that could be classed as Class 9. Additionally, to address the concerns of some delegates related to the transition from specific descriptive proper shipping names to the generic ''Safety devices,'' the intent of the previous proper shipping names was added as a further limitation to these articles (*i.e.,* ''used in vehicles, vessels, or aircraft to enhance safety to persons''). In the view of the U.S. delegation during the development of this provision at the UN, it is only through this tiered safety approach that Class 9 designation is clearly supported. Note that the UN Sub-Committee continues to work on the classification framework for safety devices. This work includes identifying conditions and testing methods to determine when an article containing a Division 1.4S explosive material is considered to be eligible for reassignment to Class 9 for transport purposes. PHMSA also continues to host UN public meetings for which we solicit comment from the public on UN working documents for changes to the UN Model Regulations and Manual of Tests and Criteria.

## III. Safety Device Classification

PHMSA is developing a national policy regarding safety devices (UN0503 and UN3268). PHMSA continues to see advancements in technologies for articles containing hazardous materials that have been submitted to PHMSA requesting an approval or special permit to transport as safety devices (UN0503 and UN3268). PHMSA is requesting information or data from stakeholders regarding the classification, testing, and conditions for transportation relevant to the potential classification of these devices as safety devices.

## IV. Questions

PHMSA seeks information or data on the following questions related to the classification, testing, and conditions for transportation relevant to the potential classification of these devices as safety devices. Comments or information provided by stakeholders need not be limited to the scope of these specific questions. To the extent possible, we request commenters include specific data with verifiable references to support their statements.

*Scope*

1. What information/data should PHMSA take into consideration in the expansion of the application of safety devices beyond those designed to be used in transport vehicles? If a device can be used both in a transport vehicle and in other non-vehicle applications, should all transport of the devices be allowed to be classified under UN3268? What specific information/data supports your answers?

2. Are there benefits or increased risks to considering the expansion of the applicability of safety devices beyond use in vehicles, vessels, or aircraft to enhance safety to persons?

3. Compared to manned transport vehicles, should automated/unmanned transport vehicles (*e.g.,* drones, etc.) be treated differently with respect to safety devices? If so, in what way?

4. How should end use be considered in practical determination of classification or reclassification of devices or articles that have pyrotechnic substances or other hazardous materials?

5. At what point does an article become a safety device? For example, micro-gas generators are essential parts of a seat-belt pretensioner, but by themselves they would only be a component of a safety device. Should components of safety devices be allowed to be classified as safety devices? Why?

*Testing*

1. Is there a need for guidance on testing to determine appropriate classification as it pertains to safety devices? If so, what areas of the requirements should this guidance address?

2. The current provisions in § 172.102, Special Provision 160, require Test Series 6(c) of Part I of the UN Manual of Tests and Criteria. This testing reflects the long-standing provisions applicable to air bags, seat-belt pretensioners, and air bag modules based on significant experience with testing of these articles. If the ''UN3268, Safety device'' classification is applied to other types of articles, should those articles (those other than air bags, seat-belt pretensioners, and air bag modules) require completion of the UN Test series 6 tests (*i.e.,* UN 6(a), UN 6(b), UN 6(c) and UN 6(d)) first as a Division 1.4S or should other testing be conducted? Would doing this allow for a more consistent reclassification to Class 9?

3. The provisions of § 173.166(b)(1)(iv) require articles other than air bags, seat-belt pretensioners, and air bag modules to be approved by the Associate Administrator. During the approval review, PHMSA may request additional testing beyond that specified in Special Provision 160 if considered necessary and appropriate to ensure a proper classification. What testing, outside of that already required by the HMR, would be appropriate for PHMSA to consider requiring under the terms of an approval to ensure the article classification properly reflects a Class 9 material?

*Conditions for Transportation and Carriage Aboard Aircraft*

1. What additional risks might an operator incur when a safety device is classified as Class 9 for transportation by air if additional articles are approved as safety devices?

2. What additional costs may a person incur when offering a safety device for transportation as a Division 1.4G article in contrast to a Class 9 article? What are the additional costs, if any, for storage incidental to transportation?

3. What different best practices/procedures may be conducted by an air operator when loading/handling a Division 1.4S/1.4G article in contrast to a Class 9 article?

4. Are additional costs incurred when offering a safety device for transportation as a Division 1.4S article in contrast to a Class 9 article? Are there additional costs for storage incidental to transportation?

5. Are the exceptions provided in § 173.166(d)(1) for safety devices when installed in motor vehicles, vessel, aircraft, or other conveyances sufficient to cover all types of safety devices, regardless of size or function, or are they more technically appropriate for air bag

inflators, air bag modules, and seat-belt pretensioners?

Signed in Washington, DC, on June 4, 2020, under authority delegated in 49 CFR 1.97.

**William S. Schoonover,**

*Associate Administrator of Hazardous Materials Safety, Pipeline and Hazardous Materials Safety Administration.*

[FR Doc. 2020–12452 Filed 6–8–20; 8:45 am]

**BILLING CODE 4910–60–P**

## DEPARTMENT OF VETERANS

### Veterans' Advisory Committee on Education, Notice of Meeting

The Department of Veterans Affairs (VA) gives notice under the Federal Advisory Committee Act, that the Veterans' Advisory Committee on Education (VACOE) will meet via conference call June 23–26, 2020 from 1:00 p.m. to 4:00 p.m., EST. The meeting is open to the public.

The purpose of the Committee is to advise the Secretary of Veterans Affairs on the administration of education and training programs for Veterans, Servicepersons, Reservists, and Dependents of Veterans including programs under Chapters 30, 32, 33, 35, and 36 of title 38, and Chapter 1606 of title 10, United States Code.

The purpose of the meeting is to introduce the new Committee members, Veterans Benefits Administration Leadership, and Education Service Leadership Staff; provide an overview of Education Service Benefit Programs and Services; and discuss recommendation proposals previously presented to the Secretary regarding GI Bill Education Programs.

Interested persons may attend. The dial-in number to attend the conference call is: 1–800–767–1750. At the prompt, enter access code 00684 then press#. Although no time will be allotted for receiving oral presentations from the public, individuals wishing to share information with the Committee may submit written statements for the Committee's review to Ms. Debra Morgan, Designated Federal Official, Department of Veterans Affairs, by email at *EDUSTAENG.VBAVACO@va.gov*. Comments will be accepted until close of business on Monday, June 22, 2020. In the communication, the writers must identify themselves and state the organization or association they represent for inclusion in the official record. Any member of the public wishing to participate or seeking additional information should contact Janet Elder at *EDUSTAENG.VBAVACO@va.gov* or *Janet.Elder@va.gov* not later than June 22, 2020.

Dated: June 3, 2020.

**Jelessa M. Burney,**

*Federal Advisory Committee Management Officer.*

[FR Doc. 2020–12409 Filed 6–8–20; 8:45 am]

**BILLING CODE P**

## DEPARTMENT OF VETERANS AFFAIRS

### Rehabilitation Research and Development Service Scientific Merit Review Board, Notice of Meeting

The Department of Veterans Affairs (VA) gives notice under the Federal Advisory Committee Act, that a meeting of the Rehabilitation Research and Development Service Scientific Merit Review Board will be held Wednesday, August 26, 2020, by teleconference. The meeting will be held between 1–1:30 p.m. EST. The meeting will be partially closed to the public from 1:10–1:30 p.m. EST for the discussion, examination, and reference to the research applications and scientific review. Discussions will involve reference to staff and consultant critiques of research proposals. Discussions will deal with scientific merit of each proposal and qualifications of personnel conducting the studies, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. Additionally, premature disclosure of research information could significantly obstruct implementation of proposed agency action regarding the research proposals. As provided by Public Law 92–463 subsection 10(d), as amended by Public Law 94–409, closing the committee meeting is in accordance with 5 U.S.C. 552b(c) (6) and (9)(B).

The objective of the Board is to provide for the fair and equitable selection of the most meritorious research projects for support by VA research funds and to offer advice for research program officials on program priorities and policies. The ultimate objective of the Board is to ensure that the VA Rehabilitation Research and Development Program promotes functional independence and improves the quality of life for impaired and disabled Veterans.

Board members advise the Director, Rehabilitation Research and Development Service and the Chief Research and Development Officer on the scientific and technical merit, the mission relevance, and the protection of human and animal subjects of Rehabilitation Research and Development proposals. The Board does not consider grants, contracts, or other forms of extramural research.

Members of the public who wish to attend the open portion of the teleconference session from 1–1:10 p.m. EST may dial 1 (800) 767–1750, participant code 95056#.

Written comments from the public must be sent to Tiffany Asqueri, Designated Federal Officer, Rehabilitation Research and Development Service, Department of Veterans Affairs (10X2R), 810 Vermont Avenue NW, Washington, DC 20420, or to *Tiffany.Asqueri@va.gov* prior to the meeting. Those who plan to attend the open portion of the meeting must contact Mrs. Asqueri at least 5 days before the meeting. For further information, please call Mrs. Asqueri at (202) 443–5757.

Dated: June 4, 2020.

**LaTonya L. Small,**

*Federal Advisory Committee Management Officer.*

[FR Doc. 2020–12485 Filed 6–8–20; 8:45 am]

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