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

OFFICE OF MANAGEMENT AND BUDGET

2 CFR Part 200

Uniform Administrative Requirements, Cost Principles, and Audit Requirements

AGENCY: Office of Management and Budget.

ACTION: Guidance.

SUMMARY: This document announces the availability of the 2020 Compliance Supplement (2020 Supplement) for the Office of Management and Budget's uniform administrative requirements, cost principles, and audit requirements regulations. This document also offers interested parties an opportunity to comment on the 2020 Supplement.

DATES: The 2020 Supplement replaces the 2019 Supplement and applies to fiscal year audits beginning after June 30, 2019. All comments to the 2020 Supplement must be in writing and received by October 10, 2020.

ADDRESSES: Late comments will be considered to the extent practicable. Comments will be reviewed and addressed, when appropriate, in the 2021 Compliance Supplement. Electronic mail comments may be submitted to: *http://www.regulations.gov*. Please include ''2 CFR part 200 Subpart F—Audit Requirements, Appendix XI-Compliance Supplement—2020'' in the subject line and the full body of your comments in the text of the electronic message and as an attachment. Please include your name, title, organization, postal address, telephone number, and email address in the text of the message. Comments may also be sent to: *GrantsTeam@omb.eop.gov*.

Please note that all public comments received are subject to the Freedom of Information Act and will be posted in their entirety, including any personal and/or business confidential information provided. Do not include any information you would not like to be made publically available.

The 2020 Supplement is available online on the OMB home page at *https://www.whitehouse.gov/omb/offices/offm*.

FOR FURTHER INFORMATION CONTACT: Recipients and auditors should contact their cognizant or oversight agency for audit, or Federal awarding agency, as appropriate under the circumstances. The Federal agency contacts are listed in appendix III of the Supplement. Subrecipients should contact their pass-through entity. Federal agencies should contact Gil Tran at *Hai_M._Tran@omb.eop.gov* or (202) 395–3052 or the OMB Grants team at *GrantsTeam@omb.eop.gov*.

SUPPLEMENTARY INFORMATION: The 2020 Supplement (2 CFR part 200, subpart F, appendix XI) adds 3 new programs, deletes 6 expired programs and provides updates on many other programs, where necessary. Consistent with the President's Management Agenda, Cross Agency Priority (CAP) goal number 8, ''Results-Oriented Accountability for Grants,'' Federal awarding agencies are encouraged to begin a paradigm shift in grants management from one heavy on compliance to a balanced approach that includes establishing measurable program and project goals and analyzing data to improve results. To that end, the 2020 Compliance Supplement continues the reduction of the compliance areas for auditor review in part 2, Matrix from a maximum of twelve to six, which was first implemented in the 2019 Supplement, and requires a review for performance reporting for 29 programs under part 4. OMB will work with Federal awarding agencies in future Supplements that will further emphasize the review on performance. This year's Supplement also includes guidance related to Coronavirus administrative relief included in the four OMB memoranda in appendix VII of the Supplement. OMB plans to work with Federal awarding agencies to identify the new COVID–19 programs with special compliance and reporting requirements that will be included as an Addendum to this Supplement, as appropriate. OMB intends to balance the review of both compliance and performance goals for these new COVID–19 programs.

Timothy F. Soltis,

Deputy Controller.

[FR Doc. 2020–17987 Filed 8–17–20; 8:45 am]

BILLING CODE 3110–01–P

DEPARTMENT OF ENERGY

10 CFR Part 430

RIN 1904–AE36

Energy Conservation Program: Test Procedures for Cooking Products

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

ACTION: Final rule.

SUMMARY: On August 9, 2019, as a result of a petition from the Association of Home Appliance Manufacturers (AHAM) and data received in response to that petition, the U.S. Department of Energy (DOE) published a notice of proposed rulemaking (NOPR) proposing to withdraw the test procedure for conventional cooking tops established under the Energy Policy and Conservation Act (EPCA). In this final rule, DOE withdraws the test procedure for conventional cooking tops under EPCA. DOE has determined that the conventional cooking tops test procedure is not representative of energy use or efficiency during an average use cycle and is overly burdensome to conduct.

DATES: The effective date of this rule is September 17, 2020. The incorporation by reference of certain publications listed in this rule was approved by the Director of the Federal Register on April 8, 2011 and December 17, 2012.

ADDRESSES: The docket is available for review at *http://www.regulations.gov*. All documents in the docket are listed in the *http://www.regulations.gov* index. However, some documents listed in the index may not be publicly available, such as those containing information that is exempt from public disclosure.

The docket web page can be found at: *http://www.regulations.gov/docket?D=EERE-2019-BT-TP-0041*. The docket web page contains simple instructions on how to access all documents in the docket.

FOR FURTHER INFORMATION CONTACT: Celia Sher, U.S. Department of Energy, Office of the General Counsel, 1000 Independence Avenue SW, Washington, DC 20585. Email: *Celia.Sher@hq.doe.gov;* (202) 287–6122.

SUPPLEMENTARY INFORMATION: DOE includes the following industry standards, previously incorporated by reference into 10 CFR part 430:

(1) International Electrotechnical Commission (IEC) Standard 62301, Household electrical appliances—Measurement of standby power,'' Publication 62301 (First Edition 2005–06).

(2) IEC 62301 Household electrical appliances—Measurement of standby power, (Edition 2.0 2011–01).

Copies of IEC 62301 (First Edition) and IEC 62301 (Second Edition) can be obtained from the American National Standards Institute, 25 W. 43rd Street, 4th Floor, New York, NY 10036, (212) 642–4900, or go to *http://webstore.ansi.org.*

See Section IV.M. for a further discussion of these standards.

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I. Authority and Background

Kitchen ranges and ovens are included in the list of ''covered products'' for which DOE is authorized to establish and amend energy conservation standards and test procedures. (42 U.S.C. 6292(a)(10)) DOE's regulations at 10 CFR 430.2 include definitions for ''cooking products,'' which cover cooking appliances that use gas, electricity, or microwave energy as the source of heat; as well as specific types of cooking products, including conventional cooking tops, conventional ovens, microwave ovens, and other cooking products. DOE's energy conservation standards and test procedures for cooking products are currently prescribed at 10 CFR 430.32(j) and 10 CFR 430.23(i), respectively. The following sections discuss DOE's authority to establish test procedures for cooking products and relevant background information regarding DOE's determination to withdraw the test procedures for conventional cooking tops.

A. Authority

Title III, Part B [1] of the Energy Policy and Conservation Act of 1975 (EPCA or the Act), Public Law 94–163 (42 U.S.C. 6291–6309, as codified), established the Energy Conservation Program for Consumer Products Other Than Automobiles,[2] a program covering most major household appliances, which includes cooking products, and specifically conventional cooking tops,[3] the subject of this rule. (42 U.S.C. 6292(a)(10))

Under EPCA, DOE's energy conservation program consists essentially of four parts: (1) Testing, (2) labeling, (3) Federal energy conservation standards, and (4) certification and enforcement procedures. Relevant provisions of the Act specifically include definitions (42 U.S.C. 6291), energy conservation standards (42 U.S.C. 6295), test procedures (42 U.S.C. 6293), labeling provisions (42 U.S.C. 6294), and the authority to require information and reports from manufacturers (42 U.S.C. 6296).

The Federal testing requirements consist of test procedures that manufacturers of covered products must use as the basis for: (1) Certifying to DOE that their products comply with the applicable energy conservation standards adopted pursuant to EPCA (42 U.S.C. 6295(s)), and (2) making representations about the efficiency of those consumer products (42 U.S.C. 6293(c)). Similarly, DOE must use these test procedures to determine whether the products comply with relevant standards promulgated under EPCA. (42 U.S.C. 6295(s))

Under 42 U.S.C. 6293, EPCA sets forth the criteria and procedures DOE must follow when prescribing or amending test procedures for covered products. EPCA requires that any test procedures prescribed or amended under this section be reasonably designed to produce test results which measure energy efficiency, energy use or estimated annual operating cost of a covered product during a representative average use cycle or period of use and not be unduly burdensome to conduct. (42 U.S.C. 6293(b)(3)) DOE's test procedures for conventional cooking tops are codified at appendix I to subpart B of 10 CFR part 430 (''appendix I'').

B. Background

DOE originally established test procedures for cooking products in a final rule published in the **Federal Register** on May 10, 1978. 43 FR 20108, 20120–20128. DOE revised its test procedures for cooking products to more accurately measure their efficiency and energy use, and published the revisions as a final rule in 1997. 62 FR 51976 (Oct. 3, 1997). These test procedure amendments included: (1) A reduction in the annual useful cooking energy; (2) a reduction in the number of self-clean oven cycles per year; and (3) incorporation of portions of International Electrotechnical Commission (''IEC'') Standard 705–1988, ''Methods for measuring the performance of microwave ovens for household and similar purposes,'' and Amendment 2–1993 for the testing of microwave ovens.[4] The test procedures for consumer cooking products established provisions for determining estimated annual operating cost, cooking efficiency (defined as the ratio of cooking energy output to cooking energy input), and energy factor

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

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

[3] Conventional cooking top means a class of kitchen ranges and ovens which is a household cooking appliance consisting of a horizontal surface containing one or more surface units which include either a gas flame or electric resistance heating. This includes any conventional cooking top component of a combined cooking product. 10 CFR 430.2.

[4] DOE subsequently withdrew the test procedures for measuring the active mode of microwave ovens in a July 22, 2010 final rule. 75 FR 42579. DOE has adopted test procedure provisions to measure the standby and off mode energy use of microwave ovens. *See* 78 FR 4015.

(defined as the ratio of annual useful cooking energy output to total annual energy input) at 10 CFR 430.23(i) and appendix I. As described in the following discussion, aside from the provisions for measuring standby power of microwave ovens, all other provisions for consumer cooking products are not currently used for compliance with any energy conservation standards because the present standards are design requirements.

DOE subsequently conducted a rulemaking to address standby and off mode energy consumption, as well as certain active mode (*i.e.,* fan-only mode) testing provisions, for consumer conventional cooking products. DOE published a final rule on October 31, 2012 (77 FR 65942, the ''October 2012 TP Final Rule''), adopting standby and off mode provisions that satisfy the EPCA requirement that DOE include measures of standby mode and off mode power in its test procedures for residential products, if technically feasible. (42 U.S.C. 6295(gg)(2)(A))

On January 30, 2013, DOE published a NOPR (78 FR 6232, the ''January 2013 TP NOPR'') proposing amendments to appendix I that would allow for testing the active mode energy consumption of induction cooking products; *i.e.,* conventional cooking tops equipped with induction heating technology for one or more surface units on the cooking top. DOE proposed to incorporate induction cooking tops by amending the definition of ''conventional cooking top'' to include induction heating technology. Furthermore, DOE proposed to require for all cooking tops the use of test equipment compatible with induction technology. Specifically, DOE proposed to replace the solid aluminum test blocks specified at that time in the test procedure for cooking tops with hybrid test blocks comprising two separate pieces: An aluminum body and a stainless steel base. 78 FR 6232, 6234 (Jan. 30, 2013).

On December 3, 2014, DOE published an SNOPR (the ''December 2014 TP SNOPR''), in which DOE modified its proposal from the January 2013 TP NOPR in response to comments from interested parties to specify different test equipment that would allow for measuring the energy efficiency of induction cooking tops, and would include an additional test block size for electric surface units with large diameters (both induction and electric resistance). 79 FR 71894. In addition, DOE proposed methods to test non-circular electric surface units, electric surface units with flexible concentric cooking zones, and full-surface induction cooking tops. *Id.* In the December 2014 TP SNOPR, DOE also proposed amendments to add a larger test block size to test gas cooking top burners with higher input rates. *Id.*

In the December 2014 TP SNOPR, DOE also proposed methods for measuring conventional oven volume, clarification that the existing oven test block must be used to test all ovens regardless of input rate, and a method to measure the energy consumption and efficiency of conventional ovens equipped with an oven separator. 79 FR 71894 (Dec. 3, 2014). DOE published the July 2015 TP Final Rule adopting the test procedure amendments discussed above for conventional ovens only. 80 FR 37954.

On June 10, 2015, DOE published a NOPR (the ''June 2015 NOPR'') proposing new and amended energy conservation standards for consumer conventional ovens. 80 FR 33030. As discussed in the June 2015 NOPR, DOE received a significant number of comments raising issues with the repeatability and reproducibility of the proposed hybrid test block test method for cooking tops in response to the December 2014 TP SNOPR and in separate interviews conducted with consumer cooking product manufacturers in February and March of 2015. 80 FR 33030, 33039–33040 (June 10, 2015). A number of manufacturers that produce and sell products in Europe supported the use of a water-heating test method and harmonization with IEC Standard 60350–2 Edition 2, ''Household electric appliances—Part 2: Hobs—Method for measuring performance'' (''IEC Standard 60350–2'') for measuring the energy consumption of electric cooking tops. These manufacturers stated their view that the test methods in IEC Standard 60350–2 are compatible with all electric cooking top types, specify additional cookware diameters to account for the variety of surface unit sizes on the market, and use test loads that represent real-world cooking top loads. Efficiency advocates also recommended that DOE require water-heating test methods to produce a measure of cooking efficiency for conventional cooking tops that is more representative of actual cooking performance than the hybrid test block method. 80 FR 33030, 33039–33040 (June 10, 2015). For these reasons, DOE decided to defer its decision regarding adoption of energy conservation standards for conventional cooking tops until a representative, repeatable and reproducible test method for cooking tops was finalized. 80 FR 33030, 33040 (June 10, 2015).

DOE published an additional test procedure SNOPR on August 22, 2016 (81 FR 57374) (the ''August 2016 TP SNOPR'') that proposed amendments to the test procedures for conventional cooking tops. Given the feedback from interested parties discussed above and based on the additional testing and analysis conducted for the test procedure rulemaking, in the August 2016 TP SNOPR, DOE withdrew its proposal for testing conventional cooking tops with a hybrid test block. Instead, DOE proposed to amend its test procedure to incorporate by reference the relevant sections of European standard EN 60350–2:2013, which provide a water-heating test method to measure the energy consumption of electric cooking tops. The test method specifies the quantity of water to be heated in a standardized test vessel whose size is selected based on the diameter of the surface unit under test. 81 FR 57374, 57381–57384.

DOE also proposed to extend the test methods provided in EN 60530–2:2013 to measure the energy consumption of gas cooking tops by correlating test equipment diameter to burner input rate, including input rates that exceed 14,000 Btu/h. 81 FR 57374, 57385–57386. In addition, DOE also proposed in the August 2016 TP SNOPR to include methods for both electric and gas cooking tops to calculate the annual energy consumption and the integrated annual energy consumption to account for the proposed water-heating test method. 81 FR 57374, 57387–57388.

In the August 2016 TP SNOPR, DOE proposed to repeal the conventional oven test procedure. DOE determined that the conventional oven test procedure may not accurately represent consumer use, as it favored conventional ovens with low thermal mass and did not capture cooking performance-related benefits due to increased thermal mass of the oven cavity. 81 FR 57374, 57378–57379.

On December 16, 2016, DOE published a final rule (the ''December 2016 TP Final Rule'') repealing the test procedures for conventional ovens for the reasons discussed, and adopting the test procedure amendments for conventional cooking tops proposed in the August 2016 TP SNOPR that, among other things: (1) Incorporated by reference the relevant sections of European Standard EN 60350–2:2013, which uses a water-heating test method to measure the energy consumption of electric cooking tops; (2) extended the water-heating test method specified in EN 60350–2:2013 to gas cooking tops; and (3) clarified that the 20-minute simmering period starts when the water

temperature first reaches 90 °C and does not drop below 90 °C for more than 20 seconds after initially reaching 90 °C. 81 FR 91418.

C. AHAM Petition for Reconsideration

The Administrative Procedure Act (APA), 5 U.S.C. 551 *et seq.,* provides among other things, that ''[e]ach agency shall give an interested person the right to petition for the issuance, amendment, or repeal of a rule.'' (5 U.S.C. 553(e)) DOE received a petition from AHAM requesting that DOE reconsider its December 2016 TP Final Rule. In its petition, AHAM requested that DOE undertake a rulemaking to withdraw the cooking top test procedure, while maintaining the repeal of the oven test procedure that was part of the Final Rule. In the interim, AHAM sought an immediate stay of the effectiveness of the Final Rule, including the requirement that manufacturers use the final test procedure to make energy-related claims. In its petition, AHAM claimed that its analyses showed that the test procedure adopted in the December 2016 TP Final Rule is not representative for gas cooking tops and, for gas and electric cooking tops, has such a high level of variation it will not produce accurate results for certification and enforcement purposes and will not assist consumers in making purchasing decisions based on energy efficiency. DOE published AHAM's petition on April 25, 2018, and requested comments and information on whether DOE should undertake a rulemaking to consider the proposal contained in the petition. 80 FR 17944. Based on the review of public comments and data received in response to AHAM's petition, on August 9, 2019, DOE published a NOPR proposing to withdraw the test procedure for conventional cooking tops (the ''August 2019 NOPR''). In that NOPR, DOE tentatively determined that the conventional cooking tops test procedure may not accurately represent consumer use for gas cooking tops, may not be repeatable or reproducible for both gas and electric cooking tops, and is overly burdensome to conduct. DOE held a public meeting on October 9, 2019 to hear oral comments and solicit information and data relevant to the August 2019 NOPR.

The following sections of this preamble respond to comments received on the August 2019 NOPR and during the NOPR public meeting.

II. Synopsis of Final Rule

In this rule, DOE withdraws the test procedure for conventional cooking tops because testing conducted by DOE and outside parties using that test procedure yields inconsistent results. As a result, the outcomes of such testing are unreliable and it is unduly burdensome to leave that test procedure in place and require cooking top tests be conducted using that test method without further study to resolve those inconsistencies.

III. Discussion

The current test procedure in appendix I for cooking tops measures the integrated annual energy consumption of both gas and electric cooking tops. The integrated annual energy consumption comprises active mode energy consumption of each surface unit on the cooking top, as well as the combined low-power mode energy consumption of the cooking top. In general, to measure the active mode energy consumption of each surface unit, a specified amount of water is heated in a vessel at maximum power (''heat-up'' period) until a threshold temperature is reached, and then the power is turned down such that the water is left to simmer at just above 90 degrees Centigrade (°C) for 20 minutes (''simmering'' period). The active mode energy consumption is the measured energy used during the entire heat-up and simmering periods.

DOE published its August 2019 NOPR proposing to withdraw the current test procedure for conventional cooking tops as a result of testing data AHAM submitted in its petition and in subsequent comments that was inconsistent with DOE's own testing results. With respect to gas cooking tops, AHAM's round robin testing of four laboratories showed a level of lab-to-lab variation in the cooking top gas energy consumption among four different cooking top models (3.02%, 3.63%, 9.67%, and 7.99%) that AHAM stated is higher than the acceptable level of variation, which it assumed to be 2 percent. (AHAM, No. 25 at p. 4) [5] AHAM's data showed that a large contributor to this variation was the simmer portion of the test, and AHAM's investigations found that a possible cause is that the gas flow is highly sensitive to the gas burner knob position.

AHAM also asserted in the petition that DOE did not properly evaluate element cycling in electric cooking tops, which could affect the repeatability of the test procedure. (AHAM, No. 2 at p. 34) As discussed in the August 2019 NOPR, DOE conducted testing of ten electric cooking tops to investigate issues raised in AHAM's petition. *See* 84 FR 39215. For a subset of these tests, DOE specifically examined repeatability of test results. DOE performed multiple test replications on a set of individual heating elements (*i.e.,* ''surface units''), and its test results indicated that the coefficient of variation for each surface unit's energy consumption was no greater than 2 percent for all the units in the test sample. Table I summarizes these results.

TABLE I—SUMMARY OF REPEATABILITY TESTS FOR ELECTRIC COOKING TOPS

Cooking top unit	Heating element type	Surface unit location	Number of test replications	Average surface unit test energy consumption (Wh)	Coefficient of variation (%)
1	Smooth—Radiant	BL	10	191.7	2.0
2	Smooth—Radiant	BR	4	196.3	1.3
		FL	2	400.6	1.0
3	Smooth—Radiant	FL	2	365.9	0.3
4	Smooth—Induction	FL	2	340.9	1.3
5	Smooth—Induction	BL	3	348.2	0.7

[5] A notation in the form of ''AHAM, No. 25 at p. 4'' identifies a written comment: (1) Made by AHAM; (2) recorded in document number 25 that is filed in the docket for this rulemaking (Docket No. EERE–2018–BT–TP–0004) and available for review at *http://www.regulations.gov;* and (3) that appears on page 4 of document number 25.

As further discussed in the August 2019 NOPR, DOE also performed multiple tests on a single electric cooking top surface unit addressing the issue of element cycling in response to AHAM's petition. *See* 84 FR 39215. Table II summarizes these results.

TABLE II—SUMMARY OF CYCLING TESTS ON ELECTRIC COOKING TOP UNIT

Test replication	Cycling speed *	Heat-up energy (Wh)
1	slow	143.2
2	medium	147.0
3	fast	147.0
4	fast	146.2
5	slow	146.2
6	slow	144.8
7	slow	142.7
8	very fast	144.6
9	fast	145.0
10	medium	146.7
Coefficient of Variation		1.0%

* The qualitative cycling speed is based on the duty cycle frequency, ranging from around 0.5 cycles/min for "slow", to more than 3 cycles/min for "very fast."

DOE recognized that both its tests and AHAM's were conducted by skilled technicians who understand both the product and test requirements. DOE tentatively concluded in the August 2019 NOPR that the differences in its testing results and the results achieved by AHAM suggested that additional investigation of repeatability and reproducibility of the test procedure was warranted. DOE stated its belief that the differences in test results were indicative of the test not being representative of energy use or efficiency during an average use cycle, as required by 42 U.S.C. 6293(b)(3) of EPCA. 84 FR 39215.

In support of DOE's August 2019 NOPR to withdraw the cooking tops test procedure, AHAM re-submitted its prior comments on its petition as well as new comments that its test data demonstrate that DOE's cooking top test procedure does not produce accurate, reproducible, and representative results, and is overly burdensome to conduct. (AHAM, No. 35 at p. 2) With regard to representativeness, AHAM asserted that the test procedure is not representative of consumer use as required under 42 U.S.C. 6293(b)(3), particularly for gas cooking tops. (AHAM, No. 35 at p. 4, Exhibit B at pp. 2–3) AHAM stated that, among other things, small burners are not typically used for boiling water, but that is what DOE's cooking tops test procedure measures. *Id.* AHAM reiterated its previous argument that DOE extended a test meant for electric cooking tops to gas cooking tops without doing sufficient study to determine whether the electric test procedure it adopted would measure representative results for gas cooking tops. (AHAM, No. 35 at Exhibit A at p. 10, Exhibit B at p. 2) AHAM commented that separate international and industry standards exist for gas cooking tops, and both these methods use a "bring to boil" test, as opposed to a simmer test. (AHAM, No. 35 at Exhibit A at p. 12) AHAM asserted that the residual heat loss of a gas burner on simmer is significantly different than simmer on an electric unit where the electric unit retains heat from the cooking top. (AHAM, No. 35 at Exhibit A at p. 14) AHAM commented that a gas cooking top's ability to maintain simmer in the absence of retained heat is largely a function of grate to burner relationships, burner design, valve design, and pan position. (AHAM, No. 35 at Exhibit A at p. 12) According to AHAM, this relationship is not accounted for in the electric cooking tops test because it does not need to be, but AHAM believes it does need to be addressed in a test applicable to gas cooking tops. (AHAM, No. 35 at Exhibit A at p. 12)

Additionally, AHAM presented data indicating that the conventional cooking tops test procedure may not be reproducible across labs for both gas and electric cooking tops. AHAM submitted data showing that repeated attempts by experienced technicians to follow the test procedure led to inaccurate results. (AHAM, No. 35 at p. 2, Exhibit A at pp. 22, 33) AHAM responded to stakeholder comments that AHAM's data is faulty because DOE's most recent testing on the repeatability of test results for electric cooking tops, summarized in Table I of this rule and in Table III.1 of the August 2019 NOPR, demonstrated the test procedure is not highly variable. AHAM clarified that, while their testing results are similar to DOE's with regard to repeatability, DOE has not evaluated reproducibility like AHAM has, and those lab-to-lab results form a significant basis upon which AHAM relies in its petition. (AHAM, No. 35 at p. 3) AHAM asserted that the results of its round–robin testing showed high levels of lab-to-lab variation, demonstrating that the test procedure is not reproducible. (AHAM, No. 35 at p. 3, Exhibit A at pp. 22, 33) AHAM argued that test procedures must be reproducible, at different laboratories and with different technicians, in order to be considered reasonably designed under 42 U.S.C. 6293(b)(3) of EPCA. *Id.* AHAM stated their appreciation that DOE is conducting additional testing to evaluate both repeatability and reproducibility and urged DOE to conduct this testing in different laboratories, not just with different technicians, in order to truly test reproducibility. (AHAM, No. 35 at p. 4)

AHAM additionally commented that the consensus standard working group in Europe has also indicated that, after gaining experience with its electric test—upon which DOE had based its electric cooking top test and gas cooking top test—significant variation is being seen in the simmer portion of the test. AHAM believes this further highlights the need for DOE to withdraw its cooking top test procedure until a more accurate test procedure is available and has been vetted through round-robin testing in the United States. (AHAM, No. 35 at p. 4)

With regard to test burden, AHAM presented data that the existing test procedure is unduly burdensome to conduct as written, as it takes about 20 hours for an average four burner cooking top and the test procedure requires testing of every single burner

individually. (AHAM, No. 35 at p. 3) AHAM commented that DOE's testing found even longer test times, with DOE stating in the August 2019 NOPR that in ''total, a cooking top with four surface units requires around 36 work hours to complete.'' (AHAM, No. 35 at p. 4) Additionally, at the public meeting for the conventional cooking tops test procedure held on October 9, 2019, AHAM stated that manufacturers would have to make a significant investment to meet the stringent ambient conditions specified in the test procedure. (AHAM, Public Meeting Transcript, No. 38 at pp. 52–53) [6]

Whirlpool Corporation (Whirlpool), and GE Appliances (GEA) submitted comments in support of AHAM's positions. Whirlpool commented that the test procedure has so much variation that the reported energy performance values are not accurate or meaningful for consumers to use. (Whirlpool, No. 36 at p. 2) Whirlpool further asserted that the test procedure is very time-consuming and labor-intensive, as it must be monitored almost continuously with frequent manual adjustments made by the technician. (Whirlpool, No. 36 at p. 2) At the conventional cooking tops public meeting held on October 9, 2019, Whirlpool stated that testing to the requirements of the test procedure would be a substantial laboratory requirement, the cost of which has not been captured. Whirlpool estimated it would have to build approximately six new laboratories to enable it to conduct testing of its products. (Whirlpool, Public Meeting Transcript, No. 38 at pp. 34–35) GEA echoed AHAM's comments that its members were careful when conducting the previous testing in accordance with the DOE test procedure, and that it is the test procedure itself and unaccounted for differences in various cooking technologies that contribute to the higher-than-expected variation in test results. (GEA, No. 31 at p. 2) GEA reiterated its prior comments that the test procedure is unduly burdensome, in terms of the required testing time and resources necessary to complete such testing. (GEA, No. 31 at p. 2) Additionally, GEA commented that future changes to the U.S. safety standards for electric cooking tops may adversely impact results from the cooking tops test procedure. GEA stated that future improvements in the relevant safety standards, if any, could also negatively impact the repeatability, reproducibility, and representativeness of the cooktop test procedure. (GEA, No. 31 at p. 2)

In response to the August 2019 NOPR, DOE also received a joint submission from Pacific Gas and Electric Company (PG&E), San Diego Gas and Electric (SDG&E), and Southern California Edison (SCE) (California Investor Owned Utilities (CA IOUs)) and a joint submission from the Appliance Standards Awareness Project (ASAP), California Energy Commission and Natural Resources Defense Council (Joint Advocates). These stakeholders were opposed to the withdrawal of the conventional cooking tops test procedure. The CA IOUs commented that DOE's proposed withdrawal is beyond its statutory authority, arguing that EPCA only authorizes DOE to prescribe or amend test procedures, not withdraw them without replacement. (CA IOUs, No. 34 at p. 1) The CA IOUs and the Joint Advocates similarly commented that DOE's proposal to withdraw the cooking tops test procedure is not supported by DOE's own investigation and testing. (Joint Advocates, No. 37 at p. 1; CA IOUs, No. 34 at p. 2) Both stakeholders noted that, in light of AHAM's 2018 petition, DOE re-verified its water-based test procedure efficacy and found that the coefficient of variation for each surface unit's energy consumption did not exceed two percent of all units in the sample, which suggest the test procedure is repeatable for electric cooking tops. (CA IOUs, No. 34 at p. 2; Joint Advocates, No. 37 at p. 2) The Joint Advocates commented that even if there are outstanding questions around repeatability or reproducibility, these have no bearing on whether the test procedure is representative or unduly burdensome to conduct. The Joint Advocates, with similar comments from the CA IOUs, stated that DOE provides no evidence in the August 2019 NOPR that the test procedure is not representative of consumer use nor any evidence that the test itself is unduly burdensome. (Joint Advocates, No. 37 at p. 2; CA IOUs, No. 34 at p. 2) The Joint Advocates commented that withdrawing the test procedure prior to additional testing and publication of the results for stakeholder comment would be unwarranted and harmful to consumers. (Joint Advocates, No. 37 at p. 2) Further, the Joint Advocates stated that withdrawing the test procedure would be unwarranted because, in the absence of performance standards for cooking tops, manufacturers are not currently required to use the test procedure. *Id.* Additionally, the Joint Advocates stated they were unaware of any manufacturers that make efficiency representations for cooking tops. *Id.*

The CA IOUs similarly requested that DOE consider conducting additional round-robin testing in an effort to further understand the overall variation in results and to further explore the reasons for the discrepancies with results achieved via DOE testing and other industry testing, particularly for gas cooking tops in light of AHAM's limited sample size for these products. (CA IOUs, No. 34 at p. 2) The CA IOUs commented that, at the NOPR public meeting, AHAM suggested that ambient conditions impact the repeatability of the test procedure. In response, the CA IOUs provided in their written comments that ambient conditions are specified in the test procedure, and thus in a controlled laboratory atmosphere, unexpected changes in a controlled conditioned space should not be the cause for significant changes in the performance results from one test run to another. Therefore, the CA IOUs suggested that the true causes for discrepancies in the test results remain mostly unknown. In the absence of additional energy performance data and analysis to further understand why this test procedure may not be repeatable or reproducible for both gas and electric cooking tops, the CA IOUs deemed the withdrawal of the test procedure to be premature. *Id.*

The CA IOUs further commented that they continue to support the water-based test procedure, believing it to be a straightforward representation of residential cooking top use, regardless of fuel type (gas or electric). They noted that the water heating method has been widely adopted in Europe and elsewhere, and they asserted that the 20-minute simmer portion of the test is representative of an ''average household cooking duration.'' The CA IOUs are not aware of any vetted operational studies or reports suggesting gas cooking tops are not used for heating and/or maintaining a liquid (*i.e.,* water) at a specified temperature. *Id.*

Recognizing that any additional performance testing can be burdensome, the CA IOUs commented that once manufacturers and third-party test laboratories acquire all required testing materials to accurately and effectively run the test procedure, the burden is far less considerable. (CA IOUs, No. 34 at p. 3) Lastly, the Joint Advocates argued that DOE's statement in the August 2019

[6] A notation in the form of ''AHAM, Public Meeting Transcript, No. 38 at pp. 52–53'' identifies a written comment: (1) Made by AHAM; (2) stated during the Public Meeting whose transcript is available as document number 38 that is filed in the docket for this rulemaking (Docket No. EERE–2018–BT–TP–0004) and available for review at *http://www.regulations.gov;* and (3) that appears on pages 52 through 53 of the transcript, document number 38.

NOPR that ''the cooking products test procedure, as conducted by testing laboratories that may not be familiar with its provisions, does not provide information that is potentially beneficial to consumers,'' does not support DOE's proposal to withdraw the test procedure. The Joint Advocates commented that this statement is true for any test procedure, as any laboratory conducting testing using any test procedure must be sufficiently familiar with the procedure to accurately conduct the test. (Joint Advocates, No. 37 at p. 3)

As previously stated, test procedures promulgated by DOE must be reasonably designed to produce test results which measure the energy efficiency of a conventional cooking top during a representative average use cycle or period of use as determined by DOE. (42 U.S.C. 6293(b)(3)) The Federal test procedure must also not be unduly burdensome to conduct. *Id.* Stakeholders have raised valid concerns relating to the representativeness of the conventional cooking tops test procedure. The test data submitted by AHAM is inconsistent with DOE's own published testing data, to date. DOE's test data for electric cooktops shows small variations, though those tests were conducted within one lab. AHAM's lab-to-lab test results showed high levels of variation for gas and electric cooktops.[7] This inconsistency indicates that the test may not be reproducible across labs. DOE has not identified the cause of this variation, as DOE's published testing to date has involved only single lab testing of electric cooking tops and no actual tests of gas cooktops.

Reproducible test procedures are necessary to ensure that testing results are consistent from test-to-test and lab-to-lab, especially for compliance testing. Variability in test results indicates the test procedure is not representative of consumer use, as required by 42 U.S.C. 6293(b)(3) of EPCA. To ensure that the cooking tops test procedure measures energy use during a representative average use cycle or period of use, DOE concludes that further investigation is necessary. Before DOE can determine any appropriate test procedure for use in developing a subsequent energy conservation standard, DOE must conduct additional testing and gather additional data, including testing at additional laboratories, and publish such data for public comment.

Because DOE determines the cooking tops test procedure is not representative, the testing cost and testing time associated with the test procedure are unnecessarily burdensome and cannot be justified. There is currently no performance-based energy conservation standard for conventional cooking tops, and so a test procedure is required only if manufacturers are making representations of energy efficiency. DOE finds there is no benefit to either consumers or manufacturers to leave in place a test procedure for which there are substantial questions as to the test's accuracy and reliability for making efficiency representations. Moreover, from a market perspective, there is harm in requiring manufacturers to incur the cost of a test procedure for communicating energy efficiency to consumers that yields inaccurate results.

Under 42 U.S.C. 6293(b)(3) of EPCA, DOE has the authority to withdraw a test procedure that is not representative of an average use cycle or period of use and is unduly burdensome to conduct. Under this authority, DOE is able to withdraw test procedure rules that it discovers are faulty. DOE similarly invoked this authority when it repealed the conventional oven test procedure in the December 2016 TP Final Rule because it did not accurately represent consumer use. Notably, DOE received no objection to its authority to repeal the oven test procedure in that proceeding. 81 FR 91418, 91423–91424. Moreover, the APA provides any party with the right to petition for, among other things, the repeal of a rule. 5 U.S.C. 553(e). AHAM has sought repeal of the cooking tops test procedure by submitting a petition under this APA authority. DOE is following the process required by the APA, by undertaking this rulemaking proceeding to repeal the cooking tops test procedure. See *Motor Vehicle Mfrs. Ass'n of U.S., Inc.* v. *State Farm Mutual Auto Ins. Co.,* 463 U.S. 29 (1983).

AHAM submitted test results conducted by skilled technicians that is inconsistent with DOE's own testing results to date regarding the test procedure for conventional cooking tops. Because of the inconsistency, which indicates the test procedure is not reproducible, DOE determines that the conventional cooking tops test procedure does not accurately represent consumer use and is unduly burdensome. DOE therefore withdraws the conventional cooking tops test procedure in this final rule. A design standard for conventional cooking tops still remains, which does not require a test procedure. DOE will continue collecting testing data for conventional cooking tops to determine any appropriate test procedure for use in developing any subsequent energy conservation standard.

IV. Procedural Issues and Regulatory Review

A. Review Under Executive Orders 12866 and 13563

This final rule does not constitute a ''significant regulatory action'' under section 3(f) of Executive Order 12866, Regulatory Planning and Review, 58 FR 51735 (Oct. 4, 1993). Accordingly, this action was not subject to review under the Executive Order by the Office of Information and Regulatory Affairs (OIRA) in the OMB.

B. Review Under Executive Orders 13771 and 13777

On January 30, 2017, the President issued Executive Order (E.O.) 13771, ''Reducing Regulation and Controlling Regulatory Costs.'' The E.O. 13771 stated the policy of the executive branch is to be prudent and financially responsible in the expenditure of funds, from both public and private sources. E.O. 13771 stated that it is essential to manage the costs associated with the governmental imposition of private expenditures required to comply with Federal regulations.

Additionally, on February 24, 2017, the President issued E.O. 13777, ''Enforcing the Regulatory Reform Agenda.'' E.O. 13777 required the head of each agency designate an agency official as its Regulatory Reform Officer (RRO). Each RRO oversees the implementation of regulatory reform initiatives and policies to ensure that agencies effectively carry out regulatory reforms, consistent with applicable law. Further, E.O. 13777 requires the establishment of a regulatory task force at each agency. The regulatory task force is required to make recommendations to the agency head regarding the repeal, replacement, or modification of existing regulations, consistent with applicable law. At a minimum, each regulatory reform task force must attempt to identify regulations that:

(i) Eliminate jobs, or inhibit job creation;

(ii) Are outdated, unnecessary, or ineffective;

(iii) Impose costs that exceed benefits;

(iv) Create a serious inconsistency or otherwise interfere with regulatory reform initiatives and policies;

(v) Are inconsistent with the requirements of Information Quality Act, or the guidance issued pursuant to that Act, in particular those regulations that rely in whole or in part on data, information, or methods that are not publicly available or that are

[7] See AHAM, No. 35 at Exhibit A at Table 1, p. 33.

insufficiently transparent to meet the standard for reproducibility; or

(vi) Derive from or implement Executive Orders or other Presidential directives that have been subsequently rescinded or substantially modified.

DOE concludes that this rulemaking is consistent with the directives set forth in these executive orders.

C. Review Under the Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires preparation of an initial regulatory flexibility analysis (IRFA) for any rule that by law must be proposed for public comment, and a final regulatory flexibility analysis (FRFA) for any such rule that an agency adopts as a final rule, unless the agency certifies that the rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. As required by Executive Order 13272, ''Proper Consideration of Small Entities in Agency Rulemaking,'' 67 FR 53461 (August 16, 2002), DOE published procedures and policies on February 19, 2003, to ensure that the potential impacts of its rules on small entities are properly considered during the rulemaking process. 68 FR 7990. DOE has made its procedures and policies available on the Office of the General Counsel's website (*http://energy.gov/gc/office-general-counsel*).

DOE reviewed the withdrawal of the cooking tops test procedure under the provisions of the Regulatory Flexibility Act and the procedures and policies published on February 19, 2003.

DOE uses the Small Business Administration's (SBA) small business size standards to determine whether manufacturers qualify as small businesses, which are listed by the North American Industry Classification System (NAICS). The SBA considers a business entity to be a small business, if, together with its affiliates, it employs less than a threshold number of workers specified in 13 CFR part 121. The 2017 NAICS code for cooking tops is 335210, small electrical appliance manufacturing. The threshold number for NAICS code 335210 is 1,500 employees. This employee threshold includes all employees in a business's parent company and any other subsidiaries.

DOE conducted a focused inquiry into small business manufacturers of products covered by this rulemaking. DOE primarily used the Compliance Certification Database in DOE's Compliance Certification Management System for cooking products to create a list of companies that sell cooking tops. DOE identified a total of 24 distinct companies that sell cooking tops in the United States.

DOE reviewed these companies to determine whether the entities met the SBA's definition of ''small business'' and screened out any companies that do not offer products covered by this rulemaking, do not meet the definition of a ''small business,'' or are foreign-owned and operated. Based on this review, DOE identified 12 domestic manufacturers of cooking tops that are potential small businesses.

This final rule withdraws the conventional cooking tops test procedure for manufacturers. This does not increase manufacturer's testing burden or add any costs to any manufacturers, small or large. For these reasons, DOE concludes and certifies that this final rule does not have a ''significant economic impact on a substantial number of small entities,'' and the preparation of an FRFA is not warranted.

D. Review Under the Paperwork Reduction Act

Manufacturers of cooking tops must certify to DOE that their products comply with any applicable energy conservation standards. In certifying compliance, manufacturers must test their products according to the DOE test procedures for cooking products, including any amendments adopted for those test procedures. DOE has established regulations for the certification and recordkeeping requirements for all covered consumer products and commercial equipment. *See generally* 10 CFR part 429. The collection-of-information requirement for the certification and recordkeeping is subject to review and approval by OMB under the Paperwork Reduction Act (PRA). This requirement has been approved by OMB under OMB control number 1910–1400. Public reporting burden for the certification is estimated to average 30 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the PRA, unless that collection of information displays a currently valid OMB control number.

E. Review Under the National Environmental Policy Act of 1969

In this final rule, DOE establishes test procedure amendments that will be used to develop and implement future energy conservation standards for cooking products. DOE has determined that this rule falls into a class of actions that are categorically excluded from review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*) and DOE's implementing regulations at 10 CFR part 1021. Specifically, this rule revokes the existing test procedures. The existing test procedures are not used for determining compliance with an energy conservation standard and as such, their revocation does not affect the amount, quality or distribution of energy usage, and, therefore, does not result in any environmental impacts. Thus, this rulemaking is covered by Categorical Exclusion A5 under 10 CFR part 1021, subpart D, which applies to any rulemaking that interprets or amends an existing rule without changing the environmental effect of that rule. Accordingly, neither an environmental assessment nor an environmental impact statement is required.

F. Review Under Executive Order 13132

Executive Order 13132, ''Federalism,'' 64 FR 43255 (August 10, 1999), imposes certain requirements on federal agencies formulating and implementing policies or regulations that preempt state law or that have Federalism implications. The Executive Order requires agencies to examine the constitutional and statutory authority supporting any action that would limit the policymaking discretion of the states and to carefully assess the necessity for such actions. The Executive Order also requires agencies to have an accountable process to ensure meaningful and timely input by state and local officials in the development of regulatory policies that have Federalism implications. On March 14, 2000, DOE published a statement of policy describing the intergovernmental consultation process it will follow in the development of such regulations. 65 FR 13735. DOE has examined this final rule and has determined that it does 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. EPCA governs and prescribes federal preemption of state regulations as to energy conservation for the products that are the subject of this proposed rule. States can petition DOE for exemption from such preemption to the extent, and based on criteria, set forth in EPCA. (42 U.S.C. 6297) Therefore, no further action is required by Executive Order 13132.

G. Review Under Executive Order 12988

With respect to the review of existing regulations and the promulgation of new regulations, section 3(a) of Executive Order 12988, ''Civil Justice Reform,'' imposes on federal agencies the general duty to adhere to the following requirements: (1) Eliminate drafting errors and ambiguity; (2) write regulations to minimize litigation; (3) provide a clear legal standard for affected conduct rather than a general standard; and (4) promote simplification and burden reduction. 61 FR 4729 (Feb. 7, 1996). Regarding the review required by section 3(a), section 3(b) of Executive Order 12988 specifically requires that Executive agencies make every reasonable effort to ensure that the regulation: (1) Clearly specifies the preemptive effect, if any; (2) clearly specifies any effect on existing federal law or regulation; (3) provides a clear legal standard for affected conduct while promoting simplification and burden reduction; (4) specifies the retroactive effect, if any; (5) adequately defines key terms; and (6) addresses other important issues affecting clarity and general draftsmanship under any guidelines issued by the Attorney General. Section 3(c) of Executive Order 12988 requires Executive agencies to review regulations in light of applicable standards in section 3(a) and section 3(b) to determine whether they are met or it is unreasonable to meet one or more of them. DOE has completed the required review and determined that, to the extent permitted by law, this final rule meets the relevant standards of Executive Order 12988.

H. Review Under the Unfunded Mandates Reform Act of 1995

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) requires each federal agency to assess the effects of federal regulatory actions on state, local, and tribal governments and the private sector. Pub. L. 104–4, sec. 201 (codified at 2 U.S.C. 1531). For a regulatory action likely to result in a rule that may cause the expenditure by state, local, and tribal governments, in the aggregate, or by the private sector of $100 million or more in any one year (adjusted annually for inflation), section 202 of UMRA requires a federal agency to publish a written statement that estimates the resulting costs, benefits, and other effects on the national economy. (2 U.S.C. 1532(a), (b)) The UMRA also requires a federal agency to develop an effective process to permit timely input by elected officers of state, local, and tribal governments on a proposed ''significant intergovernmental mandate,'' and requires an agency plan for giving notice and opportunity for timely input to potentially affected small governments before establishing any requirements that might significantly or uniquely affect them. On March 18, 1997, DOE published a statement of policy on its process for intergovernmental consultation under UMRA. 62 FR 12820. DOE's policy statement is also available at *http://energy.gov/gc/office-general-counsel.* DOE examined this final rule according to UMRA and its statement of policy and determined that the rule contains neither an intergovernmental mandate, nor a mandate that may result in the expenditure of $100 million or more in any year, so these requirements do not apply.

I. Review Under the Treasury and General Government Appropriations Act, 1999

Section 654 of the Treasury and General Government Appropriations Act, 1999 (Pub. L. 105–277) requires federal agencies to issue a Family Policymaking Assessment for any rule that may affect family well-being. This final rule does not have any impact on the autonomy or integrity of the family as an institution. Accordingly, DOE has concluded that it is not necessary to prepare a Family Policymaking Assessment.

J. Review Under Executive Order 12630

Pursuant to Executive Order 12630, ''Governmental Actions and Interference with Constitutionally Protected Property Rights,'' 53 FR 8859 (March 15, 1988), DOE has determined that this final rule does not result in any takings that might require compensation under the Fifth Amendment to the U.S. Constitution.

K. Review Under the Treasury and General Government Appropriations Act, 2001

Section 515 of the Treasury and General Government Appropriations Act, 2001 (44 U.S.C. 3516 note) provides for federal agencies to review most disseminations of information to the public under information quality guidelines established by each agency pursuant to general guidelines issued by OMB. OMB's guidelines were published at 67 FR 8452 (Feb. 22, 2002), and DOE's guidelines were published at 67 FR 62446 (Oct. 7, 2002). DOE has reviewed this final under the OMB and DOE guidelines and has concluded that it is consistent with applicable policies in those guidelines.

L. Review Under Executive Order 13211

Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use,'' 66 FR 28355 (May 22, 2001), requires federal agencies to prepare and submit to OMB, a Statement of Energy Effects for any proposed significant energy action. A ''significant energy action'' is defined as any action by an agency that promulgates or is expected to lead to promulgation of a final rule, and that: (1) Is a significant regulatory action under Executive Order 12866, or any successor order; and (2) is likely to have a significant adverse effect on the supply, distribution, or use of energy, or (3) is designated by the Administrator of OIRA as a significant energy action. For any proposed significant energy action, the agency must give a detailed statement of any adverse effects on energy supply, distribution, or use should the proposal be implemented, and of reasonable alternatives to the action and their expected benefits on energy supply, distribution, and use.

This regulatory action to withdraw the conventional cooking tops test procedure is not a significant regulatory action under Executive Order 12866. Moreover, it will not have a significant adverse effect on the supply, distribution, or use of energy, nor has it been designated as a significant energy action by the Administrator of OIRA. Therefore, it is not a significant energy action, and, accordingly, DOE has not prepared a Statement of Energy Effects.

M. Description of Materials Incorporated by Reference

In this final rule, DOE maintains the incorporation of reference of the following test standards: (1) IEC 62301, Household electrical appliances—Measurement of standby power,'' Publication 62301 (First Edition 2005–06), section 5; and (2) IEC 62301 Household electrical appliances—Measurement of standby power, (Edition 2.0 2011–01), sections 4 and 5. These standards include test conditions and testing procedures for measuring the average standby mode and average off mode power consumption of microwaves and were previously incorporated by reference in appendix I.

Copies of IEC 62301 (First Edition) and IEC 62301 (Second Edition) can be obtained from the American National Standards Institute, 25 W. 43rd Street, 4th Floor, New York, NY 10036, (212) 642–4900, or go to *http://webstore.ansi.org.*

In this final rule, DOE also removes the test standard published by the

European Committee for Electrotechnical Standardization, CENELEC, EN 60350–2:2013, ''Household electric cooking appliances Part 2: Hobs—Methods for measuring performance,'' (June 3, 2013), IBR approved for appendix I to subpart B of 10 CFR part 430.

N. Congressional Notification

As required by 5 U.S.C. 801, DOE will submit to congress a report regarding the issuance of this final rule prior to the effective date set forth at the outset of this rulemaking. The report will state that it has been determined that the rule is not a ''major rule'' as defined by 5 U.S.C. 801(2).

V. Approval of the Office of the Secretary

The Secretary of Energy has approved publication of this final rule.

List of Subjects in 10 CFR Part 430

Administrative practice and procedure, Confidential business information, Energy conservation, Household appliances, Imports, Incorporation by reference, Intergovernmental relations, Small businesses.

Signing Authority

This document of the Department of Energy was signed on July 17, 2020, by Daniel R Simmons, Assistant Secretary for Energy Efficiency, Energy Efficiency and Renewable Energy, pursuant to delegated authority from the Secretary of Energy. That document with the original signature and date is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE **Federal Register** Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC, on July 21, 2020.

Treena V. Garrett,

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

For the reasons set forth in the preamble, DOE amends part 430 of chapter II, subchapter D, of title 10 of the Code of Federal Regulations, as set forth below:

PART 430—ENERGY CONSERVATION PROGRAM FOR CONSUMER PRODUCTS

■ 1. The authority citation for part 430 continues to read as follows:

Authority: 42 U.S.C. 6291–6309; 28 U.S.C. 2461 note.

§ 430.3 [Amended]

■ 2. Section 430.3 is amended by:
■ a. Removing paragraph (l); and
■ b. Redesignating paragraphs (m) through (v) as paragraphs (l) through (u).

■ 3. Section 430.23 is amended by revising paragraph (i) to read as follows:

§ 430.23 Test procedures for the measurement of energy and water consumption.

* * * * *

(i) *Cooking products.* Determine the standby power for microwave ovens, excluding any microwave oven component of a combined cooking product, according to section 3.2.1 of appendix I to this subpart. Round standby power to the nearest 0.1 watt.

* * * * *

■ 4. Appendix I to subpart B of part 430 is revised to read as follows:

Appendix I to Subpart B of Part 430—Uniform Test Method for Measuring the Energy Consumption of Cooking Products

1. Definitions

The following definitions apply to the test procedures in this appendix, including the test procedures incorporated by reference:

1.1 *Active mode* means a mode in which the product is connected to a mains power source, has been activated, and is performing the main function of producing heat by means of a gas flame, electric resistance heating, electric inductive heating, or microwave energy.

1.2 *Built-in* means the product is enclosed in surrounding cabinetry, walls, or other similar structures on at least three sides, and can be supported by surrounding cabinetry or the floor.

1.3 *Combined cooking product* means a household cooking appliance that combines a cooking product with other appliance functionality, which may or may not include another cooking product. Combined cooking products include the following products: Conventional range, microwave/conventional cooking top, microwave/conventional oven, and microwave/conventional range.

1.4 *Drop-in* means the product is supported by horizontal surface cabinetry.

1.5 *IEC 62301 (First Edition)* means the test standard published by the International Electrotechnical Commission, titled ''Household electrical appliances—Measurement of standby power,'' Publication 62301 (First Edition 2005–06) (incorporated by reference; see § 430.3).

1.6 *IEC 62301 (Second Edition)* means the test standard published by the International Electrotechnical Commission, titled ''Household electrical appliances—Measurement of standby power,'' Publication 62301 (Edition 2.0 2011–01) (incorporated by reference; see § 430.3).

1.7 *Normal non-operating temperature* means a temperature of all areas of an appliance to be tested that is within 5 °F (2.8 °C) of the temperature that the identical areas of the same basic model of the appliance would attain if it remained in the test room for 24 hours while not operating with all oven doors closed.

1.8 *Off mode* means any mode in which a cooking product is connected to a mains power source and is not providing any active mode or standby function, and where the mode may persist for an indefinite time. An indicator that only shows the user that the product is in the off position is included within the classification of an off mode.

1.9 *Standby mode* means any mode in which a cooking product is connected to a mains power source and offers one or more of the following user-oriented or protective functions which may persist for an indefinite time:

(1) Facilitation of the activation of other modes (including activation or deactivation of active mode) by remote switch (including remote control), internal sensor, or timer;

(2) Provision of continuous functions, including information or status displays (including clocks) or sensor-based functions. A timer is a continuous clock function (which may or may not be associated with a display) that allows for regularly scheduled tasks and that operates on a continuous basis.

2. Test Conditions

2.1 *Installation.* Install a drop-in or built-in cooking product in a test enclosure in accordance with manufacturer's instructions. If the manufacturer's instructions specify that the cooking product may be used in multiple installation conditions, install the appliance according to the built-in configuration. Completely assemble the product with all handles, knobs, guards, and similar components mounted in place. Position any electric resistance heaters and baffles in accordance with the manufacturer's instructions.

2.1.1 *Microwave ovens, excluding any microwave oven component of a combined cooking product.* Install the microwave oven in accordance with the manufacturer's instructions and connect to an electrical supply circuit with voltage as specified in section 2.2.1 of this appendix. Install the microwave oven also in accordance with Section 5, Paragraph 5.2 of IEC 62301 (Second Edition) (incorporated by reference; see § 430.3), disregarding the provisions regarding batteries and the determination, classification, and testing of relevant modes. A watt meter shall be installed in the circuit and shall be as described in section 2.6.1.1 of this appendix.

2.2 *Energy supply.*

2.2.1 *Electrical supply.*

2.2.1.1 *Voltage.* For microwave oven testing, maintain the electrical supply to the unit at 240/120 volts ±1 percent. Maintain the electrical supply frequency for all products at 60 hertz ±1 percent.

2.3 *Air circulation.* Maintain air circulation in the room sufficient to secure a reasonably uniform temperature distribution, but do not cause a direct draft on the unit under test.

2.4 *Ambient room test conditions.*

2.4.1 *Standby mode and off mode ambient temperature.* For standby mode and off mode testing, maintain room ambient air temperature conditions as specified in Section 4, Paragraph 4.2 of IEC 62301 (Second Edition) (incorporated by reference; see § 430.3).

2.5 *Normal non-operating temperature.* All areas of the appliance to be tested must attain the normal non-operating temperature, as defined in section 1.7 of this appendix, before any testing begins. Measure the applicable normal non-operating temperature using the equipment specified in sections 2.6.2.1 of this appendix.

2.6 *Instrumentation.* Perform all test measurements using the following instruments, as appropriate:

2.6.1 *Electrical Measurements.*

2.6.1.1 *Standby mode and off mode watt meter.* The watt meter used to measure standby mode and off mode power must meet the requirements specified in Section 4, Paragraph 4.4 of IEC 62301 (Second Edition) (incorporated by reference; see § 430.3). For microwave oven standby mode and off mode testing, if the power measuring instrument used for testing is unable to measure and record the crest factor, power factor, or maximum current ratio during the test measurement period, measure the crest factor, power factor, and maximum current ratio immediately before and after the test measurement period to determine whether these characteristics meet the requirements specified in Section 4, Paragraph 4.4 of IEC 62301 (Second Edition).

2.6.2 *Temperature measurement equipment.*

2.6.2.1 *Room temperature indicating system.* For the test of microwave ovens, the room temperature indicating system must have an error no greater than ±1 °F (±0.6 °C) over the range 65° to 90 °F (18 °C to 32 °C).

3. Test Methods and Measurements

3.1. *Test methods.*

3.1.1 *Microwave oven.*

3.1.1.1 *Microwave oven test standby mode and off mode power except for any microwave oven component of a combined cooking product.* Establish the testing conditions set forth in section 2, Test Conditions, of this appendix. For microwave ovens that drop from a higher power state to a lower power state as discussed in Section 5, Paragraph 5.1, Note 1 of IEC 62301 (Second Edition) (incorporated by reference; see § 430.3), allow sufficient time for the microwave oven to reach the lower power state before proceeding with the test measurement. Follow the test procedure as specified in Section 5, Paragraph 5.3.2 of IEC 62301 (Second Edition). For units in which power varies as a function of displayed time in standby mode, set the clock time to 3:23 and use the average power approach described in Section 5, Paragraph 5.3.2(a) of IEC 62301 (First Edition), but with a single test period of 10 minutes +0/−2 sec after an additional stabilization period until the clock time reaches 3:33. If a microwave oven is capable of operation in either standby mode or off mode, as defined in sections 1.9 and 1.8 of this appendix, respectively, or both, test the microwave oven in each mode in which it can operate.

3.2 *Test measurements.*

3.2.1 *Microwave oven standby mode and off mode power except for any microwave oven component of a combined cooking product.* Make measurements as specified in Section 5, Paragraph 5.3 of IEC 62301 (Second Edition) (incorporated by reference; see § 430.3). If the microwave oven is capable of operating in standby mode, as defined in section 1.9 of this appendix, measure the average standby mode power of the microwave oven, PSB, in watts as specified in section 3.1.1.1 of this appendix. If the microwave oven is capable of operating in off mode, as defined in section 1.8 of this appendix, measure the average off mode power of the microwave oven, POM, as specified in section 3.1.1.1.

3.3 *Recorded values.*

3.3.1 For microwave ovens except for any microwave oven component of a combined cooking product, record the average standby mode power, PSB, for the microwave oven standby mode, as determined in section 3.2.1 of this appendix for a microwave oven capable of operating in standby mode. Record the average off mode power, POM, for the microwave oven off mode power test, as determined in section 3.2.1 of this appendix for a microwave oven capable of operating in off mode.

[FR Doc. 2020–16102 Filed 8–17–20; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2020–0743; Project Identifier MCAI–2020–00728–A; Amendment 39–21200; AD 2020–16–16]

RIN 2120–AA64

Airworthiness Directives; Pacific Aerospace Limited Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for Pacific Aerospace Limited Model 750XL airplanes. This AD results from mandatory continuing airworthiness information (MCAI) issued by the aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as the outer race of bearing migrating out of the aileron pivot fork on the control column. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective September 7, 2020.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of September 7, 2020.

The FAA must receive comments on this AD by September 7, 2020.

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

- *Federal eRulemaking Portal:* Go to *https://www.regulations.gov.* Follow the instructions for submitting comments.
- *Fax:* (202) 493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.
- *Hand Delivery:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- For service information identified in this AD, contact Pacific Aerospace Limited, Airport Road, Hamilton, Private Bag 3027, Hamilton 3240, New Zealand; telephone: +64 7 843 6144; facsimile: +64 7 843 6134; email: *pacific@aerospace.co.nz;* internet: *https://www.aerospace.co.nz.* You may view this referenced service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329–4148. It is also available on the internet at *https://www.regulations.gov* by searching for Docket No. FAA–2020–0743.

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–2020–0743; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The street address for Docket Operations is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Mike Kiesov, Aerospace Engineer, FAA, General Aviation & Rotorcraft Section, International Validation Branch, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–

4144; fax: (816) 329–4090; email: *mike.kiesov@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

The Civil Aviation Authority (CAA), which is the aviation authority for New Zealand, has issued AD No. DCA/750XL/33A, dated February 7, 2019 (referred to after this as ''the MCAI''), to correct an unsafe condition for Pacific Aerospace Limited Model 750XL airplanes. The MCAI states:

> DCA/750XL/33A is prompted by a report of finding the outer race of bearing P/N NA4901–2RSR migrating out of an aileron pivot fork on a control column of a 750XL aircraft. The [CAA] AD is issued to introduce retaining washers to the aileron pivot bearings in accordance with the instructions in Pacific Aerospace Mandatory Service Bulletin (MSB) PACSB/XL/115 issue 3, dated 21 January 2019. This issue 3 MSB introduces alternate washer P/N AN960–516 for P/N AN960–516L. The issue 2 MSB introduced alternate bolts for P/N NAS6605D60.

The original design of the aileron pivot bearings did not have the retaining hardware. After the design was revised and the retaining hardware was added to the design drawing, production did not follow the drawing. As a result, aileron pivot bearings were installed on the affected airplanes without retaining hardware. Without the retaining hardware, the outer race of the bearing can slip out of the aileron pivot fork, which may lead to excessive play in the control column.

You may examine the MCAI on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0743.

Related Service Information Under 1 CFR Part 51

The FAA reviewed Pacific Aerospace Limited Mandatory Service Bulletin PACSB/XL/115, Issue 3, dated January 21, 2019; Pacific Aerospace Limited Drawing Number WAS 7, Issue B, dated November 27, 2018; and Pacific Aerospace Limited Drawing Number WAS18, Issue NC, dated December 13, 2018. The service bulletin contains procedures for inspecting the aileron pivot fork end bearing assemblies of the starboard and port control columns for security and installing retaining washers and a bolt secured with a castellated nut and split pin. The service drawings contain the specifications of the required washers. 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.

Other Related Information

The FAA also reviewed Pacific Aerospace Drawing Number BOL6603 thru 6620, Issue A, dated December 19, 2018. This drawing contains the specifications for bolts that may be used in the aileron pivot fork end bearing assemblies.

Differences Between the MCAI and This AD

The MCAI requires a daily inspection of the bearing assemblies and allows either a mechanic or a pilot rated for this airplane to perform these inspections. This AD does not require these daily inspections.

The MCAI requires installation of the retaining hardware within 165 hours time-in-service (TIS). The aileron pivot fork bearing could migrate out of position at any time during any flight operation. Because this AD does not require the daily visual inspections until the retaining hardware is installed, the FAA has determined that a shorter compliance time is necessary to address the unsafe condition. Therefore, this AD requires installing the retaining hardware within 10 hours TIS or 15 days, whichever occurs first.

FAA's Determination and Requirements of This AD

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to our bilateral agreement with this State of Design Authority, it has notified us of the unsafe condition described in the MCAI and service information referenced above. The FAA is issuing this AD because it evaluated all information provided by the State of Design Authority and determined the unsafe condition exists and is likely to exist or develop on other products of the same type design.

FAA's Determination of the Effective Date

An unsafe condition exists that requires the immediate adoption of this AD. The FAA has found that the risk to the flying public justifies waiving notice and comment prior to adoption of this rule because the aileron pivot fork bearing could slip out of the control column at any time during flight and cause excessive play in the control column. This condition could result in loss of airplane control. Therefore, the corrective actions are required by this AD within 10 hours TIS or 15 days, whichever occurs first. The risk assessment received by the FAA, and reconfirmed in July of 2020, indicates that urgent action is required. Thus, the FAA finds good cause that notice and opportunity for prior public comment are impracticable. In addition, for the reasons stated above, the FAA finds that good cause exists for making this amendment effective in less than 30 days.

Comments Invited

This AD is a final rule that involves requirements affecting flight safety and was not preceded by notice and an opportunity for public comment. However, we invite you to send any written data, views, or arguments about this final rule. Send your comments to an address listed under the **ADDRESSES** section. Include the Docket Number FAA–2020–0743 and Product Identifier MCAI–2020–00728–A at the beginning of your comments.

Except for Confidential Business Information (CBI) as described in the following paragraph, and other information as described in 14 CFR 11.35, the FAA will post all comments we receive, 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 we receive about this final rule.

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 AD 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 AD, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this AD. Submissions containing CBI should be sent to Mike Kiesov, Aerospace Engineer, FAA General Aviation & Rotorcraft Section, International Validation Branch, 901 Locust, Room 301, Kansas City, Missouri 64106. Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Costs of Compliance

The FAA estimates that this AD will affect 22 products of U.S. registry. The FAA estimates that it will take 3 work-hours per product to install the

retaining washers and bolt secured with a castellated nut and split pin to the aileron pivot fork bearing required by this AD. The average labor rate is $85 per work-hour. Required parts will cost about $20.

Based on these figures, the FAA estimates the cost of this AD on U.S. operators to be $6,050, or $275 per product.

According to the manufacturer, some of the costs of this AD may be covered under warranty, thereby reducing the cost impact on affected individuals. The FAA does not control warranty coverage for affected individuals. As a result, the FAA has included all costs in this cost estimate.

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 Flexibility Act

The requirements of the Regulatory Flexibility Act (RFA) do not apply when an agency finds good cause pursuant to 5 U.S.C. 553 to adopt a rule without prior notice and comment. Because FAA has determined that it has good cause to adopt this rule without notice and comment, RFA analysis is not required.

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, and

(2) Will not affect intrastate aviation in Alaska.

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:

2020–16–16 Pacific Aerospace Limited: Amendment 39–21200; Docket No. FAA–2020–0743; Project Identifier MCAI–2020–00728–A.

(a) Effective Date

This airworthiness directive (AD) becomes effective September 7, 2020.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Pacific Aerospace Limited Model 750XL airplanes, serial numbers 101 through 220, 8001, and 8002, certificated in any category.

(d) Subject

Air Transport Association of America (ATA) Code 27: Flight Controls.

(e) Reason

This AD was prompted by mandatory continuing airworthiness information (MCAI) issued by the aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as the outer race of bearing migrating out of the aileron pivot fork on the control column. The FAA is issuing this AD to prevent the aileron pivot fork bearing from slipping out of the control column during flight. This unsafe condition, if not corrected, could cause excessive play in the control column with consequent loss of airplane control.

(f) Actions and Compliance

Unless already done, within 10 hours time-in-service after September 7, 2020 (the effective date of this AD) or within 15 days after September 7, 2020 (the effective date of this AD), whichever occurs first, install retaining hardware on each aileron pivot fork bearing assembly fork end on the starboard and port control columns in accordance with Part B-Installation-hardware of the Accomplishment Instructions in Pacific Aerospace Limited Mandatory Service Bulletin PACSB/XL/115, Issue 3, dated January 21, 2019; Pacific Aerospace Limited Drawing Number WAS 7, Issue B, dated November 27, 2018; and Pacific Aerospace Limited Drawing Number WAS18, Issue NC, dated December 13, 2018.

(g) Alternative Methods of Compliance (AMOCs)

The Manager, International Validation Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to ATTN: Mike Kiesov, Aerospace Engineer, FAA, General Aviation & Rotorcraft Section, International Validation Branch, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4144; fax: (816) 329–4090; email: *mike.kiesov@faa.gov.* Before using any approved AMOC on any airplane to which the AMOC applies, notify your appropriate principal inspector (PI) in the FAA Flight Standards District Office (FSDO), or lacking a PI, your local FSDO.

(h) Special Flight Permit

Special flight permits are not permitted for this AD.

(i) Related Information

Refer to MCAI Civil Aviation Authority AD No. DCA/750XL/33A, dated February 7, 2019; and Pacific Aerospace Limited Drawing Number BOL6603 thru 6620, Issue A, dated December 19, 2018, for related information. You may examine the MCAI on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0743. You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329–4148.

(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) Pacific Aerospace Limited Mandatory Service Bulletin PACSB/XL/115, Issue 3, dated January 21, 2019.

(ii) Pacific Aerospace Limited Drawing Number WAS 7, Issue B, dated November 27, 2018.

(iii) Pacific Aerospace Limited Drawing Number WAS18, Issue NC, dated December 13, 2018.

(3) For Pacific Aerospace Limited service information identified in this AD, contact Pacific Aerospace Limited, Airport Road, Hamilton, Private Bag 3027, Hamilton 3240, New Zealand; phone: +64 7843 6144; fax: +64 7843 6134; email: *pacific@aerospace.co.nz;* internet: *https://www.aerospace.co.nz.*

(4) You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 901 Locust, Kansas City, Missouri 64106. For information

on the availability of this material at the FAA, call (816) 329–4148. It is also available on the internet at *https://www.regulations.gov* by searching for locating Docket No. FAA–2020–0743.

(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 August 4, 2020.

Gaetano A. Sciortino,

Deputy Director for Strategic Initiatives, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2020–17986 Filed 8–17–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2018–0994; Product Identifier 2017–SW–002–AD; Amendment 39–21216; AD 2020–17–11]

RIN 2120–AA64

Airworthiness Directives; Airbus Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is superseding Airworthiness Directive (AD) 2017–14–05 for Airbus Helicopters Model SA330J helicopters. AD 2017–14–05 required replacing certain right-hand (RH) hydraulic pumps and was prompted by reports of broken screws that attach the cover of the hydraulic pump. This new AD requires replacing certain left-hand (LH) and RH hydraulic pumps. This AD was prompted by reports of broken bolts that attach the cover of the hydraulic pump. The actions of this AD are intended to address an unsafe condition on these products.

DATES: This AD is effective September 22, 2020.

ADDRESSES: For service information identified in this final rule, contact Airbus Helicopters, 2701 N Forum Drive, Grand Prairie, TX 75052; telephone 972–641–0000 or 800–232–0323; fax 972–641–3775; or at *https://www.airbus.com/helicopters/services/technical-support.html.* You may view this referenced service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177.

Examining the AD Docket

You may examine the AD docket on the internet at *https://www.regulations.gov in* Docket No. FAA–2018–0994; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the European Aviation Safety Agency (now European Union Aviation Safety Agency) (EASA) AD, any comments received, and other information. The street address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Matt Fuller, AD Program Manager, Continued Operational Safety Branch, Airworthiness Products Section, General Aviation and Rotorcraft Unit, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; telephone 817–222–5110; email *matthew.fuller@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

The FAA issued a supplemental notice of proposed rulemaking (SNPRM) to amend 14 CFR part 39 to supersede AD 2017–14–05, Amendment 39–18949 (82 FR 31899, July 11, 2017) (''AD 2017–14–05''). AD 2017–14–05 applied to Airbus Helicopters Model SA330J helicopters with certain serial-numbered LH and RH hydraulic pumps part number (P/N) FR65WEO2005–175A installed. The SNPRM published in the **Federal Register** on May 21, 2020 (85 FR 30891). The FAA preceded the SNPRM with a notice of proposed rulemaking (NPRM) that published in the **Federal Register** on October 21, 2019 (84 FR 56152). The NPRM proposed to continue to require replacing the RH hydraulic pump within 15 hours time-in-service (TIS) and also proposed to require replacing the LH hydraulic pump within 110 hours TIS. The NPRM also proposed to continue to prohibit the installation of an affected hydraulic pump on any helicopter. The SNPRM proposed to expand the applicability to include helicopters that have an affected hydraulic pump on one or both of the LH and RH sides and change the proposed requirements to address helicopters with an affected hydraulic pump installed on only one side. The SNPRM also corrected the nomenclature of ''screw'' to ''bolt.''

The NPRM was prompted by EASA AD No. 2016–0264–E, dated December 22, 2016, issued by EASA, which is the Technical Agent for the Member States of the European Union, to correct an unsafe condition for Airbus Helicopters Model SA 330 J helicopters. EASA advises of reports of broken screws that attach the cover of the hydraulic pump. A subsequent investigation revealed that hydrogen was introduced into a batch of screws delivered between July 1, 2015, and November 1, 2016, causing the screws to become brittle and lack sufficient strength. These screws were installed in a batch of hydraulic pumps, P/N FR65WEO2005–175A, identified by certain serial numbers (S/Ns). As a result, the EASA AD requires replacing the hydraulic pumps.

Comments

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

FAA's Determination

These helicopters have been approved by EASA and are approved for operation in the United States. Pursuant to the FAA's bilateral agreement with the European Union, EASA has notified the FAA of the unsafe condition described in its AD. The FAA is issuing this AD after evaluating all information provided by EASA and determining the unsafe condition exists and is likely to exist or develop on other helicopters of the same type design.

Related Service Information

The FAA reviewed Airbus Helicopters Emergency Alert Service Bulletin No. SA330–29.12, Revision 0, dated December 22, 2016, which specifies removing Nexter Mechanics hydraulic pumps P/N FR65WEO2005–175A with certain S/Ns. If both the RH and LH hydraulic pumps have an affected P/N and S/N, the service information specifies replacing the RH hydraulic pump before further flight and the LH hydraulic pump within 110 flying hours or 6 months. If only one hydraulic pump has an affected P/N and S/N, the service information specifies replacing it within 110 flying hours or 6 months. The service information also specifies that, for 6 months after receipt of the service information, an affected hydraulic pump must be ''returned to conformity'' by complying with Nexter Mechanics Alert Service Bulletin No. NM/INGE/16–140, Revision 0, dated December 22, 2016, before installation.

Costs of Compliance

The FAA estimates that this AD affects 24 helicopters of U.S. Registry. Labor costs are estimated at $85 per work-hour. Based on these numbers, the

FAA estimates that operators may incur the following costs in order to comply with this AD.

Replacing a hydraulic pump takes about 2 work-hours and parts cost about $2,500 for an estimated cost of $2,670 per hydraulic pump.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

2. Will not affect intrastate aviation in Alaska, and

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by:
■ a. Removing Airworthiness Directive (AD) 2017–14–05, Amendment 39–18949 (82 FR 31899, July 11, 2017); and
■ b. Adding the following new AD:

2020–17–11 Airbus Helicopters: Amendment 39–21216; Docket No. FAA–2018–0994; Product Identifier 2017–SW–002–AD.

(a) Applicability

This AD applies to Airbus Helicopters Model SA330J helicopters, certificated in any category, with a left-hand (LH) or a right-hand (RH) hydraulic pump part number FR65WEO2005–175A with a serial number 4108, 4141, 4177, 4227, 4241, 4284, 4377, 4422, 4570, 4573, 4574, 4641, 4649, 4668, 4766, 4802, 4821, 4831, 4837, 4888, 4896, 4946, 4985, 5023, 5071, 5304, 5366, 5376, 5409, 5442, 5486, 5599, 5630, 94075/01, or 94048/01 installed.

(b) Unsafe Condition

This AD defines the unsafe condition as failure of a bolt attaching the hydraulic pump cover. This condition could result in loss of fluid from the hydraulic pump, resulting in loss of the hydraulic system and subsequent loss of helicopter control.

(c) Affected ADs

This AD replaces AD 2017–14–05, Amendment 39–18949 (82 FR 31899, July 11, 2017) (''AD 2017–14–05'').

(d) Effective Date

This AD becomes effective September 22, 2020.

(e) Compliance

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

(f) Required Actions

(1) For helicopters with both a LH and RH hydraulic pump that is listed in paragraph (a) of this AD installed:

(i) Within 15 hours time-in-service (TIS) from July 26, 2017 (the effective date of AD 2017–14–05), replace the RH hydraulic pump with an airworthy hydraulic pump that is not listed in paragraph (a) of this AD.

(ii) Within 110 hours TIS from the effective date of this AD, replace the LH hydraulic pump with an airworthy hydraulic pump that is not listed in paragraph (a) of this AD.

(2) For helicopters with either a LH or RH hydraulic pump that is listed in paragraph (a) of this AD installed, within 110 hours TIS from the effective date of this AD, replace the hydraulic pump with an airworthy hydraulic pump that is not listed in paragraph (a) of this AD.

(3) After July 26, 2017 (the effective date of AD 2017–14–05), do not install on any helicopter a hydraulic pump that is listed in paragraph (a) of this AD.

(g) Special Flight Permits

Special flight permits are prohibited.

(h) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Rotorcraft Standards Branch, FAA, may approve AMOCs for this AD. Send your proposal to: Matt Fuller, AD Program Manager, Continued Operational Safety Branch, Airworthiness Products Section, General Aviation and Rotorcraft Unit, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; telephone 817–222–5110; email *9-ASW-FTW-AMOC-Requests@faa.gov.*

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

(i) Additional Information

(1) Airbus Helicopters Emergency Alert Service Bulletin No. SA330–29.12, Revision 0, dated December 22, 2016, and Nexter Mechanics Alert Service Bulletin No. NM/INGE/16–140, Revision 0, dated December 22, 2016, which are not incorporated by reference, contain additional information about the subject of this AD. For service information identified in this AD, contact Airbus Helicopters, 2701 N Forum Drive, Grand Prairie, TX 75052; telephone 972–641–0000 or 800–232–0323; fax 972–641–3775; or at *https://www.airbus.com/helicopters/services/technical-support.html.* You may view a copy of the service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177.

(2) The subject of this AD is addressed in European Aviation Safety Agency (EASA) (now European Union Aviation Safety Agency) AD No. 2016–0264–E, dated December 22, 2016. You may view the EASA AD on the internet at *https://www.regulations.gov* in Docket No. FAA–2018–0994.

(j) Subject

Joint Aircraft Service Component (JASC) Code: 2913, Hydraulic Pump (Electric/Engine) Main.

Issued on August 12, 2020.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2020–17954 Filed 8–17–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2018–0842; Product Identifier 2018–CE–025–AD; Amendment 39–21205; AD 2020–16–20]

RIN 2120–AA64

Airworthiness Directives; Pacific Aerospace Limited Airplanes

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

ACTION: Final rule.

SUMMARY: The FAA is superseding Airworthiness Directive (AD) AD 2018–04–09 for Pacific Aerospace Limited Model 750XL airplanes. This AD results from mandatory continuing airworthiness information (MCAI) issued by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as incorrectly marked and annunciated low oil-pressure indication warnings. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective September 22, 2020.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in the AD as of September 22, 2020.

The Director of the Federal Register approved the incorporation by reference of a certain other publication listed in this AD as of April 12, 2018 (83 FR 9793, March 8, 2018).

ADDRESSES: For service information identified in this AD, contact Pacific Aerospace Limited, Airport Road, Hamilton, Private Bag 3027, Hamilton 3240, New Zealand; telephone: +64 7 843 6144; facsimile: +64 7 843 6134; email: *pacific@aerospace.co.nz;* internet: *https://www.aerospace.co.nz.* You may view this referenced service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329–4148. It is also available on the internet at *https://www.regulations.gov* by searching for Docket No. FAA–2018–0842.

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–2018–0842; 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, the regulatory evaluation, 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: Mike Kiesov, Aerospace Engineer, FAA, General Aviation & Rotorcraft Section, International Validation Branch, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4144; fax: (816) 329–4090; email: *mike.kiesov@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

The FAA issued a supplemental notice of proposed rulemaking (SNPRM) to amend 14 CFR part 39 by removing AD 2018–04–09, Amendment 39–19205 (83 FR 9793, March 8, 2018) (AD 2018–04–09) and adding a new AD. AD 2018–04–09 applied to Pacific Aerospace Limited Model 750XL airplanes and was based on MCAI issued by the Civil Aviation Authority (CAA), which is the aviation authority for New Zealand. The SNPRM published in the **Federal Register** on June 10, 2019 (84 FR 26775). The FAA preceded the SNPRM with a notice of proposed rulemaking (NPRM) that published in the **Federal Register** on October 23, 2018 (83 FR 53409).

The NPRM proposed to require revising the existing airplane flight manual (AFM) (pilot's operating handbook (POH)) with updated provisions, clarify that the pressure switch for the low oil pressure light may be replaced or modified, and retain the requirement to replace the oil pressure/temperature indicator. The NPRM was based on the CAA's revision to its previous MCAI, CAA AD DCA/750XL/19A, dated April 26, 2018 (referred to after this as ''the MCAI''), to mandate the AFM revisions and also to include an option to modify certain oil pressure switches. The MCAI states: DCA/750XL/19A revised to introduce revision 30 March 2018 for PAL 750XL POH AIR3237, and clarify the AD requirements.

After issuing the NPRM, the FAA discovered an error in the title of one of the flight manuals to be revised. The SNPRM proposed to correct the error. The FAA is issuing this AD to require new revisions of the existing AFM, clarify the requirement to replace or modify the pressure switch for the low oil pressure light, and retain the requirement to replace a certain oil pressure/temperature indicator.

You may examine the MCAI on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0842–0002.

Comments

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

Changes to the AD

The FAA identified an incorrect Air Transport Association of America (ATA) Code of 57 for Wing in paragraph (d), Subject, of the SNPRM. The FAA has changed paragraph (d), Subject, of this AD to identify the correct ATA Code of 79 for Engine Oil.

Conclusion

The FAA reviewed the relevant data and determined that air safety and the public interest require adopting the AD as proposed except for the correction to the ATA Code. The FAA has determined that this change:

- Is consistent with the proposal in the SNPRM for correcting the unsafe condition; and
- Does not add any burden upon the public than was already proposed in the SNPRM.

Related Service Information Under 1 CFR Part 51

The FAA reviewed Pacific Aerospace Temporary Revision Instruction Letter, dated October 2017, which includes Pacific Aerospace Temporary Revisions XL/POH/00/001, XL/POH/02/001, and XL/POH/03/001; and Pacific Aerospace Revision Instruction Letter, dated March 2018, which includes Pacific Aerospace POH AIR 3237 Revision, dated March 30, 2018, for 750XL airplanes. For the applicable configurations, the service information includes revisions to the AFM that corrects the incorrect instrument markings.

The FAA also reviewed Pacific Aerospace Mandatory Service Bulletin PACSB/XL/088, dated August 11, 2017, which was previously approved for incorporation by reference on April 12, 2018 (83 FR 9793, March 8, 2018), and describes procedures for replacement or modification of the low oil-pressure light, pressure switch, and indicator. 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.

FAA's Determination and Requirements of the Proposed AD

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to our bilateral agreement with this State of Design Authority, it has notified us of the unsafe condition described in the MCAI and service information referenced above. The FAA is proposing this AD because the agency evaluated all information and determined the unsafe condition exists and is likely to exist or develop on other products of the same type design.

Costs of Compliance

The FAA estimates that this AD will affect 22 products of U.S. registry. The FAA also estimates that it would take about 2 work-hours per product to comply with the basic requirements of this AD. The average labor rate is $85 per work-hour. Required parts would cost about $500 per product.

Based on these figures, the FAA estimates the cost of this AD on U.S. operators to be $14,740, or $670 per product.

Since this AD requires the same actions as AD 2018–04–09, the costs of compliance remain the same and do not impose any additional costs on U.S. operators.

Authority for This Rulemaking

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

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

Regulatory Findings

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 this AD:

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

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by:

■ a. Removing Airworthiness Directive (AD) 2018–04–09, Amendment 39–19205 (83 FR 9793, March 8, 2018); and

■ b. Adding the following new AD:

2020–16–20 Pacific Aerospace Limited: Amendment 39–21205; Docket No. FAA–2018–0842; Product Identifier 2018–CE–025–AD.

(a) Effective Date

This airworthiness directive (AD) becomes effective September 22, 2020.

(b) Affected ADs

This AD replaces AD 2018–04–09, Amendment 39–19205 (83 FR 9793, March 8, 2018) (2018–04–09).

(c) Applicability

This AD applies to Pacific Aerospace Limited Model 750XL airplanes, all serial numbers up to 217, certificated in any category.

(d) Subject

Air Transport Association of America (ATA) Code 79: Engine Oil.

(e) Reason

This AD was prompted by mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as incorrectly marked and annunciated low oil-pressure indication warnings. The FAA is issuing this AD to prevent engine oil pressure from dropping below safe limits, which could cause possible engine damage or failure.

(f) Actions and Compliance

Unless already done, do the following actions in paragraphs (f)(1) through (4) of this AD, as applicable:

(1) *For airplanes with Pacific Aerospace Pilot's Operating Handbook and Civil Aviation Authority of New Zealand Approved Flight Manual AIR 2825 (AIR 2825):* Within the next 30 days after September 22, 2020 (the effective date of this AD), insert Pacific Aerospace Temporary Revisions XL/POH/00/001, XL/POH/02/001, and XL/POH/03/001 into the Pacific Aerospace Limited 750XL AIR 2825 Airplane Flight Manual as specified in Pacific Aerospace Temporary Revision Instruction Letter, dated October 2017.

(2) *For airplanes with Pacific Aerospace Pilot's Operating Handbook and Civil Aviation Authority of New Zealand Approved Flight Manual AIR 3237 (AIR 3237):* Within the next 30 days after September 22, 2020 (the effective date of this AD), insert the Revision dated March 30, 2018, into the PAL 750XL AIR 3237 Airplane Flight Manual as specified in Pacific Aerospace Revision Instruction Letter, dated March 30, 2018.

(3) *For Pacific Aerospace 750XL airplanes up to serial number 217:* Within the next 100 hours time-in-service (TIS) after April 12, 2018 (the effective date of AD 2018–04–09) or within the next 12 months after April 12, 2018 (the effective date of AD 2018–04–09), whichever occurs first, replace or modify the pressure switch for the low oil pressure light by following the Part A—Accomplishment Instructions of PAL Mandatory Service Bulletin (MSB) PACSB/XL/088, dated August 11, 2017.

(4) *For Pacific Aerospace 750XL airplanes up to serial number 217 with a part number (P/N) INS 60–8 oil pressure/temperature indicator installed:* Within the next 100 hours TIS after April 12, 2018 (the effective date of AD 2018–04–09) or within the next 12 months after April 12, 2018 (the effective date of AD 2018–04–09), whichever occurs first, replace the oil pressure/temperature indicator with P/N INS 60–15 by following the Part B—Accomplishment Instructions of PAL MSB PACSB/XL/088, paragraphs 1) through 6), dated August 11, 2017.

(g) Alternative Methods of Compliance (AMOCs)

The Manager, International Validation Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to Mike Kiesov, Aerospace Engineer, FAA, General Aviation & Rotorcraft Section, International Validation Branch, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4144; fax: (816) 329–4090; email: *mike.kiesov@faa.gov.* Before using any approved AMOC on any airplane to which the AMOC applies, notify your appropriate principal inspector (PI) in the FAA Flight Standards District Office (FSDO), or lacking a PI, your local FSDO.

(h) Related Information

Refer to CAA MCAI AD No. DCA/750XL/19A, dated April 26, 2018, for related information. The MCAI can be found in the AD docket on the internet at: *https://www.regulations.gov/document?D=FAA-2018-0842-0002.*

(i) Material Incorporated by Reference

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

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

(3) The following service information was approved for IBR on September 22, 2020 (the effective date of this AD):

(i) Pacific Aerospace Temporary Revision Instruction Letter, dated October 2017.

(ii) Pacific Aerospace Revision Instruction Letter, dated March 2018.

(4) The following service information was approved for IBR on April 12, 2018 (83 FR 9793, March 8, 2018).

(i) Pacific Aerospace Mandatory Service Bulletin PACSB/XL/088, dated August 11, 2017.

(ii) [Reserved]

(5) For Pacific Aerospace Limited service information identified in this AD, contact Pacific Aerospace Limited, Airport Road, Hamilton, Private Bag 3027, Hamilton 3240, New Zealand; telephone: +64 7 843 6144; facsimile: +64 7 843 6134; email: *pacific@aerospace.co.nz;* internet: *www.aerospace.co.nz.*

(6) You may view this service information at FAA, Airworthiness Products Section, Operational Safety Branch, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call 816–329–4148. In addition, you can access this service information on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0842.

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

Issued on August 12, 2020.

Gaetano A. Sciortino,

Deputy Director for Strategic Initiatives, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2020–17983 Filed 8–17–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2020–0004; Airspace Docket No. 19–AGL–16]

RIN 2120–AA66

Amendment, Establishment, and Revocation of Multiple Air Traffic Service (ATS) Routes in the Vicinity of Waukon, IA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends VHF Omnidirectional Range (VOR) Federal airways V–2, V–77, V–138, V–218, V–246 and V–398; amends low altitude Area Navigation (RNAV) route T–251; establishes low altitude RNAV route T–348, and removes VOR Federal airway V–411 in the vicinity of Waukon, IA. The Air Traffic Service (ATS) route modifications, establishment, and removal are necessary due to the planned decommissioning of the VOR portion of the Waukon, IA, VOR/Distance Measuring Equipment (VOR/DME) navigation aid (NAVAID). The Waukon VOR provides navigation guidance for portions of the affected ATS routes and is being decommissioned as part of the FAA's VOR Minimum Operational Network (MON) program.

DATES: Effective date 0901 UTC, November 5, 2020. The Director of the Federal Register approves this incorporation by reference action under Title 1 Code of Federal Regulations part 51, subject to the annual revision of FAA Order 7400.11 and publication of conforming amendments.

ADDRESSES: FAA Order 7400.11D, 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 Rules and Regulations 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: Colby Abbott, Rules and Regulations Group, Office of Policy, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783.

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 the 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 the route structure as necessary to preserve the safe and efficient flow of air traffic within the National Airspace System.

History

The FAA published a notice of proposed rulemaking (NPRM) for Docket No. FAA–2020–0004 in the **Federal Register** (85 FR 4245; January 24, 2020), amending VOR Federal airways V–2, V–77, V–138, V–218, V–246 and V–398; establishing low altitude RNAV routes T–348 and T–389; and removing VOR Federal airway V–411 in the vicinity of Waukon, IA. The proposed actions were due to the planned decommissioning of the VOR portion of the Waukon, IA, VOR/DME. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal. No comments were received.

VOR Federal airways are published in paragraph 6010(a) and low altitude RNAV routes are published in paragraph 6011 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 VOR Federal airways listed in this document will be subsequently published in the Order.

FAA Order 7400.11, Airspace Designations and Reporting Points, is published yearly and effective on September 15.

Availability and Summary of Documents for Incorporation by Reference

This document amends 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.

Differences From the Proposal

In the NPRM, the FAA proposed to establish low altitude RNAV route T–389 extending from the Farmington, MO, VOR/Tactical Air Navigation (VORTAC) NAVAID to the KOETZ, WI, waypoint. After the NPRM published, the FAA discovered that the first three T–389 route points overlapped the same three route points in an existing low altitude RNAV route, T–251; thus creating a situation where the proposed T–389 and existing T–251 would overlap between the Farmington, MO, VORTAC and the RIVRS, IL, waypoint (intersection (INT) in the T–251 description). The proposed T–389 would then extended northward from the RIVRS, IL, waypoint to the KOETZ, WI, waypoint.

The FAA supports establishing a low altitude RNAV T-route between the Farmington, MO, VORTAC and the KOETZ, WI, waypoint as proposed in the NPRM. However, to avoid having two T-routes overlap providing redundant RNAV routing over the same area and to preserve a T-route number for future use elsewhere in the NAS, the FAA has determined it better to amend the existing T–251 by extending it from the RIVRS, IL, INT over the same routing proposed in the NPRM to the KOETZ waypoint instead of establishing T–389 to accomplish the same. By amending T–251, the FAA saves the T–389 route number for future use.

As such, this rule is amending T–251 by extending the existing T-route from the RIVRS, IL, INT northward to the KOETZ, WI, waypoint over the same route points proposed for T–389 in the NPRM, and not using the T–389 route number at this time. Additionally, this rule amends the RIVRS, IL, INT route point in the T–251 description to reflect it as a waypoint instead of an intersection.

The Rule

The FAA is amending Title 14 Code of Federal Regulations (14 CFR) part 71 by modifying VOR Federal airways V–2, V–77, V–138, V–218, V–246, and V–398; modifying low altitude RNAV route T–251; establishing low altitude RNAV route T–348; and removing VOR Federal airway V–411. The planned decommissioning of the VOR portion of the Waukon, IA, VOR/DME has made this action necessary.

The VOR Federal airway changes are outlined below.

V–2: V–2 extends between the Seattle, WA, VORTAC and the intersection of the Nodine, MN, VORTAC 122° and Waukon, IA, VOR/DME 053° radials (WEBYE fix); and between the Buffalo, NY, VOR/DME and the Gardner, MA, VOR/DME. The airway segment between the Nodine, MN, VORTAC and the intersection of the Nodine, MN, VORTAC 122° and Waukon, IA, VOR/DME 053° radials (WEBYE fix) is removed. The unaffected portions of the existing airway remain as charted.

V–77: V–77 extends between the San Angelo, TX, VORTAC and the Waukon, IA, VOR/DME. The airway segment between the Waterloo, IA, VOR/DME and the Waukon, IA, VOR/DME is removed. The unaffected portions of the existing airway remain as charted.

V–138: V–138 extends between the Riverton, WY, VOR/DME and the Sidney, NE, VOR/DME; and between the Grand Island, NE, VOR/DME and the Waukon, IA, VOR/DME. The airway segment between the Mason City, IA, VOR/DME and the Waukon, IA, VOR/DME is removed. Additionally, the two ''1,200 feet AGL'' references listed between the Grand Island, NE, VOR/DME and the Lincoln, NE, VORTAC are removed. The unaffected portions of the existing airway remain as charted.

V–218: V–218 extends between the International Falls, MN, VOR/DME and the Waukon, IA, VOR/DME. The airway segment between the Gopher, MN, VORTAC and the Waukon, IA, VOR/DME is removed. The unaffected portions of the existing airway remain as charted.

V–246: V–246 extends between the Janesville, WI, VOR/DME and the intersection of the Nodine, MN, VORTAC 055° and Eau Claire, WI, VORTAC 134° radials (MILTO fix). The airway segment between the Dubuque, IA, VOR/DME and the intersection of the Nodine, MN, VORTAC 055° and Eau Claire, WI, VORTAC 134° radials (MILTO fix) is removed. The unaffected portions of the existing airway remain as charted.

V–398: V–398 extends between the Aberdeen, SD, VOR/DME and the Lone Rock, WI, VOR/DME. The airway segment between the Rochester, MN, VOR/DME and the Lone Rock, WI, VOR/DME is removed. The unaffected portions of the existing airway remain as charted.

V–411: V–411 extends between the Lone Rock, WI, VOR/DME and the Farmington, MN, VORTAC. The airway is removed in its entirety.

The low altitude RNAV route change and establishment are outlined below.

T–251: T–251 is amended to extend it between the RIVRS, IL, intersection and the KOETZ, WI, waypoint, over the same route points proposed as T–389 in the NPRM. Additionally, the RIVRS, IL, intersection route point is amended to reflect it as a waypoint. This T-route amendment is accomplished instead of establishing T–389 as proposed in the NPRM.

T–348: T–348 is established between the BRAIN, MN, waypoint and the Lungs, WI, waypoint.

All radials in the VOR Federal airway descriptions below are unchanged and stated in True degrees.

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. It, therefore: (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under Department of Transportation (DOT) Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that only affects air traffic procedures and air navigation, it is certified that this rule, when promulgated, does not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

The FAA has determined that this action of amending VOR Federal airways V–2, V–77, V–138, V–218, V–246 and V–398; amending low altitude Area Navigation (RNAV) route T–251; establishing low altitude RNAV route T–348, and removing VOR Federal airway V–411 due to the planned decommissioning of the VOR portion of the Waukon, IA, VOR/DME NAVAID qualifies for categorical exclusion under the National Environmental Policy Act and its implementing regulations at 40 CFR part 1500, and in accordance with FAA Order 1050.1F, Environmental Impacts: Policies and Procedures, paragraph 5–6.5a, which categorically excludes from further environmental impact review rulemaking actions that designate or modify classes of airspace areas, airways, routes, and reporting points (see 14 CFR part 71, Designation of Class A, B, C, D, and E Airspace Areas; Air Traffic Service Routes; and Reporting Points). As such, this action is not expected to result in any potentially significant environmental impacts. In accordance with FAA Order 1050.1F, paragraph 5–2 regarding

Extraordinary Circumstances, the FAA has reviewed this action for factors and circumstances in which a normally categorically excluded action may have a significant environmental impact requiring further analysis. The FAA has determined that no extraordinary circumstances exist that warrant preparation of an environmental assessment or environmental impact study.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

■ 1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.11D, Airspace Designations and Reporting Points, dated August 8, 2019 and effective September 15, 2019, is amended as follows:

Paragraph 6010(a) Domestic VOR Federal Airways.

* * * * *

V–2 [Amended]

From Seattle, WA; Ellensburg, WA; Moses Lake, WA; Spokane, WA; Mullan Pass, ID; Missoula, MT; Helena, MT; INT Helena 119° and Livingston, MT, 322° radials; Livingston; Billings, MT; Miles City, MT; 24 miles, 90 miles 55 MSL, Dickinson, ND; 10 miles, 60 miles 38 MSL, Bismarck, ND; 14 miles, 62 miles 34 MSL, Jamestown, ND; Fargo, ND; Alexandria, MN; Gopher, MN; to Nodine, MN. From Buffalo, NY; Rochester, NY; Syracuse, NY; Utica, NY; Albany, NY; INT Albany 084° and Gardner, MA, 284° radials; to Gardner.

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V–77 [Amended]

From San Angelo, TX; Abilene, TX; INT Abilene 047° and Wichita Falls, TX, 204° radials; Wichita Falls; INT Wichita Falls 028° and Will Rogers, OK, 216° radials; Will Rogers; INT Will Rogers 002° and Pioneer, OK, 201° radials; Pioneer; Wichita, KS; INT Wichita 042° and Topeka, KS, 236° radials; Topeka; St Joseph, MO; Lamoni, IA; Des Moines, IA; Newton, IA; to Waterloo, IA.

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V–138 [Amended]

From Riverton, WY; 35 miles, 80 miles 107 MSL, 16 miles 85 MSL, Medicine Bow, WY; Cheyenne, WY; to Sidney, NE. From Grand Island, NE; INT of Grand Island 099° and Lincoln, NE, 267° radials; Lincoln; Omaha, IA; INT Omaha 032° and Fort Dodge, IA, 222° radials; Fort Dodge; to Mason City, IA.

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V–218 [Amended]

From International Falls, MN; Grand Rapids, MN; to Gopher, MN.

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V–246 [Amended]

From Janesville, WI; to Dubuque, IA.

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V–398 [Amended]

From Aberdeen, SD, via INT Aberdeen 101° and Watertown, SD, 312° radials; Watertown; Redwood Falls, MN; to Rochester, MN.

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V–411 [Removed]

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6011. United States Area Navigation Routes.

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T–251 Farmington, MO (FAM) to Koetz, WI [Amended]

Farmington, MO (FAM)	VORTAC	(Lat. 37°40′24.46″ N, long. 090°14′02.61″ W)
Foristell, MO (FTZ)	VORTAC	(Lat. 38°41′39.60″ N, long. 090°58′16.57″ W)
RIVRS, IL	WP	(Lat. 39°25′21.41″ N, long. 090°55′56.70″ W)
KAYUU, MO	WP	(Lat. 40°19′05.81″ N, long. 091°41′36.59″ W)
MERKR, IA	WP	(Lat. 40°49′16.02″ N, long. 092°08′26.88″ W)
AGENS, IA	FIX	(Lat. 41°01′43.78″ N, long. 092°20′50.25″ W)
PICRA, IA	WP	(Lat. 41°35′00.72″ N, long. 092°32′34.29″ W)
HAVOS, IA	WP	(Lat. 42°04′16.32″ N, long. 092°28′29.38″ W)
Waterloo, IA (ALO)	VOR/DME	(Lat. 42°33′23.39″ N, long. 092°23′56.13″ W)
ZEZDU, IA	WP	(Lat. 42°49′29.02″ N, long. 092°04′58.05″ W)
FALAR, MN	WP	(Lat. 43°34′26.04″ N, long. 091°30′18.32″ W)
KOETZ, WI	WP	(Lat. 44°13′15.00″ N, long. 091°28′14.00″ W)

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T–348 Brain, MN to Lungs, WI [New]

BRAIN, MN	WP	(Lat. 43°39′00.24″ N, long. 096°26′12.58″ W)
GRSIS, MN	WP	(Lat. 43°38′45.54″ N, long. 094°25′21.17″ W)
FOOLS, MN	WP	(Lat. 43°46′58.20″ N, long. 092°35′44.93″ W)
GABDE, MN	WP	(Lat. 43°38′50.04″ N, long. 092°18′26.46″ W)
KRRTR, IA	WP	(Lat. 43°16′18.12″ N, long. 091°22′30.62″ W)
Madison, WI (MSN)	VORTAC	(Lat. 43°08′41.41″ N, long. 089°20′22.91″ W)
LUNGS, WI	WP	(Lat. 43°02′43.66″ N, long. 088°56′54.86″ W)

* * * * *

Issued in Washington, DC, on August 12, 2020.

Scott M. Rosenbloom,

Acting Manager, Rules and Regulations Group.

[FR Doc. 2020–17982 Filed 8–17–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2020–0189; Airspace Docket No. 19–AGL–2]

RIN 2120–AA66

Amendment of V–55, V–271, T–217, and T–265, and Revocation of V–215 and V–450 in the Vicinity of Muskegon, MI

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends VHF Omnidirectional Range (VOR) Federal airways V–55 and V–271; amends Area Navigation (RNAV) routes T–217 and T–265; and removes VOR Federal airways V–215 and V–450 in the vicinity of Muskegon, MI. The air traffic service (ATS) route amendments are necessary due to the planned decommissioning of the VOR portion of the Muskegon, MI, VOR/Tactical Air Navigation (VORTAC) navigation aid (NAVAID) which provides navigation guidance for portions of the affected ATS routes. This VOR is being decommissioned as part of the FAA's VOR Minimum Operational Network (MON) program.

DATES: Effective date 0901 UTC, November 5, 2020. The Director of the Federal Register approves this incorporation by reference action under Title 1 Code of Federal Regulations part 51, subject to the annual revision of FAA Order 7400.11 and publication of conforming amendments.

ADDRESSES: FAA Order 7400.11D, 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 Rules and Regulations 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: Colby Abbott, Rules and Regulations Group, Office of Policy, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783.

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 the 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 modifies the route structure as necessary to preserve the safe and efficient flow of air traffic within the National Airspace System.

History

The FAA published a notice of proposed rulemaking (NPRM) for Docket No. FAA–2020–0189 in the **Federal Register** (85 FR 16287; March 23, 2020), amending VOR Federal airways V–55 and V–271; amending RNAV routes T–217 and T–265; and removing VOR Federal airways V–215 and V–450 in the vicinity of Muskegon, MI. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal. No comments were received.

Subsequent to the NPRM, the FAA published a rule for Docket No. FAA–2019–1105 in the **Federal Register** (85 FR 38785; June 29, 2020), amending VOR Federal airway V–55 by removing the airway segment overlying the Siren, WI, VOR/Distance Measuring Equipment (VOR/DME) between the Eau Claire, WI, VORTAC and the Siren, WI, VOR/DME. That airway amendment, effective September 10, 2020, is included in this rule.

VOR Federal airways are published in paragraph 6010(a) and RNAV T-routes are published in paragraph 6011 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 ATS routes listed in this document will be subsequently published in the Order.

Differences From the Proposal

The RNAV route T–215 identifier listed in the Title and in the ''Summary'' section of the NPRM was an editorial error. The correct route identification for the proposed RNAV route amendment addressed in the NPRM is T–217 and was correct as presented in the ''Background,'' ''The Proposal,'' and the regulatory text sections. As such, the RNAV route identifier listed in the Title and ''Summary'' section should reflect ''T–217'' instead of ''T–215''. This editorial correction is included in this action.

Availability and Summary of Documents for Incorporation by Reference

This document amends 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 Rule

The FAA is amending Title 14 Code of Federal Regulations (14 CFR) part 71 to modify VOR Federal airways V–55 and V–271, modify RNAV routes T–217 and T–265, and remove VOR Federal airways V–215 and V–450. The planned decommissioning of the VOR portion of the Muskegon, MI, VORTAC has made this action necessary. The VOR Federal airway changes are outlined below.

V–55: V–55 extends between the Dayton, OH, VOR/DME and the intersection of the Green Bay, WI, VORTAC 270° and Oshkosh, WI, VORTAC 339° radials (BIPID fix); and between the Park Rapids, MN, VOR/DME and the Bismarck, ND, VOR/DME. The airway segment between the Pullman, MI, VOR/DME and the intersection of the Green Bay, WI, VORTAC 270° and Oshkosh, WI, VORTAC 339° radials (BIPID fix) is removed. The unaffected portions of the existing airway remain as charted.

V–215: V–215 extends between the intersection of the Muskegon, MI, VORTAC 208° and Pullman, MI, VOR/DME 261° radials (JYBEE fix) and the Gaylord, MI, VOR/DME. The airway is removed in its entirety.

V–271: V–271 extends between the Muskegon, MI, VORTAC and the Escanaba, MI, VOR/DME. The airway segment between the Muskegon, MI, VORTAC and the Manistee, MI, VOR/DME is removed. The unaffected portions of the existing airway remain as charted.

V–450: V–450 extends between the Escanaba, MI, VOR/DME and the Flint, MI, VORTAC. The airway is removed in its entirety.

The RNAV route changes are outlined below.

T–217: T–217 extends between the Lexington, KY, VOR/DME and the BONEE, OH, fix. The route is extended northwestward from the BONEE, OH, fix to the GAYLE, MI, waypoint. The extension of T–217 replaces the loss of a portion of V–450 west of the Muskegon VORTAC. Additionally, the type of NAVAID facility listed for the Lexington, KY, route point is corrected from ''VORTAC'' to ''VOR/DME'' and the geographic coordinates of each route point are expressed in degrees, minutes, seconds, and hundredths of a second.

T–265: T–265 extends between the AHMED, IL, fix and the VEENA, WI, fix. The existing route is extended eastward and northward so the route begins at the JAYBE, WI, fix and ends at the PINES, MI, waypoint. The extension of T–265 establishes enroute structure to overcome the loss of the V–55 airway segment south of the Muskegon VORTAC and the loss of the V–215 airway segments north of the Muskegon VORTAC. Additionally, the geographic coordinates of each route point are expressed in degrees, minutes, seconds, and hundredths of a second.

The radials listed in the VOR Federal airway V–55 description below are unchanged and stated in True degrees.

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. It, therefore: (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under Department of Transportation (DOT) Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that only affects air traffic procedures and air navigation, it is certified that this rule, when promulgated, does not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

The FAA has determined that this action of modifying VOR Federal airways V–55 and V–271, modifying RNAV routes T–217 and T–265, and removing VOR Federal airways V–215 and V–450 due to the planned decommissioning of the VOR portion of the Muskegon, MI, VORTAC NAVAID qualifies for categorical exclusion under the National Environmental Policy Act and its implementing regulations at 40 CFR part 1500, and in accordance with FAA Order 1050.1F, Environmental Impacts: Policies and Procedures, paragraph 5–6.5a, which categorically excludes from further environmental impact review rulemaking actions that designate or modify classes of airspace areas, airways, routes, and reporting points (see 14 CFR part 71, Designation of Class A, B, C, D, and E Airspace Areas; Air Traffic Service Routes; and Reporting Points). As such, this action is not expected to result in any potentially significant environmental impacts. In accordance with FAA Order 1050.1F, paragraph 5–2 regarding Extraordinary Circumstances, the FAA has reviewed this action for factors and circumstances in which a normally categorically excluded action may have a significant environmental impact requiring further analysis. The FAA has determined that no extraordinary circumstances exist that warrant preparation of an environmental assessment or environmental impact study.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

■ 1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.11D, Airspace Designations and Reporting Points, dated August 8, 2019 and effective September 15, 2019, is amended as follows:

Paragraph 6010(a) Domestic VOR Federal Airways.

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V–55 [Amended]

From Dayton, OH; Fort Wayne, IN; Goshen, IN; Gipper, MI; Keeler, MI; to Pullman, MI. From Park Rapids, MN; Grand Forks, ND; INT Grand Forks 239° and Bismarck, ND, 067° radials; to Bismarck.

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V–215 [Removed]

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V–271 [Amended]

From Manistee, MI; to Escanaba, MI.

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V–450 [Removed]

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6011. United States Area Navigation Routes.

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T–217 Lexington, KY (HYK) to Gayle, MI [Amended]

Lexington, KY (HYK)	VOR/DME	(Lat. 37°57′58.86″ N, long. 084°28′21.06″ W)
BOSTR, OH	FIX	(Lat. 38°53′08.13″ N, long. 084°04′58.02″ W)
HEDEN, OH	FIX	(Lat. 39°16′44.88″ N, long. 084°02′02.37″ W)
PRUDE, OH	FIX	(Lat. 39°25′44.92″ N, long. 083°56′58.60″ W)
Springfield, OH (SGH)	DME	(Lat. 39°50′11.55″ N, long. 083°50′41.84″ W)
BONEE, OH	FIX	(Lat. 40°03′08.85″ N, long. 083°56′56.15″ W)
SJAAY, IN	WP	(Lat. 40°58′44.05″ N, long. 085°11′17.17″ W)
DERRF, IN	WP	(Lat. 41°39′56.73″ N, long. 085°23′58.59″ W)
GETCH, MI	WP	(Lat. 43°10′07.15″ N, long. 086°03′03.06″ W)
GAYLE, MI	WP	(Lat. 43°29′37.62″ N, long. 087°00′13.08″ W)

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T–265 Jaybe, WI to Pines, MI [Amended]

JAYBE, WI	FIX	(Lat. 42°38′39.36″ N, long. 088°38′19.60″ W)
GRIFT, IL	WP	(Lat. 42°17′28.14″ N, long. 088°53′41.42″ W)
START, IL	WP	(Lat. 41°45′24.83″ N, long. 089°00′21.81″ W)
MEITZ, IL	FIX	(Lat. 41°23′30.87″ N, long. 088°38′53.19″ W)

COYAP, IL	WP	(Lat. 41°13′26.93″ N, long. 087°41′20.30″ W)
MAPPS, IN	WP	(Lat. 41°10′53.94″ N, long. 086°56′32.63″ W)
KLROY, IN	WP	(Lat. 41°19′19.37″ N, long. 086°38′57.44″ W)
SMUUV, MI	WP	(Lat. 42°27′58.77″ N, long. 086°07′38.37″ W)
GETCH, MI	WP	(Lat. 43°10′07.15″ N, long. 086°03′03.06″ W)
LADIN, MI	WP	(Lat. 44°22′25.44″ N, long. 085°09′38.61″ W)
CARGA, MI	WP	(Lat. 44°38′28.29″ N, long. 084°58′15.15″ W)
BUDHA, MI	WP	(Lat. 44°58′24.33″ N, long. 084°45′23.22″ W)
RONDO, MI	WP	(Lat. 45°16′43.24″ N, long. 084°31′06.32″ W)
PINES, MI	WP	(Lat. 46°01′49.61″ N, long. 084°29′12.25″ W)

* * * * *

Issued in Washington, DC, on August 12, 2020.

Scott M. Rosenbloom,

Acting Manager, Rules and Regulations Group.

[FR Doc. 2020–17981 Filed 8–17–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2020–0702; Amendment No. 71–52]

RIN 2120–AA66

Airspace Designations; Incorporation by Reference

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends Title 14 Code of Federal Regulations (14 CFR) part 71 relating to airspace designations to reflect the approval by the Director of the Federal Register of the incorporation by reference of FAA Order 7400.11E, Airspace Designations and Reporting Points. This action also explains the procedures the FAA will use to amend the listings of Class A, B, C, D, and E airspace areas; air traffic service routes; and reporting points incorporated by reference.

DATES: These regulations are effective September 15, 2020, through September 15, 2021. The incorporation by reference of FAA Order 7400.11E is approved by the Director of the Federal Register as of September 15, 2020, through September 15, 2021.

ADDRESSES: FAA Order 7400.11E, Airspace Designations and Reporting Points, and subsequent amendments can be viewed on line at *http://www.faa.gov/air_traffic/publications/.* For further information, you can contact the Rules and Regulations Group, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783. The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of FAA Order 7400.11E at NARA, email: *fedreg.legal@nara.gov* or go to *https://www.archives.gov/federal-register/cfr/ibr-locations.html.*

FOR FURTHER INFORMATION CONTACT: Sarah A. Combs, Rules and Regulations Group, Office of Airspace Services, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783.

SUPPLEMENTARY INFORMATION:

History

FAA Order 7400.11D, Airspace Designations and Reporting Points, effective September 15, 2019, listed Class A, B, C, D and E airspace areas; air traffic service routes; and reporting points. Due to the length of these descriptions, the FAA requested approval from the Office of the Federal Register to incorporate the material by reference in the Federal Aviation Regulations § 71.1, effective September 15, 2019, through September 15, 2020. During the incorporation by reference period, the FAA processed all proposed changes of the airspace listings in FAA Order 7400.11D in full text as proposed rule documents in the **Federal Register**. Likewise, all amendments of these listings were published in full text as final rules in the **Federal Register**. This rule reflects the periodic integration of these final rule amendments into a revised edition of Order 7400.11E, Airspace Designations and Reporting Points. The Director of the Federal Register has approved the incorporation by reference of FAA Order 7400.11E in § 71.1, as of September 15, 2020, through September 15, 2021. This rule also explains the procedures the FAA will use to amend the airspace designations incorporated by reference in part 71. §§ 71.5, 71.15, 71.31, 71.33, 71.41, 71.51, 71.61, 71.71, and 71.901 are also updated to reflect the incorporation by reference of FAA Order 7400.11E.

Availability and Summary of Documents for Incorporation by Reference

This document incorporates by reference FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, in § 71.1. FAA Order 7400.11E is publicly available as listed in the **ADDRESSES** section of this final rule. FAA Order 7400.11E lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Rule

This action amends Title 14 Code of Federal Regulations (14 CFR) part 71 to reflect the approval by the Director of the Federal Register of the incorporation by reference of FAA Order 7400.11E, effective September 15, 2020, through September 15, 2021. During the incorporation by reference period, the FAA will continue to process all proposed changes of the airspace listings in FAA Order 7400.11E in full text as proposed rule documents in the **Federal Register**. Likewise, all amendments of these listings will be published in full text as final rules in the **Federal Register**. The FAA will periodically integrate all final rule amendments into a revised edition of the Order, and submit the revised edition to the Director of the Federal Register for approval for incorporation by reference in § 71.1.

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 action: (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. This action neither places any new restrictions or requirements on the public, nor changes the dimensions or operation requirements of the airspace listings incorporated by reference in part 71.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

■ 1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

■ 2. Section 71.1 is revised to read as follows:

§ 71.1 Applicability.

A listing for Class A, B, C, D, and E airspace areas; air traffic service routes; and reporting points can be found in FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552 (a) and 1 CFR part 51. The approval to incorporate by reference FAA Order 7400.11E is effective September 15, 2020, through September 15, 2021. During the incorporation by reference period, proposed changes to the listings of Class A, B, C, D, and E airspace areas; air traffic service routes; and reporting points will be published in full text as proposed rule documents in the **Federal Register**. Amendments to the listings of Class A, B, C, D, and E airspace areas; air traffic service routes; and reporting points will be published in full text as final rules in the **Federal Register**. Periodically, the final rule amendments will be integrated into a revised edition of the Order and submitted to the Director of the Federal Register for approval for incorporation by reference in this section. Copies of FAA Order 7400.11E may be obtained from Airspace Policy Group, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591, (202) 267–8783. An electronic version of the Order is available on the FAA website at *http://www.faa.gov/air_traffic/publications.* Copies of FAA Order 7400.11E may be inspected in Docket No. FAA–2020–0702; Amendment No. 71–52, on *http://www.regulations.gov.* A copy of FAA Order 7400.11E may be inspected at the National Archives and Records Administration (NARA). For information on the availability of FAA Order 7400.11E at NARA, email: *fedreg.legal@nara.gov* or go to *https://www.archives.gov/federal-register/cfr/ibr-locations.html.*

§ 71.5 [Amended]

■ 3. Section 71.5 is amended by removing the words ''FAA Order 7400.11D'' and adding, in their place, the words ''FAA Order 7400.11E.''

§ 71.15 [Amended]

■ 4. Section 71.15 is amended by removing the words ''FAA Order 7400.11D'' and adding, in their place, the words ''FAA Order 7400.11E.''

§ 71.31 [Amended]

■ 5. Section 71.31 is amended by removing the words ''FAA Order 7400.11D'' and adding, in their place, the words ''FAA Order 7400.11E.''

§ 71.33 [Amended]

■ 6. Paragraph (c) of section 71.33 is amended by removing the words ''FAA Order 7400.11D'' and adding, in their place, the words ''FAA Order 7400.11E.''

§ 71.41 [Amended]

■ 7. Section 71.41 is amended by removing the words ''FAA Order 7400.11D'' and adding, in their place, the words ''FAA Order 7400.11E.''

§ 71.51 [Amended]

■ 8. Section 71.51 is amended by removing the words ''FAA Order 7400.11D'' and adding, in their place, the words ''FAA Order 7400.11E.''

§ 71.61 [Amended]

■ 9. Section 71.61 is amended by removing the words ''FAA Order 7400.11D'' and adding, in their place, the words ''FAA Order 7400.11E.''

§ 71.71 [Amended]

■ 10. Paragraphs (b), (c), (d), (e), and (f) of section 71.71 are amended by removing the words ''FAA Order 7400.11D'' and adding, in their place, the words ''FAA Order 7400.11E.''

§ 71.901 [Amended]

■ 11. Paragraph (a) of section 71.901 is amended by removing the words ''FAA Order 7400.11D'' and adding, in their place, the words ''FAA Order 7400.11E.''

Issued in Washington, DC, on August 13, 2020.

Scott M. Rosenbloom,

Acting Manager, Airspace and Regulations Group.

[FR Doc. 2020–18048 Filed 8–17–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 1 and 1005

[Docket No. FDA–2019–N–0011]

Office of Regulatory Affairs Division Director; Technical Amendments

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule; technical amendments.

SUMMARY: The Food and Drug Administration (FDA, the Agency, or we) is revising its regulations to reflect changes to the Agency's organizational structure, including the reorganization of the Office of Regulatory Affairs (ORA). The revisions update addresses and replace references to the district officials with references to division officials. The rule does not impose any new regulatory requirements on affected parties. This action is editorial in nature and is intended to improve the accuracy of the Agency's regulations.

DATES: This rule is effective August 18, 2020.

FOR FURTHER INFORMATION CONTACT: Holli Kubicki, Office of Regulatory Affairs, Food and Drug Administration, 12420 Parklawn Dr., Rockville, MD 20852, 240–402–4557.

SUPPLEMENTARY INFORMATION:

I. Background

ORA has reorganized to align field activities by FDA-regulated commodity (*e.g.,* food, drugs, medical devices) or program area (*e.g.,* imports). As a result, ORA division officials now perform certain duties such as those related to administrative appeals and informal hearings previously performed by district officials. FDA regulations included numerous references to district officials. The revisions made by this rule update these references to division officials, but do not alter any substantive standards.

II. Description of the Technical Amendments

The regulations specified in this rule have been revised to replace references to the ORA Official, including ''District Director'' with references to the ORA division official, including ''Division Director,'' to reflect the ORA program alignment. In addition, we have updated the references to U.S. Customs and Border Protection, updated several addresses, and have made minor conforming amendments and

grammatical changes as necessary to accommodate the new terminology. Finally, we have modified the hourly cost calculations related to overseeing reconditioning of imported products to bring them into compliance with the Federal Food, Drug, and Cosmetic Act to reflect 10 legal public holidays.

We are making these technical amendments to revise descriptions of FDA officials designated to perform certain functions. The amendments are technical and editorial in nature and should not be construed as modifying any substantive standards.

III. Notice and Public Comment

Publication of this document constitutes final action of these changes under the Administrative Procedure Act (APA) (5 U.S.C. 553). Section 553 of the APA exempts ''rules of agency organization, procedure, or practice'' from proposed rulemaking (*i.e.,* notice and comment rulemaking). 5 U.S.C. 553(b)(3)(A). Rules are also exempt when an agency finds ''good cause'' that notice and comment rulemaking procedures would be ''impracticable, unnecessary, or contrary to the public interest.'' 5 U.S.C. 553(b)(3)(B).

FDA has determined that this rulemaking meets the notice and comment exemption requirements in 5 U.S.C. 553(b)(3)(A) and (B). FDA's revisions make technical or non-substantive changes that pertain solely to the designation of FDA officials, and do not alter any substantive standard. FDA does not believe public comment is necessary for these minor revisions.

The APA allows an effective date less than 30 days after publication as ''provided by the agency for good cause found and published with the rule'' (5 U.S.C. 553(d)(3)). A delayed effective date is unnecessary in this case because the amendments do not impose any new regulatory requirements on affected parties. As a result, affected parties do not need time to prepare before the rule takes effect. Therefore, FDA finds good cause for the amendments to become effective on the date of publication of this action.

List of Subjects

21 CFR Part 1

Cosmetics, Drugs, Exports, Food labeling, Imports, Labeling, Reporting and recordkeeping requirements.

21 CFR Part 1005

Administrative practice and procedure, Electronic products, Imports, Radiation protection, Surety bonds.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR parts 1 and 1005 are amended as follows:

PART 1—GENERAL ENFORCEMENT REGULATIONS

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

Authority: 15 U.S.C. 1333, 1453, 1454, 1455, 4402; 19 U.S.C. 1490, 1491; 21 U.S.C. 321, 331, 332, 333, 334, 335a, 342, 343, 350c, 350d, 350e, 350j, 350k, 352, 355, 360b, 360ccc, 360ccc–1, 360ccc–2, 362, 371, 373, 374, 379j-31, 381, 382, 384a, 384b, 384d, 387, 387a, 387c, 393; 42 U.S.C. 216, 241, 243, 262, 264, 271; Pub. L. 107–188, 116 Stat. 594, 668–69; Pub. L. 111–353, 124 Stat. 3885, 3889.

■ 2. Amend § 1.83 by revising paragraph (b) to read as follows:

§ 1.83 Definitions.

* * * * *

(b) The term *division director* means the director of the division of the Food and Drug Administration having jurisdiction over the port of entry through which an article is imported or offered for import, or such officer of the division as he or she may designate to act on his or her behalf in administering and enforcing the provisions of section 801(a), (b), and (c).

■ 3. Revise § 1.90 to read as follows:

§ 1.90 Notice of sampling.

When a sample of an article offered for import has been requested by the division director, FDA shall provide to the owner or consignee prompt notice of delivery of, or intention to deliver, such sample. Upon receipt of the notice, the owner or consignee shall hold such article and not distribute it until further notice from the division director or U.S. Customs and Border Protection of the results of examination of the sample.

■ 4. In § 1.91, revise the second sentence to read as follows:

§ 1.91 Payment for samples.

* * * Billing for reimbursement should be made by the owner or consignee to the Food and Drug Administration division where the shipment was offered for import. * * *

■ 5. Amend § 1.94 by revising the first sentence of paragraph (a), the second sentence of paragraph (b), and paragraph (c) to read as follows:

§ 1.94 Hearing on refusal of admission or destruction.

(a) If it appears that the article may be subject to refusal of admission or that the article is a drug that may be subject to destruction under section 801(a) of the Federal Food, Drug, and Cosmetic Act, the division director shall give the owner or consignee a written or electronic notice to that effect, stating the reasons therefor. * * *

(b) * * * If such application is not submitted at or prior to the hearing on refusal of admission, the division director shall specify a time limit, reasonable in the light of the circumstances, for filing such application.

(c) If the article is a drug that may be subject to destruction under section 801(a) of the Federal Food, Drug, and Cosmetic Act, the division director may give the owner or consignee a single written or electronic notice that provides the notice of refusal of admission and the notice of destruction of an article described in paragraph (a) of this section. The division director may also combine the hearing on refusal of admission with the hearing on destruction of the article described in paragraph (a) of this section into a single proceeding.

■ 6. Amend § 1.95 by revising the introductory text to read as follows:

§ 1.95 Application for authorization to relabel and recondition.

Application for authorization to relabel or perform other action to bring the article into compliance with the Federal Food, Drug, and Cosmetic Act or to render it other than a food, drug, device, or cosmetic may be filed only by the owner or consignee, and shall:

* * * * *

■ 7. Amend § 1.96 by revising paragraph (a) introductory text and paragraphs (a)(3), (b), (c), and (d) to read as follows:

§ 1.96 Granting of authorization to relabel and recondition.

(a) When authorization of a proposal under § 1.95 is granted by the division director, the applicant shall be notified of authorization, in writing, which may include:

* * * * *

(3) That the operations are to be carried out under the supervision of an officer of the Food and Drug Administration or U.S. Customs and Border Protection, as appropriate;

* * * * *

(b) Upon receipt of a written request for extension of time to complete such operations, containing reasonable grounds therefor, the division director may grant such additional time as he or she deems necessary.

(c) An authorization may be amended upon a showing of reasonable grounds therefor and the filing of an amended application for authorization with the division director.

(d) If ownership of an article covered by an authorization changes before the

operations specified in the authorization have been completed, the original owner will be held responsible, unless the new owner has executed a bond with U.S. Customs and Border Protection and obtained a new authorization from the Food and Drug Administration division director. Any authorization granted under this section shall supersede and nullify any previously granted authorization with respect to the article.

■ 8. Revise § 1.97 to read as follows:

§ 1.97 Bonds.

(a) The bond requirements under section 801(b) of the Federal Food, Drug, and Cosmetic Act may be satisfied by the owner or consignee executing, on the appropriate U.S. Customs and Border Protection form, a single-transaction or continuous bond, containing a condition for the redelivery of the merchandise or any part thereof upon demand of U.S. Customs and Border Protection and containing a provision for the performance of conditions as may legally be imposed for the relabeling or other action necessary to bring the article into compliance with the act or rendering it other than a food, drug, device, or cosmetic, in such manner as is prescribed for such bond in the customs regulations in force on the date of request for authorization. The bond shall be filed with U.S. Customs and Border Protection.

(b) U.S. Customs and Border Protection may cancel the liability for liquidated damages incurred under the above-mentioned provisions of such a bond, if U.S. Customs and Border Protection receives an application for relief therefrom, upon the payment of a lesser amount or upon such other terms and conditions as shall be deemed appropriate under the law and in view of the circumstances, but U.S. Customs and Border Protection shall not act under this regulation unless the Food and Drug Administration division director is in full agreement with the action.

■ 9. Amend § 1.99 by revising paragraphs (b), (c), and (d) to read as follows:

§ 1.99 Costs chargeable in connection with relabeling and reconditioning inadmissible imports.

* * * * *

(b) Per diem in lieu of subsistence of the supervising officer when away from his or her home station, as provided by law.

(c) The charge for the services of the supervising officer, which shall include administrative support, shall be computed at a rate per hour equal to 267 percent of the hourly rate of regular pay of a grade GS–11/4 employee, except that such services performed by a customs officer and subject to the provisions of the act of February 13, 1911, as amended (sec. 5, 36 Stat. 901, as amended (19 U.S.C. 267)), shall be calculated as provided in that act.

(d) The charge for the service of the analyst, which shall include administrative and laboratory support, shall be computed at a rate per hour equal to 267 percent of the hourly rate of regular pay of a grade GS–12/4 employee. The rate per hour equal to 267 percent of the equivalent hourly rate of regular pay of the supervising officer (GS–11/4) and the analyst (GS–12/4) is computed as follows:

TABLE 1 TO PARAGRAPH (d)

	Hours
Gross number of working hours in 52 40-hr weeks	2,080
Less:	
10 legal public holidays—New Year's Day, Birthday of Martin Luther King, Jr., Washington's Birthday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans Day, Thanksgiving Day, and Christmas Day	80
Annual leave—26 d	208
Sick leave—13 d	104
Total	392
Net number of working hours	1,688
Gross number of working hours in 52 40-hr weeks	2,080
Working hour equivalent of Government contributions for employee retirement, life insurance, and health benefits computed at 8½ pct. of annual rate of pay of employee	176
Equivalent annual working hours	2,256
Support required to equal to 1 person-year	2,256
Equivalent gross annual working hours charged to Food and Drug appropriation	4,512

Note: Ratio of equivalent gross annual number of working hours charged to Food and Drug appropriation to net number of annual working hours 4,512/1,688 = 267 pct.

* * * * *

■ 10. Amend § 1.101 to revise paragraphs (d)(2)(ii) and (iii) to read as follows:

§ 1.101 Notification and recordkeeping.

* * * * *

(d) * * *

(2) * * *

(ii) For human drug products, biological products, and devices regulated by the Center for Drug Evaluation and Research—Office of Drug Security, Integrity and Response, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Silver Spring, MD 20993–0002.

(iii) For devices—DRP2: Division of Establishment Support, Office of Regulatory Programs, Office of Product Evaluation and Quality, Center for Devices and Radiological Health, 10903 New Hampshire Ave., Bldg. 66, Rm. 1423, Silver Spring, MD 20993.

* * * * *

■ 11. Amend § 1.280 by revising the first sentence of paragraph (c) to read as follows:

§ 1.280 How must you submit prior notice?

* * * * *

(c) If FDA determines that FDA PNSI or the Operational and Administration System for Import Support (OASIS) is not working, FDA will post prominent notification and instructions at *https://www.access.fda.gov—see* log-in page.

* * *

PART 1005—IMPORTATION OF ELECTRONIC PRODUCTS

■ 12. The authority citation for part 1005 continues to read as follows:

Authority: 21 U.S.C. 360ii, 360mm.

■ 13. Amend § 1005.11 by revising the second sentence to read as follows:

§ 1005.11 Payment for samples.

* * * Billing for reimbursement should be made by the owner or consignee to the Food and Drug Administration division where the shipment was offered for import. * * *

■ 14. Amend § 1005.24 to revise paragraphs (b) and (c) to read as follows:

§ 1005.24 Costs of bringing product into compliance.

* * * * *

(b) Per diem in lieu of subsistence of the supervising officer when away from his or her home station, as provided by law;

(c)(1) The charge for the services of the supervising officer, which shall include administrative support, shall be computed at a rate per hour equal to 267 percent of the hourly rate of regular pay of a grade GS–11/4 employee, except that such services performed by a customs officer and subject to the provisions of the act of February 13, 1911, as amended (section 5, 36 Stat. 901, as amended (19 U.S.C. 267)), shall be calculated as provided in that act.

(2) The charge for the services of the analyst, which shall include administrative and laboratory support, shall be computed at a rate per hour equal to 267 percent of the hourly rate of regular pay of a grade GS–12/4 employee.

(3) The rate per hour equal to 267 percent of the equivalent hourly rate of regular pay of the supervising officer (GS–11/4) and the analyst (GS–12/4) is computed as follows:

TABLE 1 TO PARAGRAPH (c)(3)

	Hours
Gross number of working hours in 52 40-hour weeks	2,080
Less:	
10 legal public holidays—New Year's Day, Birthday of Martin Luther King, Jr., Washington's Birthday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans Day, Thanksgiving Day, and Christmas Day	80
Annual Leave—26 days	208
Sick Leave—13 days	104
Total	392
Net number of working hours	1,688
Gross number of working hours in 52 40-hour weeks	2,080
Working hour equivalent of Government contributions for employee retirement, life insurance, and health benefits computed at 8½% of annual rate of pay of employee	176
Equivalent annual working hours	2,256
Support required to equal to 1 person-year	2,256
Equivalent gross annual working hours charged to Food and Drug appropriation	4,512

Note: Ratio of equivalent gross annual number of working hours charged to Food and Drug appropriation to net number of annual working hours (4,512/1,688) = 267 pct.

* * * * *

Dated: July 30, 2020.

Lowell J. Schiller,

Principal Associate Commissioner for Policy.

[FR Doc. 2020–17037 Filed 8–17–20; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 558

[Docket No. FDA–2010–N–0155]

Veterinary Feed Directive Drugs; Contact Information

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule; technical amendment.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to revise a current mailing address and to add an email address to the previously codified contact information for use by distributors of an animal feed containing a veterinary feed directive (VFD) drug or a combination VFD drug. This technical amendment is being made to improve the accuracy and completeness of the regulations.

DATES: This rule is effective August 18, 2020.

FOR FURTHER INFORMATION CONTACT: Isabel Pocurull, Center for Veterinary Medicine (HFV–221), Food and Drug Administration, 7519 Standish Pl., Rockville, MD 20855, 240–402–5877, *isabel.pocurull@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: FDA is amending the animal drug regulations to revise a current mailing address and to add an email address to the previously codified contact information for use by distributors of an animal feed containing a VFD drug or a combination VFD drug.

This final rule sets forth a technical amendment to the regulations to improve the accuracy and completeness of the regulations, and as such does not impose any burden on regulated entities. Although denominated a rule pursuant to the Federal Food, Drug, and Cosmetic Act, this document does not meet the definition of ''rule'' in 5 U.S.C. 804(3)(A) because it is a ''rule of particular applicability.'' Therefore, it is not subject to the congressional review requirements in 5 U.S.C. 801–808. Likewise, this is not a rule subject to Executive Order 12866, which defines a rule as ''an agency statement of general applicability and future effect, which the agency intends to have the force and effect of law, that is designed to implement, interpret, or prescribe law or policy or to describe the procedure or practice requirements of an agency.''

List of Subjects in 21 CFR Part 558

Animal drugs, Animal feeds.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 558 is amended as follows:

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

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

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

■ 2. In § 558.6, revise paragraph (c)(7) to read as follows:

§ 558.6 Veterinary feed directive drugs.

* * * * *

(c) * * *

(7) The notifications cited in paragraphs (c)(5) and (6) of this section must be submitted to the Food and Drug Administration, Center for Veterinary Medicine, Division of Animal Feeds (HFV–220), 12225 Wilkins Ave., Rockville, MD 20852, Fax: 240–453–6882, or email (via attachment): *MedicatedFeedsTeamMail@fda.hhs.gov.*

* * * * *

Dated: July 17, 2020.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2020–15991 Filed 8–17–20; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 110

[Docket Number USCG–2016–0989]

RIN 1625–AA01

Anchorage Regulations; Passagassawakeag River, Belfast, ME; Corrections

AGENCY: Coast Guard, DHS.

ACTION: Correcting amendments.

SUMMARY: On April 20, 2020, the Coast Guard published a correcting amendment that corrected errors in the coordinates describing the boundaries of the special anchorage areas in the Passagassawakeag River in the vicinity of Belfast, ME. Unfortunately, that correcting amendment also contained errors for two of the coordinates describing the boundaries of Special Anchorage Area A. This document corrects those errors.

DATES: Effective August 18, 2020.

FOR FURTHER INFORMATION CONTACT: If you have questions about this document, call or email Mr. Craig D. Lapiejko, Coast Guard First District Waterways Management Branch, telephone 617–223–8351, email *Craig.D.Lapiejko@uscg.mil.*

SUPPLEMENTARY INFORMATION: On April 20, 2020, the Coast Guard published a correcting amendment titled ''Anchorage Regulations; Passagassawakeag River, Belfast, ME; Corrections'' (85 FR 21773). This amendment corrected the coordinates to Special Anchorage Area A and Special Anchorage Area B in the Passagassawakeag River, Belfast Bay, Belfast, Maine.

On April 23, 2020, the Coast Guard was made aware of a discrepancy with two of the coordinates describing the boundaries of Special Anchorage Area A by a cartographer from the National Oceanic and Atmospheric Administration (NOAA).

In the notice of proposed rulemaking we published to start the process of designating these special anchorage areas, we made it clear that they are intended to reduce the risk of vessel collisions and to promote safe and efficient travel in the navigable channel of the Passagassawakeag River to the mouth of Belfast Bay (82 FR 46004, October 3, 2017). The potential of vessels anchoring in the navigable channel is contrary to waterway safety and coordinates identifying any portion of Special Anchorage Area A in the navigable channel are errors that must be corrected promptly to reduce the risk of vessel collisions in the navigable channel. As we stated in the final rule, we made no changes from the proposed rule (84 FR 32269, 32270, July 8, 2019). This document corrects two of the coordinates in 33 CFR 110.4(d)(1) describing the boundaries of Special Anchorage Area A in the Passagassawakeag River.

We find good cause under 5 U.S.C. 553(d) to make this correction effective on its date of publication. Delaying its effective date would continue the risk of vessel collisions in the navigable channel based on errors in the coordinates describing the special anchorage areas.

List of Subjects in 33 CFR Part 110

Anchorage Regulations.

Accordingly, 33 CFR part 110 is corrected by making the following correcting amendments:

PART 110—ANCHORAGE REGULATIONS

■ 1. The authority citation for part 110 continues to read as follows:

Authority: 33 U.S.C. 471, 2071; 46 U.S.C. 70034; 33 CFR 1.05–1; Department of Homeland Security Delegation No. 0170.1

§ 110.4 [Amended]

■ 2. In § 110.4(d)(1), remove ''longitude 069°58′54.0838″ W'', and add, in its place ''longitude 068°58′54.0838″ W'', and remove ''longitude 069°59′55.2686″ W'' and add, in its place ''longitude 068°59′55.2686″ W''.

Dated: August 5, 2020.

T.G. Allan Jr.,

Rear Admiral, U.S. Coast Guard, Commander, First Coast Guard District.

[FR Doc. 2020–17518 Filed 8–17–20; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R07–OAR–2020–0277; FRL–10012–77–Region 7]

Air Plan Approval; Missouri; Control of Sulfur Emissions From Stationary Boilers

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking final action to approve a State Implementation Plan (SIP) revision submitted by the State of Missouri on January 14, 2019. Missouri requests that the EPA revise a state regulation approved in the SIP related to sulfur emissions from industrial, commercial, or institutional boilers or process heaters in the St. Louis metropolitan area. The revisions to this rule include adding incorporations by reference to other state rules, including definitions specific to the rule, and wording changes that are administrative in nature and do not change the interpretation of the rule or the applicability of the rule. The EPA's approval of this rule revision is in accordance with the requirements of the Clean Air Act (CAA).

DATES: This final rule is effective on September 17, 2020.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–R07–OAR–2020–0277. All documents in the docket are listed on the *https://www.regulations.gov* website. Although listed in the index, some information is not publicly available, *i.e.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are

available through *https://www.regulations.gov* or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional information.

FOR FURTHER INFORMATION CONTACT: William Stone, Environmental Protection Agency, Region 7 Office, Air Quality Planning Branch, 11201 Renner Boulevard, Lenexa, Kansas 66219; telephone number: (913) 551–7714; email address: *stone.william@epa.gov.*

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

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I. What is being addressed in this document?
II. Have the requirements for approval of a SIP revision been met?
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I. What is being addressed in this document?

The EPA is approving the revisions to 10 Code of State Regulations (CSR) 10–5.570, *Control of Sulfur Emissions from Stationary Boilers* in the Missouri SIP. The revisions include wording changes that are administrative in nature, add definitions to the rule rather than referring to definitions in a separate rule, and updates and consolidates incorporation by reference to federal regulations. These revisions are described in detail in the technical support document (TSD) included in the docket for this action. The EPA solicited comments on the proposed revision to Missouri's SIP, and did not receive any comments.

II. Have the requirements for approval of a SIP revision been met?

The State submission has met the public notice requirements for SIP submissions in accordance with 40 CFR 51.102. The submission also satisfied the completeness criteria of 40 CFR part 51, appendix V. The State provided public notice on this SIP revision from June 25, 2018, to July 26, 2018. Missouri received sixteen comments from the EPA during the state public comment period. Missouri responded to all comments as noted in the state submission included in the docket for this action, and made revisions to the rule concerning incorporation by reference of Federal regulations or other testing methods, removal of definitions that were inconsistent with Federal definitions, and several non-substantive changes to the text of the regulation. In addition, the revision meets the substantive SIP requirements of the CAA, including section 110 and implementing regulations.

III. What action is the EPA taking?

The EPA is taking final action to approve Missouri's request to amend 10 CSR 10–5.570.

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, the EPA is finalizing the incorporation by reference of the Missouri Regulations 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 *www.regulations.gov* and at the EPA Region 7 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 State implementation plan, have been incorporated by reference by EPA into that plan, are fully federally enforceable under sections 110 and 113 of the CAA as of the effective date of the final rulemaking of the EPA's approval, and will be incorporated by reference in the next update to the SIP compilation.[1]

V. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. 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 the National Technology Transfer and Advancement Act (NTTA) because this rulemaking does not involve technical standards; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

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

The Congressional Review Act, 5 U.S.C. 801 *et seq.,* as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. 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 October 19, 2020. Filing a

[1] 62 FR 27968 (May 22, 1997).

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, Incorporation by reference, Reporting and recordkeeping requirements, Sulfur dioxide.

Dated: July 21, 2020.

James Gulliford,

Regional Administrator, Region 7.

For the reasons stated in the preamble, the EPA amends 40 CFR part 52 as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart—AA Missouri

■ 2. In § 52.1320, the table in paragraph (c) is amended by revising the entry ''10–5.570'' to read as follows:

§ 52.1320 Identification of plan.

* * * * *

(c) * * *

EPA-APPROVED MISSOURI REGULATIONS

Missouri citation	Title	State effective date	EPA approval date	Explanation
Missouri Department of Natural Resources				
*	*	*	*	*
Chapter 5—Air Quality Standards and Air Pollution Control Regulations for the St. Louis Metropolitan Area				
*	*	*	*	*
10–5.570	Control of Sulfur Emissions From Stationary Boilers.	1/30/2019	8/18/2020, [insert **Federal Register** citation].	
*	*	*	*	*

* * * * *

[FR Doc. 2020–16148 Filed 8–17–20; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[EPA–HQ–SFUND–2012–0063; FRL–10012–86-Region 4]

National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List: Deletion of the Fairfax St. Wood Treaters Superfund Site

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) Region 4 announces the deletion of the Fairfax St. Wood Treaters Superfund Site (Site) located in Jacksonville, Florida, from the National Priorities List (NPL). The NPL, promulgated pursuant to Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended, is an appendix of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP). The EPA and the State of Florida, through the Florida Department of Environmental Protection (FDEP), have determined that all appropriate response actions under CERCLA, have been completed. However, this deletion does not preclude future actions under Superfund.

DATES: This action is effective August 18, 2020.

ADDRESSES:

Docket: The EPA has established a docket for this action under Docket Identification No. EPA–HQ–SFUND–2012–0063. All documents in the docket are listed on the *http://www.regulations.gov* website. Although listed in the index, some information is not publicly available, *i.e.,* Confidential Business Information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form.

The EPA is temporarily suspending its Docket Center and Regional Records Centers for public visitors to reduce the risk of transmitting COVID–19. In addition, many site information repositories are closed and information in these repositories, including the deletion docket, has not been updated with hardcopy or electronic media. For further information and updates on EPA Docket Center services, please visit us online at *https://www.epa.gov/dockets.*

The EPA continues to carefully and continuously monitor information from the Centers for Disease Control and Prevention (CDC), local area health departments, and our Federal partners so that we can respond rapidly as conditions change regarding COVID.

FOR FURTHER INFORMATION CONTACT: Leigh Lattimore, Remedial Project Manager, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW—MS9T25, Atlanta, GA 30303, (404) 562–8768, email: *lattimore.leigh@epa.gov.*

SUPPLEMENTARY INFORMATION: The site to be deleted from the NPL is: Fairfax St. Wood Treaters Superfund Site, Jacksonville, Florida. A Notice of Intent to Delete for this Site was published in the **Federal Register** (85 FR 36368 citation) on June 16, 2020.

The closing date for comments on the Notice of Intent to Delete was July 16, 2020. One public comment was

received. The comment received was not related to the deletion rule-making. A responsiveness summary was prepared and placed in the docket, EPA–HQ–SFUND–2012–0063, on *https://www.regulations.gov.*

The EPA maintains the NPL as the list of sites that appear to present a significant risk to public health, welfare, or the environment. Deletion from the NPL does not preclude further remedial action. Whenever there is a significant release from a site deleted from the NPL, the deleted site may be restored to the NPL without application of the hazard ranking system. Deletion of a site from the NPL does not affect responsible party liability in the unlikely event that future conditions warrant further actions.

List of Subjects in 40 CFR Part 300

Environmental protection, Air pollution control, Chemicals, Hazardous waste, Hazardous substances, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

Dated: July 23, 2020.

Mary Walker,

Regional Administrator, Region 4.

For reasons set out in the Preamble, 40 CFR part 300 is amended as follows:

PART 300—NATIONAL OIL AND HAZARDOUS SUBSTANCES POLLUTION CONTINGENCY PLAN

■ 1. The authority citation for Part 300 is revised to read as follows:

Authority: 33 U.S.C. 1251 *et seq.*

Appendix B to Part 300—[Amended]

■ 2. Table 1 of Appendix B to Part 300 is amended by removing ''FL'', ''Fairfax St. Wood Treaters'', ''Jacksonville''.

[FR Doc. 2020–16375 Filed 8–17–20; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

49 CFR Part 396

[Docket No. FMCSA–2019–0075]

RIN 2126–AC29

Passenger Carrier No-Defect Driver Vehicle Inspection Reports

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Transportation (DOT).

ACTION: Final rule.

SUMMARY: FMCSA rescinds the requirement that drivers of passenger-carrying commercial motor vehicles (CMVs) operating in interstate commerce submit, and motor carriers retain, driver-vehicle inspection reports (DVIRs) when the driver has neither found nor been made aware of any vehicle defects or deficiencies (no-defect DVIRs). This final rule removes an information collection burden without adversely impacting safety.

DATES: Effective September 17, 2020.

FOR FURTHER INFORMATION CONTACT: Mr. José Cestero, Vehicle and Roadside Operations Division, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, (202) 366–5541, *jose.cestero@dot.gov.*

I. Rulemaking Documents

A. Availability of Rulemaking Documents

For access to docket FMCSA–2019–0075 to read background documents and comments received, go to *http://www.regulations.gov/#!docketDetail;D=FMCSA-2019-0075* at any time, or to Docket Operations at U.S. Department of Transportation, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

B. Privacy Act

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 *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.transportation.gov/privacy.*

II. Executive Summary

This rule affects all passenger carriers currently subject to 49 CFR 396.11, Driver vehicle inspection reports (DVIR). As a result of the Agency's ongoing effort to evaluate existing regulations for necessity and effectiveness, FMCSA rescinds the requirement that drivers of passenger-carrying commercial motor vehicles (CMVs) operating in interstate commerce submit, and motor carriers retain, DVIRs when the driver has neither found nor been made aware of any vehicle defects or deficiencies (no-defect DVIRs). This final rule removes an information collection burden without impacting safety adversely.

Benefits and Costs

Current regulations require drivers employed by passenger carriers—except drivers for private (nonbusiness) passenger carriers, driveaway-towaway operations, or those operating only one CMV—to report on the DVIR any vehicle defects noted or discovered during a driving day that would affect the safe operation of the CMV or result in a mechanical breakdown. Drivers must submit this report to the employing passenger carrier so that repairs can be made. Prior to this final rule, § 396.11(a)(2) required drivers of passenger-carrying CMVs to file the DVIR even if there were no vehicle defects to report. Motor carriers were required to maintain the original DVIR, the certification of repairs, and the certification of the driver's review for 3 months from the date the written report was prepared. This final rule eliminates the need for a driver to file, and a motor carrier to maintain, a no-defect DVIR.

The Agency estimates that passenger-carrying CMV drivers spend approximately 2.4 million hours each year completing no-defect DVIRs, and that the final rule will result in potential cost savings of $74 million per year. There is no discernible safety benefit to this no defect DVIR burden. The Agency estimates that this rulemaking will result in reduced government-imposed costs, and therefore is a deregulatory action under Executive Order (E.O.) 13771, ''Reducing Regulation and Controlling Regulatory Costs'' (issued January 30, 2017, and published February 3, 2017, at 82 FR 9339).

III. Legal Basis for the Rulemaking

This final rule is based on the authority of the Motor Carrier Act of 1935 (1935 Act) (49 U.S.C. 31502(b)) and the Motor Carrier Safety Act of 1984 (1984 Act) (49 U.S.C. 31136(a)), both of which are broadly discretionary.

The 1935 Act provides that the Secretary of Transportation (Secretary) may prescribe requirements for the following:

- Qualifications and maximum hours of service of employees of, and safety of operation and equipment of, a motor carrier (section 31502(b)(l)) and
- Qualifications and maximum hours of service of employees of, and standards of equipment of, a motor private carrier, when needed to promote safety of operation (section 31502(b)(2)).

This rulemaking is based on the Secretary's authority under section 31502(b)(1) and (2).

The 1984 Act authorizes the Secretary to regulate drivers, motor carriers, and vehicle equipment. Section 31136(a)

requires the Secretary to publish regulations on CMV safety. Specifically, the Act sets forth minimum safety standards to ensure that: (1) CMVs are maintained, equipped, loaded, and operated safely (section 31136(a)(l)); (2) the responsibilities imposed on operators of CMVs do not impair their ability to operate the vehicles safely (section 31136(a)(2)); (3) the physical condition of CMV operators is adequate to enable them to operate the vehicles safely (section 31136(a)(3)); (4) the operation of CMVs does not have a deleterious effect on the physical condition of the operators (section 31136(a)(4)); and (5) an operator of a commercial motor vehicle is not coerced by a motor carrier, shipper, receiver, or transportation intermediary to operate a commercial motor vehicle in violation of a regulation promulgated under this section, or chapter 51 or chapter 313 of this title (section 31136(a)(5)). The 1984 Act grants the Secretary broad power in carrying out motor carrier safety statutes and regulations to ''prescribe recordkeeping and reporting requirements'' and to ''perform other acts the Secretary considers appropriate'' (section 31133(a)(8) and (10)).

This rule implements, in part, the Administrator's authority under section 31136(a)(l) to ensure that CMVs are maintained, equipped, loaded, and operated safely. The final rule is also based on the broad recordkeeping and implementation authority of section 31133(a)(8) and (10). This final rule addresses only CMV equipment and reporting requirements. It does not address the question whether drivers' responsibilities affect their ability to operate CMVs safely (section 31136(a)(2)). The provisions of the 1984 Act dealing with the physical condition of drivers (section 31136(a)(3) and (4)) do not apply.

Finally, to ensure that operators of CMVs are not coerced by motor carriers, shippers, receivers, or transportation intermediaries to operate a CMV in violation of a regulation, the rule eliminates only the requirement that drivers of passenger-carrying CMVs prepare no-defect DVIRs; it retains the rule requiring reports when there are defects or deficiencies, as well as the requirement for motor carriers to take appropriate action on receipt of the report. Because the rule removes a regulatory burden criticized by both drivers and motor carriers (and irrelevant to passenger brokers or tour groups), there is virtually no possibility that the driver of a passenger-carrying CMV would be coerced to violate the rule itself. A passenger carrier may require a driver to continue filing no-defect DVIRs, even in the absence of a regulatory requirement, as a condition of employment to perform duties not required by part 396, which would therefore not constitute coercion to violate a safety regulation.

IV. Discussion of Proposed Rulemaking and Comments

A. Proposed Rulemaking

On November 12, 2019, FMCSA published in the **Federal Register** a notice of proposed rulemaking (NPRM) titled ''Passenger Carrier No-Defect Driver Vehicle Inspection Reports'' (84 FR 60990). The NPRM proposed to rescind the requirement that drivers of passenger-carrying CMVs operating in interstate commerce submit, and motor carriers retain, DVIRs when the driver has neither found nor been made aware of any vehicle defects or deficiencies. The proposal, adopted by this final rule, would remove an information collection burden without adversely impacting safety.

B. Comments and Responses

FMCSA solicited comments to the NPRM for a 60-day period, ending on January 13, 2020. The Agency received a total of 12 comments from: United Motorcoach Association (UMA), Western Trails Charter & Tours (Western Trails), Freedom Excursions by Scully (Freedom Excursions), Coach USA, American Bus Association (ABA), and seven individuals. No public meeting was requested or held.

Comments Supporting the Proposal

Eight commenters favored the proposal. Most pointed to the potential savings in time and paperwork.

UMA supported the proposed rule, stating that ''Elimination of this burdensome regulation will readily reduce regulatory cost with no discernable reduction of safety in the passenger carrier industry.'' UMA added that, while some passenger carriers will continue to require drivers to prepare and submit no-defect DVIRs, elimination of the regulatory requirement to do so will improve the effectiveness of investigations and safety audits because enforcement personnel will not have to review no-defect DVIRs.

Western Trails and four individuals stated that the rule would eliminate an unnecessary paperwork burden that has little safety benefit.[1] Freedom Excursions noted that requiring a DVIR only when defects or deficiencies are noted will allow the company to focus on safety sensitive issues.

ABA stated that ''In general, we support the elimination of unnecessary administrative burdens for motorcoach and other passenger carriers, which DVIRs appear to present,'' and noted that ''the retention of unnecessary and non-actionable documentation is a burden ripe for evaluation under the U.S. Department's new final rule codifying reforms to the Department's rulemaking procedures.'' [2]

Comments Opposed to the Proposal

Coach USA did not support the proposed rule, stating that it will continue to require its drivers to prepare and submit no-defect DVIRs and will continue to retain those DVIRs, regardless of FMCSA's decision. Coach USA stated if a driver is not required to complete and submit a DVIR, it has no way of confirming that the driver completed the required vehicle inspections. Coach USA noted that eliminating the requirement to prepare no-defect DVIRs ''would leave a significant gap in Coach USA's vehicle maintenance process through which vehicle condition information (even a lack of defects/deficiencies) is directly communicated by drivers to dispatch/maintenance operations.''

Additionally, Coach USA contends that drivers may become complacent with respect to performing the required inspections if the requirement to prepare a no-defect DVIR is eliminated, and that ''the DVIR serves a vital recordkeeping purpose to document drivers' completion of all required inspections.'' Coach USA expressed concerns that other passenger carriers may not retain no-defect DVIRs, and that a resulting increase in bus crashes could negatively affect the public's perception of the bus industry.

One individual commenter indicated that the failure to generate no-defect DVIRs in the passenger-carrier industry, where a CMV is often operated by several drivers in a single day, would make it difficult to identify the driver who failed to file a DVIR when a defect is discovered at the end of the day. Because of this difference in operations, the commenter suggested eliminating no-defect DVIRs only where one driver operates the same vehicle for consecutive days.

Two individual commenters cited concerns that eliminating no-defect

[1] One of the individual commenters also raised concerns that are outside the scope of this rulemaking.

[2] In its comments to the docket, ABA also noted that it ''shares some of the safety concerns raised by other commenters,'' and requested that FMCSA reopen the comment period for an additional 30 days. FMCSA declined to reopen the comment period.

DVIRs may lead to a greater potential for civil liability if there is no documentation that vehicles were inspected properly and safe to operate.

FMCSA Response. The fundamental requirement of the Federal Motor Carrier Safety Regulations (FMCSRs) is for motor carriers to ensure that their CMVs are in safe and proper operating condition at all times. Drivers and motor carriers have long been required to share the safety responsibility both for operating CMVs and for assessing their condition and documenting deficiencies and subsequent repairs. Section 392.7(a) states that ''[n]o commercial motor vehicle shall be driven unless the driver is satisfied that the following parts and accessories are in good working order.'' Section 393.1(b)(1) provides that ''[e]very motor carrier and its employees must be knowledgeable of and comply with the requirements and specifications of this part,'' and § 393.1(c) states that no motor carrier may operate a commercial motor vehicle, or cause or permit such vehicle to be operated, unless it is equipped in accordance with the requirements and specifications of the part. Section 396.3(a)(1) requires that ''[p]arts and accessories shall be in safe and proper operating condition at all times.'' Section 396.11(a) states that every motor carrier must ''require its drivers to report, and every driver shall prepare a report in writing at the completion of each day's work on each vehicle operated,'' covering a specific list of parts and accessories. Section 396.11(c) states that prior to requiring or permitting a driver to operate a vehicle, every motor carrier or its agent shall repair any defect or deficiency listed on the driver vehicle inspection report which would be likely to affect the safety of operation of a vehicle.

FMCSA emphasizes that the Agency is not foregoing the fundamental requirements of part 393, Parts and Accessories Necessary for Safe Operation, nor is it changing any other element of the inspection, repair, and maintenance requirements of part 396. Drivers are still required to perform pre-trip evaluations of equipment condition and complete DVIRs if any defects or deficiencies are discovered or reported during the day's operations. Motor carriers are still required to have systematic inspection, repair, and maintenance (including preventative maintenance) programs and to maintain records to prove measures are being taken to reduce, to the extent practicable the risk of mechanical problems occurring while the vehicle is in operation. In addition, motor carriers are still required to review DVIRs that list defects or deficiencies and to take appropriate action before the vehicle is dispatched again. The Agency retains the requirement that carriers complete periodic or annual inspections and maintain documentation for the individuals who perform periodic inspections and brake-related inspection, repair, and maintenance tasks. Furthermore, these CMVs remain subject to inspections.

Importantly, FMCSA did not propose to prohibit passenger carriers from requiring their drivers to prepare DVIRs, even when the driver has no vehicle defects to report. All motor carriers, including passenger carriers, are free to continue to require no-defect DVIRs.

Coach USA's concern about a possible reduction in safety, resulting from the failure of drivers to conduct required inspections and thus failing to detect unsafe conditions, is like concerns noted in opposition to the 2014 rule [3] that eliminated the requirement for no-defect DVIRs for property-carrying vehicles. As noted in the NPRM for this rule, FMCSA reviewed available data spanning several years on vehicle out-of-service rates for both trucks and passenger-carrying vehicles, including data before and after implementation of the 2014 final rule. FMCSA's Motor Carrier Management Information System (MCMIS) data show that the vehicle out-of-service rate for trucks is consistently about 21 percent annually—both before and after implementation of the 2014 final rule. While the Agency received several public comments to the NPRM for that rule (78 FR 48125, Aug. 7, 2013), expressing concern that eliminating the requirement for no-defect DVIRs would result in (1) a reduced level of safety and maintenance and (2) a higher percentage of vehicle violations and out-of-service orders, the data show that the vehicle out-of-service rate for trucks has remained nearly constant before and after implementation of the 2014 rule.

The MCMIS data also show that the vehicle out-of-service rate for passenger-carrying vehicles is approximately 6.6 percent annually—consistently less than one-third of the corresponding vehicle out-of-service rate for trucks. From this data, it is clear that motor carriers of passengers—because of the nature of their operations and the sensitive cargo they transport—have established and implemented comprehensive inspection, repair and maintenance programs that help ensure that their vehicles are in safe and proper operating condition at a rate that far exceeds that of other CMVs. As noted above, implementation of the 2014 rule eliminating no-defect DVIRs for trucks has not resulted in a reduced level of maintenance and safety or a higher percentage of vehicle and out-of-service violations. Given that passenger-carrying vehicles have a significantly lower vehicle out-of-service rate generally, the Agency does not believe that extending to them the same relief from the preparation and retention of no-defect DVIRs will result in any degradation in safety.

FMCSA recognizes that passenger-carrying CMVs are often operated by several drivers in a single day, but § 396.11(a) requires every driver to (1) perform a post-trip inspection of each vehicle operated during the day and (2) prepare a DVIR, if defects or deficiencies are discovered by or reported to the driver. The Agency does not believe that amendments are necessary to address operating scenarios in which a CMV is operated by multiple drivers in a single day.

With respect to the concerns about civil liability, FMCSA emphasizes that it is not eliminating the fundamental requirements of part 393, Parts and Accessories Necessary for Safe Operation, nor is it changing any other element of the inspection, repair, and maintenance requirements of part 396. The rule does not change the requirement for CMV drivers to conduct pre- and post-trip vehicle inspections, nor does it change the requirement for CMV drivers to report defects or deficiencies that were found by or reported to them.

Review of Last DVIR (49 CFR 396.13(b))

UMA commented that § 396.13(b) requires that, before driving a motor vehicle, a driver must ''review the last driver vehicle inspection report.''

FMCSA notes that this requirement was established at a time when a DVIR was required at the completion of every day, regardless of whether defects or deficiencies were discovered by or reported to the driver. However, with the adoption of this final rule, a DVIR from the previous trip will now be available for review by a driver prior to operation of a vehicle only if (1) defects or deficiencies were discovered by or reported to the previous driver or (2) a motor carrier voluntarily opts to require its drivers to prepare no-defect DVIRs. Given that a large percentage of vehicles may not have a DVIR from the previous trip for a driver to review prior to operation, FMCSA is amending § 396.13(b) to clarify that before driving

[3] 79 FR 75437, Dec. 18, 2014. To view the rule, its associated documentation, and the comments received go to *https://www.regulations.gov/docket?D=FMCSA-2012-0336.*

a motor vehicle, a driver shall review the DVIR if required by § 396.11(a)(2)(i).

V. International Impacts

The FMCSRs, and any exceptions to the FMCSRs, apply only within the United States (and, in some cases, United States territories). Motor carriers and drivers are subject to the laws and regulations of the countries in which they operate, unless an international agreement states otherwise. Drivers and carriers should be aware of the regulatory differences among nations.

VI. Section-By-Section Analysis

This final rule amends the last sentence in 49 CFR 396.11(a)(2) that currently provides that the driver of a passenger-carrying CMV subject to this regulation must prepare a report even if no defect or deficiency is discovered by or reported to the driver; the drivers of all other commercial motor vehicles are not required to prepare a report if no defect or deficiency is discovered by or reported to the driver. FMCSA revises the sentence to provide that drivers are not required to prepare a report if no defect or deficiency is discovered by or reported to the driver. This final rule also amends 49 CFR 396.13(b) to require drivers, before driving a motor vehicle, to ''[r]eview the driver vehicle inspection report if required by § 396.11(a)(2)(i).''

VII. Regulatory Analyses

A. E.O. 12866 (Regulatory Planning and Review), E.O. 13563 (Improving Regulation and Regulatory Review), and DOT Regulatory Policies and Procedures

Under section 3(f) of E.O. 12866 (58 FR 51735, October 4, 1993), Regulatory Planning and Review, as supplemented by E.O. 13563 (76 FR 3821, January 21, 2011), Improving Regulation and Regulatory Review, this final rule does not require an assessment of potential costs and benefits under section 6(a)(3) of E.O. 12866. Accordingly, the Office of Management and Budget has not reviewed it under these Orders. In addition, this rule is not significant within the meaning of DOT regulations (49 CFR 5.13(a)).

Baseline for the Analysis

Under § 396.11, interstate passenger carriers (except private (nonbusiness) carriers, driveaway-towaway operations, or those operating only one CMV) must require their drivers to prepare a DVIR at the completion of work each day for each vehicle operated that covers at a minimum:

- Service brakes including trailer brake connections
- Parking brake
- Steering mechanism
- Lighting devices and reflectors
- Tires
- Horn
- Windshield wipers
- Rear vision mirrors
- Coupling devices
- Wheels and rims
- Emergency equipment.

The report must list any defect or deficiency discovered by or reported to the driver which would affect the safety of operation or result in mechanical breakdown. The driver of a passenger-carrying vehicle must prepare and submit the report even if no defect or deficiency is identified and the carrier must retain the report for 3 months from the date the written report was prepared.

Passenger carriers have used various means of compliance with this requirement including paper DVIRs and associated processes for tracking and filing (*e.g.,* separating DVIRs that identify defects from those that do not; maintaining separate files of each) and electronic systems for completing a DVIR and retaining the record.[4]

FMCSA does not have information on the ratio of electronic versus paper-based DVIR processes used by passenger carriers. Regardless of the means of compliance, the burden associated with the requirement to complete no-defect DVIRs is estimated at 155 seconds per report in the most recent approved supporting statement for Information Collection Request (ICR), Office of Management and Budget (OMB) control number 2126–0003.

The supporting statement to the ICR estimated that there are 247,496 passenger-carrying CMVs in operation and subject to the DVIR requirements. As such, the no-defect DVIR rule imposes a substantial time and paperwork burden on passenger carriers with no discernible safety benefit.

Costs

In 2014, the Agency estimated cost savings associated with eliminating the requirement for no-defect DVIRs for property-carrying CMVs. As that rule is analogous to this final rule, the analysis follows the same approach. The Agency's 2018 approved supporting statement for ICR 2126–0003 states that there are 247,496 passenger-carrying CMVs for which DVIRs must be prepared, submitted, and reviewed.

Consistent with the methodology of the supporting statement and the 2014 analysis, the Agency assumes that each of these vehicles is used 65 percent of the days of the year, and that 95 percent of DVIRs are no-defect DVIRs for which it estimated a burden of 155 seconds. Therefore, the Agency estimated a paperwork burden of 2,401,747 hours [247,496 vehicles × (0.65 × 365) × 0.95 × 155 = 8,646,288,229 seconds or 2,401,747 hours]. Using a labor rate of $31 per hour,[5] the Agency estimates a potential cost savings of $74 million per year, assuming all carriers choose to realize these cost savings and eliminate no-defect DVIRs.

Therefore, this final rule will result in potential cost savings of $74 million per year (Table 1).

TABLE 1—CALCULATION OF ANNUAL COST SAVINGS

Variable	Value
Number of CMVs	247,496
Frequency of daily usage	65%
Frequency of no-defect DVIRs	95%
Time to complete a no-defect DVIR (seconds)	155
Total time saved (hours)	2,401,747
Wage rate (per hour) [1]	$31
Total savings	$73,665,012

[1] The mean hourly wage national estimate for occupational code 53–3021, Bus Drivers, Transit and Intercity is $21.47. Source: Bureau of Labor Statistics (BLS). 2019. May 2018 National Industry-Specific Occupational Employment and Wage Estimates. *https://www.bls.gov/oes/2018/may/oes533021.htm.* The wage rate is scaled up using the following formula: 21.47 ÷ 0.7. This reflects an estimate of the total labor costs; wages and salaries accounted for 70.0% of total employee cost for private industry workers in December 2018 (BLS, 2019; *https://www.bls.gov/news.release/archives/ecec_03192019.pdf*).

In the 2019 NPRM, the Agency acknowledged that some carriers might continue to require their drivers to submit no-defect DVIRs, thereby lowering the estimated cost savings. The Agency received feedback from one commenter, Coach USA, indicating it would continue to require no-defect DVIRs. FMCSA has opted to present the impact on cost savings of Coach USA's decision for illustrative purposes only. The Agency considered adjusting the total estimate of cost savings from this

[4] J.J. Keller provides a sample paper report available at *https://www.jjkellertraining.com/Samples/28146JJKMotor_Coach_Vehicle_InspectionsDEMO/story_content/external_files/DVIR.pdf.* A wide variety of vendors supply electronic DVIR systems, such as *https://www.teletracnavman.com/our-solutions/compliance/dvir, https://www.verizonconnect.com/resources/article/electronic-inspection-form-dvir/,* and *https://fleetrevolution.com/fleetrevolution-bus-dvir.*

[5] This wage is specific to bus drivers. Note that this rate differs from that used in the approved supporting statement which reflected the wage for a business operations specialist in the truck transportation industry.

rule to account for this comment. However, the change in impact would be de minimis, as illustrated below, and FMCSA believes this would add a level of complexity to the analysis that implies a greater degree of precision than which is possible. While it is possible that other carriers may also continue to require no-defect DVIRs, the Agency did not receive feedback in response to the NPRM to inform any changes to that assumption in this analysis.

Coach USA indicated that it operates 2,800 motorcoaches. Using the same formula described above with an updated population of 244,696 vehicles (247,496 − 2,800 = 244,696), we estimate the paperwork burden at 2,374,575 hours.[6] Using the labor rate above of $31, the total cost savings in this example would be $72,831,617 (a difference of $833,395), or $73 million, rounded.

Benefits

The final rule benefits relate to the change in crash risk, if any, that would result from allowing a defect-based DVIR approach. The Agency has no information to suggest that preparation, submission, and review of no-defect DVIRs produce a greater level of safety than that of a defect-based approach. Further, no degradation in safety attributable to the 2014 elimination of the no-defect DVIR requirement for trucks has been observed. Both the baseline approach and the defect-based approach ensure that vehicles are inspected so that defects are noted and addressed. Therefore, the Agency estimates that this final rule will maintain the same level of safety.

B. E.O. 13771 Reducing Regulation and Controlling Regulatory Costs

E.O. 13771, Reducing Regulation and Controlling Regulatory Costs, was issued on January 30, 2017 (82 FR 9339, Feb. 3, 2017). E.O. 13771 requires that, for every one new regulation issued by an Agency, at least two prior regulations be identified for elimination, and that the cost of planned regulations be prudently managed and controlled through a budgeting process. Final implementation guidance addressing the requirements of E.O. 13771 was issued by OMB on April 5, 2017. The OMB guidance defines what constitutes an E.O. 13771 regulatory action and an E.O. 13771 deregulatory action, provides procedures for how agencies should account for the costs and cost savings of such actions, and outlines various other details regarding implementation of E.O. 13771. An E.O. 13771 deregulatory action is defined as ''an action that has been finalized and has total costs less than zero.'' This final rule has a total cost less than zero, and therefore is an E.O. 13771 deregulatory action.[7]

The present value of the cost savings of this rule, measured on an infinite time horizon at a 7 percent discount rate, expressed in 2016 dollars, and discounted to 2020 (the year the rule goes into effect and cost savings would first be realized), is $1 billion. On an annualized basis, these cost savings are $71 million. For E.O. 13771 accounting, the April 5, 2017, OMB guidance requires that agencies also calculate the costs and cost savings discounted to year 2016.[8] In accordance with this requirement, the present value of the cost savings of this rule, measured on an infinite time horizon at a 7 percent discount rate, expressed in 2016 dollars, and discounted to 2016, is $771 million. On an annualized basis, these cost savings are $54 million.

C. Congressional Review Act

Pursuant to the Congressional Review Act (5 U.S.C. 801, *et seq.*), the Office of Information and Regulatory Affairs designated this rule as not a ''major rule,'' as defined by 5 U.S.C. 804(2).[9]

D. Regulatory Flexibility Act (Small Entities)

The Regulatory Flexibility Act of 1980 (5 U.S.C. 601 *et seq.*) requires Federal agencies to consider the effects of a regulatory action on small business and other small entities and to minimize any significant economic impact. The term ''small entities'' comprises small businesses and not-for-profit organizations that are independently owned and operated and are not dominant in their fields and governmental jurisdictions with a population of less than 50,000.

Accordingly, DOT policy requires an analysis of the impact of all regulations on small entities, and mandates that agencies try to minimize any adverse effects on these entities. Under the Regulatory Flexibility Act, as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA) (Pub. L. 104–121, 110 Stat. 857), the Agency estimates this final rule will have a positive economic impact on small entities in the form of cost savings through the elimination of 2.4 million paperwork burden hours, or 155 seconds per report.

In the Initial Regulatory Flexibility Analysis (IRFA) to the proposed rule, FMCSA invited comment from members of the public who believed the proposed action would create a significant impact either on small businesses or on governmental jurisdictions with a population of less than 50,000. No comments were submitted by these entities to indicate that this reduction of 155 seconds is significant.

As stated in the IRFA of the proposed rule, the Agency does not have data on company affiliations, NAICS (North American Industry Classification System) codes, revenues, or employees with which to determine how many of these carriers are small entities, or to directly estimate the rule's impact on them. Therefore, FMCSA examined the impact to small entities using a conservative per-vehicle approach illustrated below.

FMCSA estimates that the average savings per vehicle will be $298 per year. The total savings of burden hours for this rule is 2,401,747, which applies to 247,496 vehicles. With an average annual time savings of 9.7 hours per vehicle (2,401,747 hours ÷ 247,496 vehicles), we estimate the average annual cost savings to be $298 per vehicle (9.7 hours × wage rate of $31).[10]

Assuming drivers work 8 hours per day for 65 percent of the days in a year,[11] their compensation (at $31 per hour) would be approximately $58,000 per year. Therefore, a single vehicle would need to generate a minimum of $58,000 per year in revenue in order to break even with driver wages and benefits. This is a conservatively low

[6] 244,696 vehicles × (0.65 × 365) × 0.95 × 155 = 8,548,470,054 seconds or 2,374,575 hours.

[7] Executive Office of the President. Office of Management and Budget. Memorandum M–17–21. Guidance implementing Executive Order 13771. April 5, 2017. Q4 on page 4.

[8] Executive Office of the President. Office of Management and Budget. Memorandum M–17–21. Guidance Implementing Executive Order 13771. April 5, 2017. Q25 on page 11.

[9] A ''major rule'' means any rule that the Administrator of Office of Information and Regulatory Affairs at the Office of Management and Budget finds has resulted in or is likely to result in (a) an annual effect on the economy of $100 million or more; (b) a major increase in costs or prices for consumers, individual industries, Federal agencies, State agencies, local government agencies, or geographic regions; or (c) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets (5 U.S.C. 804(2)).

[10] *Id.* at 16.

[11] Consistent with the methodology of the supporting statement and the 2014 analysis, the Agency assumes that each of these vehicles is used 65 percent of the days of the year. Eight hours per day is a conservative assumption as drivers may drive more than 8 hours per day, but the Agency chose this lesser value to demonstrate that the impact of the cost savings is not significant even for small entities that do not maximize available driver hours.

estimate of annual revenue generated per vehicle, as it is insufficient to cover the carrier's overhead, vehicle purchase or financing costs, maintenance and repair costs, and fuel expenses, and it provides no profit margin to the carrier.

Using the low-range estimate of $58,000/year, if the average savings per vehicle is $298 per year, this final rule will produce savings of no more than 0.5 percent ($298 ÷ $58,000) of the average annual revenue needed to support one employee.

The RFA does not define a threshold for determining whether a specific regulation results in a significant impact. However, the SBA (Small Business Administration), in guidance to government agencies, provides some objective measures of significance that the agencies can consider using.[12] One measure that could be used to illustrate a significant impact is labor costs, specifically, if the cost of the regulation exceeds 1 percent of the average annual revenues of small entities in the sector.

Given the average annual per-vehicle impact of $298, a small entity would need to have average annual revenues of less than $29,800 per vehicle to experience an impact greater than 1 percent of average annual revenue, which is an average annual revenue that is smaller than would be required for a firm to support one employee. The savings of $298 per vehicle relative to minimum necessary revenues of $58,000 per vehicle represent 0.5 percent, and as such, are below a 1 percent threshold of significance. Consequently, I certify that this action will not have a significant economic impact on a substantial number of small entities.

E. Assistance for Small Entities

In accordance with section 213(a) of the SBREFA, FMCSA wants to assist small entities in understanding this final rule so they can better evaluate its effects on themselves and participate in the rulemaking initiative. If the final rule will affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance; please consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

Small businesses may send comments on the actions of Federal employees who enforce or otherwise determine compliance with Federal regulations to the Small Business Administration's Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of FMCSA, call 1–888–REG–FAIR (1–888–734–3247). DOT has a policy regarding the rights of small entities to regulatory enforcement fairness and an explicit policy against retaliation for exercising these rights.

F. Unfunded Mandates Reform Act of 1995

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or Tribal government, in the aggregate, or by the private sector of $165 million (which is the value equivalent of $100 million in 1995, adjusted for inflation to 2018 levels) or more in any one year. Though this final rule would not result in such an expenditure, the Agency does discuss its effects elsewhere in this preamble.

G. Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)) requires FMCSA to consider the impact of paperwork and other information collection burdens imposed on the public. This rule reduces the burden hours for the ''Inspection, Repair, and Maintenance'' ICR, OMB control number 2126–0003. This ICR comprises ten individual information collections, each corresponding to a different area of the inspection, repair, and maintenance requirements. This rule affects only the ICR section dealing with burden hours associated with no-defect DVIRs for passenger-carrying vehicles.

In 2018, based on data from its MCMIS and Licensing and Insurance Systems, FMSCA concluded that there were 247,496 passenger-carrying CMVs. Consistent with past analyses of this ICR, the Agency assumed that these CMVs are used on average 65 percent of the year.

FMCSA has divided the DVIR process into two steps. The Agency estimated that the first step, filling out a DVIR, to takes 2 minutes, 30 seconds. The Agency estimated that the second step, reviewing and signing a DVIR, to takes 20 seconds, when defects are reported, and 5 seconds when no defects are reported. When there are no defects to note, there is nothing to review on the DVIR, and the form requires only a signature. The Agency estimates that 5 percent of DVIRs note defects and 95 percent of DVIRs note no defects.

This rule eliminates the burden hours associated with no-defect DVIRs for passenger-carrying CMVs, resulting in an annual reduction of 2,401,747 burden hours (247,496 CMVs × 65% utilization × 365 days × 95% of CMVs × 155 seconds ÷ 3,600 seconds per hour). The monetary value of this annual burden reduction, calculated using an hourly labor cost of $31, is $73,665,012 million (2,401,747 hours × $31, per hour).

H. E.O. 13132 (Federalism)

A rule has implications for federalism under Section 1(a) of E.O. 13132 if it has ''substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.'' FMCSA determined that this rule would not have substantial direct costs on or for States, nor would it limit the policymaking discretion of States. Nothing in this document preempts any State law or regulation. Therefore, this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Impact Statement.

I. Privacy

The Consolidated Appropriations Act, 2005,[13] requires the Agency to conduct a privacy impact assessment (PIA) of a regulation that will affect the privacy of individuals. This rule would not require the collection of personally identifiable information (PII). The supporting PIA, available for review in the docket, gives a full and complete explanation of FMCSA practices for protecting PII in general and specifically in relation to this final rule.

The Privacy Act (5 U.S.C. 552a) applies only to Federal agencies and any non-Federal agency which receives records contained in a system of records from a Federal agency for use in a matching program.

The E-Government Act of 2002,[14] requires Federal agencies to conduct a PIA for new or substantially changed technology that collects, maintains, or disseminates information in an identifiable form. No new or substantially changed technology will collect, maintain, or disseminate information as a result of this rule.

[12] SBA, Office of Advocacy. ''A Guide for Government Agencies. How to Comply with the Regulatory Flexibility Act.'' 2017. Available at: *https://www.sba.gov/sites/default/files/advocacy/How-to-Comply-with-the-RFA-WEB.pdf* (accessed on May 7, 2020).

[13] Public Law 108–447, 118 Stat. 2809, 3268, note following 5 U.S.C. 552a (Dec. 4, 2014).

[14] Public Law 107–347, sec. 208, 116 Stat. 2899, 2921 (Dec. 17, 2002).

Accordingly, FMCSA has not conducted a PIA.

Additionally, the Agency submitted a Privacy Threshold Assessment to evaluate the risks and effects the rulemaking might have on collecting, storing, and sharing personally identifiable information. The DOT Privacy Office has determined that this rulemaking does not create a privacy risk.

J. E.O. 13175 (Indian Tribal Governments)

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

K. National Technology Transfer and Advancement Act (Technical Standards)

The National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note) directs agencies to use voluntary consensus standards in their regulatory activities unless the Agency provides Congress, through OMB, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards (*e.g.,* specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) are standards that are developed or adopted by voluntary consensus standards bodies. This final rule does not use technical standards. Therefore, FMCSA did not consider the use of voluntary consensus standards.

L. National Environmental Policy Act of 1969 (NEPA).

FMCSA analyzed this final rule consistent with the NEPA (42 U.S.C. 4321 *et seq.*) and determined this action is categorically excluded from further analysis and documentation in an environmental assessment or environmental impact statement under FMCSA Order 5610.1 (69 FR 9680 (Mar. 1, 2004)), Appendix 2, paragraph (6)(aa). The Categorical Exclusion (CE) in paragraph (6)(aa) relates to regulations requiring motor carriers, drivers, and others to ''inspect, repair, and provide maintenance for every CMV used on a public road,'' which is the focus of this rule. The requirements in this rule are covered by this CE, there are no extraordinary circumstances present, and the action does not have the potential to significantly affect the quality of the environment.

M. E.O. 13783 (Promoting Energy Independence and Economic Growth)

FMCSA has analyzed this proposed rule under E.O. 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. FMCSA has determined that it is not a ''significant energy action'' under that order because it is not a ''significant regulatory action'' likely to have a significant adverse effect on the supply, distribution, or use of energy. Therefore, it does not require a Statement of Energy Effects under E.O. 13211.E.O.

List of Subjects in 49 CFR Part 396

Highway safety, Motor carriers, Motor vehicle safety, Reporting and recordkeeping requirements.

Accordingly, FMCSA amends 49 CFR part 396 as follows:

PART 396–INSPECTION, REPAIR, AND MAINTENANCE

■ 1. The authority citation for part 396 continues to read as follows:

Authority: 49 U.S.C. 504, 31133, 31136, 31151, 31502; sec. 32934, Pub. L. 112–141, 126 Stat. 405, 830; sec. 5524, Pub. L. 114–94, 129 Stat. 1312, 1560; and 49 CFR 1.87.

■ 2. Revise § 396.l l(a)(2)(i) to read as follows:

§ 396.11 Driver vehicle inspection report(s).

(a) * * *

(2) *Report content.* (i) The report must identify the vehicle and list any defect or deficiency discovered by or reported to the driver which would affect the safety of operation of the vehicle or result in its mechanical breakdown. If a driver operates more than one vehicle during the day, a report must be prepared for each vehicle operated. Drivers are not required to prepare a report if no defect or deficiency is discovered by or reported to the driver.

* * * * *

■ 3. Revise § 396.13(b) and (c) to read as follows:

§ 396.13 Driver inspection.

* * * * *

(b) Review the last driver vehicle inspection report if required by § 396.11(a)(2)(i); and

(c) Sign the report to acknowledge that the driver has reviewed it and that there is a certification that the required repairs have been performed. The signature requirement does not apply to listed defects on a towed unit which is no longer part of the vehicle combination.

Issued under authority delegated in 49 CFR 1.87.

James A. Mullen,

Deputy Administrator.

[FR Doc. 2020–15667 Filed 8–17–20; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 200717–0195]

RIN 0648–BJ16

Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Amendment 21 to the Atlantic Mackerel, Squid, and Butterfish Fishery Management Plan; Correction

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

ACTION: Final rule; correction.

SUMMARY: NMFS is correcting regulations implemented through a final rule that integrates Atlantic chub mackerel as a stock in the fishery under the Atlantic Mackerel, Squid, and Butterfish Fishery Management Plan. This notice corrects regulatory instructions to ensure that regulations are implemented as intended.

DATES: This final rule is effective September 3, 2020.

FOR FURTHER INFORMATION CONTACT: Douglas Christel, Fishery Policy Analyst, (978) 281–9141.

SUPPLEMENTARY INFORMATION: In FR Doc. 2020–15969 appearing on page 47103 in the **Federal Register** of Tuesday, August 4, 2020, the following correction is made:

§ 648.7 [Corrected]

■ 1. On page 47111, in the second column, in part 648, in amendment 7, the instruction ''Amend § 648.7, by revising paragraph (a)(1) introductory text, and paragraphs (b)(1)(i), and (3)(ii) to read as follows:'' is corrected to read ''Amend § 648.7, by revising paragraph (a)(1) introductory text, paragraph (b)(1)(i) introductory text, and paragraph (3)(ii) to read as follows:''

Dated: August 13, 2020.

Samuel D. Rauch III,

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

[FR Doc. 2020–18032 Filed 8–17–20; 8:45 am]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 85, No. 160
Tuesday, August 18, 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 1206

[Document Number AMS–SC–19–0108]

Mango Promotion, Research and Information Order; Continuance Referendum

AGENCY: Agricultural Marketing Service.

ACTION: Notification of referendum.

SUMMARY: This document directs that a referendum be conducted among eligible first handlers and importers of mangos to determine whether they favor continuance of the Agricultural Marketing Service's (AMS) regulations regarding a national mango research and promotion program and whether frozen mangos continue to be covered under the program.

DATES: The referendum will be conducted from September 21, 2020 through October 9, 2020. Ballots delivered to AMS via express mail or electronic means must show proof of delivery no later than 11:59 p.m. Eastern Time (ET) on October 9, 2020.

ADDRESSES: Copies of the Mango Promotion, Research and Information Order (Order) may be obtained from: Referendum Agent, Promotion and Economics Division (PED), Specialty Crops Program (SCP), AMS, USDA, Stop 0244, Room 1406–S, 1400 Independence Avenue SW, Washington, DC 20250–0244; telephone: (202) 720–9915, facsimile: (202) 205–2800.

FOR FURTHER INFORMATION CONTACT: Marlene Betts, Marketing Specialist, PED, SCP, AMS, USDA, Stop 0244, Room 1406–S, 1400 Independence Avenue SW, Washington, DC 20250–0244; telephone: (202) 720–5057, or electronic mail: *Marlene.Betts@usda.gov.*

SUPPLEMENTARY INFORMATION: Pursuant to the Commodity Promotion, Research and Information Act of 1996 (7 U.S.C. 7411–7425) (1996 Act), it is hereby directed that a referendum be conducted to: (1) Ascertain whether the continuance of the Order is favored by eligible first handlers and importers covered under the program, and (2) ascertain whether the continuance of frozen mangos as a covered commodity in the Order is favored by eligible first handlers and importers (including frozen mango importers) covered under the program.

The second question is being included on the ballot because the Order was amended on February 21, 2019 (84 FR 5335) to add frozen mangos as a covered commodity. Therefore, importers of frozen mangos are currently paying an assessment of one cent ($0.01) per pound on frozen mangos. In addition, the National Mango Board membership was expanded from 18 to 21 with the addition of two seats for importers of frozen mangos and one seat for a foreign processor. The Department has determined that it is appropriate to conduct a referendum with two separate questions on the ballot in order to determine whether frozen mangos should continue as a covered commodity under the Order and whether first handlers and importers favor the continuation of the Order.

The representative period for establishing voter eligibility for the referendum shall be the period from January 1 through December 31, 2019. Frozen importers began to be assessed under the Order on July 22, 2019, and therefore are eligible to vote since they imported during the representative period. First handlers who received 500,000 or more pounds of fresh mangos from producers and importers who imported 500,000 or more pounds of fresh mangos or 200,000 or more pounds of frozen mangos into the United States during the representative period are eligible to vote. Persons who received an exemption from assessments pursuant to §§ 1206.43 and 1206.202 for the entire representative period are ineligible to vote. The Department will provide the option for electronic ballots. The referendum shall be conducted by express mail and electronic ballot from September 21, through October 9, 2020. Further details will be provided in the ballot instructions.

Section 518(d) of the Act (7 U.S.C. 7417) authorizes continuance referenda. Under § 1206.71(b) of the Order, the Department must conduct a referendum every five years to determine whether first handlers and importers of mangos favor the continuation of the Order.

The Department will determine the results of the two referendum questions separately. The Department would continue the program if continuance is favored by a majority of first handlers and importers voting in the referendum. In addition, the Department would retain the provisions of the Order that added frozen mangos to the program and increased the size of the Board if favored by a majority of fresh first handlers and importers and frozen importers voting in the referendum. The provisions would also be retained if favored by a majority of frozen importers voting in the referendum. If not favored, the Department would conduct rulemaking to remove these provisions from the Order.

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35), the referendum ballot has been approved by the Office of Management and Budget (OMB) and assigned OMB No. 0581–0093. Based on assessment and Customs data, it has been estimated that there are approximately 5 first handlers and 100 importers of fresh mangos and 70 importers of frozen mangos who will be eligible to vote in the referendum. It will take an average of 15 minutes for each voter to read the voting instructions and complete the referendum ballot.

Referendum Order

Marlene Betts, Marketing Specialist and Heather Pichelman, Director, Promotion and Economics Division, SCP, AMS, USDA, Stop 0244, Room 1406–S, 1400 Independence Avenue SW, Washington, DC 20250–0244, are designated as the referendum agents to conduct this referendum. The referendum procedures at 7 CFR 1206.100 through 1206.108, which were issued pursuant to the 1996 Act, shall be used to conduct the referendum.

The referendum agents will distribute the ballots to be cast in the referendum and voting instructions to all known eligible first handlers who received 500,000 or more pounds of fresh mangos from producers and to importers who imported 500,000 or more pounds of fresh mangos or 200,000 or more of frozen mangos into the United States during the representative period, prior to the first day of the voting period.

Persons who first handled or imported mangos during the representative period are eligible to vote. Persons who received an exemption from assessments pursuant to §§ 1206.43 and 1206.202 during the entire representative period are ineligible to vote. Any eligible first handler or importer who does not receive a ballot should contact a referendum agent no later than three days before the end of the voting period. Ballots delivered via express mail or electronic means must show proof of delivery no later than 11:59 p.m. Eastern Time (ET) on October 9, 2020.

List of Subjects in 7 CFR Part 1206

Administrative practice and procedure, Advertising, Consumer information, Mango promotion, Marketing agreements, Reporting and recordkeeping requirements.

Authority: 7 U.S.C. 7411–7425 and 7 U.S.C. 7401.

Bruce Summers,

Administrator.

[FR Doc. 2020–16295 Filed 8–17–20; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Parts 57 and 161

[Docket No. APHIS–2017–0002]

RIN 0579–AE39

National List of Reportable Animal Diseases

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule; reopening of comment period.

SUMMARY: We are reopening the comment period for our proposed rule that would amend the animal disease regulations to provide for a National List of Reportable Animal Diseases, along with reporting responsibilities for animal health professionals that encounter or suspect cases of communicable diseases and disease agents. This action will allow interested persons additional time to prepare and submit comments.

DATES: The comment period for the proposed rule published on April 2, 2020 (85 FR 18471) is reopened. We will consider all comments that we receive on or before August 21, 2020.

ADDRESSES: You may submit comments by either of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov/#!docketDetail;D=APHIS-2017-0002.*
- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS–2017–0002, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road Unit 118, Riverdale, MD 20737–1238.

Supporting documents and any comments we receive on this docket may be viewed at *http://www.regulations.gov/#!docketDetail;D=APHIS-2017-0002* or in our reading room, which is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue SW, Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799–7039 before coming.

FOR FURTHER INFORMATION CONTACT: Dr. Jason Baldwin, Center for Epidemiology and Animal Health, 2150 Centre Ave. Bldg. B, Fort Collins CO 80526; (970) 494–7225.

SUPPLEMENTARY INFORMATION: On April 2, 2020, we published in the **Federal Register** (85 FR 18471–18477, Docket No. APHIS–2017–0002) a proposal to amend the animal disease regulations to provide for a National List of Reportable Animal Diseases (NLRAD), along with reporting responsibilities for animal health professionals that encounter or suspect cases of communicable animal diseases and disease agents.

Comments on the proposed rule were required to be received on or before June 1, 2020. We are reopening the comment period on Docket No. APHIS–2017–0002. The comment period will now close on August 21, 2020. This action will allow interested persons additional time to prepare and submit comments. We will also consider all comments received between June 2, 2020 (the day after the close of the original comment period) and the date of this notice.

Authority: 7 U.S.C. 8301–8317; 15 U.S.C. 1828; 7 CFR 2.22, 2.80, and 371.4.

Done in Washington, DC, this 4th day of August 2020.

Mark Davidson,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2020–17339 Filed 8–17–20; 8:45 am]

BILLING CODE 3410–34–P

Notices

Federal Register

Vol. 85, No. 160

Tuesday, August 18, 2020

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

Black Hills National Forest Advisory Board

AGENCY: Forest Service, Agriculture (USDA).

ACTION: Notice of meeting.

SUMMARY: The Black Hills National Forest Advisory Board (Board) will conduct a virtual meeting. The committee is established consistent with and operates in compliance with the Federal Advisory Committee Act. The purpose of the committee is to improve collaborative relationships and to provide advice and recommendations to the Secretary of Agriculture through the Black Hills National Forest Supervisor on a broad range of forest issues. Board information, including the meeting agenda and the meeting summary/minutes can be found at the following website: *https://www.fs.usda.gov/main/blackhills/workingtogether/advisorycommittees*.

DATES: The meeting will be held on Wednesday, September 16, 2020, at 1:00 p.m.

All meetings are subject to cancellation. For updated status of meeting prior to attendance, please contact the person listed under **FOR FURTHER INFORMATION CONTACT.**

ADDRESSES: The meeting will be held via Adobe Connect along with two conference call lines: one line will be for participants, and one line will be for the public for listen only. Detailed instructions on how to attend the meeting virtually will be sent out via email along with a news release approximately one week prior to the meeting.

Written comments may be submitted as described under **SUPPLEMENTARY INFORMATION.** All comments, including names and addresses, when provided, are placed in the record and available for public inspection and copying. The public may inspect comments received at Black Hills National Forest Supervisor's Office. Please call ahead to facilitate entry into the building.

FOR FURTHER INFORMATION CONTACT: Scott Jacobson, Committee Coordinator, by phone at 605–440–1409 or by email at *scott.j.jacobson@usda.gov.*

Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8:00 a.m. and 8:00 p.m., Eastern Standard Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to discuss:

(1) Timber Sustainability Discussion

The meeting is open to the public. Individuals wishing to provide comments with regards to this meeting's agenda and for comments to be included with the meeting minutes/records, comments must be submitted in writing by September 17, 2020. Anyone who would like to bring related letters to the attention of the Board may file written statements with the Board's staff before or after the meeting. Written comments must be sent to Scott Jacobson, Black Hills National Forest Supervisor's Office, 1019 North Fifth Street, Custer, South Dakota 57730; by email to *scott.j.jacobson@usda.gov,* or via facsimile to 605–673–9208.

Meeting Accommodations: If you are a person requiring reasonable accommodation, please make requests in advance for sign language interpreting, assistive listening devices, or other reasonable accommodation. For access to the facility or proceedings, please contact the person listed in the section titled **FOR FURTHER INFORMATION CONTACT.** All reasonable accommodation requests are managed on a case-by-case basis.

Dated: August 12, 2020.

Cikena Reid,

USDA Committee Management Officer.

[FR Doc. 2020–17941 Filed 8–17–20; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE

National Institute of Food and Agriculture

Notice of Intent To Extend Without Change a Currently Approved Information Collection

AGENCY: National Institute of Food and Agriculture, Department of Agriculture.

ACTION: Approval of notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 and Office of Management and Budget (OMB) regulations, this notice announces the National Institute of Food and Agriculture's (NIFA) intention to extend without change, a currently approved information collection entitled, ''Research, Education, and Extension project online reporting tool (REEport).''

DATES: Written comments on this notice must be received by October 19, 2020 to be assured of consideration. Comments received after that date will be considered to the extent practicable.

ADDRESSES: Written comments may be submitted by any of the following methods: Email: *robert.martin3@usda.gov.*

Mail: Office of Information Technology (OIT), NIFA, USDA, STOP 2216, 1400 Independence Avenue SW, Washington, DC 20250–2216. You may also submit comments, through the Federal eRulemaking Portal: *www.regulations.gov.* Follow the instructions for submitting comments.

FOR FURTHER INFORMATION CONTACT: Robert Martin, Records Officer; email: *robert.martin3@usda.gov;* phone: 202–445–5388.

SUPPLEMENTARY INFORMATION:

Title: Reporting Requirements for Research, Education, and Extension project online reporting tool (REEport).

OMB Number: 0524–0048.

Expiration Date of Current Approval: August 31, 2020.

Type of Request: Renewal of a currently approved information collection.

Abstract: The United States Department of Agriculture (USDA), NIFA administers several competitive, peer-reviewed research, education, and extension programs, under which awards of a high-priority are made.

These programs are authorized pursuant to the authorities contained in the National Agricultural Research, Extension, and Teaching Policy Act of 1977, as amended (7 U.S.C. 3101 *et seq.*); the Smith-Lever Act (7 U.S.C. 341 *et seq.*); and other legislative authorities. NIFA also administers several formula funded research programs. The programs are authorized pursuant to the authorities contained in the McIntire-Stennis Cooperative Forestry Research Act of October 10, 1962 (16 U.S.C. 582a–1–582a–7); the Hatch Act of 1887, as amended (7 U.S.C. 4361a–361i); Section 1445 of Public Law 95–113, the Food and Agriculture Act of 1977, as amended (7 U.S.C. 3222); and Section 1433 of Subtitle E (Sections 1429–1439), Title XIV of Public Law 95–113, as amended (7 U.S.C. 3191–3201).

Estimate of the Burden: The total reporting and record keeping burden does not change.

Estimated Number of Responses: 8,700.

Estimated Burden per Response: 1.0 hour.

Estimated Total Annual Burden on Respondents: 870 hours.

Frequency of Responses: Annually.

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 will have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (c) 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 those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. Comments should be sent to the address stated in the preamble.

All responses to this notice will be summarized and included in the request for OMB approval. All comments will become a matter of public record.

following address: *https://nifa.usda.gov/program/uie-ag.*

Done at Washington, DC.

Stephen L. Censky,

Deputy Secretary, U.S. Department of Agriculture.

[FR Doc. 2020–17604 Filed 8–17–20; 8:45 am]

BILLING CODE 3410–22–P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Nebraska Advisory Committee to the U.S. Commission on Civil Rights

AGENCY: U.S. Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act that the Nebraska Advisory Committee (Committee) will hold a meeting on Tuesday, September 8, 2020 at 1:00 p.m. Central time. The Committee will discuss civil rights concerns in the state.

DATES: The meeting will take place on Tuesday, September 8, 2020 at 1:00 p.m. Central time.

Public Call Information: Dial: 800–353–6461, Conference ID: 7139136

FOR FURTHER INFORMATION CONTACT: Melissa Wojnaroski, DFO, at *mwojnaroski@usccr.gov* or 312–353–8311.

SUPPLEMENTARY INFORMATION: Members of the public can listen to these discussions. Committee meetings are available to the public through the above call in number. 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 1–800–877–8339 and providing the Service with the conference call number and conference ID number.

Members of the public are also entitled to submit written comments; the comments must be received in the regional office within 30 days following the meeting. Written comments may be mailed to the Regional Programs Unit, U.S. Commission on Civil Rights, 230 S. Dearborn, Suite 2120, Chicago, IL 60604. They may also be faxed to the Commission at (312) 353–8324, or emailed to Corrine Sanders at *csanders@usccr.gov.* Persons who desire additional information may contact the Regional Programs Unit at (312) 353–8311.

Records generated from this meeting may be inspected and reproduced at the Regional Programs Unit Office, as they become available, both before and after the meeting. Records of the meeting will be available via *www.facadatabase.gov* under the Commission on Civil Rights, Nebraska Advisory Committee link. Persons interested in the work of this Committee are directed to the Commission's website, *http://www.usccr.gov,* or may contact the Regional Programs Unit at the above email or street address.

Agenda

Welcome and Roll Call
Civil Rights in Nebraska
Future Plans and Actions
Public Comment
Adjournment

Dated: August 13, 2020.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2020–18018 Filed 8–17–20; 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 meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the 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 Wednesday, September 9, 2020 at 12:00 p.m. (EDT). The purpose of the meeting is to discuss the Committee's project on licensing for formerly incarcerated individuals.

DATES: Wednesday, September 9, 2020 at 12:00 p.m.–1:00 p.m. (EDT).

ADDRESSES: Conference Call-In Information: 1–800–437–2398; Conference ID: 6978023

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: 1–800–437–2398; Conference ID: 6978023.

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: Wednesday, September 9, 2020 at 12:00 p.m. (EDT)

I. Welcome and Roll Call
II. Announcements and Updates
III. Approval of Minutes from the Last Meeting
IV. Discussion: Licensing for Formerly Incarcerated Individuals
V. Next Steps
VI. Public Comment
VII. Adjournment

Dated: August 13, 2020.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2020–18023 Filed 8–17–20; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Minnesota 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 and the Federal Advisory Committee Act that the Minnesota Advisory Committee (Committee) will hold a meeting via teleconference on Tuesday, September 1, 2020 at 12:00 p.m. Central Time, the purpose of the meeting is to discuss civil rights topics in the state.

DATES: The meeting will be held on Tuesday, September 1, 2020 at 12:00 p.m. Central Time.

ADDRESSES: *Public Call Information:* Dial: 866–248–8441, Conference ID: 1021182.

FOR FURTHER INFORMATION CONTACT: David Barreras, Designated Federal Official, at *dbarreras@usccr.gov* or 202–499–4066.

SUPPLEMENTARY INFORMATION: Members of the public may listen to the discussion. This meeting is available to the public through the call in information listed above. 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 to the Committee as time allows. The conference call operator will ask callers to identify themselves, the organization they are affiliated with (if any), and an email address prior to placing callers into the conference room. Callers can expect to incur regular charges for calls they initiate over wireless lines, according to their wireless plan. The Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Persons with hearing impairments may also follow the proceedings by first calling the Federal Relay Service at 1–800–877–8339 and providing the Service with the conference call number and conference ID number.

Members of the public are also entitled to submit written comments; the comments must be received in the regional office within 30 days following the meeting. Written comments may be emailed to *dbarreras@uccr.gov* in the Regional Program Unit Office/Advisory Committee Management Unit. Persons who desire additional information may contact the Regional Program Unit at 202–499–4066.

Records generated from this meeting may be inspected and reproduced at the Chicago office, as they become available, both before and after the meeting. Records of the meeting will be available via *https://www.facadatabase.gov/FACA/FACAPublicViewCommitteeDetails?id=a10t0000001gzm3AAA* under the Commission on Civil Rights, Minnesota Advisory Committee link. Persons interested in the work of this Committee are directed to the Commission's website, *http://www.usccr.gov,* or may contact the Regional Program Unit at the above email or phone number.

Agenda

I. Welcome, Roll Call, and Chair's Comments
II. Committee Discussion
III. Public Comment
IV. Adjournment

Dated: August 13, 2020.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2020–18031 Filed 8–17–20; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the West Virginia 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 West Virginia Advisory Committee to the Commission will convene by conference call at 11:30 a.m. (ET) on Tuesday, September 1, 2020. The purpose of the meeting is to discuss plans to conduct review of the Committee's civil rights project on disparate school discipline of West Virginia public school students of color, students with disabilities and students who identify as or are perceived to be LBGTQ.

DATES: Tuesday, September 1, 2020 at 11:30 a.m. (ET).

Public Call-In Information: Conference call-in number: 1–800–367–2403 and conference call ID number: 2629531.

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: 1–800–367–2403 and conference call ID number: 2629531. Please be advised that before being placed 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 1–888–364–3109 and providing the operator with the toll-free conference call-in number: 1–800–367–2403 and conference call ID number: 2629531.

Members of the public are invited to make statements during the Public Comments section of the Agenda. They are also invited to submit written comments, which must be received in the regional office approximately 30 days after the scheduled meeting. Written comments may be mailed to the Eastern Regional Office, U.S. Commission on Civil Rights, 1331 Pennsylvania Avenue, Suite 1150, Washington, DC 20425 or emailed to Corrine Sanders at *ero@usccr.gov.* Persons who desire additional information may contact 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=a10t0000001gzmCAAQ;* 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 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 Eastern Regional Office at the above phone number, email or street address.

Agenda: August 4, 2020 at 11:30 a.m. (EST)

I. Rollcall
II. Welcome
III. Project Planning
IV. Other Business
V. Next Planning Meeting
VI. Open Comments
VII. Adjourn

Dated: August 13, 2020.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2020–18019 Filed 8–17–20; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meetings of the Maryland 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 meetings of the Maryland Advisory Committee to the Commission will convene by conference call at 12:00 p.m. (EDT) on the following dates: Tuesday, August 4, 2020 and Tuesday, September 1, 2020. The purpose of the meetings is to continue working on its project on health care disparities during the COVID–19 pandemic. The Committee may hear from advocates and others on the topic.

DATES:

- Tuesday, August 4, 2020, at 12:00 p.m. (EDT)
- Tuesday, September 1, 2020, at 12:00 p.m. (EDT)

ADDRESSES: Public Call-in Information: 1–866–575–6539 and conference ID: 3918108.

FOR FURTHER INFORMATION CONTACT: Barbara Delaviez at *ero@usccr.gov* or by phone at 202–539–8246.

SUPPLEMENTARY INFORMATION: Interested members of the public may listen to the discussion by calling the following toll-free conference call-in number: 1–866–575–6539 and conference ID: 3918108. 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: 1–866–575–6539 and conference ID: 3918108.

Members of the public are invited to make statements during the open comment period of the meeting or submit written comments. The comments must be received in the regional office approximately 30 days after each scheduled meeting. Written comments may be emailed to Barbara Delaviez at *ero@usccr.gov.* Persons who desire additional information may contact Barbara Delaviez at 202–539–8246.

Records and documents discussed during the meeting will be available for public viewing as they become available at this FACA Link, 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 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 Eastern Regional Office at the above phone numbers, email or street address.

Agenda: Tuesday, August 4, 2020; 12:00 p.m. (EDT) and Tuesday, September 1, 2020; 12:00 p.m. (EDT)

- Rollcall
- Briefing
- Open Comment
- Other Business
- Adjournment

Dated: August 13, 2020.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2020–18029 Filed 8–17–20; 8:45 am]

BILLING CODE 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 Wednesday, August 19, 2020 at 3:00 p.m. (CDT), via teleconference. The purpose of the meeting is project planning for the Committee's topic on maternal health disparities of Native American women.

DATES: Wednesday, August 19, 2020 at 3:00 p.m.–4:00 p.m. (CDT)

ADDRESSES: Public Call-In Information: Dial: 1–800–367–2403; conference ID: 9800799

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: 1–800–367–2403; conference ID: 9800799. 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: 1–800–367–2403; conference ID: 9800799. 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: Wednesday, August 19, 2020 at 3:00 p.m. (CDT)

I. Welcome and Roll Call

II. Announcements and Updates

III. Approval of Minutes from the Last Meeting

IV. Discussion: Maternal Health Disparities of Native American Women

V. Next Steps

VI. Public Comment

VII. Adjournment

Dated: August 13, 2020.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2020–18030 Filed 8–17–20; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

Census Bureau

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Current Population Survey, School Enrollment Supplement

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** (84 FR 13628) on April 5, 2019, during a 60-day comment period. This notice allows for an additional 30 days for public comments.

Agency: U.S. Census Bureau.

Title: Current Population Survey, School Enrollment Supplement.

OMB Control Number: 0607–0464.

Form Number(s): None.

Type of Request: Regular submission, Request for Non-Substantive Change to a Currently Approved Information Collection.

Number of Respondents: 54,000.

Average Hours per Response: 0.05.

Burden Hours: 2,700.

Needs and Uses: The Current Population Survey, School Enrollment Supplement provides information on the population 3 years old and older on school enrollment, junior or regular college attendance, and high school graduation. It has been fielded annually from October 2005 to October 2019. This request is to add seven questions to the School Enrollment Supplement in October 2020. The added questions will assist researchers to understand how the coronavirus (COVID–19) pandemic affected schooling at an individual child level, such as:

- How children received instruction in a distance-format, if at all;
- how much digital and internet access children had, if at all;
- how much live interaction children had with teachers, if at all; and
- how much time was spent on distance learning.

Affected Public: Individuals or households.

Frequency: Annually.

Respondent's Obligation: Voluntary.

Legal Authority: Title 13, United States Code, Sections 8(b), 141, and 182; and Title 29, United States Code, Section 2 authorize the Census Bureau to collect this information. The Education Sciences Reform Act of 2002 (ESRA, Title 20, United States Code, Section 9543) authorizes the National Center for Education Statistics to collect this information.

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 0607–0464.

Sheleen Dumas,

Department PRA Clearance Officer, Office of the Chief Information Officer, Commerce Department.

[FR Doc. 2020–18034 Filed 8–17–20; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[S–140–2020]

Foreign-Trade Zone 29—Louisville, Kentucky; Application for Subzone Expansion; Hyster-Yale Group, Inc.; Berea, Kentucky

An application has been submitted to the Foreign-Trade Zones (FTZ) Board by the Louisville & Jefferson County Riverport Authority, grantee of FTZ 29, requesting an expansion of Subzone 29I on behalf of Hyster-Yale Group, Inc., in Berea, Kentucky. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the FTZ Board (15 CFR part 400). It was formally docketed on August 12, 2020.

Subzone 29I currently consists of the following sites: Site 1 (52 acres) 2200 Menelaus Road, Berea; and, Site 3 (13.77 acres) 353 Walnut Meadow Road, Berea. The proposed expansion would add 3.57 acres to existing Site 1. No authorization for expanded production activity has been requested at this time.

The subzone will be subject to the existing activation limit of FTZ 29.

In accordance with the FTZ Board's regulations, Elizabeth Whiteman of the FTZ Staff is designated examiner to review the application and make recommendations to the Executive Secretary.

Public comment is invited from interested parties. Submissions shall be addressed to the FTZ Board's Executive Secretary and sent to: *ftz@trade.gov.* The closing period for their receipt is September 28, 2020. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period to October 13, 2020.

A copy of the application will be available for public inspection in the ''Reading Room'' section of the FTZ Board's website, which is accessible via *www.trade.gov/ftz.*

For further information, contact Elizabeth Whiteman at *Elizabeth.Whiteman@trade.gov* or (202) 482–0473.

Dated: August 13, 2020.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2020–17984 Filed 8–17–20; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–53–2020]

Foreign-Trade Zone (FTZ) 82—Mobile, Alabama; Notification of Proposed Production Activity; Aker Solutions, Inc. (Subsea Oil and Gas Systems); Mobile, Alabama

Aker Solutions, Inc. (Aker) submitted a notification of proposed production activity to the FTZ Board for its facility in Mobile, Alabama. The notification conforming to the requirements of the regulations of the FTZ Board (15 CFR 400.22) was received on August 7, 2020.

Aker already has authority to produce undersea umbilicals (approved as Kvaerner Oilfield Products), flying leads (steel tube; hydraulic), cobra head terminations, various assemblies (umbilical termination; subsea distribution; mud mat), and various jumpers (integrated controls; hydraulic bridge) within FTZ 82. The current request would add a foreign-status material/component to the scope of authority. Pursuant to 15 CFR 400.14(b), additional FTZ authority would be limited to the specific foreign-status material/component described in the submitted notification (as described below) and subsequently authorized by the FTZ Board.

Production under FTZ procedures could exempt Aker from customs duty payments on the foreign-status material/component used in export production. On its domestic sales, for the foreign-status material/component noted below, Aker would be able to choose the duty rates during customs entry procedures that apply to the above listed finished products (duty rate ranges from duty-free to 3.7%). Aker 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 material/component sourced from abroad is polymers of vinyl chloride (PVC) (duty rate 3.1%). The request indicates that the material/component is 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 September 28, 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 Juanita Chen at *juanita.chen@trade.gov* or 202–482–1378.

Dated: August 12, 2020.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2020–17985 Filed 8–17–20; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Order No. 2103]

Reorganization of Foreign-Trade Zone 104 (Expansion of Service Area) Under Alternative Site Framework; Savannah, Georgia

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 Board adopted the alternative site framework (ASF) (15 CFR Sec. 400.2(c)) as an option for the establishment or reorganization of zones;

Whereas, World Trade Center Savannah, LLC, grantee of Foreign-Trade Zone 104, submitted an application to the Board (FTZ Docket B–02–2020, docketed January 14, 2020) for authority to expand the service area of the zone to include the portion of Burke County, Georgia adjacent to the Savannah (Georgia) U.S. Customs and Border Protection (CBP) port of entry, as delineated in the map submitted by the applicant on June 23, 2020;

Whereas, notice inviting public comment was given in the **Federal Register** (85 FR 4632, January 27, 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 report, and finds that the requirements of the FTZ Act and the Board's regulations are satisfied with regard to the portion of Burke County adjacent to the Savannah CBP port of entry;

Now, therefore, the Board hereby orders:

The application to reorganize FTZ 104 to expand the service area under the ASF is approved with regard to the portion of Burke County adjacent to the Savannah CBP port of entry, subject to the FTZ Act and the Board's regulations, including Section 400.13, and to the Board's standard 2,000-acre activation limit for the zone.

Dated: August 12, 2020.

Jeffrey I. Kessler,

Assistant Secretary for Enforcement and Compliance, Alternate Chairman, Foreign-Trade Zones Board.

[FR Doc. 2020–17991 Filed 8–17–20; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–23–2020]

Foreign-Trade Zone (FTZ) 7—Mayaguez, Puerto Rico; Authorization of Production Activity; Lilly del Caribe, Inc. (Pharmaceutical Products); Carolina, Puerto Rico

On April 14, 2020, Lilly del Caribe, Inc., submitted a notification of proposed production activity to the FTZ Board for its facility within Subzone 7K, in Carolina, Puerto Rico.

The notification was processed in accordance with the regulations of the FTZ Board (15 CFR part 400), including notice in the **Federal Register** inviting public comment (85 FR 23505–23506, April 28, 2020). On August 12, 2020, the applicant was notified of the FTZ Board's decision that no further review of the activity is warranted at this time. The production activity described in the notification was authorized, subject to the FTZ Act and the FTZ Board's regulations, including Section 400.14.

Dated: August 12, 2020.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2020–17992 Filed 8–17–20; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[S–138–2020]

Foreign-Trade Zone 18—San Jose, California; Application for Subzone Expansion; Lam Research Corporation; Fremont, Livermore, and Tracy, California

An application has been submitted to the Foreign-Trade Zones (FTZ) Board by the City of San Jose, grantee of FTZ 18, requesting an expansion of Subzone 18F on behalf of Lam Research Corporation in Hayward, California. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the FTZ Board (15 CFR part 400). It was formally docketed on August 10, 2020.

Subzone 18F consists of the following sites: Site 1 (29.28 acres)—4650 Cushing Parkway, Fremont, Alameda County; Site 4 (14.82 acres)—1 and 101 Portola Avenue, Livermore, Alameda County; Site 5 (7.3 acres)—7364 Marathon Drive and 7150 Patterson Pass Road, Unit G, Livermore, Alameda County; Site 7 (0.91 acres)—6757 Las Positas Road, Livermore, Alameda County; Site 8 (0.44 acres)—7888 Marathon, Drive, Livermore, Alameda County; Site 9 (1.6 acres)—41707 Christy Street, Fremont, Alameda County; Site 11 (1.19 acres)—4050 Starboard Drive, Fremont, Alameda County; Site 12 (0.98 acres)—7650 Marathon Drive, Livermore, Alameda County; Site 13 (3.49 acres)—6551 West Schulte Road, Tracy, San Joaquin County; and, Site 14 (8.56 acres)—1201 Voyager Street, Livermore, Alameda County. The applicant is now requesting authority to expand the subzone to include an additional site (2.77 acres) located at 20427 Corsair Boulevard, Hayward, Alameda County, which would be designated as Site 15. The expanded subzone would be subject to the existing activation limit of FTZ 18.

In accordance with the FTZ Board's regulations, Qahira El-Amin of the FTZ Staff is designated examiner to review the application and make recommendations to the Executive Secretary.

Public comment is invited from interested parties. Submissions shall be addressed to the FTZ Board's Executive Secretary and sent to: *ftz@trade.gov.* The closing period for their receipt is September 28, 2020. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period to October 13, 2020.

A copy of the application will be available for public inspection in the ''Reading Room'' section of the FTZ Board's website, which is accessible via *www.trade.gov/ftz.*

For further information, contact Qahira El-Amin at *Qahira.El-Amin@trade.gov* or (202) 482–5928.

Dated: August 12, 2020.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2020–17990 Filed 8–17–20; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Telecommunications and Information Administration

BroadbandUSA Webinar Series

AGENCY: National Telecommunications and Information Administration, Department of Commerce.

ACTION: Notice of open meetings—monthly webinars.

SUMMARY: The National Telecommunications and Information Administration (NTIA), as part of its BroadbandUSA program, promotes innovation and economic growth by supporting efforts to expand broadband access and meaningful use across America. BroadbandUSA serves local and state governments, industry and nonprofits that seek to expand broadband connectivity and promote digital inclusion. BroadbandUSA will host a series of webinars on a monthly basis to engage the public and stakeholders with information to accelerate broadband connectivity, improve digital inclusion, strengthen policies and support local priorities. The Practical Broadband Conversations webinar series will provide an ongoing source of information on a range of topics being addressed by BroadbandUSA, including, but not limited to, best practices for improving broadband deployment, digital inclusion, workforce skills, smart communities, and economic development.

DATES: BroadbandUSA will hold the webinars from 2:00 p.m. to 3:00 p.m. Eastern Time on the third Wednesday of every month, beginning October 21, 2020 and continuing through September 15, 2021, with the exception of December 2020 and August 2021.

ADDRESSES: This is a virtual meeting. NTIA will post the registration information on its BroadbandUSA website, *https://broadbandusa.ntia.doc.gov* under Events.

FOR FURTHER INFORMATION CONTACT: Christopher Holt, National Telecommunications and Information Administration, U.S. Department of Commerce, Room 4872, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–4884; email: *BroadbandUSAwebinars@ntia.gov.* Please direct media inquiries to NTIA's Office of Public Affairs, (202) 482–7002; email *press@ntia.gov.*

SUPPLEMENTARY INFORMATION: NTIA's BroadbandUSA program serves as a trusted and neutral strategic advisor, collaborating with federal, state and local government, and industry leaders working to advance smart city and broadband initiatives designed to attract new employers, create quality jobs, improve educational opportunities, increase health outcomes and advance public safety.

BroadbandUSA convenes workshops on a regular basis to bring stakeholders together to discuss ways to improve broadband policies, share best practices, and connect state and local stakeholders to other federal agencies and funding sources for the purpose of expanding broadband infrastructure and adoption

throughout America. Experts from NTIA's BroadbandUSA program are available to provide technical assistance and to connect stakeholders with additional resources, such as best practices, guides and program models.

NTIA's BroadbandUSA team convenes events around the country to bring together government, industry and non-profit personnel working to expand broadband connectivity and improve digital inclusion and workforce skills. These webinars are among the events BroadbandUSA uses to share broadband information with the public, broadband stakeholders, tribal, local and state governments and federal programs.

Details on specific webinar topics and webinar registration information will be posted on the BroadbandUSA website, *https://broadbandusa.ntia.doc.gov* under Events. These webinars are subject to change. Webinar time changes will be posted on the BroadbandUSA website, *https://broadbandusa.ntia.doc.gov* under Events, at least thirty days in advance of the webinar. Any webinar cancellation will also be posted on the same website. Any date changes will be published in a new **Federal Register** notice and posted on the website. The presentation, transcript, and recording of each webinar will be posted on the BroadbandUSA website within 7 days following the live webinar.

The public is invited to participate in these webinars. General questions and comments are welcome at any time during webinars via email to *BroadbandUSAwebinars@ntia.gov.* The webinars are open to the public and press. Pre-registration is recommended. NTIA asks each registrant to provide their first and last name, city, state, zip code, job title, organization and email address for both registration purposes and to receive any updates on the BroadbandUSA program via email at *BroadbandUSA@ntia.gov.* Information on webinar content and how to register for one or more webinars will be available on NTIA's website at *https://broadbandusa.ntia.doc.gov* under Events. Individuals requiring accommodations, such as sign language interpretation or other ancillary aids, are asked to notify the NTIA contact listed above at least seven (7) business days before the meeting.

Dated: August 13, 2020.

Kathy Smith,

Chief Counsel, National Telecommunications and Information Administration.

[FR Doc. 2020–18040 Filed 8–17–20; 8:45 am]

BILLING CODE 3510–60–P

DEPARTMENT OF COMMERCE

National Telecommunications and Information Administration

[Docket No. 200813–0218]

RIN 0660–XC048

NTIA Internet Use Survey Questionnaire Development

AGENCY: National Telecommunications and Information Administration, Department of Commerce.

ACTION: Notice, request for public comments.

SUMMARY: The National Telecommunications and Information Administration (NTIA) is seeking comments and recommendations for possible revisions to questions asked on the NTIA internet Use Survey. This long-running survey of individuals and households covers a range of topics related to digital inclusion and other internet policy issues, including the adoption of different types of devices and internet access technologies, locations of internet use, online activities, and challenges preventing some Americans from taking full advantage of the internet. This Notice and Request for Public Comments is an opportunity for members of the public to provide input as to what question additions, revisions, or deletions NTIA should consider in updating the survey instrument.

DATES: Interested persons are invited to submit comments on or before September 17, 2020.

ADDRESSES: Written comments may be submitted by email to *data@ntia.gov.* Please reference Docket No. 200813–0218 in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: Rafi Goldberg, National Telecommunications and Information Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Room 4725, Washington, DC 20230; Telephone: (202) 482–4375; Email: *rgoldberg@ntia.gov.* For media inquiries: Stephen Yusko, Office of Public Affairs, National Telecommunications and Information Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Room 4897, Washington, DC 20230; Telephone: (202) 482–7002; Email: *press@ntia.gov.*

SUPPLEMENTARY INFORMATION: Since 1994, NTIA has partnered with the U.S. Census Bureau to produce the NTIA internet Use Survey (approved by the Office of Management and Budget under control number 0060–0021), an important source of data for informing solutions to digital inclusion and other internet-related public policy challenges. This long-running survey of individuals and households covers a range of topics related to digital inclusion and other internet policy issues, including the adoption of different types of devices and internet access technologies, locations of internet use, online activities, and challenges preventing some Americans from taking full advantage of the internet. The survey is administered as a periodic supplement to the Current Population Survey (CPS), a monthly survey that includes approximately 50,000 households across all fifty states and the District of Columbia. The CPS is the source of certain national labor force statistics, including the unemployment rate. The Census Bureau uses a combination of in-person and live telephone interviews to gather data on every individual living in each surveyed household, including both demographic and labor force information. By contracting with the Census Bureau to field the NTIA internet Use Survey as a CPS Supplement, NTIA benefits from the CPS's existing infrastructure and sophisticated design, as well as the Census Bureau's considerable expertise.

The main goal of the NTIA internet Use Survey is to inform evidence-based analysis and development of internet policy generally, and particularly to support solutions that increase digital inclusion and bridge the digital divide. NTIA staff use the resulting data internally and in publications to help inform policymakers; relevant NTIA publications can be found at *https://www.ntia.gov/data.* Additionally, much of the value of the NTIA internet Use Survey comes from research and analysis performed by members of the public. The academic studies and other work produced externally using NTIA internet Use Survey datasets, which are publicly released following Census Bureau measures to protect respondent confidentiality, contribute substantially to the state of knowledge in internet policy and further advance discourse among policymakers, researchers, and advocates.

Over the last 25 years, NTIA has continually sought to update the questions asked on the NTIA internet Use Survey as the technologies Americans use to communicate, learn, work, and participate in the digital economy—and the terms used to describe those technologies—evolve, and as new policy challenges emerge. NTIA and many external data users also value the ability to track changes in internet use and related metrics over

time, necessitating some level of consistency between surveys. Further, against the backdrop of these sometimes competing interests, NTIA must also be mindful of the burden on respondents and the potential that an excessively long or complex survey could lead to reductions on response rates. With those constraints in mind, NTIA last redesigned the survey instrument in collaboration with our Census Bureau partners prior to the 2015 edition of the survey, implemented additional improvements for the 2017 survey, and redeployed that same questionnaire for the most recent survey in 2019. In an effort to explore further refinements to the survey instrument ahead of future data collections, NTIA is contracting with the Census Bureau to conduct cognitive testing of current and proposed questions beginning late 2020. Prior to implementing any substantive changes to the survey questions, Census Bureau staff test the draft survey instrument with members of the public, and use the results to recommend changes that improve the performance of individual questions and the survey instrument overall.

Before submitting a draft survey instrument for testing, NTIA is soliciting feedback from the public as to how it might further improve the questions asked in the survey—including, but not limited to, anyone who has used the survey data or is interested in doing so. NTIA intends to build on previous work by adding, deleting, or modifying questions asked in the 2019 NTIA internet Use Survey, preserving where possible the ability to track changes over time while also improving the efficacy and utility of the survey instrument. Interested parties can find the most recent survey instrument at *https://www.ntia.gov/files/ntia/blogimages/november_2019_cps_supplement_-_final.pdf,* and previous versions of the questionnaire can be found in the technical documentation accompanying each public use dataset, available from *https://www.ntia.gov/page/download-digital-nation-datasets.*

NTIA invites all suggestions of possible survey instrument changes to submit for cognitive testing. The following questions serve as a non-exhaustive guide to some of the survey design issues commenters may wish to address:

1. Should NTIA be aware of any past or future planned uses of data from the NTIA internet Use Survey? If so, which survey questions or topics were or would be most important to accomplishing this work?

2. What questions, if any, should NTIA propose adding to the NTIA internet Use Survey? New questions could either expand on an existing topic, *e.g.,* an additional type of computing device or online activity not currently tracked, or address an entirely new topic in computer or internet use. Commenters may wish to discuss the desired response format (yes or no, multiple choice, etc.), unit of measurement (individuals, households, or a subset of either), and other details of the data to be collected. Further, parties proposing new questions may consider commenting on how NTIA should address any resulting increase in respondent burden, including time needed to administer the survey.

3. Which existing questions, if any, should NTIA consider modifying for future editions of the NTIA internet Use Survey? NTIA may modify the text of an existing survey question in a range of situations, including when recent developments suggest a need for new terminology or answer choices, or when a different question structure may reduce respondent burden or improve the resulting data. Commenters may suggest changes in general terms or by proposing specific question text. If desired, parties may also comment on any potential impacts to time-series comparisons.

4. Which existing questions, if any, should NTIA consider removing from the NTIA internet Use Survey? Reasons NTIA may consider removing a question include, but are not limited to, lack of practical utility (or lesser utility compared with potential new questions), challenges to collecting accurate data through a household survey, or events obviating the continued need for a previously important question. Please comment on any challenges that may result from question removal, including the loss of time-series comparisons.

5. In addition to questions discussed above, are there any questions or general issues related to the NTIA internet Use Survey that should be of particular focus during the cognitive testing process? The Census Bureau will test the entire draft survey instrument, creating an opportunity to assess the performance of all questions individually and collectively.

Instructions for Commenters: Commenters are encouraged to address any or all of the questions in this Notice and Request for Public Comments. Comments that contain references to studies, research, and other empirical data that are not widely published should include copies of the referenced materials with the submitted comments. Comments submitted by email should be machine-readable and should not be copy-protected. Commenters should include the name of the person or organization filing the comment, as well as a page number on each page of their submissions. All personal identifying information (for example, name, address) voluntarily submitted by the commenter may be publicly accessible. Do not submit confidential business information or otherwise sensitive or protected information.

Dated: August 13, 2020.

Kathy Smith,

Chief Counsel, National Telecommunications and Information Administration.

[FR Doc. 2020–18041 Filed 8–17–20; 8:45 am]

BILLING CODE 3510–60–P

COMMODITY FUTURES TRADING COMMISSION

Agency Information Collection Activities: Notice of Intent To Extend Collection 3038–0059: Part 41, Relating to Security Futures Products

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice.

SUMMARY: The Commodity Futures Trading Commission (''Commission'' or ''CFTC'') is announcing an opportunity for public comment on the extension of a proposed collection of certain information by the agency. In compliance with the Paperwork Reduction Act of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments, as described below, on the proposed Information Collection Request (''ICR'') titled: Part 41, Relating to Security Futures Products; OMB Control Number 3038–0059.

DATES: Comments must be submitted on or before October 19, 2020.

ADDRESSES: You may submit comments, identified by OMB Control No. 3038–0059, by any of the following methods:

- The Agency's website, at *http://comments.cftc.gov/.* Follow the instructions for submitting comments through the website.
- *Mail:* Christopher Kirkpatrick, Secretary of the Commission, Commodity Futures Trading Commission, 1155 21st Street NW, Washington, DC 20581.
- *Hand delivery/Courier:* Same as Mail above.

Please submit your comments using only one method. All comments must be

submitted in English, or if not, accompanied by an English translation. Comments will be posted as received to *http://www.cftc.gov.*

FOR FURTHER INFORMATION CONTACT: David Steinberg, Associate Director, Division of Market Oversight, Commodity Futures Trading Commission, (202) 418–5102; email: *dsteinberg@cftc.gov.*

SUPPLEMENTARY INFORMATION: Under the PRA, 44 U.S.C. 3501 *et seq.,* Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of Information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3 and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA, 44 U.S.C. 3506(c)(2)(A), requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, the CFTC is publishing notice of the proposed collection of information listed below. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.[1]

Title: Part 41, Relating to Security Futures Products (OMB Control No. 3038–0059). This is a request for extension of a currently approved information collection.

Abstract: Section 4d(c) of the Commodity Exchange Act (''CEA''), 7 U.S.C. 6d(c), requires the CFTC to consult with the Securities and Exchange Commission (''SEC'') and issue such rules, regulations, or orders as are necessary to avoid duplicative or conflicting regulations applicable to firms that are fully registered with the SEC as brokers or dealers and the CFTC as futures commission merchants involving provisions of the CEA that pertain to the treatment of customer funds. The CFTC, jointly with the SEC, issued regulations requiring such dually-registered firms to make choices as to how its customers' transactions in security futures products will be treated, either as securities transactions held in a securities account or as futures transactions held in a futures account. How an account is treated is important in the unlikely event of the insolvency of the firm. Securities accounts receive insurance protection under provisions of the Securities Investor Protection Act. By contrast, futures accounts are subject to the protections provided by the segregation requirements of the CEA.

With respect to the collection of information, the Commission invites comments on:

- Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have a practical use;
- The accuracy of the Commission's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Ways to enhance the quality, usefulness, and clarity of the information to be collected; and
- Ways to minimize the burden of collection of information on those who are to respond, including through the use of appropriate electronic, or other forms of information technology, *e.g.,* permitting electronic submission of responses.

You should submit only information that you wish to make available publicly. If you wish the Commission to consider information that you believe is exempt from disclosure under the Freedom of Information Act, a petition for confidential treatment of the exempt information may be submitted according to the procedures established in § 145.9 of the Commission's regulations.[2]

The Commission reserves the right, but shall have no obligation, to review, pre-screen, filter, redact, refuse or remove any or all of your submission from *https://www.cftc.gov* that it may deem to be inappropriate for publication, such as obscene language. All submissions that have been redacted or removed that contain comments on the merits of the ICR will be retained in the public comment file and will be considered as required under the Administrative Procedure Act and other applicable laws, and may be accessible under the Freedom of Information Act.

Burden Statement: The respondent burden for this collection is estimated to average 1.05 hours per response. This estimate includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; and transmit or otherwise disclose the information.

Affected Entities: Entities potentially affected by this action are businesses and other for-profit institutions.

Respondents/Affected Entities: 34.

Estimated number of responses: 506.

Estimated total annual burden on respondents: 529 hours.

Frequency of collection: On occasion.

There are no capital costs or operating and maintenance costs associated with this collection.

(Authority: 44 U.S.C. 3501 *et seq.*)

Dated: August 13, 2020.

Robert Sdman,

Deputy Secretary of the Commission.

[FR Doc. 2020–18039 Filed 8–17–20; 8:45 am]

BILLING CODE 6351–01–P

[1] The OMB control numbers for the CFTC regulations were published on December 30, 1981. *See* 46 FR 63035 (Dec. 30, 1981).

[2] 17 CFR 145.9.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; VISTA Project Implementation Evaluation Sponsor Survey

AGENCY: Corporation for National and Community Service.

ACTION: Notice.

SUMMARY: The Corporation for National and Community Service (CNCS) has submitted a public information collection request (ICR) entitled Volunteers in Service to America (VISTA) Project Implementation Evaluation Sponsor Survey for review and approval in accordance with the Paperwork Reduction Act.

DATES: Written comments must be submitted to the individual and office listed in the **ADDRESSES** section by September 17, 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.

FOR FURTHER INFORMATION CONTACT: Copies of this ICR, with applicable supporting documentation, may be obtained by calling the Corporation for National and Community Service, Kelly Daly at 202–606–6849 or by email to *kdaly@cns.gov.*

SUPPLEMENTARY INFORMATION: The OMB is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of CNCS, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions;
- Propose ways to enhance the quality, utility, and clarity of the information to be collected; and
- Propose ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments

A 60-day Notice requesting public comment was published in the **Federal Register** on Wednesday, February 5, 2020 at Vol. 85, No. 24, Page 6532. This comment period ended April 6, 2020. Zero public comments were received from this Notice.

Title of Collection: VISTA Project Implementation Evaluation Sponsor Survey.

OMB Control Number: TBD. Type of Review: New.

Respondents/Affected Public: Businesses and Organizations.

Total Estimated Number of Annual Responses: 800.

Total Estimated Number of Annual Burden Hours: 334.

Abstract: To inform CNCS's implementation of its Transformation and Sustainability Plan, JBS International, Inc. will perform a study about Volunteers in Service to America (VISTA) project development, management, and sustainability including member recruitment and retention. The survey of approximately 800 VISTA sponsors will be administered online. CNCS will use the results to identify implementation challenges and best practices among VISTA project sponsors that can inform program improvements and mitigate potential challenges. The data will also be used to develop training and technical assistance materials for internal staff and for external AmeriCorps VISTA project sponsors to strengthen and enhance VISTA programming. Sponsors will be sent individualized emails. Survey data will be merged with existing administrative data regarding project characteristics.

Dated: August 10, 2020.

Desiree Tucker-Sorini,

Director, AmeriCorps VISTA.

[FR Doc. 2020–17949 Filed 8–17–20; 8:45 am]

BILLING CODE 6050–28–P

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; CNCS Grant Application

AGENCY: Corporation for National and Community Service.

ACTION: Notice of Information Collection; request for comment.

SUMMARY: The Corporation for National and Community Service (CNCS) has submitted a public information collection request (ICR) entitled CNCS Grant Application for review and approval in accordance with the Paperwork Reduction Act.

DATES: Written comments must be submitted to the individual and office listed in the **ADDRESSES** section by September 17, 2020.

ADDRESSES: Direct written comments and/or suggestions regarding the items contained in this Notice to the Attention: CNCS Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW, Washington, DC 20503 or by fax to (202) 395–5806. Provide written comments within 30 days of Notice publication.

FOR FURTHER INFORMATION CONTACT: Copies of this ICR, with applicable supporting documentation, may be obtained by calling the Corporation for National and Community Service, Amy Borgstrom, at (202) 606–6930 or by email to *aborgstrom@cns.gov.*

SUPPLEMENTARY INFORMATION: The OMB is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of CNCS, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions;
- Propose ways to enhance the quality, utility, and clarity of the information to be collected; and
- Propose ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments

A 60-day Notice requesting public comment was published in the **Federal Register** on April 21, 2020 at Vol. 85, Page 22151. This comment period ended June 22, 2020. No public comments were received from this Notice.

Title of Collection: CNCS Application.

OMB Control Number: 3045–0187. Type of Review: Renewal.

Respondents/Affected Public: Non-profit Organizations and State, Local, or Tribal Governments.

Total Estimated Number of Annual Responses: 13,200.

Total Estimated Number of Annual Burden Hours: 79,200.

Abstract: These application instructions will be used by applicants for funding through CNCS competitions. The application is completed electronically using the CNCS web-based grants management system or submitted via email. CNCS seeks to renew the current information collection. The application is the same as currently approved. The information collection will be used in the same manner as the existing application. CNCS also seeks to continue using the current application until the revised application is approved by OMB. The current application is due to expire on September 30, 2020.

Dated: June 25, 2020.

Erin Dahlin,

Chief of Program Operations.

[FR Doc. 2020–17950 Filed 8–17–20; 8:45 am]

BILLING CODE 6050–28–P

ELECTION ASSISTANCE COMMISSION

Sunshine Act Meetings; Correction

AGENCY: U.S. Election Assistance Commission.

ACTION: Sunshine Act Notice; Notice of Public Meeting Agenda; Correction

SUMMARY: The U.S. Election Assistance Commission published a document in the **Federal Register** on July 31, 2020, Public Meeting: U.S. Election Assistance Commission Board of Advisors Executive Officers Elections Meeting.

FOR FURTHER INFORMATION CONTACT: Kristen Muthig, Telephone: (202) 897–9285, Email: *kmuthig@eac.gov.*

SUPPLEMENTARY INFORMATION:

Correction

In the **Federal Register** on July 31, 2020, in FR Doc. 2020–16820, on page 46079 in the first column, correct the date of the Meeting to read:

DATES: September 2, 2020, 2:00 p.m.–3:30 p.m.

Amanda Joiner,

Associate Counsel, U.S. Election Assistance Commission.

[FR Doc. 2020–18045 Filed 8–17–20; 8:45 am]

BILLING CODE 6820–KF–P

DEPARTMENT OF ENERGY

Electricity Advisory Committee

AGENCY: Office of Electricity, Department of Energy.

ACTION: Notice of renewal.

SUMMARY: Pursuant to the Federal Advisory Committee Act and Title 41 of the Code of Federal Regulations, and following consultation with the Committee Management Secretariat, General Services Administration, notice is hereby given that the Electricity Advisory Committee's (EAC) charter has been renewed for a two-year period, beginning on August 7, 2020.

FOR FURTHER INFORMATION CONTACT: Mr. Chris Lawrence, Designated Federal Officer at (202) 586–5260; email: *christopher.lawrence@hq.doe.gov.*

SUPPLEMENTARY INFORMATION: The Committee will provide advice and recommendations to the Assistant Secretary for Electricity Delivery on programs to modernize the Nation's electric power system. Additionally, the renewal of the EAC has been determined to be essential to conduct Department of Energy business and to be in the public interest in connection with the performance of duties imposed upon the Department of Energy, by law and agreement. The Committee will continue to operate in accordance with the provisions of the Federal Advisory Committee Act, adhering to the rules and regulations in implementation of that Act.

Signing Authority: This document of the Department of Energy was signed on August 12, 2020, by Rachael J. Beitler, Acting Committee Management Officer, pursuant to delegated authority from the Secretary of Energy. That document with the original signature and date is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC, on August 12, 2020.

Treena V. Garrett,

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

[FR Doc. 2020–17955 Filed 8–17–20; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

[Case Number 2019–001; EERE–2019–BT–WAV–0004]

Energy Conservation Program: Notice of Petition for Waiver of ECR International, Inc. From the Department of Energy Furnace Fan Test Procedure and Grant of Interim Waiver

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

ACTION: Notice of petition for waiver and grant of an interim waiver; request for comments.

SUMMARY: This notice announces receipt of and publishes a petition for waiver and interim waiver from ECR International, Inc. (''ECR''), which seeks a waiver for specified furnace fan basic models, which are belt-driven, single-speed, and designed for use in ''heat-only'' applications, from the U.S. Department of Energy (''DOE'') test procedure used for determining the energy consumption of furnace fans. DOE also gives notice of an Interim Waiver Order that requires ECR to test and rate the specified furnace fan basic models in accordance with the alternate test procedure set forth in the Interim Waiver Order. DOE solicits comments, data, and information concerning ECR's petition and its suggested alternate test procedure, as well as the alternate test procedure specified in the interim waiver granted by DOE, to inform DOE's final decision on ECR's waiver request.

DATES: The Interim Waiver Order is applicable August 18, 2020. Written comments and information are requested and will be accepted on or before September 17, 2020.

ADDRESSES: Interested persons are encouraged to submit comments using the Federal eRulemaking Portal at *https://www.regulations.gov.* Follow the instructions for submitting comments. Alternatively, interested persons may submit comments, identified by case number ''2019–001'' and/or Docket number ''EERE–2019–BT–WAV–0004,'' by any of the following methods:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments.
- *Email: ECR2019WAV0004@ee.doe.gov.* Include Case No. 2019–001 and/or Docket number EERE–2019–BT–WAV–0004 in the subject line of the message.
- *Postal Mail:* Appliance and Equipment Standards Program, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies Office, Mailstop EE–5B, Petition for Waiver Case No. 2019–001/Docket number EERE–2019–BT–WAV–0004, 1000 Independence Avenue SW, Washington, DC 20585–0121. If possible, please submit all items on a compact disc (''CD''), in which case it is not necessary to include printed copies.
- *Hand Delivery/Courier:* Appliance and Equipment Standards Program, U.S. Department of Energy, Building Technologies Office, 950 L'Enfant Plaza SW, 6th floor, Washington, DC 20024. Telephone (202) 287–1445. If possible, please submit all items on a ''CD,'' in which case it is not necessary to include printed copies.

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

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

The docket web page can be found at *https://www.regulations.gov/docket?D=EERE-2019-BT-WAV-0004.* The docket web page contains instruction on how to access all documents, including public comments, in the docket. See the **SUPPLEMENTARY INFORMATION** section for information on how to submit comments through *https://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Ms. Lucy deButts, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies Office, Mailstop EE–5B, 1000 Independence Avenue SW, Washington, DC 20585–0121.

Telephone: (202) 287–1604. Email: *AS_Waiver_Request@ee.doe.gov.*

Mr. Eric Stas, U.S. Department of Energy, Office of the General Counsel, GC–33, 1000 Independence Avenue SW, Washington, DC 20585. Telephone: (202) 586–5827. Email: *Eric.Stas@hq.doe.gov.*

SUPPLEMENTARY INFORMATION: DOE is publishing ECR's petition for waiver in its entirety, pursuant to 10 CFR 430.27(b)(1)(iv), absent any information for which ECR requested treatment as confidential business information. DOE invites all interested parties to submit in writing by September 17, 2020, comments and information on all aspects of the petition, including the suggested alternate test procedure and the alternate test procedure specified in the Interim Waiver Order. Pursuant to 10 CFR 430.27(d), any person submitting written comments to DOE must also send a copy of such comments to the petitioner. The contact information for the petitioner is Ronald J. Passafaro, *karlm@ecrinternational.com,* ECR International, Inc., 2201 Dwyer Avenue, Utica, NY 13501.

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

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

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

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

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

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

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

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

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

Signing Authority

This document of the Department of Energy was signed on July 17, 2020, by Alexander N. Fitzsimmons, Deputy Assistant Secretary for Energy Efficiency, Energy Efficiency and Renewable Energy, pursuant to delegated authority from the Secretary of Energy. That document with the original signature and date is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE **Federal Register** Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC, on July 20, 2020.

Treena V. Garrett,

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

Case No. 2019–001

Interim Waiver Order

I. Background and Authority

The Energy Policy and Conservation Act, as amended (''EPCA''),[1] authorizes the U.S. Department of Energy (''DOE'') to regulate the energy efficiency of a number of consumer products and certain industrial equipment. (42 U.S.C. 6291–6317) Title III, Part B [2] of EPCA, Public Law 94–163 (42 U.S.C. 6291–6309, as codified), established the Energy Conservation Program for Consumer Products Other Than Automobiles and sets forth a variety of

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

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

provisions designed to improve energy efficiency for certain types of consumer products. These products include furnace fans, the subject of this Interim Waiver Order. (42 U.S.C. 6292(f)(4)(D))

Under EPCA, the energy conservation program consists essentially of four parts: (1) Testing; (2) labeling; (3) Federal energy conservation standards; and (4) certification and enforcement procedures. Relevant provisions of EPCA include definitions (42 U.S.C. 6291), test procedures (42 U.S.C. 6293), labeling provisions (42 U.S.C. 6294), energy conservation standards (42 U.S.C. 6295), and the authority to require information and reports from manufacturers (42 U.S.C. 6296).

The Federal testing requirements consist of test procedures that manufacturers of covered products must use as the basis for: (1) Certifying to DOE that their products comply with the applicable energy conservation standards adopted pursuant to EPCA (42 U.S.C. 6295(s)); and (2) making representations about the efficiency of that product (42 U.S.C. 6293(c)). Similarly, DOE must use these test procedures to determine whether the product complies with relevant standards promulgated under EPCA. (42 U.S.C. 6295(s))

Under 42 U.S.C. 6293, EPCA sets forth the criteria and procedures DOE is required to follow when prescribing or amending test procedures for covered products. EPCA requires that any test procedures prescribed or amended under this section must be reasonably designed to produce test results which reflect the energy efficiency, energy use, or estimated annual operating cost of a covered product during a representative average use cycle or period of use and requires that test procedures not be unduly burdensome to conduct. (42 U.S.C. 6293(b)(3)) The test procedure for furnace fans is contained in the Code of Federal Regulations (''CFR'') at 10 CFR part 430, subpart B, appendix AA, ''Uniform Test Method for Measuring the Energy Consumption of Furnace Fans'' (''Appendix AA'').

Under 10 CFR 430.27, any interested person may submit a petition for waiver from DOE's test procedure requirements. DOE will grant a waiver from the test procedure requirements if DOE determines either that the basic model for which the waiver was requested contains a design characteristic that prevents testing of the basic model according to the prescribed test procedures, or that the prescribed test procedures evaluate the basic model in a manner so unrepresentative of its true energy consumption characteristics as to provide materially inaccurate comparative data. 10 CFR 430.27(f)(2). A petitioner must include in its petition any alternate test procedures known to the petitioner to evaluate the performance of the product type in a manner representative of the energy consumption characteristics of the basic model. 10 CFR 430.27(b)(1)(iii). DOE may grant the waiver subject to conditions, including adherence to alternate test procedures. 10 CFR 430.27(f)(2).

As soon as practicable after the granting of any waiver, DOE will publish in the **Federal Register** a notice of proposed rulemaking to amend its regulations so as to eliminate any need for the continuation of such waiver. 10 CFR 430.27(l). As soon thereafter as practicable, DOE will publish in the **Federal Register** a final rule to that effect. *Id.*

The waiver process also provides that DOE may grant an interim waiver if it appears likely that the underlying petition for waiver will be granted and/or if DOE determines that it would be desirable for public policy reasons to grant immediate relief pending a determination on the underlying petition for waiver. 10 CFR 430.27(e)(2). Within one year of issuance of an interim waiver, DOE will either: (i) Publish in the **Federal Register** a determination on the petition for waiver; or (ii) publish in the **Federal Register** a new or amended test procedure that addresses the issues presented in the waiver. 10 CFR 430.27(h)(1). When DOE amends the test procedure to address the issues presented in a waiver, the waiver will automatically terminate on the date on which use of that test procedure is required to demonstrate compliance. 10 CFR 430.27(h)(2).

II. ECR International, Inc.'s Petition for Waiver and Interim Waiver

On February 20, 2019, ECR filed a petition for waiver and interim waiver from the test procedure applicable to furnace fans set forth in Appendix AA.[3]

In that filing, ECR asserts that the furnace fan models specified in its petition, which are belt-driven, single-speed, and designed for ''heating-only'' applications, have design characteristics that prevent testing of the basic model according to the test procedure prescribed in Appendix AA. ECR claims these basic models are factory-equipped for operation at an external static pressure (''ESP'') of 0.20'' w.c. and cannot operate within the ESP range of 0.65''–0.70'' w.c. required in Appendix AA. ECR states that the higher ESP required for the test reduces airflow, which in turn increases the temperature rise to the high temperature limit, which results in the unit shutting off before the test can be completed. ECR provided laboratory test data during the course of follow-up communications on May 24, 2019, June 3, 2019, August 5, 2019, and November 11, 2019, showing that the basic models for which a waiver is requested shut off at various ESPs ranging from 0.30''–0.60'' w.c., depending on the particular basic model, with the units shutting down at an average ESP of 0.47'' w.c.

ECR further asserts that the test procedure does not sufficiently account for the lower ESPs encountered by heating-only systems that only have one airflow-control setting, as compared to combined heating/cooling systems. ECR states that combined heating/cooling systems operate at higher ESP than heat-only systems due to the installation of an evaporator coil, and typically require different blower speeds for heating operation and cooling operation. ECR provided information on the operating conditions for two field installations of belt-driven, single-speed furnaces that are intended for heating-only operation, showing field ESP readings that are lower than the ESP required by Appendix AA.

Based on the assertions in ECR's petition, DOE understands that absent an interim waiver, the furnace fan models for which ECR is seeking a waiver contain a design characteristic that prevents them from being tested due their inability to operate at the ESP requirement specified in the DOE test procedure at Appendix AA.

III. Requested Alternate Test Procedure

EPCA requires that manufacturers use DOE test procedures when making representations about the energy consumption and energy consumption costs of products covered by the statute. (42 U.S.C. 6293(c)) Consistency is important when manufacturers make representations about the energy efficiency of their furnace fans, including when demonstrating compliance with applicable DOE energy conservation standards. Pursuant to its regulations applicable to waivers and interim waivers from applicable test procedures at 10 CFR 430.27, and after consideration of public comments on the petition, DOE may establish in a subsequent Decision and Order an

[3] The specific basic models for which the petition applies are furnace fans basic models BCLB90S2, BCLB100S2, BCLB120S2, BCLB130S2, BCLB145S2, BFLB90–2, BFLB100–2, BFLB120–2, BFLB130NX2, BFLB145NX2, BMLB60B2, BMLB80B2, and BMLB90B2. The petition is available at *https://www.regulations.gov/docket?D=EERE-2019-BT-WAV-0004.*

alternate test procedure for the ECR basic models addressed by the interim waiver.

ECR seeks to use an alternate test procedure to test and rate specific furnace fan basic models. Specifically, ECR requests that the specified models be tested under the current Appendix AA, with the following modifications: (1) In section 8.6.1, the ESP requirement is instead the factory-equipped ESP, increased by 0.08'' w.c. to accommodate the fact that furnaces are tested for Fan Energy Rating (''FER'') without the air filter under Appendix AA; (2) sections 8.6.2*, Constant circulation airflow-control setting measurements,* and 8.6.3, *Heating airflow-control setting measurements* are not required; and (3) calculations in section 10.1, *Fan Energy Rating (FER),* are modified to account for the absence of a separate constant circulation airflow-control setting and heating airflow-control setting.

IV. Interim Waiver Order

DOE has reviewed ECR's application for an interim waiver, the alternate test procedure requested by ECR, and the related data that ECR provided in support of its petition. DOE also reviewed data and analyses collected and conducted in support of the final rule establishing the furnace fan test procedure. Specifically, DOE reviewed the May 15, 2012 notice of proposed rulemaking (''NOPR'') (77 FR 28674), the April 2, 2013 supplemental notice of proposed rulemaking (''SNOPR'') (78 FR 19606), and the January 3, 2014 final rule (79 FR 500). In establishing the current test procedure for furnace fans, DOE examined field ESP data from numerous studies and found that typical field ESP often exceeds the ESP for which furnace fans are designed and factory-equipped. 79 FR 500, 506 (Jan. 3, 2014). In the NOPR, based on review of available studies looking at field operating conditions, DOE initially determined that for ''heating-only'' furnaces, an ESP of 0.50'' w.c. would provide test results representative of an average use cycle. 77 FR 28674, 28686 (May 15, 2012). This is consistent with the range of ESP conditions under which the specified furnace fans are capable of operating (*i.e.,* 0.2''–0.6'' w.c.). Although DOE proposed these testing requirements for ''heating-only'' furnace fans, DOE ultimately did not adopt separate conditions. As explained in the SNOPR, DOE was unable to identify ''heating-only'' models on the market at that time and removed that designation at the suggestion of stakeholders. 78 FR 19606, 19608 (April 2, 2013). Further, DOE was unaware of the issues encountered by the specified furnace fans in the ECR petition (and as subsequently demonstrated through submission of test data).

Based on DOE's prior analyses of ''heating-only'' furnace fans and the data submitted by ECR, DOE is now requiring that the basic models specified in the Interim Waiver Order be initially tested at 0.50″–0.55″ w.c., rather than the 0.28″ w.c. suggested by ECR (which is the factory-equipped ESP of 0.20″ w.c. for the basic models for which a waiver has been requested, increased by 0.08″ w.c. to account for the use of an air filter in the field). However, given the difficulty that a number of the specified ECR basic models may have in operating at the ESP level, the alternate test procedure further specifies that if the unit under test shuts down prior to completion of the test, the ESP range is incrementally reduced by 0.05″ w.c., and the test is to be re-run. This process is repeated until a range is reached at which the test can be conducted to its conclusion, with a minimum allowable ESP range of 0.30–0.35″ w.c., which corresponds to the lowest ESP at which shut-off occurred in the ECR data.

The rationale for using an ESP range of 0.50″–0.55″ w.c., or the highest ESP that the model is capable of operating at during testing, rather than that suggested by ECR, is that the field data previously analyzed by DOE shows that 0.50″ w.c. is representative of field conditions for heating-only furnaces. The ESP value specified in the Interim Waiver Order is lower than that required by the furnace fans test procedure at section 8.6.1.2 of Appendix AA (*i.e.,* 0.65″–0.70″). The reduced ESP specified in the Interim Waiver Order addresses the lack of an evaporator coil in the airflow path for heating-only systems, which would reduce the ESP in the system. Thus, the 0.50″ ESP represents the resistance imposed by ductwork alone (*i.e.,* without an additional evaporator coil). While ECR suggests that a 0.28″ w.c. ESP is representative for heating-only furnaces, DOE does not have reason to believe the ductwork in these systems would be significantly different than that found in DOE's previous study of field data. Because the goal of the test procedure is to produce test results that measure energy efficiency during a representative average use cycle, and because the test ESP can significantly affect the result, DOE tentatively concludes that testing at an ESP of 0.50″ w.c. (or as close as possible) is more appropriate than the 0.28″ w.c. suggested by ECR, which based on DOE's review of field data, would not be representative of an average use cycle. Furthermore, testing at an ESP of 0.50″ w.c. would not add any additional testing as compared to the current test procedure. If it is necessary to incrementally reduce the ESP, the procedure to do so is straightforward involving symmetrically restricting the outlet of the test duct (which may be done using cardboard), and can be done relatively quickly (compared to the overall test duration). Therefore, the test procedure as required by the Interim Waiver Order is not overly burdensome. As a result, DOE has initially determined that the alternate test procedure provides test conditions that are representative of the subject furnace fans' energy use during an average use cycle while ensuring that they can be tested.

The alternate test procedure does not waive the requirements of section 8.6.3 of Appendix AA because, as DOE discussed in the furnace fans test procedure final rule published on January 3, 2014, that section is not applicable to the basic models specified in the Interim Waiver Order (*i.e.,* models with only one airflow control setting). 79 FR 500, 514. In the furnace fans test procedure final rule, DOE stated that for single-stage units, E_{Max}, which is calculated in section 8.6.3 of Appendix AA, and E_{Heat}, which is calculated in section 8.6.1.2, are equivalent because the maximum airflow-control setting and the heating airflow-control setting in which measurements are specified to be made are the same, and consequently, the same value is used for both variables in the FER equation. *Id.* As such, there is no need to separately perform that calculation in section 8.6.3 of Appendix AA. In addition, section 10.1 of Appendix AA states that for furnace fans for which the maximum airflow-control setting is a default heating airflow-control setting, Q_{Heat} (the airflow in the heating airflow control setting) is equal to Q_{Max} (the airflow in the maximum airflow control setting). Based on the discussion in the furnace fans test procedure final rule and calculations in section 10.1, it is sufficiently clear that the test in section 8.6.3 of Appendix AA would not need to be performed, and, therefore, a waiver is not required regarding sections 8.6.3 or 10.1 of Appendix AA.

Regarding the testing in section 8.6.2 of Appendix AA, DOE notes that the testing required under that section is different than that required under section 8.6.1.2 (and section 8.6.3) of Appendix AA, in that the burner would be firing only in testing performed under the latter. Because the burner must be firing during the section 8.6.1.2 testing and must be off during the section 8.6.2 testing, it is possible that

the resulting measurements would be different. As a result, section 8.6.2 of Appendix AA is required to be conducted, and results of the testing must be used in the calculation of FER.

Based on DOE's review and the preceding discussion, the alternate test procedure as specified in the Interim Waiver Order appears to allow for the accurate measurement of the energy consumption of the specified basic models, while alleviating the testing problems associated with ECR's testing of these basic models. Consequently, DOE has determined that ECR's petition for waiver likely will be granted in part. Furthermore, DOE has determined that it is desirable for public policy reasons to grant ECR immediate relief pending a determination of the petition for waiver.

For the reasons stated, it is ORDERED that:

(1) ECR must test and rate the following furnace fan basic models with the alternate test procedure set forth in paragraph (2):

Brand name	Basic model No.
Airco	BCLB90S2
Airco	BCLB100S2
Airco	BCLB120S2
Airco	BCLB130S2
Airco	BCLB145S2
Airco	BFLB90–2
Airco	BFLB100–2
Airco	BFLB120–2
Airco	BFLB130NX2
Airco	BFLB145NX2
Airco	BMLB60B2
Airco	BMLB80B2
Airco	BMLB90B2
Olsen	BCLB90S2
Olsen	BCLB100S2
Olsen	BCLB120S2
Olsen	BCLB130S2
Olsen	BCLB145S2
Olsen	BFLB90–2
Olsen	BFLB100–2
Olsen	BFLB120–2
Olsen	BFLB130NX2
Olsen	BFLB145NX2
Olsen	BMLB60B2
Olsen	BMLB80B2
Olsen	BMLB90B2

(2) The alternate test procedure for the ECR basic models identified in paragraph (1) of this Interim Waiver Order is the test procedure for furnace fans prescribed by DOE at 10 CFR part 430, subpart B, appendix AA (''Appendix AA''), except that the external static pressure (''ESP'') is adjusted in section 8.6.1.2 of Appendix AA as described below. All other requirements of Appendix AA and DOE's relevant regulations remain applicable. The change to section 8.6.1.2 reads as follows:

8.6.1.2. *Furnace fans for which the maximum airflow-control setting is a default heating airflow-control setting.* Adjust the main burner or electric heating element controls to the default heat setting designated for the maximum airflow-control setting. Burner adjustments shall be made as specified by section 8.4.1 of ASHRAE 103–2007 (incorporated by reference, see § 430.3). Adjust the furnace fan controls to the maximum airflow-control setting. Adjust the external static pressure to within the range of 0.50″–0.55″ w.c. by symmetrically restricting the outlet of the test duct. Maintain these settings until steady-state conditions are attained as specified in sections 8.3, 8.4, and 8.5 of this appendix and the temperature rise (ΔT_{Max}) is at least 18 °F. If at the external static pressure range of 0.50″–0.55″ w.c. the unit-under-test automatically shuts off before the conclusion of a valid test, reduce external static pressure by an increment of 0.05″ w.c. (*i.e.,* to a range of 0.45″–0.50″ w.c) by symmetrically restricting the outlet of the test duct and re-run the test. If at the reduced external static pressure range the unit-under-test automatically shuts off before the conclusion of a valid test, repeat the incremental reduction of the ESP range by 0.5″ w.c. until an ESP range is achieved at which a valid test is completed. The minimum allowable external static pressure range is 0.30″–0.35″ w.c. Once the external static pressure is set, do not adjust the test duct for the remainder of the test. Measure furnace fan electrical input power (E_{Max}), fuel or electric resistance heat kit input energy ($Q_{IN, Max}$), external static pressure (ESP_{Max}), steady-state efficiency for this setting ($Effy_{SS, Max}$) as specified in sections 11.2 and 11.3 of ASHRAE 103–2007, outlet air temperature ($T_{Max,Out}$), and temperature rise (ΔT_{Max}).

(3) *Representations.* ECR may not make representations about the energy consumption of the basic models referenced in paragraph (1) for compliance, marketing, or other purposes unless the basic models have been tested in accordance with the provisions in the alternate test procedure set forth above and such representations fairly disclose the results of such testing.

(4) This Interim Waiver Order shall remain in effect according to the provisions of 10 CFR 430.27.

(5) This Interim Waiver Order is issued on the condition that the statements, representations, and information provided by ECR are valid, and on the condition that ECR makes no representation on any public-facing materials, including websites, marketing materials, product spec sheets, labels, nameplates, *etc.,* that these basic models are designed to be installed in systems that provide both heating and cooling. If ECR makes any modifications to the controls or configurations of a basic model subject to this Interim Waiver Order, such modifications will render the waiver invalid with respect to that basic model, and the current Federal test procedure will apply. In such an instance, however, ECR may submit a new application for a test procedure waiver. DOE may rescind or modify this waiver at any time if it determines the factual basis underlying the petition for waiver is incorrect, or the results from the alternate test procedure are unrepresentative of the basic models' true energy consumption characteristics. 10 CFR 430.27(k)(1). Likewise, ECR may request that DOE rescind or modify the interim waiver if ECR discovers an error in the information provided to DOE as part of its petition, determines that the interim waiver is no longer needed, or for other appropriate reasons. 10 CFR 430.27(k)(2).

(6) Issuance of this Interim Waiver Order does not release ECR from the various requirements set forth at 10 CFR part 429.

DOE makes decisions on waivers and interim waivers for only those basic models specifically set out in the petition, not future models that may be manufactured by the petitioner. ECR may submit a new or amended petition for waiver and request for grant of interim waiver, as appropriate, for additional basic models of furnace fans. Alternatively, if appropriate, ECR may request that DOE extend the scope of a waiver or an interim waiver to include additional basic models employing the same technology as the basic model(s) set forth in the original petition consistent with 10 CFR 430.27(g).

Signed in Washington, DC, on July 17, 2020.

Alexander N. Fitzsimmons,

Deputy Assistant Secretary for Energy Efficiency, Energy Efficiency and Renewable Energy.

BILLING CODE 6450–01–P

February 20, 2019

U.S. Department of Energy
Building Technologies Program
Test Procedure Waiver
1000 Independence Avenue SW., Mailstop EE-5B
Washington, DC 20585-0121

Attention: Antonio Bouza, John Cymbalsky

Re: Petition for Waiver and Application for Interim Waiver – ECR International, Inc. Belt Drive Single Speed Oil Fired Warm Air Furnaces

Dear Mr. Bouza and Mr. Cymbalsky

ECR International, Inc. ("ECR") respectfully submits this petition for waiver and application for interim waiver of the Department of Energy ("DOE") test procedures defined in 10 CFR 430, Subpart B, Appendix AA, claiming that the basic models for which the waiver is requested contain a design characteristic that prevents testing of the basic model according to the prescribed test procedure.

Company Background

ECR, with headquarters in Utica, New York, is a full-service provider of American engineered and manufactured boilers, water heaters, hydronic and forced air products at its facilities in Utica and Dunkirk, NY. ECR and its predecessor companies have been in New York State since 1928 and employ a full-time workforce of [redacted]. As a full-service provider of American engineered-and-manufactured hydronic and forced air products, ECR is recognized for its innovation, quality, performance and reliability, and is the only North American company to make and market all these products under one corporate roof. Our products are sold under multiple brands including Airco, Argo, Dunkirk, Enviromaster, Green Mountain, Olsen, Pennco, RetroAire, and Utica.

The Affected Products

The affected line of products subject to this petition and application, belt drive single speed oil fired warm air furnaces serving the Airco and Olsen brand, are listed herein at Appendix A. The company's warm air oil furnace product line is AHRI certified under the Residential Furnace (RFRN) program.

The belt drive furnaces use the same cabinets, burners and heat exchangers as the corresponding direct drive furnaces. The difference is the belt drive furnaces are factory equipped with single speed blower motors using belt drive to connect to the blower wheel. They are factory equipped to deliver 0.2" w.c. external static pressure (ESP) in the supply duct. The direct drive furnaces use multiple speed or variable

speed blower motors and the blower wheel is directly connected to the motor shaft. The direct drive furnaces are factory equipped to deliver 0.5" w.c. ESP to the supply duct.

The belt drive models with single speed blower are intended for use in heating only systems, i.e. without an evaporator coil for air conditioning. The direct drive models with multiple or variable speed blowers are intended for use in combined heating/cooling systems. These combined heating/cooling systems operate at higher static pressures due to the field installation of an evaporator coil in the supply plenum, and typically require different blower speeds for heating operation and cooling operation. As such, the belt drive furnaces only operate during the heating season and thus in reality, no matter the motor efficiency measurement, use less energy than those furnaces designed to run their motors potentially all 12-months.

Overview

The test procedure currently being applied to the affected line of belt drive single speed furnaces is inapplicable to belt drive single speed furnaces. The test procedure does not recognize furnaces such as belt drive single speed furnaces that only have one airflow-control setting. The test procedure does not recognize an installation type or an external static pressure test point that is applicable to belt drive single speed furnaces that are factory equipped to run at 0.2" w.c. ESP. The test procedure does not allow such belt drive single speed furnaces to be tested in accordance with the test procedure.

Analysis

1. Section 2.2. of the test procedure defines *Airflow-control settings* as programmed or wired control system configurations that control a fan to achieve discrete, differing ranges of airflow – often designated for performing a specific function (e.g. cooling, heating, or constant circulation) – without manual adjustment other than interaction with a user-operable control such as a thermostat that meets the manufacturer specifications.

By this definition, belt drive furnaces with single speed blower motor only have one airflow-control setting. To change blower speeds with a belt drive furnace with single speed blower motor, one must manually change out the blower pulley, and/or manually adjust the motor pulley, and/or manually change to a different blower motor. However manual adjustment is not allowed by the definition.

2. Section 8.6.1.2. of the test procedure covers *Furnace fans for which the maximum airflow-control setting is a default heating airflow-control setting.* Since belt drive furnaces with single speed blower motor only have one airflow-control setting, clearly the maximum airflow-control setting, and the default heating airflow-control setting are both the only airflow-control setting, and section 8.6.1.2. applies.

3. Section 8.6.1.2. further states "Adjust the external static pressure to within the range shown in Table 1 by symmetrically restricting the outlet of the test duct." and also states "Maintain these settings until steady-state conditions are attained as specified in section 8.3, 8.4, and 8.5 of this appendix…".

Table 1 is shown here:

TABLE 1 – REQUIRED MINIMUM EXTERNAL STATIC PRESSURE IN THE MAXIMUM AIRFLOW-CONTROL SETTING BY INSTALLATION TYPE

Installation Type	ESP (in. w.c.)
Units with an internal, factory installed evaporator coil	0.50-0.55
Units designed to be paired with an evaporator coil, but without one installed	0.65-0.70
Mobile home	0.30-0.35

The affected belt drive furnaces with single speed blower motor are clearly not covered by the first or the third installation type in the Table. Since it is physically possible to install an evaporator coil on a belt drive furnace, that leaves us with the second installation type. But even though it is possible, it is not intended to install an evaporator coil on a belt drive furnace. The belt drive furnace only has one blower speed and is factory equipped to provide only 0.2" w.c. external static pressure at the required heating airflow. The belt drive furnaces are intended to be used in heating only systems.

If you attempt to test the belt drive single speed warm air furnace per 8.6.1.2. at the default heating-airflow control setting, which is only designed and certified to provide 0.2" w.c. ESP, and then symmetrically restrict the outlet of the test duct to obtain 0.65-0.70" w.c. ESP as the test requires, the airflow will be drastically reduced due to the higher static pressure. The temperature rise will increase to the point that the furnace will shut off on high limit. It is impossible to maintain these settings until steady state conditions are attained.

One could change pulleys and motors to achieve an airflow control setting that would allow the furnace to run at 0.65-0.70" w.c. ESP. But that would require manual adjustment which is not allowed by section 2.2 of the test procedure. It would also require aftermarket component parts that are not provided with the furnace. Further you would then be testing at an airflow-control setting that is not the default heating airflow-control setting. It's just a random airflow-control setting that allows the test to proceed but is not representative of an actual airflow-control setting that is likely to be used and is not representative of the factory equipped airflow control setting as provided by the furnace manufacturer.

Summary

The basic models for which the waiver is requested obviously contain a design characteristic that prevents testing of the basic model according to the prescribed test procedure. That design characteristic is based upon applying the product to a "heat-only" application as opposed to the prescribed test procedure being developed to rate models that are designed to heat and cool.

Alternate Test Procedure

The test procedure could be revised to accommodate belt drive single speed furnaces by:

1) Recognizing that belt drive single speed furnaces have only one airflow-control setting, i.e. the default heating airflow-control setting which is also the maximum airflow-control setting.
2) Revising section 8.6.1.2. and Table 1 to specify that belt drive single speed furnaces be tested at their

factory equipped ESP, increased by 0.08" w.c. to accommodate the fact that furnaces are tested for FER without the airfilter. As an example, if the factory equipped ESP is 0.20" w.c., then the furnace without air filter should be tested at 0.28" w.c. ESP.

3) Using 8.6.1.2. as revised in step 2 above to measure EMax.
4) Recognizing that section 8.6.2. *Constant circulation airflow-control setting measurements* and 8.6.3. *Heating airflow-control setting measurements* do not apply to belt drive single speed furnaces.
5) Calculating QMax as defined section 10 of the test procedure.

Thus, when applying the FER equation to belt drive single speed furnaces, the equation reduces as follows:

Per section 10.1 of the test procedure:

$$FER = \frac{(CH \times E_{Max}) + (HH \times E_{Heat}) + (CCH \times E_{Circ})}{(CH + 830 + CCH) \times Q_{Max}} \times 1000 \qquad \text{(Eq. 1)}$$

Since belt drive single speed furnaces have only one airflow-control setting, EMax= EHeat=ECirc

For single stage furnaces, per Table IV.2, HH = 830

So, for single stage belt drive single speed warm air furnaces, the equation reduces to:

$$FER = \frac{(CH + 830 + CCH) \times E_{Max}}{(CH + 830 + CCH) \times Q_{Max}} \times 1000 \qquad \text{(Eq. 2)}$$

Therefore:

$$FER = \frac{E_{Max}}{Q_{Max}} \times 1000 \qquad \text{(Eq. 3)}$$

Interim Waiver

ECR requests that DOE provide immediate relief by grant of an interim waiver, for the following reasons.

1. The petition for waiver is likely to be granted. ECR has demonstrated that the basic models for which the waiver is being requested contain design characteristics that prevent testing of the basic model according to the prescribed test procedures. This meets one of the fundamental criteria for granting of a waiver.
2. Substantial economic harm and competitive disadvantage will result absent a favorable determination on this application. ECR fulfills a unique need in the market which is to provide a preferred solution for homes that require heat only solutions. Further, these homes consume far less energy than those that run their furnace motors up to as much as 12-months to accommodate air conditioning. Confidentially, ECR's [redacted] % of total furnace sales has an optional belt drive motor configuration. Of all this model's sales, [redacted] % are belt drive demonstrating [redacted] popularity [redacted] products.

Other Manufacturers Incorporating Similar Design Characteristics

ECR is aware of only one other manufacturer of residential belt drive single speed oil fired warm air furnaces, Newmac Manufacturing, Inc. with offices in Nova Scotia, Canada and Ontario, Canada. It is ECR's understanding that Newmac models NLF, NMR and NH3 are currently available with belt drive. An online brochure also indicates models NL2 and NL3 are available with belt drive, but that brochure is dated 2009. We do not know if it is still current.

Conclusion

ECR requests that DOE grant both the petition for waiver and application for interim waiver from the existing test procedures as defined in 10 CFR 430 Subpart B, Appendix AA, and that the alternative testing procedures discussed above be adopted and approved as a representative test procedure for belt drive single speed oil fired warm air furnaces.

ECR would be pleased to discuss this waiver request with DOE and shall provide additional information as needed to DOE.

Sincerely,

ECR INTERNATIONAL, INC.

/S/

Ronald J. Passafaro

President and Chief Executive Officer

Appendix A

The following basic model numbers sold under the Airco and Olsen brand names comprise the belt drive single speed warm air oil fired furnaces that are the scope of this Petition for Waiver and Application for Interim Waiver

BCLB90S2

BCLB100S2

BCLB120S2

BCLB130S2

BCLB145S2

BFLB90-2

BFLB100-2

BFLB120-2

BFLB130NX2

BFLB145NX2

BMLB60B2

BMLB80B2

BMLB90B2

[FR Doc. 2020–15985 Filed 8–17–20; 8:45 am]
BILLING CODE 6450–01–C

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG20–227–000.
Applicants: Mechanicsville Lessee, LLC.
Description: Notice of Self-Certification as an Exempt Wholesale Generator of Mechanicsville Lessee, LLC.
Filed Date: 8/11/20.
Accession Number: 20200811–5038.
Comments Due: 5 p.m. ET 9/1/20.

Docket Numbers: EG20–228–000.
Applicants: AB Lessee, LLC.
Description: Notice of Self-Certification as an Exempt Wholesale Generator of AB Lessee, LLC.
Filed Date: 8/11/20.
Accession Number: 20200811–5041.
Comments Due: 5 p.m. ET 9/1/20.

Docket Numbers: EG20–229–000.
Applicants: Neosho Ridge Wind, LLC.
Description: Notice of Self-Certification of Exempt Wholesale Generator Status of Neosho Ridge Wind, LLC.
Filed Date: 8/11/20.
Accession Number: 20200811–5100.
Comments Due: 5 p.m. ET 9/1/20.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER04–835–010.
Applicants: California Independent System Operator Corporation.
Description: Corrected Response to June 22, 2020 Deficiency Letter of California Independent System Operator Corporation.
Filed Date: 8/10/20.
Accession Number: 20200810–5193.
Comments Due: 5 p.m. ET 8/31/20.

Docket Numbers: ER18–1150–002.
Applicants: Northwest Ohio Wind, LLC.
Description: Notice of Non-Material Change in Status of Northwest Ohio Wind, LLC.
Filed Date: 8/10/20.
Accession Number: 20200810–5214.
Comments Due: 5 p.m. ET 8/31/20.

Docket Numbers: ER19–2828–003.
Applicants: Ohio Power Company, PJM Interconnection, L.L.C., AEP Ohio

Transmission Company, Inc., American Electric Power Service Corporation.

Description: Tariff Amendment: AEP submits an amendment to ILDSA, Service Agreement No. 1336 to be effective 9/1/2019.

Filed Date: 8/10/20.

Accession Number: 20200810–5137.

Comments Due: 5 p.m. ET 8/31/20.

Docket Numbers: ER20–1863–001.

Applicants: Ingenco Wholesale Power, L.L.C.

Description: Tariff Amendment: Deficiency Filing for Ingenco Reactive Rate Schedule to be effective 6/1/2020.

Filed Date: 8/10/20.

Accession Number: 20200810–5164.

Comments Due: 5 p.m. ET 8/31/20.

Docket Numbers: ER20–2179–000; ER20–1907–000; ER20–1980–001; ER20–1985–000; ER20–1986–000; ER20–1987–000; ER20–1988–000; ER20–1991–000; ER20–2012–000; ER20–2019–000; ER20–2027–000; ER20–2049–000; ER20–2064–000; ER20–2069–000; ER20–2070–000; ER20–2153–000; ER20–2237–000; ER20–2380–000.

Applicants: Baldwin Wind Energy, LLC, Minco Wind I, LLC, Cedar Springs Wind, LLC, Northern Colorado Wind Energy Center, LLC, Day County Wind I, LLC, Cerro Gordo Wind, LLC, Northern Colorado Wind Energy Center II, LLC, Ponderosa Wind, LLC, Orbit Bloom Energy, LLC, Gray County Wind, LLC, Cedar Springs Transmission, LLC, Cedar Springs Wind III, LLC, High Majestic Wind I, LLC, Wheatridge Wind Energy, LLC, Wheatridge Wind Energy II, LLC, Sanford Airport Solar, LLC, Weatherford Wind, LLC, Saint Solar, LLC.

Description: Withdrawal of July 24, 2020 Amendment to Applications for Authorization to Make Market-Based Power Sales, et al. of the NextEra Companies.

Filed Date: 8/10/20.

Accession Number: 20200810–5209.

Comments Due: 5 p.m. ET 8/20/20.

Docket Numbers: ER20–2641–000.

Applicants: Sugar Creek Solar, LLC.

Description: Request for Prospective Tariff Waiver, et al. of Sugar Creek Solar, LLC.

Filed Date: 8/10/20.

Accession Number: 20200810–5094.

Comments Due: 5 p.m. ET 8/24/20.

Docket Numbers: ER20–2644–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Amendment to ISA, SA No. 5660 and ICSA, SA No. 5661 re: Assignment to be effective 4/20/2020.

Filed Date: 8/11/20.

Accession Number: 20200811–5066.

Comments Due: 5 p.m. ET 9/1/20.

Docket Numbers: ER20–2645–000.

Applicants: Arizona Public Service Company.

Description: § 205(d) Rate Filing: Schedule 9 to be effective 10/11/2020.

Filed Date: 8/11/20.

Accession Number: 20200811–5104.

Comments Due: 5 p.m. ET 9/1/20.

The filings are accessible in the Commission's eLibrary system (*https://elibrary.ferc.gov/idmws/search/fercgensearch.asp*) by querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: August 11, 2020.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2020–17975 Filed 8–17–20; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG20–230–000.

Applicants: Moss Landing Energy Storage 1, LLC.

Description: Notice of Self-Certification of Exempt Wholesale Generator Status of Moss Landing Energy Storage 1, LLC.

Filed Date: 8/12/20.

Accession Number: 20200812–5065.

Comments Due: 5 p.m. ET 9/2/20.

Docket Numbers: EG20–231–000.

Applicants: Moss Landing Energy Storage 2, LLC.

Description: Notice of Self-Certification of Exempt Wholesale Generator Status of Moss Landing Energy Storage 2, LLC.

Filed Date: 8/12/20.

Accession Number: 20200812–5066.

Comments Due: 5 p.m. ET 9/2/20.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER20–2125–000.

Applicants: WGP Redwood Holdings, LLC.

Description: Supplement to June 22, 2020 WGP Redwood Holdings, LLC tariff filing.

Filed Date: 8/4/20.

Accession Number: 20200804–5200.

Comments Due: 5 p.m. ET 8/25/20.

Docket Numbers: ER20–2289–001.

Applicants: Southwest Power Pool, Inc.

Description: Tariff Amendment: 3704 Union Electric, Evergy Missouri West & MISO Int Agr to be effective 8/30/2020.

Filed Date: 8/12/20.

Accession Number: 20200812–5050.

Comments Due: 5 p.m. ET 9/2/20.

Docket Numbers: ER20–2646–000.

Applicants: Arizona Public Service Company.

Description: § 205(d) Rate Filing: Rate Schedule No. 217, Exhibit B.Bke-LIB to be effective 10/11/2020.

Filed Date: 8/11/20.

Accession Number: 20200811–5112.

Comments Due: 5 p.m. ET 9/1/20.

Docket Numbers: ER20–2647–000.

Applicants: Morgantown Steam, LLC.

Description: § 205(d) Rate Filing: Notice of Succession to be effective 8/4/2020.

Filed Date: 8/11/20.

Accession Number: 20200811–5116.

Comments Due: 5 p.m. ET 9/1/20.

Docket Numbers: ER20–2648–000.

Applicants: Northern Divide Wind, LLC.

Description: Baseline eTariff Filing: Northern Divide Wind, LLC Application for MBR Authority to be effective 10/12/2020.

Filed Date: 8/12/20.

Accession Number: 20200812–5021.

Comments Due: 5 p.m. ET 9/2/20.

Docket Numbers: ER20–2649–000.

Applicants: PJM Interconnection, L.L.C.

Description: Notice of Cancellation of Interconnection Service Agreement of PJM Interconnection, L.L.C.

Filed Date: 8/11/20.

Accession Number: 20200811–5149.

Comments Due: 5 p.m. ET 9/1/20.

Docket Numbers: ER20–2650–000.

Applicants: Tri-State Generation and Transmission Association, Inc.

Description: § 205(d) Rate Filing: Rate Schedule FERC No. 273 between Tri-State and YWEA to be effective 8/13/2020.

Filed Date: 8/12/20.

Accession Number: 20200812–5023.

Comments Due: 5 p.m. ET 9/2/20.

Docket Numbers: ER20–2651–000.

Applicants: Midcontinent Independent System Operator, Inc., Otter Tail Power Company.

Description: § 205(d) Rate Filing: 2020–08–12_SA 3542 NSP–OTP–OTP T–T Deuel (J526) to be effective 8/7/2020.

Filed Date: 8/12/20.

Accession Number: 20200812–5042.

Comments Due: 5 p.m. ET 9/2/20.

Docket Numbers: ER20–2652–000.

Applicants: Midcontinent Independent System Operator, Inc., Otter Tail Power Company.

Description: § 205(d) Rate Filing: 2020–08–12_SA 3543 NSP–OTP–OTP (Astoria) T–T (J493 J510) to be effective 8/7/2020.

Filed Date: 8/12/20.

Accession Number: 20200812–5043.

Comments Due: 5 p.m. ET 9/2/20.

Docket Numbers: ER20–2653–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Amendment to ISA, SA No. 568; Queue No. A28 (amend) to be effective 12/19/2000.

Filed Date: 8/12/20.

Accession Number: 20200812–5055.

Comments Due: 5 p.m. ET 9/2/20.

Docket Numbers: ER20–2654–000.

Applicants: Clear Power LLC.

Description: Baseline eTariff Filing: Clear Power Market Based Rate Baseline Filing to be effective 8/12/2020.

Filed Date: 8/12/20.

Accession Number: 20200812–5072.

Comments Due: 5 p.m. ET 9/2/20.

Docket Numbers: ER20–2655–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Original ISA, SA No. 5725; Queue No. AE1–039 and Cancellation of SA No. 3265 to be effective 7/13/2020.

Filed Date: 8/12/20.

Accession Number: 20200812–5115.

Comments Due: 5 p.m. ET 9/2/20.

The filings are accessible in the Commission's eLibrary system (*https://elibrary.ferc.gov/idmws/search/fercgensearch.asp*) by querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: August 12, 2020.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2020–18025 Filed 8–17–20; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 12611–014]

Verdant Power, LLC; Notice Soliciting Scoping Comments

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* Subsequent Minor License.

b. *Project No.:* 12611–014.

c. *Date Filed:* December 30, 2019.

d. *Applicant:* Verdant Power, LLC.

e. *Name of Project:* Roosevelt Island Tidal Energy Project (or RITE Project).

f. *Location:* On the East River in New York County, New York. The project does not occupy federal land.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791 (a)–825 (r).

h. *Applicant Contact:* Mr. Ronald F. Smith, President and Chief Operating Officer, Verdant Power, LLC, P.O. Box 282, Roosevelt Island, New York, New York 10044. Phone: (703) 328–6842. Email: *rsmith@verdantpower.com.*

i. *FERC Contact:* Andy Bernick at (202) 502–8660 or *andrew.bernick@ferc.gov.*

j. *Deadline for filing scoping comments:* 30 days from the issuance date of this notice.

The Commission strongly encourages electronic filing. Please file scoping comments using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852. The first page of any filing should include docket number P–12611–014.

The Commission's Rules of Practice require all intervenors filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if an 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. This application is not ready for environmental analysis at this time.

l. *The existing pilot project license authorizes the following project facilities:* (a) Thirty 35-kilowatt, 5-meter-diameter axial flow turbine-generator units; (b) ten triframe mounts, each supporting three turbine-generator units; (c) 480-volt underwater cables from each triframe mount to five shoreline switchgear vaults that interconnect to a control room and interconnection points; and (d) appurtenant facilities for navigation safety and operation.

Under the current pilot project license, which expires on December 31, 2021, Verdant installed, tested, and then removed a total of five turbine-generator units. Verdant also proposes to install three turbine-generator units attached to one triframe mount in late 2020 (*i.e.,* Install B–1), under the existing pilot project license.

The proposed project would be constructed in three phases: Install B–1 (under the existing pilot license, as noted above), Install B–2 (three triframe mounts with a total of nine turbine-generator units), and Install C (one triframe mount with three turbine-generator units). The project would consist of a maximum of fifteen 35-kilowatt, 5-meter-diameter axial flow turbine-generator units with a total installed capacity of 0.525 megawatt. Each of the five triframe mounts would be connected via underwater cables to an existing control room and a proposed shoreline switchgear vault, and via an overhead transmission line (for the first two triframe mounts) and an underground transmission line (for the remaining three triframe mounts) to a point of interconnection.

The project would operate using the natural tidal currents of the East River, during both ebb and flood tidal periods. As the direction of tidal flow changes, each turbine-generator unit would rotate (or yaw) to align the rotor to the direction of flow, through a passive system caused by hydrodynamic forces on the turbine-generator unit. The annual generation is expected to be from 840 to 1,200 megawatt-hours.

m. In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested individuals an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (*www.ferc.gov*) using the eLibrary link. At this time, the Commission has suspended access to the Commission's Public Access Room due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID–19), issued by the President on March 13, 2020. For assistance, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TTY, (202) 502–8659.

You may also register online at *https://ferconline.ferc.gov/FERCOnline.aspx* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

o. Scoping Process.

The Commission, in cooperation with the U.S. Environmental Protection Agency, intends to prepare an environmental assessment (EA) for the RITE Project in accordance with the National Environmental Policy Act. The EA will consider both site-specific and cumulative environmental impacts and reasonable alternatives to the proposed action.

Commission staff does not propose to conduct any on-site scoping meetings at this time. Instead, we are soliciting comments, recommendations, and information, on the Scoping Document 1 (SD1) issued August 12, 2020.

Copies of SD1 outlining the subject areas to be addressed in the EA were distributed to the parties on the Commission's mailing list. Copies of SD1 may be viewed on the web at *http://www.ferc.gov* using the eLibrary link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, call 1–866–208–3676 or for TTY, (202) 502–8659.

Dated: August 12, 2020.

Kimberly D. Bose,

Secretary.

[FR Doc. 2020–17997 Filed 8–17–20; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Docket Numbers: RP20–1087–000.
Applicants: Equitrans, L.P.
Description: § 4(d) Rate Filing: Negotiated Rate Capacity Release Agreement—8/8/2020 to be effective 8/8/2020.
Filed Date: 8/7/20.
Accession Number: 20200807–5062.
Comments Due: 5 p.m. ET 8/19/20.

Docket Numbers: RP20–1090–000.
Applicants: Iroquois Gas Transmission System, L.P.
Description: § 4(d) Rate Filing: 081120 Negotiated Rates—Wells Fargo Commodities, LLC R–7810–19 to be effective 10/1/2020.
Filed Date: 8/11/20.
Accession Number: 20200811–5027.
Comments Due: 5 p.m. ET 8/24/20.

Docket Numbers: RP20–1091–000.
Applicants: Rockies Express Pipeline LLC.
Description: § 4(d) Rate Filing: REX 2020–08–11 Negotiated Rate Agreement to be effective 8/11/2020.
Filed Date: 8/11/20.
Accession Number: 20200811–5093.
Comments Due: 5 p.m. ET 8/24/20.

Docket Numbers: RP20–1092–000.
Applicants: Texas Gas Transmission, LLC.
Description: § 4(d) Rate Filing: Neg Rate Agmt (Westlake 38162) to be effective 8/1/2020.
Filed Date: 8/11/20.
Accession Number: 20200811–5094.
Comments Due: 5 p.m. ET 8/24/20.

The filings are accessible in the Commission's eLibrary system (*https://elibrary.ferc.gov/idmws/search/fercgensearch.asp*) by querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified date(s). Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: August 12, 2020.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2020–18024 Filed 8–17–20; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2607–015]

Spencer Mountain Hydropower, 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 Process.

b. *Project No.:* 2607–015.

c. *Date Filed:* June 30, 2020.

d. *Submitted By:* Spencer Mountain Hydropower, LLC.

e. *Name of Project:* Spencer Mountain Hydropower Project.

f. *Location:* On the South Fork of the Catawba River, in the Town of Spencer Mountain, in Gaston County, North Carolina. The project does not occupy federal lands.

g. *Filed Pursuant to:* 18 CFR 5.3 of the Commission's Regulations.

h. *Potential Applicant Contact:* Kevin Edwards, 916 Comer Road, Stoneville, NC 27048; (336) 589–6138; email—*smhydro@pht1.com.*

i. *FERC Contact:* Michael Spencer at (202) 502–6093, or email at *michael.spencer@ferc.gov.*

j. Spencer Mountain Hydropower, LLC filed its request to use the Traditional Licensing Process, and provided public notice of its request, on June 30, 2020. In a letter dated August 12, 2020, the Director of the Division of Hydropower Licensing approved Spencer Mountain Hydropower, LLC's request to use the Traditional Licensing Process.

k. With this notice, we are initiating informal consultation with the U.S. Fish and Wildlife Service and/or NOAA Fisheries under section 7 of the Endangered Species Act and the joint agency regulations thereunder at 50 CFR, Part 402. We are also initiating consultation with the North Carolina

State Historic Preservation Officer, as required by section 106 of the National Historic 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 Spencer Mountain Hydropower, LLC as the Commission's non-federal representative for carrying out informal consultation pursuant to section 7 of the Endangered Species Act and consultation pursuant to section 106 of the National Historic Preservation Act.

m. Spencer Mountain Hydropower, 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. 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 *FERCONlineSupport@ferc.gov,* (866) 208 3676 (toll free), or (202) 502–8659 (TTY).

o. The licensee states its unequivocal intent to submit an application for a new license for Project No. 2607–015. Pursuant to 18 CFR 16.8, 16.9, and 16.10 each application for a new license and any competing license applications must be filed with the Commission at least 24 months prior to the expiration of the existing license. All applications for license for this project must be filed by June 30, 2023.

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: August 12, 2020.

Kimberly D. Bose,

Secretary.

[FR Doc. 2020–17995 Filed 8–17–20; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. CP20–503–000; PF20–1–000]

Northern Natural Gas Company; Notice of Application

Take notice that on July 31, 2020, Northern Natural Gas Company (Northern), 1111 South 103rd Street, Omaha, NE 68124, filed an application in Docket No. CP20–503–000, pursuant to section 7 of the Natural Gas Act and Part 157 of the Commission's Regulations thereunder, requesting the issuance of a certificate of public convenience and necessity to construct, modify, replace and operate certain compression and pipeline facilities, with appurtenances, located in various counties in Minnesota. All relevant information is more fully set forth in the application which is on file with the Commission and open to public inspection. The filing may also be viewed on the web at *http://www.ferc.gov* using the eLibrary link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll-free, (866) 208–3676 or TTY, (202) 502–8659.

Any questions regarding this application should be directed to Michael T. Loeffler, Senior Director, Certificates and External Affairs for Northern, 1111 South 103rd Street, Omaha, Nebraska 68124, or by calling (402) 398–7103.

Specifically, Northern proposes to: (1) Construct an 0.80-mile-long, 24-inch-diameter pipeline extension and an 0.63-mile-long, 24-inch-diameter pipeline loop; (2) replace an 0.08-mile-long, 8-inch-diameter branch line with an equivalent length of 12-inch-diameter pipeline; (3) construct a new 11,153 hp gas-fired turbine greenfield compressor station; (4) install an additional 1,100 hp electric-driven reciprocating compressor unit at its Pierz Compressor Station; and (5) construct various appurtenances, all located within Minnesota.

On December 6, 2019, the Commission staff granted Northern's request to utilize the National Environmental Policy Act (NEPA) Pre-Filing Process and assigned Docket No. PF20–1–000 to staff activities involving the Project. Now, as of the filing of this application on July 31, 2020, the NEPA Pre-Filing Process for this project has ended. From this time forward, this proceeding will be conducted in Docket No. CP20–503–000, as noted in the caption of this Notice.

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 for Environmental Review 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 3 copies of filings made in the proceeding with the Commission and must provide a copy to the applicant and to every other party. 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 any 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]

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 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.

The Commission strongly encourages electronic filings of comments in lieu of paper using the eFile link at *http://www.ferc.gov.* In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852.

Comment Date: 5:00 p.m. Eastern Time on September 2, 2020.

Dated: August 12, 2020.

Kimberly D. Bose,

Secretary.

[FR Doc. 2020–17998 Filed 8–17–20; 8:45 am]

BILLING CODE 6717–01–P

[1] Tennessee Gas Pipeline Company, L.L.C., 162 FERC 61,167 at 50 (2018).

[2] 18 CFR 385.214(d)(1).

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IC20–20–000]

Commission Information Collection Activities (Ferc–523); Comment Request; Extension

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of information collection and request for comments.

SUMMARY: In compliance with the requirements of the Paperwork Reduction Act of 1995, the Federal Energy Regulatory Commission (Commission or FERC) is soliciting public comment on a renewal of currently approved information collection, FERC–523 (Application for Authorization for the Issuance of Securities or the Assumption of Liabilities).

DATES: Comments on the collection of information are due October 19, 2020.

ADDRESSES: You may submit comments (identified by Docket No. IC20–20–000) by one of the following methods:

- eFiling at Commission's website: *http://www.ferc.gov.*
- *U.S. Postal Service Mail:* Persons unable to file electronically may mail similar pleadings to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.
- Effective 7/1/2020, delivery of filings other than by eFiling or the U.S. Postal Service should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

Instructions: All submissions must be formatted and filed in accordance with submission guidelines at: *http://www.ferc.gov.* For user assistance, contact FERC Online Support by email at *ferconlinesupport@ferc.gov,* or by phone at (866) 208–3676 (toll-free).

Docket: Users interested in receiving automatic notification of activity in this docket or in viewing/downloading comments and issuances in this docket may do so at *http://www.ferc.gov.*

FOR FURTHER INFORMATION CONTACT: Ellen Brown may be reached by email at *DataClearance@FERC.gov,* telephone at (202) 502–8663.

SUPPLEMENTARY INFORMATION:

Title: FERC–523, Application for Authorization for the Issuance of Securities or the Assumption of Liabilities.

OMB Control No.: 1902–0043.

Type of Request: Three-year approval of the FERC–523 information collection requirements with no changes to the current reporting requirements.

Abstract: The information collected by FERC–523 is required to implement the statutory provisions of section 204 of the Federal Power Act (FPA) (16 U.S.C. 824c). Under section 204 of the FPA, no public utility or licensee shall issue any security, or assume any obligation or liability as guarantor, endorser, surety, or otherwise in respect of any security of another person, until the public utility applies for and receives Commission approval by order authorizing the issuance or assumption of the liability. The Commission issues an order if it finds that such issuance or assumption (a) is for lawful object, within the corporate purposes of the applicant and compatible with the public interest, which is necessary or appropriate for or consistent with the proper performance by the applicant as a public utility, and which will not impair its ability to perform that service, and (b) is reasonably necessary or appropriate for such purposes.

The Commission uses the information contained in filings to determine its acceptance and/or rejection of applications for authorization to either issue securities or to assume an obligation or liability by the public utilities and licensees who submit these applications.

The specific application requirements and filing format are found at 18 CFR part 34, and 18 CFR 131.43 and 131.50. This information is filed electronically.

Type of Respondents: Public utilities subject to the Federal Power Act.

Estimate of Annual Burden [1] *and cost*: [2] The Commission estimates the reduction in the annual public reporting burden for the FERC–523, as follows:

FERC–523, APPLICATION FOR AUTHORIZATION FOR ISSUANCE OF SECURITIES OR THE ASSUMPTION OF LIABILITIES

Number of respondents	Annual number of responses per respondent	Total number of responses [3]	Average burden hrs. & cost ($) per response	Total annual burden hrs. & total annual cost ($)	Cost per respondent ($)
(1)	(2)	(1) * (2) = (3)	(4)	(3) * (4) = (5)	(5) ÷ (1)
57	1	57	70 hrs.; $5,810	3,990 hrs.; $331,170	$5,810

Comments: Comments are invited on: (1) Whether the collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Dated: August 12, 2020.

Kimberly D. Bose,

Secretary.

[FR Doc. 2020–17994 Filed 8–17–20; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EF20–3–001]

Western Area Power Administration; Notice of Filing

Take notice that on August 5, 2020, Western Area Power Administration submitted an amended tariff filing per: UGP_PSMBP–ED_WAPA188 Errata Correction-20200805 to be effective 10/1/2020.

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.

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.

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 September 4, 2020.

Dated: August 11, 2020.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2020–17976 Filed 8–17–20; 8:45 am]

BILLING CODE 6717–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0715; FRS 17001]

Information Collection Being Reviewed by the Federal Communications Commission

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act of 1995 (PRA), the Federal Communications Commission (FCC or Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: 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; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; 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; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees. The FCC may not conduct or sponsor a collection of information unless it

[1] Burden is defined as the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. For further explanation of what is included in the information collection burden, refer to 5 Code of Federal Regulations 1320.3.

[2] Commission staff estimates that the industry's skill set and cost (for wages and benefits) for FERC–523 are approximately the same as the Commission's average cost. The FERC 2020 average salary plus benefits for one FERC full-time equivalent (FTE) is $172,329/year (or $83.00/hour).

[3] The number of responses has decreased from the collection renewal in 2017 due to normal fluctuations in industry.

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 PRA comments should be submitted on or before October 19, 2020. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Nicole Ongele, FCC, via email *PRA@fcc.gov* and to *Nicole.Ongele@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Nicole Ongele, (202) 418–2991.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0715.

Title: Telecommunications Carriers' Use of Customer Proprietary Network Information (CPNI) and Other Customer Information, CC Docket No. 96–115.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities, and state, local, or tribal government.

Number of Respondents: 3,390 respondents; 76,441,232 responses.

Estimated Time per Response: .002–50 hours.

Frequency of Response: On occasion, annual, and one-time reporting requirements; recordkeeping; and third party disclosure requirements.

Obligation to Respond: Mandatory. Statutory authority for these collections are contained in Section 222 of the Communications Act of 1934, as amended, 47 U.S.C. Section 222.

Total Annual Burden: 204,523 hours.

Total Annual Cost: $3,000,000.

Privacy Act Impact Assessment: No impact.

Nature and Extent of Confidentiality: The Commission is not requesting that the respondents submit confidential information to the FCC. Respondents may, however, request confidential treatment for information they believe to be confidential under 47 CFR 0.459 of the Commission's rules.

Needs and Uses: Section 222 of the Communications Act of 1934, as amended, 47 U.S.C. 222, establishes the duty of telecommunications carriers to protect the confidentiality of its customers' proprietary information. This Customer Proprietary Network Information (CPNI) includes personally identifiable information derived from a customer's relationship with a provider of telecommunications services. This information collection implements the statutory obligations of Section 222. These regulations impose safeguards to protect customers' CPNI against unauthorized access and disclosure. In March 2007, the Commission adopted new rules that focused on the efforts of providers of telecommunications services to prevent pretexting. These rules require providers of telecommunications services to adopt additional privacy safeguards that, the Commission believes, will limit pretexters' ability to obtain unauthorized access to the type of personal customer information from carriers that the Commission regulates. In addition, in furtherance of the Telephone Records and Privacy Protection Act of 2006, the Commission's rules help ensure that law enforcement will have necessary tools to investigate and enforce prohibitions on illegal access to customer records.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2020–17978 Filed 8–17–20; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

Sending Case Issuances through Electronic Mail

AGENCY: Federal Mine Safety and Health Review Commission.

ACTION: Notice.

SUMMARY: On a temporary basis, the Federal Mine Safety and Health Review Commission will be sending its issuances through electronic mail and will not be monitoring incoming physical mail or facsimile transmissions.

DATES: Applicable: August 13, 2020.

FOR FURTHER INFORMATION CONTACT: Sarah Stewart, Deputy General Counsel, Office of the General Counsel, Federal Mine Safety and Health Review Commission, at (202) 434–9935; *sstewart@fmshrc.gov.*

SUPPLEMENTARY INFORMATION: Until January 1, 2021, case issuances of the Federal Mine Safety and Health Review Commission (FMSHRC), including inter alia notices, decisions, and orders, will be sent only through electronic mail. This includes notices, decisions, and orders described in 29 CFR 2700.4(b)(1), 2700.24(f)(1), 2700.45(e)(3), 2700.54, and 2700.66(a). Further, FMSHRC will not be monitoring incoming physical mail or facsimile described in 29 CFR 2700.5(c)(2). If possible, all filings should be e-filed as described in 29 CFR 2700.5(c)(1).

Authority: 30 U.S.C. 823.

Dated: August 13, 2020.

Sarah L. Stewart,

Deputy General Counsel, Federal Mine Safety and Health Review Commission.

[FR Doc. 2020–18027 Filed 8–17–20; 8:45 am]

BILLING CODE 6735–01–P

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

Temporary Suspension of In-Person Hearings

AGENCY: Federal Mine Safety and Health Review Commission.

ACTION: Notice.

SUMMARY: The Federal Mine Safety and Health Review Commission (the ''Commission'') is suspending all in-person hearings, settlement judge conferences, and mediations until January 1, 2021.

DATES: *Applicable:* August 13, 2020.

FOR FURTHER INFORMATION CONTACT: Sarah Stewart, Deputy General Counsel, Office of the General Counsel, Federal Mine Safety and Health Review Commission, at (202) 434–9935.

SUPPLEMENTARY INFORMATION: In view of the risks presented by the novel coronavirus COVID–19, the Commission's Office of the Chief Administrative Law Judge (''OCALJ'') is, effective August 13, 2020, suspending all in-person hearings, settlement judge conferences, and mediations until January 1, 2021.

At the discretion of the presiding administrative law judge and in coordination with the parties, hearings may proceed by videoconference or by telephone. Similarly, settlement judge conferences and mediations may be held by videoconference or by telephone. If the parties agree that an evidentiary hearing is not needed, cases may also be presented for a decision on the record.

The parties will be notified if the hearing needs to be rescheduled. OCALJ will reassess the risks presented by in-person hearings prior to January 1, 2021, and issue a subsequent order informing the public as to whether the suspension of in-person hearings will continue.

The presiding administrative law judge may be contacted with questions regarding this notice.

Authority: 30 U.S.C. 823.

Dated: August 13, 2020.

Sarah L. Stewart,

Deputy General Counsel, Federal Mine Safety and Health Review Commission.

[FR Doc. 2020–18028 Filed 8–17–20; 8:45 am]

BILLING CODE 6735–01–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (Act) (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the applications are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The public portions of the applications listed below, as well as other related filings required by the Board, if any, are available for immediate inspection at the Federal Reserve Bank(s) indicated below and at the offices of the Board of Governors. This information may also be obtained on an expedited basis, upon request, by contacting the appropriate Federal Reserve Bank and from the Board's Freedom of Information Office at *https://www.federalreserve.gov/foia/request.htm.* Interested persons may express their views in writing on the standards enumerated in paragraph 7 of the Act.

Comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors, Ann E. Misback, Secretary of the Board, 20th Street and Constitution Avenue NW, Washington, DC 20551–0001, not later than September 3, 2020.

A. Federal Reserve Bank of St. Louis (David L. Hubbard, Senior Manager) P.O. Box 442, St. Louis, Missouri 63166–2034. Comments can also be sent electronically to *Comments.applications@stls.frb.org:*

1. *Robert Christopher Bleyer, Carbondale, Illinois;* to retain voting shares of The Carbondale Investment Corporation, Carbondale, Illinois.

Board of Governors of the Federal Reserve System, August 13, 2020.

Yao-Chin Chao,

Assistant Secretary of the Board.

[FR Doc. 2020–18052 Filed 8–17–20; 8:45 am]

BILLING CODE P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Community Living

[OMB# 0985–0059]

Agency Information Collection Activities; Submission for OMB Review; Public Comment Request; Data Collection Materials for the Evaluation of the Administration for Community Living's American Indian, Alaska Natives and Native Hawaiian Programs (OAA Title VI)

AGENCY: Administration for Community Living, HHS.

ACTION: Notice.

SUMMARY: The Administration for Community Living is announcing that the proposed collection of information listed above has been submitted to the Office of Management and Budget (OMB) for review and clearance as required under section 506(c)(2)(A) of the Paperwork Reduction Act of 1995. This 30-Day notice collects comments on the information collection requirements related to the proposed revision for the information collection requirements related to Evaluation of the Administration for Community Living's American Indian, Alaska Natives and Native Hawaiian Programs (OAA Title VI).

DATES: Submit written comments on the collection of information by September 17, 2020.

ADDRESSES: Submit written comments and recommendations for the proposed information collection within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain* Find the Outcome Evaluation for ACL's Long-term Ombudsman Program (LTCOP) information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. By mail to the Office of Information and Regulatory Affairs, OMB, New Executive Office Bldg., 725 17th St. NW, Rm. 10235, Washington, DC 20503, Attn: OMB Desk Officer for ACL.

FOR FURTHER INFORMATION CONTACT: Kristen Hudgins, Administration for Community Living, Washington, DC 20201, *Kristen.hudgins@acl.hhs.gov* or 202–795–7732.

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, ACL has submitted the following proposed collection of information to OMB for review and clearance. The Administration for Community Living (ACL) is requesting approval for a revised data collection associated with the Evaluation of the Administration for Community Living's (ACL) American Indian, Alaska Natives, and Native Hawaiian Programs (Older Americans Act [OAA] Title VI; short title: Evaluation of the Title VI Programs). OAA Title VI establishes grants to Native Americans for nutrition services, supportive services, and family caregiver support services. The purpose of Title VI is ''to promote the delivery of supportive services, including nutrition services, to American Indians, Alaskan Natives, and Native Hawaiians that are comparable to services provided under Title III'' (42 U.S.C. 3057), which provides nutrition, caregiver and supportive services to the broader U.S. population. Title VI is comprised of three parts; Part A provides nutrition and supportive services to American Indians and Alaska Natives, Part B provides nutrition and supportive services to Native Hawaiians, and Part C provides caregiver services to any programs that have Part A/B.

The evaluation will consist of removing one and adding a new data collection activity. ACL is requesting to revise the currently approved data collection under OMB 0985–0059 by removing the caregiver survey and adding a follow-up tribal program staff interview. The proposed revisions also include removing annual performance reporting data elements from the currently approved IC under OMB 0985–0059 to the OMB approved Title VI Annual Performance Report under OMB 0985–0007.

Comments in Response to the 60-Day Federal Register Notice

A notice was published in the **Federal Register** on May 19, 2020 in FR 85 29948. There were no public comments received during the 60-day FRN comment period.

For review, please visit the ACL website *https://www.acl.gov/about-acl/public-input.*

Estimated Program Burden: ACL estimates the burden associated with this collection of information as follows:

Respondent type	Form name	Number of annual respondents	Number of responses per respondent	Average burden (in hours) per response	Annual burden hours
Program director	Program staff follow-up interview guide	12	1	1	12
Total		12			12

Dated: August 11, 2020.

Mary Lazare,

Principal Deputy Administrator.

[FR Doc. 2020–17972 Filed 8–17–20; 8:45 am]

BILLING CODE 4154–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Community Living

Notice of Intent To Award a Single-Source Non-Competing Continuation Application

AGENCY: Administration for Community Living, Health and Human Services (HHS).

ACTION: Notice of intent to award a single-source non-competing continuation application.

SUMMARY: This is a Notice of Intent to Award a Single-Source Non-Competing Continuation Application to Fund Grant Number 90ABRC, the University of Southern California, Keck School of Medicine, for an additional 12 months.

FOR FURTHER INFORMATION CONTACT: Aiesha Gurley, Administration for Community Living, Washington, DC 20201, *aiesha.gurley@acl.hss.gov* or 202–795–7358.

SUPPLEMENTARY INFORMATION: The Administration for Community Living announces an award of a single non-competing continuance grant 90ABRC to The University of Southern California to administer the National Center on Elder Abuse Resource Center. The University of Southern California administers the National Center on Elder Abuse which will provide up-to-date information on research, training, promising practices, news and resources on elder abuse, neglect and exploitation to professionals and the public.

Program Name: National Center on Elder Abuse.

Award Amount: $999,804.

Statutory Authority: The Older Americans Act Title II.

Catalog of Federal Domestic Assistance (CFDA) Number: 93.048.

Program Description: The Administration on Aging, an agency of the U.S. Administration for Community Living, has been funding a National Center on Elder Abuse Resource Center for thirty-two years. The project's activities includes:

1. Research

The NCEA synthesizes and disseminates high quality research on elder abuse to encourage the translation of elder abuse research into practice.

2. Practice

The NCEA provides advice and resources to professionals, researchers, advocates and families around the nation by providing individual assistance via our helpline, website and social media.

3. Policy

The NCEA understands, evaluates, and informs policy development to ensure public policy is better aligned with effective practices concerning older adults and elder abuse.

4. Education

The NCEA compiles training and awareness materials to further the field for those interested in the identification and prevention of elder abuse.

Dated: August 12, 2020.

Mary Lazare,

Principal Deputy Administrator.

[FR Doc. 2020–18008 Filed 8–17–20; 8:45 am]

BILLING CODE 4154–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2020–N–1652]

Agency Information Collection Activities; Proposed Collection; Comment Request; Dispute Resolution Procedures for Science-Based Decisions on Products by the Center for Veterinary Medicine

AGENCY: Food and Drug Administration, Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing an opportunity for public comment on the proposed collection of certain information by the Agency. Under the Paperwork Reduction Act of 1995 (PRA), Federal Agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on the information collection provisions of the dispute resolution procedures for science-based decisions on products regulated by the Center for Veterinary Medicine (CVM).

DATES: Submit either electronic or written comments on the collection of information by October 19, 2020.

ADDRESSES: You may submit comments as follows. Please note that late, untimely filed comments will not be considered. Electronic comments must be submitted on or before October 19, 2020. The *https://www.regulations.gov* electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of October 19, 2020. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are postmarked or the delivery service acceptance receipt is on or before that date.

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–N–1652 for ''Agency Information Collection Activities; Proposed Collection; Comment Request; Dispute Resolution Procedures for Science-Based Decisions on Products by the Center for Veterinary Medicine.'' Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240–402–7500.

FOR FURTHER INFORMATION CONTACT: JonnaLynn Capezzuto, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–3794, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3521), Federal Agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes Agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal Agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on these topics: (1) Whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Dispute Resolution Procedures for Science-Based Decisions on Products by the Center for Veterinary Medicine—21 CFR 10.75

OMB Control Number 0910–0566—Extension

CVM's Guidance for Industry (GFI) #79, ''Dispute Resolution Procedures for Science-Based Decisions on Products Regulated by the Center for Veterinary Medicine'' *https://www.fda.gov/media/70279/download,* describes the process by which CVM formally resolves disputes relating to scientific controversies. A scientific controversy involves issues concerning a specific product regulated by CVM related to matters of technical expertise and requires specialized education, training, or experience to be understood and resolved. The guidance details information on how CVM intends to apply provisions of existing regulations regarding internal review of Agency decisions. In addition, the guidance outlines the established procedures for persons who are sponsors, applicants, or manufacturers of animal drugs or other products regulated by CVM who wish to submit a request for review of a scientific dispute. When a sponsor, applicant, or manufacturer has a scientific disagreement with a written decision by CVM, they may submit a request for a review of that decision by following the established procedures discussed in the guidance.

CVM encourages applicants to begin the resolution of science-based disputes with discussions with the review team/group, including the Team Leader or Division Director. The Center prefers that differences of opinion regarding science or science-based policy be resolved between the review team/group and the applicant. If the matter is not resolved by this preferred method, then CVM recommends that the applicant follow the procedures found in GFI #79.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

21 CFR Part	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
10.75, Request for review of a scientific dispute	1	5	5	10	50

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

Based on a review of the information collection since our last request for OMB approval, we have made no adjustments to our burden estimate.

Dated: August 12, 2020.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2020–17947 Filed 8–17–20; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the National Cancer Institute Special Emphasis Panel, September 24, 2020, 11:00 a.m. to September 24, 2020, 2:30 p.m., National Cancer Institute Shady Grove, 9609 Medical Center Drive, Rockville, MD, 20850 which was published in the **Federal Register** on August 11, 2020, 85 FR 48546.

This notice is being amended to change the meeting name from ''National Cancer Institute Special Emphasis Panel Provocative Question 7'' to ''National Cancer Institute Special Emphasis Panel SEP–7: Research Answers to NCI Provocative Questions''. The meeting is closed to the public.

Dated: August 12, 2020.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2020–17969 Filed 8–17–20; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; 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 Aging Special Emphasis Panel; Lysosomes in aging and AD.

Date: September 23, 2020.

Time: 12:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute on Aging, Gateway Building, 7201 Wisconsin Avenue, Bethesda, MD 20892 (Video Meeting).

Contact Person: Birgit Neuhuber, Ph.D., Scientific Review Officer, Scientific Review Branch, National Institute on Aging, National Institutes of Health, 7201 Wisconsin Avenue, Gateway Building, Suite 2W200, Bethesda, MD 20892, (301) 480–1266, *neuhuber@ninds.nih.gov.*

Name of Committee: National Institute on Aging Special Emphasis Panel; Resource Networks for Protein Polymorphisms in AD.

Date: September 30, 2020.

Time: 2:00 p.m. to 4:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute on Aging, Gateway Building, 7201 Wisconsin Avenue, Bethesda, MD 20892 (Video Meeting).

Contact Person: Alexander Parsadanian, Ph.D., Scientific Review Officer, Scientific Review Branch, National Institute on Aging, National Institutes of Health, Gateway Building, 2C/212, 7201 Wisconsin Avenue, Bethesda, MD 20892, (301) 496–9666, *parsadaniana@nia.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: August 12, 2020.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2020–17960 Filed 8–17–20; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; 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 Aging Special Emphasis Panel Functional genomics.

Date: September 16, 2020.

Time: 11:30 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute on Aging, Gateway Building, 7201 Wisconsin Avenue, Bethesda, MD 20892 (Video Meeting).

Contact Person: Nijaguna Prasad, Ph.D., Scientific Review Officer, Scientific Review Branch, National Institute on Aging, National Institutes of Health, 7201 Wisconsin Avenue, Gateway Building, Suite 2W200, Bethesda, MD 20892, (301) 496–9667, *nijaguna.prasad@nih.gov.*

Name of Committee: National Institute on Aging Special Emphasis Panel; COVID Mediated Inflammation.

Date: September 29, 2020.

Time: 2:30 p.m. to 5:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute on Aging, Gateway Building, 7201 Wisconsin Avenue, Bethesda, MD 20892 (Video Meeting).

Contact Person: Anita H. Undale, MD, Ph.D., Scientific Review Officer, Scientific Review Branch, National Institute on Aging, National Institutes of Health, Gateway Building, Suite 2W200, 7201 Wisconsin Avenue, Bethesda, MD 20892, (301) 827–7428, *anita.undale@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: August 12, 2020.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2020–17958 Filed 8–17–20; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Aging Special Emphasis Panel; Molecular Basis for Aging.

Date: October 1, 2020.

Time: 1:30 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute on Aging, Gateway Building, 7201 Wisconsin Avenue, Bethesda, MD 20892 (Video Meeting).

Contact Person: Anita H. Undale, MD, Ph.D., Scientific Review Officer, Scientific Review Branch, National Institute on Aging, National Institutes of Health, Gateway Building, Suite 2W200, 7201 Wisconsin Avenue, Bethesda, MD 20892, (301) 827–7428, *anita.undale@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: August 12, 2020.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2020–17959 Filed 8–17–20; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Customs and Border Protection

[1651–0013]

Agency Information Collection Activities: Entry and Manifest of Merchandise Free of Duty, Carrier's Certificate of Release

AGENCY: Customs and Border Protection (CBP), Department of Homeland Security.

ACTION: 60-Day Notice and request for comments; Extension of an existing collection of information.

SUMMARY: The Department of Homeland Security, U.S. Customs and Border Protection will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). The information collection is published in the **Federal Register** to obtain comments from the public and affected agencies. Comments are encouraged and must be submitted (no later than October 19, 2020) to be assured of consideration.

ADDRESSES: Written comments and/or suggestions regarding the item(s) contained in this notice must include the OMB Control Number 1651–0013 in the subject line and the agency name. To avoid duplicate submissions, please use only *one* of the following methods to submit comments:

(1) Email. Submit comments to: *CBP_PRA@cbp.dhs.gov.*

(2) Mail. Submit written comments to CBP Paperwork Reduction Act Officer, U.S. Customs and Border Protection, Office of Trade, Regulations and Rulings, Economic Impact Analysis Branch, 90 K Street NE, 10th Floor, Washington, DC 20229–1177.

FOR FURTHER INFORMATION CONTACT: Requests for additional PRA information should be directed to Seth Renkema, Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection, Office of Trade, Regulations and Rulings, 90 K Street NE, 10th Floor, Washington, DC 20229–1177, Telephone number 202–325–0056 or via email *CBP_PRA@cbp.dhs.gov.* Please note that the contact information provided here is solely for questions regarding this notice. Individuals seeking information about other CBP programs should contact the CBP National Customer Service Center at 877–227–5511, (TTY) 1–800–877–8339, or CBP website at *https://www.cbp.gov/.*

SUPPLEMENTARY INFORMATION: CBP invites the general public and other Federal agencies to comment on the proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). This process is conducted in accordance with 5 CFR 1320.8. Written comments and suggestions from the public and affected agencies should address one or more of the following four points: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) suggestions to enhance the quality, utility, and clarity of the information to be collected; and (4) suggestions 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, *e.g.,* permitting electronic submission of responses. The comments that are submitted will be summarized and included in the request for approval. All comments will become a matter of public record.

Overview of This Information Collection

Title: Entry and Manifest of Merchandise Free of Duty, Carrier's Certificate of Release.

OMB Number: 1651–0013.

Form number: CBP Form 7523.

Current Actions: CBP proposes to extend the expiration date of this information collection. There is no change to the burden hours or the information collected.

Type of Review: Extension (without change).

Affected Public: Businesses.

Abstract: CBP Form 7523, *Entry and Manifest of Merchandise Free of Duty, Carrier's Certificate of Release,* is used by carriers and importers as a manifest for the entry of merchandise free of duty under certain conditions, such as when a shipment is valued at $2,500 or less. CBP Form 7523 is also used by carriers to show that articles being imported are to be released to the importer or consignee, and as an inward foreign manifest for vehicles weighing less than five tons arriving from Canada or Mexico with merchandise conditionally free of duty. CBP uses this form to authorize the entry of such merchandise. CBP Form 7523 is authorized by 19 U.S.C. 1433, 1484 and 1498. It is provided for by 19 CFR 123.4

and 19 CFR 143.23. This form is accessible at *http://www.cbp.gov/newsroom/publications/forms?title=7523&=Apply.*

Estimated Number of Respondents: 4,950.

Estimated Number of Annual Responses per Respondent: 20.

Estimated Number of Total Annual Responses: 99,000.

Estimated Time per Response: 5 minutes.

Estimated Total Annual Burden Hours: 8,250.

Dated: August 13, 2020.

Seth D. Renkema,

Branch Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection.

[FR Doc. 2020–18051 Filed 8–17–20; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

Customs and Border Protection

[1651–0030]

Agency Information Collection Activities: Declaration of Unaccompanied Articles

AGENCY: Customs and Border Protection (CBP), Department of Homeland Security.

ACTION: 60-Day Notice and request for comments; Extension of an existing collection of information.

SUMMARY: The Department of Homeland Security, U.S. Customs and Border Protection will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). The information collection is published in the **Federal Register** to obtain comments from the public and affected agencies. Comments are encouraged and must be submitted (no later than October 19, 2020) to be assured of consideration.

ADDRESSES: Written comments and/or suggestions regarding the item(s) contained in this notice must include the OMB Control Number 1651–0030 in the subject line and the agency name. To avoid duplicate submissions, please use only *one* of the following methods to submit comments:

(1) *Email.* Submit comments to: *CBP_PRA@cbp.dhs.gov.*

(2) *Mail.* Submit written comments to CBP Paperwork Reduction Act Officer, U.S. Customs and Border Protection, Office of Trade, Regulations and Rulings, Economic Impact Analysis Branch, 90 K Street NE, 10th Floor, Washington, DC 20229–1177.

FOR FURTHER INFORMATION CONTACT: Requests for additional PRA information should be directed to Seth Renkema, Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection, Office of Trade, Regulations and Rulings, 90 K Street NE, 10th Floor, Washington, DC 20229–1177, Telephone number 202–325–0056 or via email *CBP_PRA@cbp.dhs.gov.* Please note that the contact information provided here is solely for questions regarding this notice. Individuals seeking information about other CBP programs should contact the CBP National Customer Service Center at 877–227–5511, (TTY) 1–800–877–8339, or CBP website at *https://www.cbp.gov/.*

SUPPLEMENTARY INFORMATION: CBP invites the general public and other Federal agencies to comment on the proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). This process is conducted in accordance with 5 CFR 1320.8. Written comments and suggestions from the public and affected agencies should address one or more of the following four points: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) suggestions to enhance the quality, utility, and clarity of the information to be collected; and (4) suggestions 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, *e.g.,* permitting electronic submission of responses. The comments that are submitted will be summarized and included in the request for approval. All comments will become a matter of public record.

Overview of This Information Collection

Title: Declaration of Unaccompanied Articles.

OMB Number: 1651–0030.

Form number: CBP Form 255.

Current Actions: This submission is being made to extend the expiration date of this information collection with no change to the burden hours or the information being collected.

Type of Review: Extension (without change).

Affected Public: Individuals.

Abstract: CBP Form 255, Declaration of Unaccompanied Articles, is completed by travelers arriving in the United States with a parcel or container which is to be sent from an insular possession at a later date. It is the only means whereby the CBP officer, when the person arrives, can apply the exemptions or 5 percent flat rate of duty to all of the traveler's purchases.

CBP Form 255 is authorized by 19 U.S.C. 1202 (Chapter 98, Subchapters IV and XVI) and provided for by 19 CFR 145.12, 145.43, 148.110, 148.113, 148.114, 148.115 and 148.116. A sample of this form can be viewed at *https://www.cbp.gov/newsroom/publications/forms?title=255&=Apply#.*

Estimated Number of Respondents: 7,500.

Estimated Number of Annual Responses per Respondent: 2.

Estimated Number of Total Annual Responses: 15,000.

Estimated Time per Response: 5 minutes.

Estimated Total Annual Burden Hours: 1,250.

Dated: August 13, 2020.

Seth D. Renkema,

Branch Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection.

[FR Doc. 2020–18050 Filed 8–17–20; 8:45 am]

BILLING CODE P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615–0117]

Agency Information Collection Activities; Extension, Without Change, of a Currently Approved Collection: myE-Verify Program

AGENCY: U.S. Citizenship and Immigration Services, Department of Homeland Security.

ACTION: 60-Day notice.

SUMMARY: The Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS) invites the general public and other Federal agencies to comment upon this proposed extension of a currently approved collection of information. In accordance with the Paperwork Reduction Act (PRA) of 1995, the information collection notice is published in the **Federal Register** to obtain comments regarding the nature of the information collection, the

categories of respondents, the estimated burden (*i.e.,* the time, effort, and resources used by the respondents to respond), the estimated cost to the respondent, and the actual information collection instruments.

DATES: Comments are encouraged and will be accepted for 60 days until October 19, 2020.

ADDRESSES: All submissions received must include the OMB Control Number 1615–0117 in the body of the letter, the agency name and Docket ID USCIS–2010–0014. Submit comments via the Federal eRulemaking Portal website at *https://www.regulations.gov* under e-Docket ID number USCIS–2010–0014. USCIS is limiting communications for this Notice as a result of USCIS' COVID–19 response actions.

FOR FURTHER INFORMATION CONTACT: USCIS, Office of Policy and Strategy, Regulatory Coordination Division, Samantha Deshommes, Chief, telephone number 202–272–8377 (This is not a toll-free number. Comments are not accepted via telephone message). Please note contact information provided here is solely for questions regarding this notice. It is not for individual case status inquiries. Applicants seeking information about the status of their individual cases can check Case Status Online, available at the USCIS website at *https://www.uscis.gov,* or call the USCIS Contact Center at 800–375–5283 (TTY 800–767–1833).

SUPPLEMENTARY INFORMATION:

Comments

You may access the information collection instrument with instructions or additional information by visiting the Federal eRulemaking Portal site at: *https://www.regulations.gov* and entering USCIS–2010–0014 in the search box. All submissions will be posted, without change, to the Federal eRulemaking Portal at *https://www.regulations.gov,* and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to consider limiting the amount of personal information that you provide in any voluntary submission you make to DHS. DHS may withhold information provided in comments from public viewing that it determines may impact the privacy of an individual or is offensive. For additional information, please read the Privacy Act notice that is available via the link in the footer of *https://www.regulations.gov.*

Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Extension, Without Change, of a Currently Approved Collection.

(2) *Title of the Form/Collection:* myE-Verify Program.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* G–1499; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Individuals and Households. myE-Verify (previously E-Verify Self Check) allows workers in the United States to enter data into the E-Verify system to ensure that the information relating to their eligibility to work is correct and accurate. This is necessary so that workers in the United States can correct their records before a hiring decision is made. This will lead to a more reliable and accurate E-Verify system that works better for both employers and employees.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The estimated total number of respondents for the information collection Form G–1499 is 250,000 and the estimated hour burden per response is 0.0833 hours. Of this 250,000, an estimated 75,000 respondents will need to correct information that may have been entered incorrectly to continue using myE-Verify; this estimated burden per response is 0.0833 hours. Of this 250,000, an estimated 10,000 respondents may be required to pursue further action to correct their records at the appropriate agency; this estimated burden per response is 1.183 hours. Of this 250,000, an estimated 25,000 respondents will be required to provide additional information for a second Authentication Check; this estimated burden per response is 0.25 hours.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total estimated annual hour burden associated with this collection is 45,153 hours.

(7) *An estimate of the total public burden (in cost) associated with the collection:* The estimated total annual cost burden associated with this collection of information is $0. There are no mailing or other costs associated with this collection of information

Dated: August 11, 2020.

Samantha L. Deshommes,

Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2020–18021 Filed 8–17–20; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615–0101]

Agency Information Collection Activities; Revision of a Currently Approved Collection: Verification Request and Verification Request Supplement

AGENCY: U.S. Citizenship and Immigration Services, Department of Homeland Security.

ACTION: 60-Day notice.

SUMMARY: The Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS) invites the general public and other Federal agencies to comment upon this proposed revision of a currently approved collection of information. In accordance with the Paperwork Reduction Act (PRA) of 1995, the information collection notice is published in the **Federal Register** to obtain comments regarding the nature of the information collection, the categories of respondents, the estimated burden (*i.e.,* the time, effort, and resources used by the respondents to respond), the estimated cost to the respondent, and the actual information collection instruments.

DATES: Comments are encouraged and will be accepted for 60 days until October 19, 2020.

ADDRESSES: All submissions received must include the OMB Control Number

1615–0101 in the body of the letter, the agency name and Docket ID USCIS–2008–0008. Submit comments via the Federal eRulemaking Portal website at *https://www.regulations.gov* under e-Docket ID number USCIS–2008–0008. USCIS is limiting communications for this Notice as a result of USCIS' COVID–19 response actions.

FOR FURTHER INFORMATION CONTACT: USCIS, Office of Policy and Strategy, Regulatory Coordination Division, Samantha Deshommes, Chief, telephone number 202–272–8377 (This is not a toll-free number. Comments are not accepted via telephone message). Please note contact information provided here is solely for questions regarding this notice. It is not for individual case status inquiries. Applicants seeking information about the status of their individual cases can check Case Status Online, available at the USCIS website at *https://www.uscis.gov,* or call the USCIS Contact Center at 800–375–5283 (TTY 800–767–1833).

SUPPLEMENTARY INFORMATION:

Comments

You may access the information collection instrument with instructions or additional information by visiting the Federal eRulemaking Portal site at: *https://www.regulations.gov* and entering USCIS–2008–0008 in the search box. All submissions will be posted, without change, to the Federal eRulemaking Portal at *https://www.regulations.gov,* and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to consider limiting the amount of personal information that you provide in any voluntary submission you make to DHS. DHS may withhold information provided in comments from public viewing that it determines may impact the privacy of an individual or is offensive. For additional information, please read the Privacy Act notice that is available via the link in the footer of *https://www.regulations.gov.*

Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Revision of a Currently Approved Collection.

(2) *Title of the Form/Collection:* Verification Request and Verification Request Supplement.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* G–845; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Federal Government; State, local or Tribal Government. In the verification process, a participating agency validates an applicant's immigration status by inputting identifying information into the Verification Information System (VIS), which executes immigration status queries against a range of data sources. If VIS returns an immigration status and the benefit-issuing agency does not find a material discrepancy with the response and the documents provided by the applicant, the verification process is complete. Then, the agency may use that immigration status information in determining whether or not to issue the benefit. In some cases, agencies that do not access the automated verification system may query USCIS by filing Form G–845. Although the Form G–845 does not require it, if needed certain agencies may also file the Form G–845 Supplement with the Form G–845, along with copies of immigration documents to receive additional information necessary to make their benefit determinations. These forms were developed to facilitate communication between all benefit-granting agencies and USCIS to ensure that basic information required to assess status verification requests is provided. USCIS is making minor revisions to the Form G–845 and is streamlining the Form G–845 Supplement with additional immigration statuses that are commonly requested by agencies in order to make their benefit determinations.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The estimated total number of respondents for the information collection VIS Query is 19,916,942 and the estimated hour burden per response is 0.083 hour. The estimated total number of respondents for the information collection G–845 is 7 and the estimated hour burden per response is 0.083 hour. The estimated total number of respondents for the information collection G–845 Supplement is 44 and the estimated hour burden per response is 0.083 hour.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total estimated annual hour burden associated with this collection is 1,653,110 hours.

(7) *An estimate of the total public burden (in cost) associated with the collection:* The estimated total annual cost burden associated with this collection of information is $63.

Dated: August 11, 2020.

Samantha L. Deshommes,

Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2020–18020 Filed 8–17–20; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615–0029]

Agency Information Collection Activities; Extension, Without Change, of a Currently Approved Collection: Application for Waiver of Grounds of Inadmissibility

AGENCY: U.S. Citizenship and Immigration Services, Department of Homeland Security.

ACTION: 60-day notice.

SUMMARY: The Department of Homeland Security (DHS), U.S. Citizenship and Immigration

(USCIS) invites the general public and other Federal agencies to comment upon this proposed extension of a currently approved collection of information. In accordance with the Paperwork Reduction Act (PRA) of 1995, the information collection notice is published in the **Federal Register** to obtain comments regarding the nature of the information collection, the categories of respondents, the estimated burden (*i.e.* the time, effort, and

resources used by the respondents to respond), the estimated cost to the respondent, and the actual information collection instruments.

DATES: Comments are encouraged and will be accepted for 60 days until October 19, 2020.

ADDRESSES: All submissions received must include the OMB Control Number 1615–0029 in the body of the letter, the agency name and Docket ID USCIS–2007–0042. Submit comments via the Federal eRulemaking Portal website at *http://www.regulations.gov* under e-Docket ID number USCIS–2007–0042. USCIS is limiting communications for this Notice as a result of USCIS' COVID–19 response actions.

FOR FURTHER INFORMATION CONTACT: USCIS, Office of Policy and Strategy, Regulatory Coordination Division, Samantha Deshommes, Chief, telephone number 202–272–8377 (This is not a toll-free number. Comments are not accepted via telephone message). Please note contact information provided here is solely for questions regarding this notice. It is not for individual case status inquiries. Applicants seeking information about the status of their individual cases can check Case Status Online, available at the USCIS website at *http://www.uscis.gov,* or call the USCIS Contact Center at 800–375–5283 (TTY 800–767–1833).

SUPPLEMENTARY INFORMATION:

Comments

You may access the information collection instrument with instructions, or additional information by visiting the Federal eRulemaking Portal site at: *http://www.regulations.gov* and enter USCIS–2007–0042 in the search box. All submissions will be posted, without change, to the Federal eRulemaking Portal at *http://www.regulations.gov,* and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to consider limiting the amount of personal information that you provide in any voluntary submission you make to DHS. DHS may withhold information provided in comments from public viewing that it determines may impact the privacy of an individual or is offensive. For additional information, please read the Privacy Act notice that is available via the link in the footer of *http://www.regulations.gov.*

Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Extension, Without Change, of a Currently Approved Collection.

(2) *Title of the Form/Collection:* Application for Waiver of Grounds of Inadmissibility.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* Form I–601; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Individuals and Households. Form I–601 is necessary for USCIS to determine whether the applicant is eligible for a waiver of inadmissibility under section 212 of the Act. Furthermore, this information collection is used by individuals who are seeking for Temporary Protected Status (TPS).

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The estimated total number of respondents for the information collection Form I–601 is 17,000 and the estimated hour burden per response is 1.75 hours.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total estimated annual hour burden associated with this collection is 29,750 hours.

(7) *An estimate of the total public burden (in cost) associated with the collection:* The estimated total annual cost burden associated with this collection of information is $6,311,250.

Dated: August 11, 2020.

Samantha L. Deshommes,

Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2020–18022 Filed 8–17–20; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[20X.LLAZ921000.L14400000.BJ0000. LXSSA2250000.241A]

Notice of Filing of Plats of Survey; Arizona

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of official filing.

SUMMARY: The plats of survey of the following described lands are scheduled to be officially filed 30 days after the date of this publication in the Bureau of Land Management (BLM), Arizona State Office, Phoenix, Arizona. The surveys announced in this notice are necessary for the management of lands administered by the agency indicated.

ADDRESSES: These plats will be available for inspection in the Arizona State Office, Bureau of Land Management, One North Central Avenue, Suite 800, Phoenix, Arizona 85004–4427. Protests of these surveys should be sent to the Arizona State Director at the above address.

FOR FURTHER INFORMATION CONTACT: Gerald Davis, Chief Cadastral Surveyor of Arizona; (602) 417–9558; *gtdavis@blm.gov.* Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service (FRS) at 1–800–877–8339 to contact the above individual during normal business hours. The FRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION:

The Gila and Salt River Meridian, Arizona

The plat, in one sheet, representing the dependent resurvey of the Seventh Standard Parallel North through Range 8 East, the Second Guide Meridian East through Township 28 North, the south and west boundaries and the subdivisional lines, and the subdivision of certain sections, Township 28 North, Range 8 East, accepted August 4, 2020, for Group 1183, Arizona.

This plat was prepared at the request of the Bureau of Indian Affairs.

The plat, in one sheet, representing the dependent resurvey of portions of the south boundary and subdivisional lines, the subdivision of section 34, and the metes-and-bounds survey in section 34, Township 14 North, Range 11 East, accepted August 4, 2020, for Group 1202, Arizona.

This plat was prepared at the request of the United States Forest Service.

The plat, in one sheet, representing the dependent resurvey of a portion of the south and west boundaries, and the metes-and-bounds survey of a portion of the Pusch Ridge Wilderness boundary within the Coronado National Forest, Township 11 South, Range 16 East, accepted August 4, 2020, for Group 1203, Arizona.

This plat was prepared at the request of the United States Forest Service.

A person or party who wishes to protest against these surveys must file a written notice of protest within 30 calendar days from the date of this publication with the Arizona State Director, Bureau of Land Management, stating that they wish to protest.

A statement of reasons for a protest may be filed with the notice of protest to the State Director, or the statement of reasons must be filed with the State Director within 30 days after the protest is filed. Before including your address, or other personal information in your protest, please be aware that your entire protest, including your personal identifying information, may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

(Authority: 43 U.S.C. Chap. 3.)

Gerald Davis,

Chief Cadastral Surveyor of Arizona.

[FR Doc. 2020–17953 Filed 8–17–20; 8:45 am]

BILLING CODE 4310–32–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLNVW01000.L51100000.GN0000. LVEMF1907180.19X; MO#4500145888]

Notice of Intent To Prepare a Draft Environmental Impact Statement for the Proposed Gold Acquisition Corporation, Relief Canyon Mine—Phase II Mine Expansion Amendment, Pershing County, NV

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of intent.

SUMMARY: In compliance with the National Environmental Policy Act of 1969, as amended (NEPA), and the Federal Land Policy and Management Act of 1976, as amended, the Bureau of Land Management (BLM) Humboldt River Field Office, Winnemucca, Nevada, intends to prepare an Environmental Impact Statement (EIS) to analyze the potential impacts of the proposed expansion to the Relief Canyon gold mining operation in Pershing County, Nevada. This notice announces the beginning of the scoping process to solicit public comments and identify issues to be considered in the EIS, and serves to initiate public consultation, as required under the National Historic Preservation Act.

DATES: This notice initiates the public scoping process for the EIS. Comments on issues to be considered in the EIS may be submitted in writing until September 17, 2020. The dates and locations of two virtual scoping meetings will be announced at least 15 days in advance through local media, newspapers and the BLM website at: *https://www.blm.gov/office/winnemucca-district-office.* In order to be included in the Draft EIS, all comments must be received prior to the close of the 30-day scoping period. We will provide additional opportunities for public participation upon publication of the Draft EIS.

ADDRESSES: You may submit comments related to the Project by any of the following methods:

- *Website: https://eplanning.blm.gov/eplanning-ui/project/2000567/510.*
- *Email: wfoweb@blm.gov,* include Relief Canyon Mine—Phase II Expansion EIS Comments in the subject line.
- *Fax:* (775) 623–1503.
- *Mail:* 5100 E. Winnemucca Blvd., Winnemucca, NV 89445.

FOR FURTHER INFORMATION CONTACT: Ms. Jean Black, telephone: (775) 623–1500, email: *jblack@blm.gov;* address: 5100 E. Winnemucca Blvd., Winnemucca, NV 89445. Contact Ms. Black to have your name added to our mailing list. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service (FRS) at 1–800–877–8339 to contact Ms. Black during normal business hours. The FIRS is available 24-hours a day, 7-days a week, to leave a message or question. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: Gold Acquisition Corporation (GAC), a wholly owned subsidiary of Pershing Gold Corporation, itself a wholly owned subsidiary of Americas Gold and Silver Corporation, proposes an expansion to the existing Relief Canyon Gold Mine. The mine is located in Pershing County, Nevada, approximately 16 miles east-northeast of Lovelock, Nevada. The proposed expansion is located within GAC's authorized plan boundary and proposes to modify the existing plan as follows:

- Create roughly 576 acres of new surface disturbance on public and private land including re-disturbance of about 137 acres of previously disturbed vegetation communities.
- Expand the footprint of the existing approved pit area by approximately 84 acres (68 acres of public land and 16 acres of private land) with resultant elimination of a portion of existing Waste Rock Storage Facility (WRSF) 4.
- Mine to final pit bottom elevation of 4,420 feet above mean sea level (ft amsl), which will involve continued mining below the water table, and result in a post-mining pit lake that is predicted to reach an equilibrium elevation of 4,887 ft amsl roughly 50 years after completion of mining.
- Construct a dewatering conveyance pipeline and Rapid Infiltration to re-infiltrate up to 900 gallons per minute of mine dewatering water during the last 3 months of proposed Phase II mining.
- Install up to 50 vertical and horizontal drains in the pit wall to ensure pit slope stability and supplement pit dewatering operations.
- Convert up to 50 exploration drill holes located in and adjacent to the pit as vertical or near vertical drains and/or piezometer to monitor water levels to ensure pit slope stability and supplement pit dewatering operations.
- Expand WRSFs, heap leach pads, and construct process ponds, new growth media stockpiles, diversion ditches for stormwater control, and ancillary facilities.
- Expand yard and crusher-conveyor areas, roads, and fences.
- Close and reclaim all project facilities at the completion of Phase II.

Scoping Process

The purpose of the public scoping process is to identify relevant issues that will influence the scope of the environmental analysis, including alternatives, and guide the process for developing the EIS. The BLM has identified some preliminary issues associated with the Project:

(a) Formation of a pit lake and associated groundwater sink after completion of mining activities: The average pre-mining water table elevation was estimated to be 5,130 feet ft amsl, and the resultant pit lake is predicted to have a recovered surface elevation of 4,887 ft amsl;

(b) Potential impacts to wildlife habitat: The extended mine life and increased disturbance could affect wildlife including Golden Eagles. The BLM and U.S. Fish and Wildlife Service will work cooperatively to analyze the affects the proposed project may have to Golden Eagle nests and territories.

The BLM will use and coordinate the NEPA scoping process to help fulfill the public involvement process under the NHPA as provided in 42 CFR 800.2(d)(3). The information about historic and cultural resources within the area potentially affected by the proposed project will assist the BLM in identifying and evaluating impacts to such resources in the context of both NEPA and the NHPA.

The BLM will consult with Native American tribes on a government-to-government basis in accordance with Executive Order 13175 and other policies. Tribal concerns, including impacts on Indian trust assets and potential impacts to cultural resources, will be given due consideration.

Federal, State, and local agencies, along with tribes and other stakeholders that may be interested in or affected by the proposed project that the BLM is evaluating, are invited to participate in the scoping process and, if eligible, may request or be requested by the BLM to participate in the development of the EIS as a cooperating agency. Comments and materials, we receive, as well as supporting documentation that we use in preparing the EIS, will be available for public inspection during normal business hours at the Winnemucca District Office (see **ADDRESSES** section previously).

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you may request in your comment that your personal identifying information be withheld from public review, we cannot guarantee that we will be able to do so.

Authority: 40 CFR 1501.7.

Ester McCullough,

District Manager, Winnemucca District Office.

[FR Doc. 2020–18047 Filed 8–17–20; 8:45 am]

BILLING CODE 4310–HC–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLMT926000–20X–L13100000.EI0000; MO#4500146365]

Notice of Proposed Filing of Plats of Survey; North Dakota

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Proposed Official Filing.

SUMMARY: The plats of survey for the lands described in this notice are scheduled to be officially filed 30 calendar days after the date of this publication in the BLM Montana State Office, Billings, Montana. The surveys, which were executed at the request of the Bureau of Land Management, Montana State Office, Billings, Montana, are necessary for the management of these lands.

DATES: A person or party who wishes to protest this decision must file a notice of protest in time for it to be received in the BLM Montana State Office no later than 30 days after the date of this publication.

ADDRESSES: A copy of the plats may be obtained from the Public Room at the BLM Montana State Office, 5001 Southgate Drive, Billings, Montana 59101, upon required payment. The plats may be viewed at this location at no cost.

FOR FURTHER INFORMATION CONTACT: Josh Alexander, BLM Chief Cadastral Surveyor for North Dakota; telephone: (406) 896–5123; email: *jalexand@blm.gov*. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service (FRS) at (800) 877–8339 to contact the above individual during normal business hours. The FRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The lands surveyed are:

Fifth Principal Meridian, North Dakota

T. 147 N., R. 97 W.
secs. 5 and 6.
T. 151 N., R. 104 W.
secs. 4, 5, and 9.

A person or party who wishes to protest an official filing of a plat of survey identified above must file a written notice of protest with the BLM Chief Cadastral Surveyor for North Dakota at the address listed in the **ADDRESSES** section of this notice. The notice of protest must identify the plat(s) of survey that the person or party wishes to protest. The notice of protest must be received in the BLM Montana State Office no later than the scheduled date of the proposed official filing for the plat(s) of survey being protested; if received after regular business hours, a notice of protest will be considered filed the next business day. A written statement of reasons in support of the protest, if not filed with the notice of protest, must be filed with the BLM Chief Cadastral Surveyor for North Dakota within 30 calendar days after the notice of protest is received.

If a notice of protest of the plat(s) of survey is received prior to the scheduled date of official filing or during the 10 calendar day grace period provided in 43 CFR 4.401(a) and the delay in filing is waived, the official filing of the plat(s) of survey identified in the notice of protest will be stayed pending consideration of the protest. A plat of survey will not be officially filed until the next business day after all timely protests have been dismissed or otherwise resolved, including appeals.

If a notice of protest is received after the scheduled date of official filing and the 10 calendar day grace period provided in 43 CFR 4.401(a), the notice of protest will be untimely, may not be considered, and may be dismissed.

Before including your address, phone number, email address, or other personal identifying information in a notice of protest or statement of reasons, you should be aware that the documents you submit—including your personal identifying information—may be made publicly available in their entirety at any time. While you can ask us to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Authority: 43 U.S.C. Chapter 3.

Joshua F. Alexander,

Chief Cadastral Surveyor for North Dakota.

[FR Doc. 2020–18007 Filed 8–17–20; 8:45 am]

BILLING CODE 4310–DN–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1201]

Certain Liquid Crystal Display Devices, Components Thereof, and Products Containing the Same; Commission Determination Not to Review an Initial Determination Terminating the Investigation in Its Entirety Based on a Settlement Agreement; 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 not to review an initial determination (''ID'') (Order No. 6) of the presiding administrative law judge (''ALJ'') terminating the investigation as to all respondents based on a settlement agreement. 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 May 27, 2020, based on a complaint filed on behalf of Sharp Corporation (''Sharp'') of Osaka, Japan and Sharp Electronics Corporation of Montvale, New Jersey (collectively, ''Complainants''). 85 FR 31807–08 (May 27, 2020). The complaint, as supplemented, alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain liquid crystal display devices, components thereof, and products containing the same by reason of infringement of certain claims of U.S. Patent Nos. 7,245,329; 7,372,533; 8,022,912; 8,451,204; and 8,847,863. The Commission's notice of investigation names as respondents Vizio Inc. of Irvine, California; Xianyang CaiHong Optoelectronics Technology Co., Ltd. (''Xianyang'') of Shaanxi, China; TPV Technology, Ltd. of Kowloon, Hong Kong; TPV Display Technology (Xiamen) Co., Ltd. of Fujian, China; TPV International (USA), Inc. of Austin, Texas; Trend Smart America, Ltd. of Lake Forest, California; and Trend Smart CE Mexico S.R.L. De D.V. of Baja, California (collectively, ''Respondents''). The Office of Unfair Import Investigations is not participating in the investigation.

On July 27, 2020, Complainants and Respondents jointly moved to terminate the investigation based on a patent license agreement between Sharp and Xianyang that resolves all issues as to all Respondents in the investigation.

On July 29, 2020, the ALJ issued the subject ID (Order No. 6), granting the joint motion to terminate the investigation in its entirety based on the patent license agreement. The ID finds that the motion for termination satisfied Commission Rules 210.21(a)(2) and (b)(1) (19 CFR 210.21(a)(2), (b)(1)) and that termination of the investigation is not contrary to the public interest. No party petitioned for review.

The Commission has determined not to review the subject ID. The investigation is terminated.

The Commission vote for this determination took place on August 12, 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: August 12, 2020.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2020–17971 Filed 8–17–20; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Claim Adjudication Process for Alleged Presence of Pneumoconiosis

AGENCY: Department of Labor.

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 September 17, 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: Request for 20 CFR 718 specifies that certain information relative to the medical condition of a claimant who is alleging the presence of pneumoconiosis be obtained as a routine function of the claim adjudication process. The medical specifications in the regulations have been formatted in a variety of forms to promote efficiency and accuracy in gathering the required data. These forms were designed to meet the need to gather medical evidence. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on May 11, 2020 (85 FR 27775).

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: Claim Adjudication Process for Alleged Presence of Pneumoconiosis.

OMB Control Number: 1240–0023.

Affected Public: Private Sector, Business or other for-profits.

Total Estimated Number of Respondents: 30,000.

Total Estimated Number of Responses: 30,000.

Total Estimated Annual Time Burden: 7,300 hours.

Total Estimated Annual Other Costs Burden: $0.

Authority: 44 U.S.C. 3507(a)(1)(D).

Crystal Rennie,

Acting Departmental Clearance Officer.

[FR Doc. 2020–18038 Filed 8–17–20; 8:45 am]

BILLING CODE 4510–CK–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Request for Information on Earnings, Dual Benefits, Dependents, and Third Party Settlements

AGENCY: Department of Labor.

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting this Office of the Workers' Compensation Program (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 September 17, 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: Form CA–1032 is used to obtain information from claimants receiving compensation for an extended period of time. This information is necessary to ensure that compensation being paid is correct. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on April 1, 2020 (85 FR 18279).

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: Request for Information on Earnings, Dual Benefits, Dependents, and Third Party Settlements.

OMB Control Number: 1240–0016.

Affected Public: Individuals or Households.

Total Estimated Number of Respondents: 37,056.

Total Estimated Number of Responses: 37,056.

Total Estimated Annual Time Burden: 12,352 hours.

Total Estimated Annual Other Costs Burden: $15,030.

Authority: 44 U.S.C. 3507(a)(1)(D).

Crystal Rennie,

Acting Departmental Clearance Officer.

[FR Doc. 2020–18037 Filed 8–17–20; 8:45 am]

BILLING CODE 4510–CH–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2010–0023]

Overhead and Gantry Cranes; Extension of the Office of Management and Budget's (OMB) Approval of Information Collection (Paperwork) Requirements

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Request for public comments.

SUMMARY: OSHA solicits public comment concerning the proposal to extend the Office of Management and Budget's (OMB) approval of the information collection requirements specified in the Standard on Overhead and Gantry Cranes.

DATES: Comments must be submitted (postmarked, sent, or received) by October 19, 2020.

ADDRESSES:

Electronically: You may submit comments and attachments electronically at *http://www.regulations.gov,* which is the Federal eRulemaking Portal. Follow the instructions online for submitting comments.

Facsimile: If your comments, including attachments, are not longer than 10 pages, you may fax them to the OSHA Docket Office at (202) 693–1648.

Mail, hand delivery, express mail, messenger, or courier service: When using this method, you must submit three copies of your comments and attachments to the OSHA Docket Office, Docket No. OSHA–2010–0023, Occupational Safety and Health Administration, U.S. Department of

Labor, Room N–3653, 200 Constitution Avenue NW, Washington, DC 20210. Deliveries (hand, express mail, messenger, and courier service) are accepted during the Docket Office's normal business hours, 10:00 a.m. to 3:00 p.m., ET.

Instructions: All submissions must include the agency name and OSHA docket number (OSHA–2010–0023) for the Information Collection Request (ICR). All comments, including any personal information you provide, such as social security numbers and date of birth, are placed in the public docket without change, and may be made available online at *http://www.regulations.gov.* For further information on submitting comments, see the ''Public Participation'' heading in the section of this notice titled **SUPPLEMENTARY INFORMATION.**

Docket: To read or download comments or other material in the docket, go to *http://www.regulations.gov* or the OSHA Docket Office at the above address. All documents in the docket (including this **Federal Register** notice) are listed in the *http://www.regulations.gov* index; however, some information (*e.g.,* copyrighted material) is not publicly available to read or download through the website. All submissions, including copyrighted material, are available for inspection and copying at the OSHA Docket Office. You may also contact Theda Kenney at the below phone number to obtain a copy of the ICR.

FOR FURTHER INFORMATION CONTACT: Seleda Perryman or Theda Kenney, Directorate of Standards and Guidance, OSHA, U.S. Department of Labor; telephone (202) 693–2222.

SUPPLEMENTARY INFORMATION:

I. Background

The Department of Labor, as part of the continuing effort to reduce paperwork and respondent (*i.e.,* employer) burden, conducts a preclearance consultation program to provide the public with an opportunity to comment on proposed and continuing information collection requirements in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)). This program ensures that information is in the desired format, reporting burden (time and costs) is minimal, collection instruments are clearly understood, and OSHA's estimate of the information collection burden is accurate. The Occupational Safety and Health Act of 1970 (the OSH Act) (29 U.S.C. 651 *et seq.*) authorizes information collection by employers as necessary or appropriate for enforcement of the OSH Act or for developing information regarding the causes and prevention of occupational injuries, illnesses, and accidents (29 U.S.C. 657). The OSH Act also requires OSHA to obtain such information with minimum burden upon employers, especially those operating small businesses, and to reduce to the maximum extent feasible unnecessary duplication of efforts in obtaining information (29 U.S.C. 657).

The paperwork provisions of the Standard specify requirements for: marking the rated load of cranes; preparing certification records to verify the inspection of the crane hooks, hoist chains, and rope; and preparing reports of rated load tests for repaired hooks or modified cranes. Records and reports must be maintained and disclosed upon request.

II. Special Issues for Comment

OSHA has a particular interest in comments on the following issues:

- Whether the proposed information collection requirements are necessary for the proper performance of the agency's functions, including whether the information is useful;
- The accuracy of OSHA's estimate of the burden (time and costs) of the information collection requirements, including the validity of the methodology and assumptions used;
- The quality, utility, and clarity of the information collected; and
- Ways to minimize the burden on employers who must comply-for example, by using automated or other technological information collection and transmission techniques.

III. Proposed Actions

OSHA is requesting to retain the current burden hour estimate of 321,345 hours.

Type of Review: Extension of a currently approved collection.

Title: Overhead and Gantry Cranes (29 CFR 1910.179).

OMB Control Number: 1218–0224.

Affected Public: Business or other for-profits.

Number of Respondents: 642,566.

Frequency: On occasion; monthly; semi-annually.

Average Time per Response: Various.

Estimated Total Burden Hours: 321,345.

Estimated Cost (Operation and Maintenance): $0.

IV. Public Participation—Submission of Comments on This Notice and internet Access to Comments and Submissions

You may submit comments in response to this document as follows: (1) Electronically at *http://www.regulations.gov,* which is the Federal eRulemaking Portal; (2) by facsimile (fax); or (3) by hard copy. All comments, attachments, and other material must identify the agency name and the OSHA docket number for this ICR (Docket No. OSHA–2010–0023). You may supplement electronic submissions by uploading document files electronically. If you wish to mail additional materials in reference to an electronic or facsimile submission, you must submit them to the OSHA Docket Office (see the section of this notice titled **ADDRESSES**). The additional materials must clearly identify your electronic comments by your name, date, and the docket number so the agency can attach them to your comments.

Because of security procedures, the use of regular mail may cause a significant delay in the receipt of comments. For information about security procedures concerning the delivery of materials by hand, express delivery, messenger, or courier service, please contact the OSHA Docket Office at (202) 693–2350, (TTY (877) 889–5627).

Comments and submissions are posted without change at *http://www.regulations.gov.* Therefore, OSHA cautions commenters about submitting personal information such as social security numbers and date of birth. Although all submissions are listed in the *http://www.regulations.gov* index, some information (*e.g.,* copyrighted material) is not publicly available to read or download through this website. All submissions, including copyrighted material, are available for inspection and copying at the OSHA Docket Office. Information on using the *http://www.regulations.gov* website to submit comments and access the docket is available at the website's ''User Tips'' link. Contact the OSHA Docket Office for information about materials not available through the website, and for assistance in using the internet to locate docket submissions.

V. Authority and Signature

Loren Sweatt, Principal Deputy Assistant Secretary of Labor Occupational Safety and Health, directed the preparation of this notice. The authority for this notice is the Paperwork Reduction Act of 1995 (44 U.S.C. 3506 *et seq.*) and Secretary of Labor's Order No. 1–2012 (77 FR 3912).

Signed at Washington, DC, on August 13, 2020.

Loren Sweatt,

Principal Deputy Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2020–18036 Filed 8–17–20; 8:45 am]

BILLING CODE 4510–26–P

NUCLEAR REGULATORY COMMISSION

[NRC–2020–0001]

Sunshine Act Meetings

TIME AND DATE: Weeks of August 17, 24, 31, September 7, 14, 21, 28, October 5, 12, 19, 2020.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public.

Week of August 17, 2020

There are no meetings scheduled for the week of August 17, 2020.

Week of August 24, 2020—Tentative

There are no meetings scheduled for the week of August 24, 2020.

Week of August 31, 2020—Tentative

There are no meetings scheduled for the week of August 31, 2020.

Week of September 7, 2020—Tentative

There are no meetings scheduled for the week of September 7, 2020.

Week of September 14, 2020—Tentative

Tuesday, September 15, 2020

10:00 a.m. Agency's Response to the COVID–19 Public Health Emergency (Public Meeting). (Contact: Luis Betancourt: 301–415–6146).

This meeting will be webcast live at the Web address—*https://www.nrc.gov/.*

Thursday, September 17, 2020

10:00 a.m. Transformation at the NRC—Milestones and Results (Public Meeting). (Contact: Maria Arribas-Colon: 301–415–6026).

This meeting will be webcast live at the Web address—*https://www.nrc.gov/.*

Week of September 21, 2020—Tentative

There are no meetings scheduled for the week of September 21, 2020.

Week of September 28, 2020—Tentative

Wednesday, September 30, 2020

9:00 a.m. Strategic Programmatic Overview of the Operating Reactors and New Reactors Business Lines and Results of the Agency Action Review Meeting (Public Meeting). (Contact: Candace de Messieres: 301–415–8395).

This meeting will be webcast live at the Web address—*https://www.nrc.gov/.*

Week of October 5, 2020—Tentative

Thursday, October 8, 2020

10:00 a.m. Meeting with the Organization of Agreement States and the Conference of Radiation Control Program Directors (Public Meeting). (Contact: Celimar Valentin-Rodriquez: 301–415–7124).

This meeting will be webcast live at the Web address—*https://www.nrc.gov/.*

Week of October 12, 2020—Tentative

There are no meetings scheduled for the week of October 12, 2020.

Week of October 19, 2020—Tentative

Wednesday, October 21, 2020

10:00 a.m. Briefing on Human Capital and Equal Employment Opportunity (Public Meeting). (Contact: Randi Neff: 301–287–0583).

This meeting will be webcast live at the Web address—*https://www.nrc.gov/.*

1:00 p.m. All Employees Meeting with the Commissioners (Public Meeting).

CONTACT PERSON FOR MORE INFORMATION: For more information or to verify the status of meetings, contact Denise McGovern at 301–415–0681 or via email at *Denise.McGovern@nrc.gov.* The schedule for Commission meetings is subject to change on short notice.

The NRC Commission Meeting Schedule can be found on the internet at: *https://www.nrc.gov/public-involve/public-meetings/schedule.html.*

The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings or need this meeting notice or the transcript or other information from the public meetings in another format (*e.g.,* braille, large print), please notify Anne Silk, NRC Disability Program Specialist, at 301–287–0745, by videophone at 240–428–3217, or by email at *Anne.Silk@nrc.gov.* Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

Members of the public may request to receive this information electronically. If you would like to be added to the distribution, please contact the Nuclear Regulatory Commission, Office of the Secretary, Washington, DC 20555 (301–415–1969), or by email at *Wendy.Moore@nrc.gov* or *Tyesha.Bush@nrc.gov.*

The NRC is holding the meetings under the authority of the Government in the Sunshine Act, 5 U.S.C. 552b.

Dated: August 13, 2020.

For the Nuclear Regulatory Commission.

Denise L. McGovern,

Policy Coordinator, Office of the Secretary.

[FR Doc. 2020–18103 Filed 8–14–20; 11:15 am]

BILLING CODE 7590–01–P

OFFICE OF PERSONNEL MANAGEMENT

Submission for Review: 3206–0218, Death Benefit Payment Rollover Election, RI 94–7

AGENCY: Office of Personnel Management.

ACTION: 30-Day Notice and request for comments.

SUMMARY: The Retirement Services, Office of Personnel Management (OPM) offers the general public and other Federal agencies the opportunity to comment on a revised information collection request (ICR), Death Benefit Payment Rollover Election, RI 94–7.

DATES: Comments are encouraged and will be accepted until September 17, 2020.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW, Washington, DC 20503, Attention: Desk Officer for the Office of Personnel Management or sent via electronic mail to *oira_submission@omb.eop.gov* or faxed to (202) 395–6974.

FOR FURTHER INFORMATION CONTACT: A copy of this information collection, with applicable supporting documentation, may be obtained by contacting the Retirement Services Publications Team, Office of Personnel Management, 1900 E Street NW, Room 3316–L, Washington, DC 20415, Attention: Cyrus S. Benson, or sent via electronic mail to *Cyrus.Benson@opm.gov* or faxed to (202) 606–0910 or via telephone at (202) 606–4808.

SUPPLEMENTARY INFORMATION: As required by the Paperwork Reduction Act of 1995, (Pub. L. 104–13, 44 U.S.C. chapter 35) as amended by the Clinger-Cohen Act (Pub. L. 104–106), OPM is soliciting comments for this collection. The information collection (OMB No. 3206–0218) was previously published in the **Federal Register** on March 23, 2020 at 85 FR 16391, allowing for a 60-day public comment period. No comments

were received for this collection. The purpose of this notice is to allow an additional 30 days for public comments. The Office of Management and Budget is particularly interested in comments that:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

3. Enhance the quality, utility, and clarity of the information to be collected; and

4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses.

RI 94–7 provides Federal Employees Retirement System (FERS) surviving spouses and former spouses with the means to elect payment of FERS rollover-eligible benefits directly or to an Individual Retirement Arrangement (IRA), eligible employer plan or Thrift Savings Plan (TSP) account.

Analysis

Agency: Retirement Operations, Retirement Services, Office of Personnel Management
Title: Death Benefit Payment Rollover Election
OMB Number: 3206–0218
Frequency: On occasion
Affected Public: Individual or Households
Number of Respondents: 3,444
Estimated Time per Respondent: 1 hour
Total Burden Hours: 3,444

Office of Personnel Management.

Alexys Stanley,

Regulatory Affairs Analyst.

[FR Doc. 2020–18044 Filed 8–17–20; 8:45 am]

BILLING CODE 6325–38–P

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2020–218 and CP2020–246; Docket Nos. MC2020–219 and CP2020–247; MC2020–220 and CP2020–248]

New Postal Products

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing for the Commission's consideration concerning a negotiated service agreement. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* August 20, 2020.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction
II. Docketed Proceeding(s)

I. Introduction

The Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related to negotiated service agreement(s). The request(s) may propose the addition or removal of a negotiated service agreement from the market dominant or the competitive product list, or the modification of an existing product currently appearing on the market dominant or the competitive product list.

Section II identifies the docket number(s) associated with each Postal Service request, the title of each Postal Service request, the request's acceptance date, and the authority cited by the Postal Service for each request. For each request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 (Public Representative). Section II also establishes comment deadline(s) pertaining to each request.

The public portions of the Postal Service's request(s) can be accessed via the Commission's website (*http://www.prc.gov*). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3011.301.[1]

The Commission invites comments on whether the Postal Service's request(s) in the captioned docket(s) are consistent with the policies of title 39. For request(s) that the Postal Service states concern market dominant product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3622, 39 U.S.C. 3642, 39 CFR part 3030, and 39 CFR part 3040, subpart B. For request(s) that the Postal Service states concern competitive product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633, 39 U.S.C. 3642, 39 CFR part 3035, and 39 CFR part 3040, subpart B. Comment deadline(s) for each request appear in section II.

II. Docketed Proceeding(s)

1. *Docket No(s).:* MC2020–218 and CP2020–246; *Filing Title:* USPS Request to Add Priority Mail Express International, Priority Mail International, First-Class Package International Service & Commercial ePacket Contract 8 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* August 12, 2020; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3040.130 through 3040.135, and 39 CFR 3035.105; *Public Representative:* Gregory Stanton; *Comments Due:* August 20, 2020.

2. *Docket No(s).:* MC2020–219 and CP2020–247; *Filing Title:* USPS Request to Add Priority Mail & First-Class Package Service Contract 157 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* August 12, 2020; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3040.130 through 3040.135, and 39 CFR 3035.105; *Public Representative:* Kenneth R. Moeller; *Comments Due:* August 20, 2020.

3. *Docket No(s).:* MC2020–220 and CP2020–248; *Filing Title:* USPS Request to Add Priority Mail Express Contract 82 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* August 12, 2020; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3040.130 through 3040.135, and 39 CFR 3035.105; *Public Representative:* Kenneth R. Moeller; *Comments Due:* August 20, 2020.

This Notice will be published in the **Federal Register**.

Erica A. Barker,

Secretary.

[FR Doc. 2020–18009 Filed 8–17–20; 8:45 am]

BILLING CODE 7710–FW–P

[1] *See* Docket No. RM2018–3, Order Adopting Final Rules Relating to Non-Public Information, June 27, 2018, Attachment A at 19–22 (Order No. 4679).

POSTAL SERVICE

International Product Change—Priority Mail Express International, Priority Mail International, First-Class Package International Service & Commercial ePacket Agreement: Postal Service™

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a Priority Mail Express International, Priority Mail International, First-Class Package International Service & Commercial ePacket contract to the list of Negotiated Service Agreements in the Competitive Product List in the Mail Classification Schedule.

DATES: *Date of notice:* August 18, 2020.

FOR FURTHER INFORMATION CONTACT: Christopher C. Meyerson, (202) 268–7820.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on August 12, 2020, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express International, Priority Mail International, First-Class Package International Service & Commercial ePacket Contract 8 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2020–218 and CP2020–246.

Brittany M. Johnson,

Attorney, Federal Compliance.

[FR Doc. 2020–17988 Filed 8–17–20; 8:45 am]

BILLING CODE 7710–12–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–89527; File No. SR–Phlx–2020–38]

Self-Regulatory Organizations; Nasdaq PHLX LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Memorialize Phlx's Business Continuity and Disaster Recovery for Its Trading Floor

August 12, 2020.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on July 29, 2020, Nasdaq PHLX LLC (''Phlx'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to modify Phlx Options 8, related to the Phlx Trading Floor, to memorialize its current Business Continuity and Disaster Recovery provisions.

The text of the proposed rule change is available on the Exchange's website at *https://listingcenter.nasdaq.com/rulebook/phlx/rules,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the 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

Phlx proposes to amend its Trading Floor rules at Options 8, Section 26, Trading Halts, to memorialize its current Business Continuity and Disaster Recovery provisions.

Memorialize Business Continuity and Disaster Recovery Plan

Today, Phlx has a Business Continuity and Disaster Recovery Plan for its Trading Floor (''BCP''), which BCP provides for a back-up physical location at The Philadelphia Navy Yard, in the event that the physical Trading Floor, currently located at 2929 Walnut Street, Philadelphia, becomes unavailable. The Exchange proposes to amend Options 8, Section 26 to add a new section ''g'' to memorialize its current Business Continuity and Disaster Recovery plans. The Exchange proposes to amend its Rules at Options 8, Section 26 to amend the title of the Rule from ''Trading Halts'' To ''Trading Halts, Business Continuity and Disaster Recovery.'' The Exchange proposes to state within Options 8, Section 26 at new section (g) that, ''The Exchange may activate its business continuity and disaster recovery plans to maintain fair and orderly markets in the event of a System failure, disaster, or other unusual circumstance that may threaten the ability to conduct business on the Exchange.'' The Exchange proposes to state with new (g) that the following provisions shall apply with respect to the Exchange's Trading Floor:

(1) *Loss of Trading Floor.* If the physical location designated as the ''Trading Floor'' becomes unavailable, Phlx will enact its Business Continuity Plan and designate the Philadelphia Navy Yard as its ''Back-Up Trading Floor.''

(2) *Back-up Trading Floor Unavailable.* In the event that the Back-Up Trading Floor becomes inoperable, the Exchange will only operate its electronic market and will not operate a Trading Floor. The Exchange will operate only its electronic market until the Exchange's Trading Floor facility is operational. Open outcry trading will not be available in the interim.

(3) *Other Back-Up Trading Arrangements.* This Rule does not preclude the Exchange from conducting business, in the event the Trading Floor and Back-Up Trading Floor are rendered inoperable, pursuant to Options 4, Section 10.

These provisions above, are contemplated today by Phlx's BCP and enacted pursuant to Phlx's emergency authority within By-Law Article VII, Section 7–5.[3] The Exchange is proposing to memorialize these provisions of Phlx's BCP similar to Cboe Exchange, Inc. (''Cboe'') Rule 5.24.[4]

Current Phlx Rules at Options 8, Section 1(a) specify, ''The Options 8 Rules shall apply to Exchange options transactions by and among members and member organizations physically located on the Exchange's options trading floor, including the trading

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Phlx By-Law Article VII, Section 7–5, Authority to Take Action Under Emergency or Extraordinary Market Conditions, provides, ''The Board of Directors, or such person or persons or committee as may be designated by the Board of Directors, in the event of an emergency or extraordinary market conditions, shall have the authority to take any action regarding: (a) The trading in or operation of the national securities exchange operated by the Exchange or any other organized securities markets that may be operated by the Exchange, the operation of any automated system owned or operated by the Exchange, and the participation in any such system or any or all persons or the trading therein of any or all securities; and (b) the operation of any or all offices or systems of Members and Member Organizations, if, in the opinion of the Board of Directors or the person or persons hereby designated, such action is necessary or appropriate for the protection of investors or the public interest or for the orderly operation of the marketplace or the system.''

[4] Unlike Phlx, Cboe does not list a secondary back-up trading floor, but does specify its contingency plans for its Trading Floor.

crowds, and shall govern all activity that occurs in the physical space designated by the Exchange as ''trading floor'' as well as trading conducted through the Options Floor Based Management . . .'' Pursuant to Phlx Options 8, Section 1(a) Phlx's Trading Floor is located at 2929 Walnut Street, Philadelphia, PA (''Trading Floor.'')[5] Pursuant to Phlx's BCP, The Philadelphia Navy Yard[6] has been designated ''Back-Up Trading Floor.''

In the event that the Trading Floor becomes unavailable, Phlx would act under its emergency authority, within Phlx By-Law Article VII, Section 7–5, to enact its BCP. Phlx Floor Members would be notified of the enactment of a BCP with an Options Trader Alert. The Options Trader Alert would provide details regarding the relocation to the Back-Up Trading Floor, including timing and contact information for any additional questions. The Back-Up Trading Floor would have the same capability to utilize FBMS as the primary Trading Floor today. The Options 8 Trading Rules would remain in effect and surveillance staff would relocate to the Back-Up Trading Floor along with Floor Members. The Exchange would operate the Back-Up Trading Floor in the same manner as to the primary Trading Floor.

Similarly, in order to relocate back to the primary Trading Floor, Floor Members would be notified with an Options Trader Alert of the timing to relocate to the primary location.

The Exchange proposes to provide, within proposed Options 8, Section 26(g)(1), that, in the event of loss of the Trading Floor, if the physical location designated as the ''Trading Floor'' becomes unavailable, Phlx will enact its BCP and utilize the Philadelphia Navy Yard as its ''Back-Up Trading Floor.'' Further, Phlx proposes to provide within Options 8, Section 26(g)(2) in the event that the Back-Up Trading Floor becomes unavailable or inoperable, the Exchange will only operate its electronic market and will not operate a Trading Floor. The Exchange will operate only its electronic market until the Exchange's Trading Floor facility is operational. Open outcry trading will not be available in the interim. Finally, the Exchange proposes to note within Options 8, Section 26(g)(3) that this rule does not preclude the Exchange from conducting business, in the event the Trading Floor and Back-Up Trading Floor are rendered inoperable, pursuant to Options 4, Section 10. Current Options 4, Section 10, Back-Up Trading Arrangements, outlines rules applicable to hosting Phlx at another exchange in the event Phlx is disabled.

The Exchange proposes to add the aforementioned provisions, from its BCP, within proposed Options 8, Section 26(g) to make clear to its floor market participants the potential outcomes for the Trading Floor in the event of a disruption.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[7] in general, and furthers the objectives of Section 6(b)(5) of the Act,[8] in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest. The Exchange's proposal to amend Options 8, Section 26 to adopt a new section (g) to memorialize its current BCP is consistent with the Act.

The proposal adds provisions from Phlx's current BCP to proposed Options 8, Section 26(g), to make clear to its floor market participants the potential outcomes for the Trading Floor in the event of a disruption. Today, Phlx would act under its emergency authority, within Phlx By-Law Article VII, Section 7–5, to enact its BCP. Pursuant to the BCP, Phlx could relocate to its Back-Up Trading Floor in the event the primary Trading Floor was inoperable, only operate its electronic market (if the Back-Up Trading Floor were inoperable) or conduct business pursuant to Options 4, Section 10 under a Backup Trading Arrangement.

In the event that the Trading Floor becomes unavailable, Phlx would act under its emergency authority, within Phlx By-Law Article VII, Section 7–5, to enact its BCP. Phlx Floor Members would be notified of the enactment of a BCP with an Options Trader Alert. The Options Trader Alert would provide details regarding the relocation to the Back-Up Trading Floor, including timing and contact information for any additional questions. The Back-Up Trading Floor would have the same capability to utilize FBMS as the primary Trading Floor today. The Options 8 Trading Rules would remain in effect and surveillance staff would relocate to the Back-Up Trading Floor along with Floor Members. The Exchange would operate the Back-Up Trading Floor in the same manner as to the primary Trading Floor. Similarly, in order to relocate back to the primary Trading Floor, Floor Members would be notified with an Options Trader Alert of the timing to relocate to the primary location.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

The Exchange's proposal to amend Options 8, Section 26 to add a new section (g) to memorialize its current Business Continuity and Disaster Recovery plans does not impose an undue burden on competition. The proposal adds provisions from the BCP to proposed Options 8, Section 26(g) to make clear to its floor market participants the potential outcomes for the Trading Floor in the event of a disruption, which exist today.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act[9] and subparagraph (f)(6) of Rule 19b–4 thereunder.[10]

A proposed rule change filed pursuant to Rule 19b–4(f)(6) under the Act[11] normally does not become operative for 30 days after the date of its filing. However, Rule 19b–4(f)(6)(iii)[12] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has requested that the Commission waive

[5] *See* Options Trader Alert #2017—18.

[6] The Philadelphia Navy Yard is located at 4747 League Island Boulevard, Philadelphia, PA.

[7] 15 U.S.C. 78f(b).

[8] 15 U.S.C. 78f(b)(5).

[9] 15 U.S.C. 78s(b)(3)(A)(iii).

[10] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file 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.

[11] 17 CFR 240.19b–4(f)(6).

[12] 17 CFR 240.19b–4(f)(6)(iii).

the 30-day operative delay so that the proposed rule change may become operative upon filing. The Exchange believes that its proposal to memorialize its current BCP in its rules will make clear to floor market participants the potential outcomes for the Trading Floor in the event of a disruption. The Commission believes that waiver of the 30-day operative delay is consistent with the protection of investors and the public interest as it will provide the Exchange's member and member organizations with greater transparency regarding its BCP. Accordingly, the Commission hereby waives the operative delay and designates the proposed rule change operative upon filing.[13]

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.

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–Phlx–2020–38 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–Phlx–2020–38. 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–Phlx–2020–38 and should be submitted on or before September 8, 2020.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[14]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2020–17961 Filed 8–17–20; 8:45 am]

BILLING CODE 8011–01–P

[13] For purposes 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).

[14] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request, Copies Available From: U.S. Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736.

Extension:
Rule 15g–2, SEC File No. 270–381, OMB Control No. 3235–0434

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'') is soliciting comments on the collection of information provided for in Rule 15g–2 (17 CFR 240.15g–2) under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*) (''Exchange Act''). The Commission plans to submit this existing collection of information to the Office of Management and Budget (''OMB'') for extension and approval.

Rule 15g–2 (The ''Penny Stock Disclosure Rule'') requires broker-dealers to provide their customers with a risk disclosure document, as set forth in Schedule 15G, prior to their first non-exempt transaction in a ''penny stock.'' As amended, the rule requires broker-dealers to obtain written acknowledgement from the customer that he or she has received the required risk disclosure document. The amended rule also requires broker-dealers to maintain a copy of the customer's written acknowledgement for at least three years following the date on which the risk disclosure document was provided to the customer, the first two years in an accessible place. Rule 15g–2 also requires a broker-dealer, upon request of a customer, to furnish the customer with a copy of certain information set forth on the Commission's website.

The risk disclosure documents are for the benefit of the customers, to assure that they are aware of the risks of trading in ''penny stocks'' before they enter into a transaction. The risk disclosure documents are maintained by the broker-dealers and may be reviewed during the course of an examination by the Commission.

The Commission estimates that approximately 182 broker-dealers are engaged in penny stock transactions and that each of these firms processes an average of three new customers for penny stocks per week. The Commission further estimates that half of the broker-dealers send the penny stock disclosure documents by mail, and the other half send them through electronic means such as email. Because the Commission estimates the copying and mailing of the penny stock disclosure document takes two minutes, this means that there is an annual burden of 28,392 minutes, or 473 hours, for this third-party disclosure burden of mailing documents. Additionally, because the Commission estimates that sending the penny stock disclosure document electronically takes one minute, the annual burden is 14,196 minutes, or 237 hours, for this third-party disclosure burden of emailing documents.

Broker-dealers also incur a recordkeeping burden of approximately two minutes per response when filing the completed penny stock disclosure documents as required pursuant to the Rule 15g–2(c), which means that the respondents incur an aggregate recordkeeping burden of 56,784 minutes, or 946 hours.

Furthermore, Rule 15g–2(d) requires a broker-dealer, upon request of a customer, to furnish the customer with a copy of certain information set forth on the Commission's website, which

takes a respondent no more than two minutes per customer. Because the Commission estimates that a quarter of customers who are required to receive the Rule 15g–2 disclosure document will request that their broker-dealer provide them with the additional microcap and penny stock information posted on the Commission's website, the Commission therefore estimates that each broker-dealer respondent processes approximately 39 requests for paper copies of this information per year or an aggregate total of 78 minutes per respondent, which amounts to an annual burden of 14,196 minutes, or 237 hours.

The Commission does not maintain the risk disclosure document. Instead, it must be retained by the broker-dealer for at least three years following the date on which the risk disclosure document was provided to the customer, the first two years in an accessible place. The collection of information required by the rule is mandatory. The risk disclosure document is otherwise governed by the internal policies of the broker-dealer regarding confidentiality, etc.

Written 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 will 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 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: August 13, 2020.

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2020–18002 Filed 8–17–20; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–89530; File No. SR–MIAX–2020–26]

Self-Regulatory Organizations; Miami International Securities Exchange LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Its Fee Schedule

August 12, 2020.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] notice is hereby given that on July 31, 2020, Miami International Securities Exchange LLC (''MIAX Options'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is filing a proposal to amend the MIAX Options Fee Schedule (the ''Fee Schedule'').

The text of the proposed rule change is available on the Exchange's website at *http://www.miaxoptions.com/rule-filings,* at MIAX's principal office, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend the Fee Schedule to extend the cap waiver of 1,000 contracts per leg for complex PRIME (''cPRIME'') [3] Agency Order rebates for all tiers under the Priority Customer Rebate Program (''PCRP'') [4] until August 31, 2020. The Exchange also proposes to amend the list of MIAX Select Symbols [5] contained in the PCRP [6] of the Exchange's Fee Schedule to delete the Select Symbol ''JCP,'' associated with J. C. Penney Company, Inc. (''J. C. Penney''), from the Select Symbols list.

Background

Exchange Rule 518(b)(7) defines a cPRIME Order as a type of complex order [7] that is submitted for

[1] 15 U.S.C. 78a.

[2] 17 CFR 240.19b–4.

[3] ''cPRIME'' is the process by which a Member may electronically submit a ''cPRIME Order'' (as defined in Rule 518(b)(7)) it represents as agent (a ''cPRIME Agency Order'') against principal or solicited interest for execution (a ''cPRIME Auction''), subject to the restrictions set forth in Exchange Rule 515A, Interpretation and Policy .12. *See* Exchange Rule 515A.

[4] Under the PCRP, MIAX credits each Member the per contract amount resulting from each Priority Customer order transmitted by that Member which is executed electronically on the Exchange in all multiply-listed option classes (excluding, in simple or complex as applicable, QCC and cQCC Orders, mini-options, Priority Customer-to-Priority Customer Orders, C2C and cC2C Orders, PRIME and cPRIME AOC Responses, PRIME and cPRIME Contra-side Orders, PRIME and cPRIME Orders for which both the Agency and Contra-side Order are Priority Customers, and executions related to contracts that are routed to one or more exchanges in connection with the Options Order Protection and Locked/Crossed Market Plan referenced in Exchange Rule 1400), provided the Member meets certain percentage thresholds in a month as described in the PCRP table. *See* Fee Schedule, Section 1)a)iii. ''Priority Customer'' means a person or entity that (i) is not a broker or dealer in securities, and (ii) does not place more than 390 orders in listed options per day on average during a calendar month for its own beneficial accounts(s). A ''Priority Customer Order'' means an order for the account of a Priority Customer. *See* Exchange Rule 100.

[5] The term ''MIAX Select Symbols'' means options overlying AAL, AAPL, AIG, AMAT, AMD, AMZN, BA, BABA, BB, BIDU, BP, C, CAT, CLF, CVX, DAL, EBAY, EEM, FB, FCX, GE, GILD, GLD, GM, GOOGL, GPRO, HAL, INTC, IWM, JCP, JNJ, JPM, KMI, KO, MO, MRK, NFLX, NOK, ORCL, PBR, PFE, PG, QCOM, QQQ, RIG, SPY, T, TSLA, USO, VALE, WBA, WFC, WMB, X, XHB, XLE, XLF, XLP, XOM and XOP.

[6] *See* section 1)a)iii) of the Fee Schedule for a complete description of the PCRP.

[7] A ''complex order'' is any order involving the concurrent purchase and/or sale of two or more different options in the same underlying security (the ''legs'' or ''components'' of the complex order), for the same account, in a ratio that is equal to or greater than one-to-three (.333) and less than or equal to three-to-one (3.00) and for the purposes of executing a particular investment strategy. A complex order can also be a ''stock-option'' order, which is an order to buy or sell a stated number of units of an underlying security coupled with the purchase or sale of options contract(s) on the opposite side of the market, subject to certain contingencies set forth in the proposed rules governing complex orders. For a complete definition of a ''complex order,'' *see* Exchange Rule 518(a)(5). *See also* Securities Exchange Act Release No. 78620 (August 18, 2016), 81 FR 58770 (August 25, 2016) (SR–MIAX–2016–26).

participation in a cPRIME Auction and trading of cPRIME Orders is governed by Rule 515A, Interpretations and Policies .12.[8] cPRIME Orders are processed and executed in the Exchange's PRIME mechanism, the same mechanism that the Exchange uses to process and execute simple PRIME orders, pursuant to Exchange Rule 515A.[9] PRIME is a process by which a Member may electronically submit for execution an order it represents as agent (an ''Agency Order'') against principal interest and/or solicited interest. The Member that submits the Agency Order (''Initiating Member'') agrees to guarantee the execution of the Agency Order by submitting a contra-side order representing principal interest or solicited interest (''Contra-Side Order''). When the Exchange receives a properly designated Agency Order for Auction processing, a request for response (''RFR'') detailing the option, side, size and initiating price is broadcasted to MIAX Options participants up to an optional designated limit price. Members may submit responses to the RFR, which can be either an Auction or Cancel (''AOC'') order or an AOC eQuote. A cPRIME Auction is the price-improvement mechanism of the Exchange's System pursuant to which an Initiating Member electronically submits a complex Agency Order into a cPRIME Auction. The Initiating Member, in submitting an Agency Order, must be willing to either (i) cross the Agency Order at a single price against principal or solicited interest, or (ii) automatically match against principal or solicited interest, the price and size of a RFR that is broadcast to MIAX Options participants up to an optional designated limit price. Such responses are defined as cPRIME AOC Responses or cPRIME eQuotes. The PRIME mechanism is used for orders on the Exchange's Simple Order Book.[10] The cPRIME mechanism is used for Complex Orders [11] on the Exchange's Strategy Book,[12] with the cPRIME mechanism operates in the same manner for processing and execution of cPRIME Orders that is used for PRIME Orders on the Simple Order Book.

Extension of Waiver of the Contracts Cap for cPRIME Agency Order Rebates

First, the Exchange proposes to amend footnote ''*'' in Section 1)a)iii) of the Fee Schedule to extend the waiver of the contracts cap per leg for cPRIME Agency Order rebates for all tiers under the PCRP until August 31, 2020. Prior to a rule filing by the Exchange (described below), the Exchange limited the cPRIME Agency Order Credit to be payable only to the first 1,000 contracts per leg for each cPRIME Agency Order in all tiers under the PCRP. On February 28, 2020, the Exchange filed, and the Commission approved, the Exchange's proposal to waive the 1,000 contracts cap per leg for cPRIME Agency Order rebates for all tiers under the PCRP from March 1, 2020 until May 31, 2020.[13]

On May 29, 2020, the Exchange filed, and the Commission approved, the Exchange's proposal to extend the waiver of the 1,000 contracts cap per leg for cPRIME Agency Order rebates for all tiers under the PCRP from June 1, 2020 until July 31, 2020.[14]

The Exchange now proposes to extend the cap waiver of 1,000 contracts per leg for cPRIME Agency Order rebates for all tiers under the PCRP until August 31, 2020. The purpose of this proposed change is for business and competitive reasons and to continue to entice market participants to submit larger-sized cPRIME Agency Orders.

Select Symbols List Update

Next, the Exchange proposes to amend Section 1)a)iii) of the Fee Schedule to update the list of MIAX Select Symbols contained in the PCRP to delete the Select Symbol ''JCP,'' associated with J.C. Penney, from the Select Symbols list.

The Exchange initially created the list of MIAX Select Symbols on March 1, 2014,[15] and has added and removed option classes from that list since that time.[16] Select Symbols are rebated slightly higher in certain PCRP tiers than non-Select Symbols. The Exchange notes that on April 30, 2020, the Exchange issued an alert that it would delist J.C. Penney options from trading on the Exchange, effective May 1, 2020.[17] Options on J.C. Penney were authorized to be listed for trading on the Exchange pursuant to Rule 402, but are no longer listed for trading for business reasons.

Accordingly, the Exchange proposes to amend the Fee Schedule to delete the symbol ''JCP'' from the list of MIAX Select Symbols contained in the PCRP. This amendment is intended to eliminate any potential confusion and to make it clear to market participants that ''JCP'' will not be a MIAX Select Symbol contained in the PCRP as ''JCP'' options are no longer listed on the Exchange.

The Commission has repeatedly expressed its preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. In Regulation NMS, the Commission highlighted the importance of market forces in determining prices and self-regulatory organization (''SRO'') revenues and, also, recognized that current regulation of the market system ''has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies.'' [18] There are currently 16 registered options exchanges competing for order flow. Based on publicly-available

[8] *See* Securities Exchange Act Release No. 81131 (July 12, 2017), 82 FR 32900 (July 18, 2017)(SR–MIAX–2017–19). (Order Granting Approval of a Proposed Rule Change to Amend MIAX Options Rules 515, Execution of Orders and Quotes; 515A, MIAX Price Improvement Mechanism (''PRIME'') and PRIME Solicitation Mechanism; and 518, Complex Orders).

[9] *Id.*

[10] The ''Simple Order Book'' is the Exchange's regular electronic book of orders and quotes. *See* Exchange Rule 518(a)(15).

[11] A ''complex order'' is any order involving the concurrent purchase and/or sale of two or more different options in the same underlying security (the ''legs'' or ''components'' of the complex order), for the same account, in a ratio that is equal to or greater than one-to-three (.333) and less than or equal to three-to-one (3.00) and for the purposes of executing a particular investment strategy. Mini-options may only be part of a complex order that includes other mini-options. Only those complex orders in the classes designated by the Exchange and communicated to Members via Regulatory Circular with no more than the applicable number of legs, as determined by the Exchange on a class-by-class basis and communicated to Members via Regulatory Circular, are eligible for processing. *See* Exchange Rule 518(a)(5).

[12] The ''Strategy Book'' is the Exchange's electronic book of complex orders and complex quotes. *See* Exchange Rule 518(a)(17).

[13] *See* Securities Exchange Act Release No. 88349 (March 10, 2020), 85 FR 14995 (March 15, 2020) (SR–MIAX–2020–05).

[14] *See* Securities Exchange Act Release No. 89035 (June 9, 2020), 85 FR 36249 (June 15, 2020) (SR–MIAX–2020–12).

[15] *See* Securities Exchange Act Release No. 71700 (March 12, 2014), 79 FR 15188 (March 18, 2014) (SR–MIAX–2014–13).

[16] *See* Securities Exchange Act Release Nos. 88850 (May 11, 2020), 85 FR 29497 (May 15, 2020) (SR–MIAX–2020–09); 87964 (January 14, 2020), 85 FR 3435 (January 21, 2020) (SR–MIAX–2020–01); 87790 (December 18, 2019), 84 FR 71037 (December 26, 2019) (SR–MIAX–2019–49); 85314 (March 14, 2019), 84 FR 10359 (March 20, 2019) (SR–MIAX–2019–07; 81998 (November 2, 2017), 82 FR 51897 (November 8, 2017) (SR–MIAX–2017–45); 81019 (June 26, 2017), 82 FR 29962 (June 30, 2017) (SR–MIAX–2017–29); 79301 (November 14, 2016), 81 FR 81854 (November 18, 2016) (SR–MIAX–2016–42); 74291 (February 18, 2015), 80 FR 9841 (February 24, 2015) (SR–MIAX–2015–09); 74288 (February 18, 2015), 80 FR 9837 (February 24, 2015) (SR–MIAX–2015–08); 73328 (October 9, 2014), 79 FR 62230 (October 16, 2014) (SR–MIAX–2014–50); 72567 (July 8, 2014), 79 FR 40818 (July 14, 2014) (SR–MIAX–2014–34); 72356 (June 10, 2014), 79 FR 34384 (June 16, 2014) (SR–MIAX–2014–26); 71700 (March 12, 2014), 79 FR 15188 (March 18, 2014) (SR–MIAX–2014–13).

[17] *See* Listing Alert (April 30, 2020), available at *https://www.miaxoptions.com/alerts/2020/04/30/miax-options-exchange-delisting-j-c-penney-company-inc-jcp.*

[18] *See* Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496 (June 29, 2005).

information, and excluding index-based options, no single exchange had more than approximately 14% of the market share of executed volume of multiply-listed equity and exchange-traded fund (''ETF'') options trades for the month of June 2020.[19] Therefore, no exchange possesses significant pricing power in the execution of multiply-listed equity and ETF options order flow. More specifically, for the month of June 2020, the Exchange had a total market share of 5.05% of all equity options volume.[20]

The Exchange believes that the ever-shifting market shares among the exchanges from month to month demonstrates that market participants can shift order flow (as further described below), or discontinue or reduce use of certain categories of products, in response to transaction and non-transaction fee changes. For example, on March 1, 2019, the Exchange filed with the Commission an immediately effective filing to decrease certain credits assessable to Members pursuant to the PCRP.[21] The Exchange experienced a decrease in total market share between the months of February and March of 2019. Accordingly, the Exchange believes that the March 1, 2019 fee change may have contributed to the decrease in the Exchange's market share and, as such, the Exchange believes competitive forces constrain options exchange transaction and non-transaction fees.

2. Statutory Basis

The Exchange believes that its proposal to amend its Fee Schedule is consistent with Section 6(b) of the Act[22] in general, and furthers the objectives of Section 6(b)(4) of the Act[23] in particular, in that it is an equitable allocation of reasonable fees and other charges among its members and issuers and other persons using its facilities. The Exchange also believes the proposal furthers the objectives of Section 6(b)(5) of the Act in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest and is not designed to permit unfair discrimination between customers, issuers, brokers and dealers.

The Exchange believes its proposal to extend the waiver of the cap of 1,000 contracts per leg for cPRIME Agency Order rebates for all tiers under the PCRP until August 31, 2020 provides for the equitable allocation of reasonable dues and fees and is not unfairly discriminatory for the following reasons. The Exchange operates in a highly competitive market. The Commission has repeatedly expressed its preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. In Regulation NMS, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system ''has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies.''[24] There are currently 16 registered options exchanges competing for order flow. Based on publicly-available information, and excluding index-based options, no single exchange had more than approximately 14% of the market share of executed volume of multiply-listed equity and ETF options trades for the month of June 2020.[25] Therefore, no exchange possesses significant pricing power in the execution of multiply-listed equity and ETF options order flow. More specifically, for the month of June 2020, the Exchange had a total market share of 5.05% of all equity options volume.[26]

The Exchange believes that the ever-shifting market shares among the exchanges from month to month demonstrates that market participants can shift order flow, or discontinue or reduce use of certain categories of products, in response to transaction and/or non-transaction fee changes. For example, on March 1, 2019, the Exchange filed with the Commission an immediately effective filing to decrease certain credits assessable to Members pursuant to the PCRP.[27] The Exchange experienced a decrease in total market share between the months of February and March of 2019. Accordingly, the Exchange believes that the March 1, 2019 fee change may have contributed to the decrease in the Exchange's market share and, as such, the Exchange believes competitive forces constrain options exchange transaction and non-transaction fees and market participants can shift order flow based on fee changes instituted by the exchanges.

The Exchange believes that its proposal to continue to waive the 1,000 contracts cap per leg for cPRIME Agency Order rebates for all tiers in the PCRP until August 31, 2020 is reasonable, equitably allocated and not unfairly discriminatory because this change is for business and competitive reasons and available equally to all market participants. The Exchange cannot predict with certainty whether any market participant would submit additional cPRIME Agency Orders in excess of 1,000 contracts per leg in light of the proposal to continue to waive the cap of 1,000 contracts per leg for cPRIME Agency Order rebates for all tiers under the PCRP, but believes that market participants would continue to be encouraged to submit larger orders to obtain the additional credits. The Exchange believes that this proposed change would encourage increased cPRIME Agency Order flow, which will bring greater volume and liquidity to the Exchange, which benefits all market participants by providing more trading opportunities and tighter spreads.

The Exchange believes that its proposal to delete the symbol ''JCP'' from the list of MIAX Select Symbols contained in the PCRP is consistent with Section 6(b)(4) of the Act because the proposed change will allow for the continued benefit to investors by providing them an updated list of MIAX Select Symbols contained in the PCRP on the Exchange's Fee Schedule.

The Exchange believes that the proposal to amend an option class that qualifies for the credit for transactions in MIAX Select Symbols is fair, equitable and not unreasonably discriminatory. The Exchange believes that the PCRP itself is reasonably designed because it incentivizes providers of Priority Customer[28] order flow to send that Priority Customer order flow to the Exchange in order to receive a credit in a manner that enables the Exchange to improve its overall competitiveness and strengthen its market quality for all market participants. The PCRP, which provides increased incentives in certain tiers in high volume select symbols, is also reasonably designed to increase the competitiveness of the Exchange with other options exchanges that also offer

[19] The OCC publishes options and futures volume in a variety of formats, including daily and monthly volume by exchange, available at: *https://www.theocc.com/market-data/volume/default.jsp.*

[20] *See id.*

[21] *See* Securities Exchange Act Release No. 85301 (March 13, 2019), 84 FR 10166 (March 19, 2019) (SR–MIAX–2019–09).

[22] 15 U.S.C. 78f(b).

[23] 15 U.S.C. 78f(b)(4) and (5).

[24] *See* Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496 (June 29, 2005).

[25] *See supra* note 19.

[26] *See id.*

[27] *See supra* note 21.

[28] The term ''Priority Customer'' means a person or entity that (i) is not a broker or dealer in securities, and (ii) does not place more than 390 orders in listed options per day on average during a calendar month for its own beneficial account(s). *See* Exchange Rule 100.

increased incentives to higher volume symbols.

The Exchange also believes that its proposal to delete the symbol ''JCP'' from the list of MIAX Select Symbols contained in the PCRP is consistent with Section 6(b)(5) of the Act because it will apply equally to all Priority Customer orders in MIAX Select Symbols in the Program. All similarly situated Priority Customer orders in MIAX Select Symbols are subject to the same rebate schedule, and access to the Exchange is offered on terms that are not unfairly discriminatory.

B. Self-Regulatory Organization's Statement on Burden on Competition

In accordance with Section 6(b)(8) of the Act,[29] the Exchange believes that the proposed rule changes would not impose any burden on competition that are not necessary or appropriate in furtherance of the purposes of the Act. Instead, as discussed above, the Exchange believes that the proposed change would continue to encourage the submission of additional liquidity to a public exchange, thereby promoting market depth, price discovery and transparency and enhancing order execution opportunities for all market participants. As a result, the Exchange believes that the proposed change furthers the Commission's goal in adopting Regulation NMS of fostering integrated competition among orders.

The Exchange does not believe that other market participants at the Exchange would be placed at a relative disadvantage by the proposed change to continue to waive the cap of 1,000 contracts per leg for cPRIME Agency Order rebates for all tiers under the PCRP until August 31, 2020. The proposed change is designed to attract additional order flow to the Exchange. The Exchange believes that this proposal will continue to encourage Members to submit Priority Customer cPRIME Agency Orders, which will increase liquidity and benefit all market participants by providing more trading opportunities and tighter spreads. Accordingly, the Exchange believes that the proposed change will not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act because it will continue to encourage order flow, which provides greater volume and liquidity, benefiting all market participants by providing more trading opportunities and tighter spreads.

The Exchange operates in a highly competitive market in which market participants can readily favor competing venues if they deem fee levels at a particular venue to be excessive. There are currently 16 registered options exchanges competing for order flow. Based on publicly-available information, and excluding index-based options, no single exchange has more than approximately 14% of the market share of executed volume of multiply-listed equity and ETF options trades for the month of June 2020.[30] Therefore, no exchange possesses significant pricing power in the execution of multiply-listed equity and ETF options order flow. More specifically, for the month of June 2020, the Exchange had a total market share of 5.05% of all equity options volume.[31] In such an environment, the Exchange must continually adjust its transaction and non-transaction fees to remain competitive with other exchanges and to attract order flow. The Exchange believes that the proposed rule change reflects this competitive environment because it continues to encourage market participants to provide and send order flow to the Exchange. To the extent this is achieved, all the Exchange's market participants should benefit from the improved market quality.

Further, the Exchange does not believe that its proposal to delete the symbol ''JCP'' from the list of MIAX Select Symbols contained in the PCRP will result in any burden on intra-market or inter-market competition that is not necessary or appropriate in furtherance of the purposes of the Act. This proposed change is a not a competitive proposal but rather is designed to update the list of MIAX Select Symbols contained in the PCRP in order to avoid potential confusion on the part of market participants and other competing options exchanges.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act,[32] and Rule 19b–4(f)(2)[33] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–MIAX–2020–26 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–MIAX–2020–26. 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

[29] 15 U.S.C. 78f(b)(8).

[30] *See supra* note 19.

[31] *See id.*

[32] 15 U.S.C. 78s(b)(3)(A)(ii).

[33] 17 CFR 240.19b–4(f)(2).

submit only information that you wish to make available publicly. All submissions should refer to File Number SR–MIAX–2020–26 and should be submitted on or before September 8, 2020.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[34]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2020–17963 Filed 8–17–20; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–89532; File Nos. SR–NYSE–2020–05, SR–NYSEAMER–2020–05, SR–NYSEArca–2020–08, SR–NYSECHX–2020–02, SR–NYSENAT–2020–03]

Self-Regulatory Organizations; New York Stock Exchange LLC, NYSE Chicago, Inc., NYSE American LLC, NYSE Arca, Inc., and NYSE National, Inc.; Notice of Designation of a Longer Period for Commission Action on Proceedings To Determine Whether To Approve or Disapprove Proposed Rule Changes, as Modified by Amendment No. 1, To Establish a Schedule of Wireless Connectivity Fees and Charges With Wireless Connections Between the Mahwah, New Jersey Data Center and Other Data Centers

August 12, 2020.

On January 30, 2020, New York Stock Exchange LLC, NYSE Chicago, Inc., NYSE American LLC, NYSE Arca, Inc., and NYSE National, Inc. (collectively, the ''Exchanges'') each filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] a proposed rule change to establish a schedule of Wireless Connectivity Fees and Charges with wireless connections between the Mahwah, New Jersey data center and other data centers. The proposed rule changes were published for comment in the **Federal Register** on February 18, 2020.[3] On April 1, 2020, pursuant to Section 19(b)(2) of the Act,[4] the Commission designated a longer period within which to either approve the proposed rule changes, disapprove the proposed rule changes, or institute proceedings to determine whether to approve or disapprove the proposed rule changes.[5] On May 18, 2020, the Commission instituted proceedings to determine whether to approve or disapprove the proposed rule changes.[6] On July 27, 2020, the Exchanges each filed Amendment No. 1 to the proposed rule changes. Notice of Amendment No. 1 to the proposed rule changes was published for comment in the **Federal Register** on August 7, 2020.[7] The Commission has received comment letters on the proposed rule changes, as modified by Amendment No. 1.[8]

Section 19(b)(2) of the Act[9] provides that, after initiating proceedings, the Commission shall issue an order approving or disapproving the proposed rule change not later than 180 days after the date of publication of notice of filing of the proposed rule change. The Commission may extend the period for issuing an order approving or disapproving the proposed rule change, however, by not more than 60 days if the Commission determines that a longer period is appropriate and publishes the reasons for such determination. The proposed rule changes were published for notice and comment in the **Federal Register** on February 18, 2020.[10] August 16, 2020 is 180 days from that date, and October 15, 2020 is 240 days from that date.

The Commission finds it appropriate to designate a longer period within which to issue an order approving or disapproving the proposed rule changes, as modified by Amendment No. 1, so that it has sufficient time to consider the proposed rule changes, as modified by Amendment No. 1, the issues raised in the comment letters that have been submitted in connection therewith, and the Exchanges' responses to comments. Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,[11] designates October 15, 2020 as the date by which the Commission should either approve or disapprove the proposed rule changes (File Nos. SR–NYSE–2020–05, SR–NYSEAMER–2020–05, SR–NYSEArca–2020–08, SR–NYSECHX–2020–02, SR–NYSENAT–2020–03), as modified by Amendment No. 1.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[12]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2020–17965 Filed 8–17–20; 8:45 am]

BILLING CODE 8011–01–P

[34] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release Nos. 88168 (February 11, 2020), 85 FR 8938 (February 18, 2020) (SR–NYSE–2020–05); 88169 (February 11, 2020), 85 FR 8946 (February 18, 2020) (SR–NYSEAMER–2020–05); 88170 (February 11, 2020), 85 FR 8956 (February 18, 2020) (SR–NYSEArca–2020–08); 88172 (February 11, 2020), 85 FR 8923 (February 18, 2020) (SR–NYSECHX–2020–02); and 88171 (February 11, 2020), 85 FR 8930 (February 18, 2020) (SR–NYSENAT–2020–03) (collectively, the ''Notices'').

[4] 15 U.S.C. 78s(b)(2).

[5] *See* Securities Exchange Act Release No. 88539 (April 1, 2020), 85 FR 19553 (April 7, 2020). The Commission designated May 18, 2020, as the date by which it should approve, disapprove, or institute proceedings to determine whether to approve or disapprove the proposed rule changes.

[6] *See* Securities Exchange Act Release No. 88901 (May 18, 2020), 85 FR 31273 (May 22, 2020).

[7] *See* Securities Exchange Act Release Nos. 88168 (August 3, 2020), 85 FR 47992 (August 7, 2020) (SR–NYSE–2020–05); 89454 (August 3, 2020), 85 FR 48002 (August 7, 2020) (SR–NYSEAMER–2020–05); 89455 (August 3, 2020), 85 FR 48035 (August 7, 2020) (SR–NYSEArca–2020–08); 89456 (August 3, 2020), 85 FR 48024 (August 7, 2020) (SR–NYSECHX–2020–02); and 89457 (August 3, 2020), 85 FR 47997 (August 7, 2020) (SR–NYSENAT–2020–03).

[8] Comments received on the proposed rule changes, as modified by Amendment No. 1, are available on the Commission's website at: *https://www.sec.gov/comments/sr-nyse-2020-05/srnyse202005.htm.*

[9] 15 U.S.C. 78s(b)(2).

[10] *See* Notices, *supra* note 3.

[11] 15 U.S.C. 78s(b)(2).

[12] 17 CFR 200.30–3(a)(31).

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270–557, OMB Control No. 3235–0618]

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 173

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 summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget for extension and approval.

Securities Act Rule 173 (17 CFR 230.173) provides a notice of registration to investors who purchased securities in a registered offering under the Securities Act of 1933 (15 U.S.C. 77a *et seq.*). A Rule 173 notice must be provided by underwriter or dealer to each investor who purchased securities from the underwriter or dealer. The Rule 173 notice is not publicly available. We estimate that it takes approximately 0.0167 hour per response to provide the information required under Rule 173 and that the information is filed by approximately 5,338 respondents approximately 43,546 times

a year for a total of 232,448,548 responses. We estimate that the total annual reporting burden for Rule 173 is 3,881,891 hours (0.0167 hours per response × 232,448,548 responses).

Written comments are invited on: (a) Whether this proposed collection of information is necessary for the performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden imposed by the collections 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 unless it displays a currently valid control number.

Please direct your written comment 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: August 13, 2020.

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2020–17996 Filed 8–17–20; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–89537; File No. SR–BOX–2020–16]

Self-Regulatory Organizations; BOX Exchange LLC; 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, in Connection With the Proposed Establishment of the Boston Security Token Exchange LLC as a Facility of the Exchange

August 12, 2020.

On May 12, 2020, BOX Exchange LLC (''Exchange'' or ''BOX'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change in connection with the proposed commencement of operations of the Boston Security Token Exchange LLC (''BSTX'') as a facility of the Exchange. The proposed rule change was published for comment in the **Federal Register** on June 1, 2020.[3] On July 16, 2020, pursuant to Section 19(b)(2) of the Act,[4] the Commission designated a longer period within which to approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to disapprove the proposed rule change.[5] On August 3, 2020, the Exchange filed Amendment No. 1 to the proposed rule change (''Amendment No. 1'').[6] The Commission has received no comment letters on the proposed rule change, as modified by Amendment No. 1.[7]

The Commission is publishing this notice and order to solicit comments on the proposed rule change, as modified by Amendment No. 1, from interested persons and to institute proceedings pursuant to Section 19(b)(2)(B) of the Act [8] to determine whether to approve or disapprove the proposed rule change, as modified by Amendment No.1.

I. Summary of the Proposal, as Modified by Amendment No. 1

As described in the Notice, as modified by Amendment No. 1,[9] the Exchange proposes to establish BSTX as a facility (as defined in Section 3(a)(2) of the Act) of the Exchange that will operate a market for the trading of securities (the ''BSTX Market'') and adopt the Second Amended and Restated Limited Liability Company Agreement of BSTX (the ''BSTX LLC Agreement'') for BSTX as a facility of the Exchange.[10] The Exchange states that it has filed trading rules as part of a separate proposed rule change, and subject to Commission approval of those rules, BSTX would operate the BSTX Market.[11] The Exchange states that without Commission approval of the trading rules, it would not permit BSTX to commence operations of the BSTX Market, and that the Exchange's regulatory oversight responsibilities with respect to BSTX would not be triggered unless SR–BOX–2020–16 is approved by the Commission.[12]

The Exchange states that ownership interests in BSTX are represented by two classes of units (''Units''): Class A Units, which represent equal units of limited liability interest in BSTX, including an interest in the ownership and profits and losses of BSTX and the right to receive distributions from BSTX as set forth in the BSTX LLC Agreement (''Class A Units''); and Class B Units, which are identical to Class A Units, except that they do not have the right to vote on any matter related to BSTX (''Class B Units'').[13] According to the Exchange: (1) 50% of the voting Class A Units are owned by BOX Digital, which is 98% owned by BOX Holdings Group

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 88949 (May 26, 2020), 85 FR 33258 (June 1, 2020) (''Notice'').

[4] 15 U.S.C. 78s(b)(2).

[5] *See* Securities Exchange Act Release No. 89329 (July 16, 2020), 85 FR 44333 (July 22, 2020). The Commission designated August 30, 2020, as the date by which the Commission shall approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change.

[6] The Exchange states that Amendment No. 1 makes the following changes: (1) Where the proposed rule change used the term ''digital security token,'' the Exchange is now proposing to use the term ''security'' when referring to the proposed operation of the ''BSTX Market''; (2) provide additional detail and clarification on the effect of BSTX's approval as a facility of the Exchange; and (3) update citations related to two Exchange rule filings. When the Exchange filed Amendment No. 1 to SR–BOX–2020–16, it also submitted a redline, which the Exchange states reflects the text of the partial amendment compared to the original filing, as a comment letter to the filing, and which the Commission made publicly available at *https://www.sec.gov/comments/sr-box-2020-16/srbox202016-7525322-222100.pdf.*

[7] The Commission notes that the proposed rule change, as modified by Amendment No. 1, is substantially similar to previously-filed proposed rule change, SR–BOX–2019–37, which was published for comment in the **Federal Register** on January 3, 2020. *See* Securities Exchange Act Release No. 87868 (December 30, 2019), 85 FR 345 (January 3, 2020) (SR–BOX–2019–37) (Notice of Filing of Proposed Rule Change).

BOX withdrew proposed rule change SR–BOX–2019–37 on May 12, 2020. *See* Securities Exchange Act Release No. 89017 (June 4, 2020), 85 FR 35473 (June 10, 2020) (Notice of Withdrawal of a Proposed Rule Change).

Comments on SR–BOX–2019–37 can be found at: *https://www.sec.gov/comments/sr-box-2019-37/srbox201937.htm.*

[8] 15 U.S.C. 78s(b)(2)(B).

[9] *See* Notice, *supra* note 3; Amendment No. 1, *supra* note 6.

[10] *See* Amendment No. 1, *supra* note 6, at 3–4; Notice, *supra* note 3, at 33258. The proposed Boston Security Token Exchange LLC, Second Amended and Restated Limited Liability Company Agreement, dated as of December 20, 2019 (''BSTX LLC Agreement'') is attached as Exhibit 5A to the Form 19b-4 for SR–BOX–2020–16 (available on the Commission's website at *https://www.sec.gov/rules/sro/box/2020/34-88949-ex5a.pdf*).

[11] *See* Amendment No. 1, *supra* note 6, at 4 (citing Securities Exchange Act Release No. 88946 (May 26, 2020), 85 FR 33454 (June 1, 2020) (SR–BOX–2020–14), as amended by Amendment No. 1 (filed on July 31, 2020)).

[12] *See id.* at 4.

[13] *See* Notice, *supra* note 3, 85 FR at 33259, nn.10–12 and accompanying text. According to the Exchange, Class B Units will automatically convert to an equal number of Class A Units upon the sale or transfer of a majority of the Class A Units or majority of the assets of BSTX, directly or indirectly, to any party or group of related parties. *See id.* at 33259–60, n.13.

LLC (''BOX Holdings'') and 2% owned by Lisa Fall;[14] and (2) the other 50% of the voting Class A Units are owned by tZERO, which is 80.07% owned by Medici Ventures, Inc. (''Medici''), a wholly owned subsidiary of a publicly held corporation, Overstock.com, Inc. (''Overstock''), and 19.93% owned by individuals and companies.[15] BOX Holdings is (1) 42.63% owned by MX US 2, Inc., which is 100% owned by MX US 1, Inc., a wholly owned subsidiary of Bourse de Montreal, Inc., which in turn is a wholly owned subsidiary of TMX Group Limited (''TMX''); (2) 22.69% owned by IB Exchange Corp.; and (3) 34.68% owned by seven separate, unaffiliated owners.[16] According to the Exchange, BOX Digital and tZERO each have over a 45% economic interest in BSTX, and the non-voting Class B Units are held by various employees and directors of BSTX, each of whom hold less than a 5% economic interest in BSTX.[17] The Exchange also states that BSTX is an affiliate of the Exchange and, if approved as an affiliate of the Exchange, will be subject to regulatory oversight by the Exchange,[18] and that tZERO and BSTX are affiliates of Overstock.[19]

The Exchange states that BOX Holdings wholly owns BOX Options Market LLC (''BOX Options''), which is a facility of the Exchange[20] and the only facility that the Exchange currently operates.[21] The Exchange notes that the BSTX LLC Agreement provisions are generally the same as provisions of the BOX Options LLC Agreement or the BOX Holdings LLC Agreement, with certain exceptions.[22] The Exchange states that it will enter into a facility agreement with BSTX (''Facility Agreement'') pursuant to which the Exchange will exercise regulatory oversight over BSTX.[23] Furthermore, the Exchange has entered into an IP License and Services Agreement (''LSA'') with tZERO,[24] under which tZERO will provide BSTX and the Exchange with a license to use its intellectual property that comprises the BSTX trading system and services related to, among other things, implementing and maintain the trading system.[25]

Holders of Units are referred to as LLC Members,[26] and a record of the LLC Members will be maintained by the Secretary of BSTX and updated from time to time, which shall include the name and address of each LLC Member and the number of Units of each class held by each LLC Member.[27] The Exchange proposes that a person would become an additional or substitute LLC Member of BSTX only upon that person's execution of a counterpart of the BSTX LLC Agreement to evidence that person's written acceptance of the terms and provisions of the BSTX LLC Agreement.[28] According to the Exchange, the Commission would be notified if an LLC Member's ownership interest in BSTX, alone or together with any related person of that LLC Member, meets or exceeds 5%, 10%, or 15%, and the BSTX LLC Agreement provides that any ''Transfer'' that results in the acquisition and holding by any person, alone or together with its related persons, of an ownership interest that meets or crosses 20% or any subsequent 5% increment, would be subject to the rule filing process pursuant to Section 19 of the Act.[29]

Pursuant to the BSTX LLC Agreement, a Controlling Person that establishes a Controlling Interest[30] in an LLC Member that holds equal to or greater than a 20% ownership interest in BSTX will be required to become a party to the BSTX LLC Agreement, by executing an instrument of accession, and abide by its provisions to the same extent as if they were LLC Members.[31] The Exchange also states that these amendments to the BSTX LLC Agreement will be subject to the rule filing process pursuant to Section 19 of

[14] *See id.* at 33260. Lisa Fall is the Chief Executive Officer of BSTX and President of the Exchange. *See* BSTX LLC Agreement, *supra* note 10, Signature Page.

[15] *See* Notice, *supra* note 3, 85 FR at 33260. One individual holds 7.53% of the outstanding shares of tZERO, and Newer Ventures LLC, SpeedRoute Technologies Inc., Dinosaur Financial, and 28 individuals each own less than 3% of the outstanding shares of tZERO. *See id.*

[16] *See id.* The following entities each hold less than 15% of the outstanding units of BOX Holdings: Citadel Securities Principal Investments LLC, Citigroup Financial Products Inc., UBS Americas Inc., CSFB Next Fund Inc., LabMorgan Corp., Wolverine Trading, LLC, and Aragon Solutions Ltd. *See id.*

[17] *See id.* at 33260.

[18] *See id.* at 33259; Amendment No. 1, *supra* note 6, at 4.

[19] *See* Notice, *supra* note 3, 85 FR at 33260.

[20] *See id.* at 33259.

[21] *See id.* at 33259, n.4; Amendment No. 1, *supra* note 6, at 5.

[22] *See* Notice, *supra* note 3, 85 FR at 33259, n.8 and accompanying text.

[23] *See id.* at 33259. The Exchange will also provide certain business services to BSTX pursuant to an administrative services agreement. *See id.*

[24] *See id.* at 33261.

[25] *See id.* at 33266. The Facility Agreement, administrative services agreement, and LSA were not provided as exhibits to the proposal.

[26] ''LLC Members'' are duly admitted holders of BSTX Units and would include any person later admitted to BSTX as an additional or substitute LLC Member as provided by the BSTX LLC Agreement. *See id.* at 33260; BSTX LLC Agreement, *supra* note 10, Section 1.1.

[27] *See* Notice, *supra* note 3, 85 FR at 33260, n.14 and accompanying text; BSTX LLC Agreement, *supra* note 10, Section 1.1.

[28] *See* Notice, *supra* note 3, 85 FR at 33266; BSTX LLC Agreement, *supra* note 10, Section 7.1(b).

[29] *See* Notice, *supra* note 3, 85 FR at 33267; BSTX LLC Agreement, *supra* note 10, Section 7.4(e) and (f). The term ''Transfer'' is defined in Section 7.1(a) of the BSTX LLC Agreement, and excludes ''(i) transfers among [LLC] Members, (ii) transfers to any Person directly or indirectly owning, controlling or holding with power to vote all of the outstanding voting securities of and equity beneficial interests in such [LLC] Member, or (iii) any Person that is a wholly owned Affiliate of such [LLC] Member.'' *See* BSTX LLC Agreement, *supra* note 10, Section 7.1(a); Notice, *supra* note 3, 85 FR at 33266.

[30] ''Controlling Person'' is defined as ''a Person who, alone or together with any Related Persons of such Person, holds a Controlling Interest in [an LLC] Member.'' ''Controlling Interest'' is defined as ''the direct or indirect ownership of 25% or more of the total voting power of all equity securities of [an LLC] Member . . . by any Person, alone or together with any Related Persons of such Person.'' *See* BSTX LLC Agreement, *supra* note 10, Section 7.4(g)(v)(A)–(B). ''Related Person'' is defined as ''with respect to any Person: (A) any Affiliate of such Person; (B) any other Person with which such first Person has any agreement, arrangement or understanding (whether or not in writing) to act together for the purpose of acquiring, voting, holding or disposing of Interests; (C) in the case of a Person that is a company, corporation or similar entity, any executive officer (as defined under Rule 3b–7 under the Exchange Act) or director of such Person and, in the case of a Person that is a partnership or limited liability company, any general partner, managing member or manager of such Person, as applicable; (D) in the case of any BSTX Participant who is at the same time a broker-dealer, any Person that is associated with the BSTX Participant (as determined using the definition of 'person associated with a member' as defined under Section 3(a)(21) of the Exchange Act); (E) in the case of a Person that is a natural person and a BSTX Participant, any broker or dealer that is also a BSTX Participant with which such Person is associated; (F) in the case of a Person that is a natural person, any relative or spouse of such Person, or any relative of such spouse who has the same home as such Person or who is a director or officer of the Exchange or any of its parents or subsidiaries; (G) in the case of a Person that is an executive officer (as defined under Rule 3b–7 under the Exchange Act) or a director of a company, corporation or similar entity, such company, corporation or entity, as applicable; and (H) in the case of a Person that is a general partner, managing member or manager of a partnership or limited liability company, such partnership or limited liability company, as applicable.'' *See id.* Section 1.1. ''Person'' and ''BSTX Participant'' are also defined in Section 1.1 of the BSTX LLC Agreement.

[31] *See* Notice, *supra* note 3, 85 FR at 33260, 33267; BSTX LLC Agreement, *supra* note 10, Section 7.4(g). The proposed Form of Instrument of Accession to Boston Security Token Exchange LLC, Amended and Restated Limited Liability Company Agreement is attached as Exhibit 5B to the Form 19b–4 for SR–BOX–2020–16 (available on the Commission's website at *https://www.sec.gov/rules/sro/box/2020/34-88949-ex5b.pdf*). The Exchange specifically notes that Medici, Overstock, BOX Digital, BOX Holdings, MX US 1, Inc., MX US 2, Inc., Bourse de Montreal, Inc., and TMX would be required to execute an instrument of accession substantially in the form attached as Exhibit 5B. *See* Notice, *supra* note 3, 85 FR at 33260.

Pursuant to Section 7.4(g)(iii) of the BSTX LLC Agreement, ''a Person shall not be required to execute an amendment to [the BSTX LLC Agreement] . . . if such Person does not, directly or indirectly, hold any interest in [an LLC] Member.'' BSTX LLC Agreement, *supra* note 10, Section 7.4(g)(iii).

the Act.[32] The Exchange further proposes that any BSTX Participant that directly or indirectly together with its Related Persons holds more than 20% of BSTX would have its voting power capped at 20%.[33] According to the Exchange, this limitation is designed to prevent a market participant from exerting undue influence on an Exchange facility.[34]

The Exchange states that the BSTX LLC Agreement includes provisions that ensure that the Exchange has full regulatory control over BSTX and these provisions are designed to prevent any owner of BSTX from having undue influence over regulatory actions.[35] The BSTX LLC Agreement provides that BSTX's board of directors (''Board'') will consist of six directors, comprised of (1) two directors appointed by each of BOX Digital and tZERO (the ''Member Directors''); (2) one director appointed by the unanimous vote of the Member Directors (the ''Independent Director''); and (3) one non-voting director appointed by the Exchange (''the ''Regulatory Director'').[36] The Exchange states that BSTX will have an Independent Director to avoid either BOX Digital or tZERO from controlling or creating deadlock on the Board.[37] The Exchange also states that BSTX's Board structure differs from that of BOX Options because BOX Options, as a wholly-owned subsidiary of BOX Holdings, has the same directors as BOX Holdings, and BOX Holdings, unlike BSTX, has no owners with 50% or greater ownership.[38]

Generally, actions by the Board will be considered effective only if approved by at least a majority of the votes entitled to vote on that action.[39] The Board must approve, by an affirmative vote of the Member Directors, any ''major action,'' which will include, among other things, changes to operating the BSTX Market using any software system other than the BSTX trading system, except as otherwise provided in the LSA or to the extent otherwise required by the Exchange to fulfill its regulatory functions or responsibilities or to oversee the BSTX Market as determined by the board of the Exchange.[40] The BSTX LLC Agreement also provides that the Exchange shall receive notice of planned or proposed changes to BSTX, with the exception of certain changes not related to the operation of the market, or to the BSTX Market, and that such changes will require affirmative approval by the Exchange before implementation.[41] If the Exchange determines that planned or proposed changes could cause a regulatory deficiency, the Exchange may direct BSTX, subject to Board approval, to modify the proposal as necessary.[42]

The Exchange also proposes how regulatory funds may be allocated. The Exchange states that, pursuant to the Facility Agreement, the Exchange will have the right to receive all fees, fines, and disgorgements imposed upon BSTX Participants with respect to BSTX's trading system (''Regulatory Funds'') and all other market data fees, tape, and other revenue (''Non-regulatory Funds''), and all Regulatory Funds and Non-regulatory Funds collected in respect to BSTX may be used by the Exchange, at its sole discretion, for regulatory purposes.[43] Furthermore, all Regulatory Funds collected by the Exchange will be retained by the Exchange and not transferred to BSTX; however, Non-regulatory Funds collected may be transferred to BSTX after the Exchange has made adequate provisions for all regulatory purposes.[44]

The proposal includes provisions regarding capital contributions and distributions. According to the Exchange, capital contributions will be reflected on the books and records of BSTX.[45] The BSTX LLC Agreement does not specify the capital contributions from BOX Digital and tZERO, or any other LLC Member. Pursuant to the proposed BSTX LLC Agreement, BOX Digital will provide executive leadership and exclusive rights to the regulatory services of the Exchange with respect to BSTX Products[46] and tZERO will provide the license and services set forth in the LSA and will make the necessary arrangements with any applicable third parties which will permit BSTX to be an authorized sublicensee of any required third-party software necessary for trading on BSTX.[47] The BSTX LLC Agreement also includes provisions regarding determinations of capital needs by the Board, including, among others, the requirement that at least one Member Director appointed by each LLC Member affirmatively vote to raise capital;[48] potential cash distributions;[49] and allocation of profits, losses, and credits for each fiscal year to LLC Members at least once annually on a pro rata basis.[50]

The proposal also includes provisions regarding the regulation of BSTX and regulatory jurisdiction over LLC Members of BSTX.[51] Specifically, the BSTX LLC Agreement provides that the Exchange has the authority to act as the self-regulatory organization (''SRO'') for BSTX, will provide the regulatory framework for the BSTX Market, and will have regulatory responsibility for the activities of the BSTX Market.[52] Additionally, the BSTX LLC Agreement includes provisions, which the Exchange states are substantively similar to provisions in the BOX Options LLC Agreement, that address the handling of confidential information, both pertaining to regulatory matters and otherwise.[53] The BSTX LLC Agreement also contains provisions, which the Exchange states

[32] *See* Notice, *supra* note 3, 85 FR at 36227; BSTX LLC Agreement, *supra* note 10, Section 7.4(g)(iv).

[33] *See* Notice, *supra* note 3, 85 FR at 33260; BSTX LLC Agreement, *supra* note 10, Section 7.4(h).

[34] *See* Notice, *supra* note 3, 85 FR at 33260.

[35] *See id.* at 33259.

[36] *See id.* at 33262; BSTX LLC Agreement, *supra* note 10, Section 4.1(a). The Exchange states that the Regulatory Director must be a member of senior management of the regulation staff of the Exchange. *See* Notice, *supra* note 3, 85 FR at 33262. *See also* BSTX LLC Agreement, *supra* note 10, Section 1.1.

[37] *See* Notice, *supra* note 3, 85 FR at 33262.

[38] *See id.*

[39] *See id.;* BSTX LLC Agreement, *supra* note 10, Section 4.3.

[40] *See* Notice, *supra* note 3, 85 FR at 33262–63; BSTX LLC Agreement, *supra* note 10, Section 4.4(a).

[41] *See* Notice, *supra* note 3, 85 FR at 33264; BSTX LLC Agreement, *supra* note 10, Section 3.2(a)(ii).

[42] *See* Notice, *supra* note 3, 85 FR at 33264; BSTX LLC Agreement, *supra* note 10, Section 3.2(a)(iii).

[43] *See* Notice, *supra* note 3, 85 FR at 33264. If BSTX incurs costs and expenses for regulatory purposes, the Exchange may reimburse BSTX using Regulatory Funds. *See id.* at 33264. In the event that the Exchange does not hold sufficient funds to meet all regulatory purposes, BSTX will reimburse the Exchange for any such additional costs and expenses. *See id.* The BSTX LLC Agreement does not include provisions regarding Regulatory Funds.

[44] *See id* at 33264–65.

[45] *See id.* at 33266; BSTX LLC Agreement, *supra* note 10, Section 6.1.

[46] *See* BSTX LLC Agreement, *supra* note 10, Section 3.2(c).

[47] *See id.* Section 3.2(b); Notice, *supra* note 3, 85 FR at 33266.

[48] *See* Notice, *supra* note 3, 85 FR at 33265; BSTX LLC Agreement, *supra* note 10, Section 6.2. The Exchange states that the requirement concerning the affirmative vote of one Member Director appointed by each LLC Member is not present in the BOX Options LLC Agreement, but that the Exchange believes that this provision promotes commercial fairness and is necessary due to the differing ownership structure of BSTX. *See* Notice, *supra* note 3, 85 FR at 33265.

[49] *See* BSTX LLC Agreement, *supra* note 10, Section 8.1.

[50] *See id.* Section 9.1.

[51] *See* Notice, *supra* note 3, 85 FR at 33268–70.

[52] *See id.* at 33268; BSTX LLC Agreement, *supra* note 10, Section 3.2. The Exchange states that Section 3.2 of the BSTX LLC Agreement ensures that the Exchange has full regulatory control over BSTX and is designed to prevent any owner of BSTX from exercising undue influence over the regulated activities of BSTX. *See* Notice, *supra* note 3, 85 FR at 33265.

[53] *See* Notice, *supra* note 3, 85 FR at 33268–69; BSTX LLC Agreement, *supra* note 10, Article 15. The BSTX LLC Agreement contains additional language to make it clear that the Commission can access and examine confidential information pursuant to federal securities laws and rules. *See* Notice, *supra* note 3, 85 FR at 33268; BSTX LLC Agreement, *supra* note 10, Section 15.5.

are substantially similar to those of the BOX Options LLC Agreement, related to regulatory jurisdiction over LLC Members;[54] the maintenance of books and records;[55] and the independence of the self-regulatory function of the Exchange and compliance with federal securities laws.[56]

The Exchange also states that it submitted a separate filing to introduce structural changes to the Exchange to accommodate regulation of BSTX as well as BOX Options, which was approved by the Commission.[57] According to the Exchange, BSTX Participants will have the same representation, rights, and responsibilities as BOX Options Participants.[58]

II. Proceedings To Determine Whether To Approve or Disapprove SR–BOX–2020–16, as Modified by Amendment No. 1, and Grounds for Disapproval Under Consideration

The Commission is instituting proceedings pursuant to Section 19(b)(2)(B) of the Act[59] to determine whether the proposed rule change, as modified by Amendment No. 1, should be approved or disapproved. Institution of such proceedings is appropriate at this time in view of the legal and policy issues raised by the proposed rule change. Institution of proceedings does not indicate that the Commission has reached any conclusions with respect to any of the issues involved. Rather, as described below, the Commission seeks and encourages interested persons to provide additional comment on the proposed rule change to inform the Commission's analysis of whether to approve or disapprove the proposed rule change.

Pursuant to Section 19(b)(2)(B) of the Act,[60] 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)(1) of the Act, which requires that a national securities exchange be so organized and have the capacity to be able to carry out the purposes of the Act and to comply, and enforce compliance by its members and persons associated with its members, with the provisions of the Act, the rules and regulations thereunder, and the rules of the exchange.[61] In addition, the Commission is instituting proceedings to allow for additional analysis of the proposed rule change's consistency with Section 6(b)(3) of the Act, which requires that the rules of a national securities exchange assure a fair representation of its members in the selection of its directors and administration of its affairs and provide that one or more directors shall be representative of issuers and investors and not be associated with a member of the exchange, broker, or dealer;[62] and Section 6(b)(5) of the Act, which requires, among other things, that the rules of a national securities exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to 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 to protect investors and the public interest, and not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.[63]

Under the Commission's Rules of Practice, the ''burden to demonstrate that a proposed rule change is consistent with the Exchange Act and the rules and regulations issued thereunder . . . is on the [SRO] that proposed the rule change.'' [64] The description of a proposed rule change, its purpose and operation, its effect, and a legal analysis of its consistency with applicable requirements must all be sufficiently detailed and specific to support an affirmative Commission finding,[65] and any failure of an SRO to provide this information may result in the Commission not having a sufficient basis to make an affirmative finding that a proposed rule change is consistent with the Act and the applicable rules and regulations.[66]

The Commission is instituting proceedings to allow for additional consideration and comment on the issues raised herein, including as to whether the proposal, as modified by Amendment No. 1, is consistent with the Act.

III. Procedure: Request for Written Comments

The Commission requests that interested persons provide written submissions of their views, data, and arguments with respect to the issues identified above, as well as any other concerns they may have with the proposal. In particular, the Commission invites the written views of interested persons concerning whether the proposal, as modified by Amendment No. 1, is consistent with Sections 6(b)(1),[67] 6(b)(3),[68] and 6(b)(5)[69] of the Act or any other provision of the Act, or the rules and regulations thereunder. Although there do not appear to be any issues relevant to approval or disapproval that would be facilitated by an oral presentation of views, data, and arguments, the Commission will consider, pursuant to Rule 19b–4 under the Act,[70] any request for an opportunity to make an oral presentation.[71]

Interested persons are invited to submit written data, views, and arguments regarding whether the proposal, as modified by Amendment No. 1, should be approved or disapproved by September 8, 2020. Any person who wishes to file a rebuttal to any other person's submission must file that rebuttal by September 22, 2020. The Commission asks that commenters address the sufficiency of the Exchange's statements in support of the proposal, which are set forth in the Notice,[72] as modified by Amendment No. 1,[73] in addition to any other comments they may wish to submit about the proposed rule change.

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

[54] *See* Notice, *supra* note 3, 85 FR at 33269; BSTX LLC Agreement, *supra* note 10, Sections 11.1, 18.6(a), 18.6(c).

[55] *See* Notice, *supra* note 3, 85 FR at 33269; BSTX LLC Agreement, *supra* note 10, Section 11.1.

[56] *See* Notice, *supra* note 3, 85 FR at 33261–62, 33264; BSTX LLC Agreement, *supra* note 10, Section 4.12.

[57] *See* Notice, *supra* note 3, 85 FR at 33259; Amendment No. 1, *supra* note 6, at 5 (citing Securities Exchange Act Release No. 88934 (May 22, 2020), 85 FR 32085 (May 28, 2020)).

[58] *See* Notice, *supra* note 3, 85 FR at 33259.

[59] 15 U.S.C. 78s(b)(2)(B).

[60] *Id.*

[61] 15 U.S.C. 78f(b)(1).

[62] 15 U.S.C. 78f(b)(3).

[63] 15 U.S.C. 78f(b)(5).

[64] 17 CFR 201.700(b)(3).

[65] *See id.*

[66] *See id.*

[67] 15 U.S.C. 78f(b)(1).

[68] 15 U.S.C. 78f(b)(3).

[69] 15 U.S.C. 78f(b)(5).

[70] 17 CFR 240.19b–4.

[71] Section 19(b)(2) of the Act, as amended by the Securities Act Amendments of 1975, Pub. L. 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).

[72] *See* Notice, *supra* note 3.

[73] *See* Amendment No. 1, *supra* note 6.

• Send an email to *rule-comments@sec.gov.* Please include File Number SR–BOX–2020–16 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–BOX–2020–16. 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–BOX–2020–16 and should be submitted by September 8, 2020. Rebuttal comments should be submitted by September 22, 2020.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[74]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2020–17968 Filed 8–17–20; 8:45 am]

BILLING CODE 8011–01–P

[74] 17 CFR 200.30–3(a)(57).

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270–824; OMB Control No. 3235–0555]

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 608

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 existing collection of information provided for in Rule 608 (17 CFR 242.608) under the Securities Exchange Act of 1934 (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 608 specifies procedures for filing or amending national market system plans (''NMS Plans''). Self-regulatory organizations (''SROs'') filing a new NMS Plan must submit the text of the NMS Plan to the Commission, along with a statement of purpose, and, if applicable, specified supporting materials that may include: (1) A copy of all governing or constituent documents, (2) a description of the manner in which the NMS Plan, and any facility or procedure contemplated by the NMS Plan, will be implemented, (3) a listing of all significant phases of development and implementation contemplated by the NMS Plan, including a projected completion date for each phase, (4) an analysis of the competitive impact of implementing the NMS Plan, (5) a description of any written agreements or understandings between or among plan participants or sponsors relating to interpretations of the NMS Plan or conditions for becoming a plan participant or sponsor, and (6) a description of the manner in which any facility contemplated by the NMS Plan shall be operated. Participants or sponsors to the NMS Plan must ensure that a current and complete version of the NMS Plan is posted on a designated website or a plan website after being notified by the Commission that the NMS Plan is effective. Each plan participant or sponsor must also provide a link on its own website to the current website to the current version of the NMS Plan.

The Commission estimates that the creation and submission of a new NMS Plan and any related materials would result in an average aggregate burden of approximately 850 hours per year (25 SROs × 34 hours = 850 hours). The Commission further estimates an average aggregate burden of approximately 125 hours per year (25 SROs × 5 hours = 125 hours), for each of the SROs to keep a current and complete version of the NMS Plan posted on a designated website or a plan website, and to provide a link to the current version of the NMS Plan on its own website. In addition, the Commission estimates that the creation of a new NMS Plan and any related materials would result in an average aggregate cost of approximately $150,000 per year (25 SROs × $6,000 = $150,000).

SROs proposing to amend an existing NMS Plan must submit the text of the amendment to the Commission, along with a statement of purpose, and, if applicable, the supporting materials described above, as well as a statement that the amendment has been approved by the plan participants or sponsors in accordance with the terms of the NMS Plan. Participants or sponsors to the NMS Plan must ensure that any proposed amendments are posted to a designated website or a plan website after filing the amendments with the Commission and that those websites are updated to reflect the current status of the amendment and the NMS Plan. Each plan participant or sponsor must also provide a link on its own website to the current version of the NMS Plan. The Commission estimates that the creation and submission of NMS Plan amendments and any related materials would result in an average aggregate burden of approximately 11,050 hours per year (25 SROs × 442 hours = 11,050 hours). The Commission further estimates an average aggregate burden of approximately 124 hours per year (25 SROs × 4.94 hours = 123.5 hours rounded up to 124) for SROs to post any pending NMS Plan amendments to a designated website or a plan website and to update such websites to reflect the current status of the amendment and the NMS Plan. In addition, the Commission estimates that the creation of a NMS Plan amendment and any related materials would result in an average aggregate cost of approximately $325,000 per year (25 SROs × $13,000 = $325,000).

Finally, to the extent that a plan processor is required for any facility contemplated by a NMS Plan, the plan participants or sponsors must file with the Commission a statement identifying the plan processor selected, describing the material terms under which the plan

processor is to serve, and indicating the solicitation efforts, if any, for alternative plan processors, the alternatives considered, and the reasons for the selection of the plan processor. The Commission estimates that the preparation and materials related to the selection of a plan processor would result in an average aggregate burden of approximately 283 hours per year (25 SROs × 11.33 hours = 283.33 rounded down to 233). In addition, the Commission estimates that the preparation and submission of materials related to the selection of a plan processor would result in an average aggregate cost of approximately $8,333 per year (25 SROs × $333.33 = $8,333.33 rounded down to $8,333).

The above estimates result in a total annual industry burden of approximately 12,432 hours (850 + 125 + 11,050 + 124 + 283) and a total annual industry cost of approximately $483,333 ($150,000 + $325,000 + $8,333).

Compliance with Rule 608 is mandatory. The text of the NMS Plans and any amendments will not be confidential, but published on a designated website or a plan website. To the extent that Rule 608 requires the SROs to submit confidential information to the Commission, that information will be kept confidential subject to the provisions of applicable law.[1] The SROs are required by law to retain the records and information that are collected pursuant to Rule 608 for a period of not less than 5 years, the first 2 years in an easily accessible place.[2] Rule 608 does not affect this existing requirement.

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: August 13, 2020.

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2020–17993 Filed 8–17–20; 8:45 am]

BILLING CODE 8011–01–P

[1] *See, e.g.,* 5 U.S.C. 552 *et seq.;* 15 U.S.C. 78x (governing the public availability of information obtained by the Commission).

[2] *See* 17 CFR 240.17a–1(b).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–89528; File No. SR–CBOE–2020–072]

Self-Regulatory Organizations; Cboe Exchange, Inc.; Notice of Filing of a Proposed Rule Change To Amend Its Rules Relating to the Processing of Auction Responses

August 12, 2020.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on July 30, 2020, Cboe Exchange, Inc. (the ''Exchange'' or ''Cboe Options'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Cboe Exchange, Inc. (the ''Exchange'' or ''Cboe Options'') proposes to amend its rules relating to the processing of auction responses. The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Exchange's website (*http://www.cboe.com/AboutCBOE/CBOELegalRegulatoryHome.aspx*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange seeks to amend its rules related to its auction mechanisms to provide a dedicated path for auction response messages originating from logical ports that will allow the System to process such messages more efficiently. Specifically, the Exchange proposes to amend Rule 5.25 (Message Traffic Mitigation) to adopt two separate message queues which would allow for auction response messages to be processed by the System in priority sequence relative to other non-auction response message traffic on a rotating basis.

Background

The Exchange currently offers a variety of auction mechanisms which provide price improvement opportunities for eligible orders. Particularly, the Exchange offers the following auction mechanisms: Complex Order Auction (''COA''),[3] Step Up Mechanism (''SUM''),[4] Automated Improvement Mechanism (''AIM''),[5] Complex AIM (''C–AIM''),[6] Solicitation Auction Mechanism (''SAM''),[7] Complex SAM (''C–SAM''),[8] FLEX Auction Process,[9] FLEX AIM [10] and FLEX SAM.[11] The Exchange notes that eligible orders are electronically exposed for an Exchange determined period (collectively referred to herein as ''auction response period'') in accordance with the applicable Exchange Rule, during which time

[3] *See* Rule 5.33(d).

[4] *See* Rule 5.35.

[5] *See* Rule 5.37.

[6] *See* Rule 5.38.

[7] *See* Rule 5.39.

[8] *See* Rule 5.40.

[9] *See* Rule 5.72(c).

[10] *See* Rule 5.73.

[11] *See* Rule 5.74.

Users may submit responses (collectively referred to herein as ''auction responses'') to an auction message. Trading Permit Holders (''TPHs'') may submit auction responses via logical port connectivity. By way of background, a User connects to the Exchange using a logical port available through an API, such as the industry-standard FIX or BOE protocol. Logical ports represent a technical port established by the Exchange within the Exchange's trading system for the delivery and/or receipt of trading messages, including orders, cancels, and auction responses. Currently, the System processes all messages through a single ''queue'' and prioritizes the processing of all message traffic from the logical ports in the order in which the System received them (*i.e.,* in time priority).

Proposal

The Exchange proposes to modify the operation of its System to allow for the System to handle auction responses received via such logical ports in a way that the Exchange believes may reduce latency associated with auction responses. Currently, auction response messages wait in the same System queue as all other order and quote message traffic. In certain circumstances, the auction response period may end before queued response messages are processed, resulting in the initiating eligible order missing out on potential price improvement from respective queued auction response(s). For example, if an auction response submitted during an auction response period is received at a time where there is a deep queue of other message traffic, the auction response may not be ''processed'' by the System in sufficient time (*i.e.,* prior to the end of the auction response period so that it is able to participate in the applicable auction mechanism) because the System is ''busy'' processing the deep queue of pending message traffic that was received prior to the auction response. An auction response may only execute in the applicable auction and is cancelled if it does not execute during an auction. If an auction response is unable to be processed by the System during the auction response period, that auction response is unable to receive any execution opportunity or provide liquidity (and possible price improvement) on the Exchange.

The Exchange therefore proposes to modify the way the System processes auction responses in order to allow the System to handle auction responses in a more timely manner, including during periods of high message traffic. As noted above, the System currently processes all message traffic in time priority. In other words, all messages are placed in a single ''queue'' based on the time the message is received by the System and handled by the System in that order. The Exchange proposes to adopt a separate ''priority queue'', which queue would consist solely of auction response messages. Specifically, the System would be able to identify auction response messages and divert such messages from the general message queue (''general queue'') to the priority queue. The System would then alternate processing a certain number of messages as determined by the Exchange from each queue (*i.e.,* on a rotating basis). Although the System would alternate between the two queues, the priority queue would offer reduced latency as the priority queue would consist only of auction responses, as compared to the general queue which would consist of all other message traffic, (*i.e.,* new orders/quote messages, cancel messages (including mass cancel messages) and modify messages).

The Exchange believes the proposed modification to provide for a separate queue for the processing of auction responses increases the possibility that such responses are processed by the Exchange during the auction response period and have an opportunity for execution in the applicable auction mechanism. The Exchange believes this will, as a result, increase execution opportunities for liquidity providers that submit auction responses and enhance the potential for price improvement for orders submitted to each mechanism to the benefit of investors and public interest. The Exchange also believes the benefits that result from the adoption of a priority queue for auction responses would outweigh any potential negative impact to other message traffic. Moreover, the Exchange believes the impact to other message traffic to be de minimis.

Particularly, the Exchange reviewed all submitted message traffic from March 9–March 13, 2020 and notes that during this time period, auction responses across all its auction mechanisms accounted only for approximately 0.02% of the message traffic, whereas new order/quote messages accounted for approximately 40.3%, modify messages accounted for approximately 47.9%, and cancel messages accounted for approximately 11.7%. Accordingly, the number of messages that would be processed via the priority queue as compared to general queue is extremely small. Indeed, as noted above, only 0.02% of all messages would be processed via the priority queue and therefore the number of rotations between the two queues throughout the trading day would likely be very limited as there are only so many auction responses that would need to be processed compared to other message traffic. Moreover, only a mere 0.007% of non-auction response messages were related to a customer order. Therefore, the chances of a customer order being disadvantaged by allowing an auction response to be processed via a priority queue are nearly zero. Additionally, executions at the conclusion of an auction mechanism will occur in the same manner as they do today. For example, priority customer orders in the Book will continue to have first priority at each price level at the conclusion of a paired auction, regardless of whether an auction response is processed via a priority queue and processed ahead of a priority customer order.

Furthermore, the Exchange's review of auction responses during the period of March 30–April 3, 2020 indicated that approximately 17% of auction responses had no opportunity to execute in their respective auctions, notwithstanding being submitted within the auction response period. In certain classes, such as SPXW, this percentage was even higher. Particularly, 47% of SPXW auction responses had no opportunity to execute in the applicable auction, notwithstanding being submitted within the auction response period.

The Exchange also notes that it takes the system approximately 10 microseconds to process a single order/quote or auction response message and, on average, approximately 190 microseconds to process a mass cancel message. As such, under the current system, an auction response that is entered after a mass cancel message is more likely to be detrimentally impacted as compared to a mass cancel message that is entered after an auction response (*i.e.,* a 190 microsecond ''wait time'' versus a 10 microsecond ''wait time'').

Accordingly, the Exchange believes that adopting a priority queue for all auction response messages will continue to allow the Exchange to set each auction response period to an amount of time that provides TPHs with sufficient time to respond to, compete for, and provide price improvement for orders but provides auctioned orders with quick executions that may reduce market and execution risk, while also providing timely submitted auction responses with more execution opportunities in the applicable auction prior to the end of the auction response

period, even during periods of high message traffic, thereby potentially providing customers with additional opportunities for price improvements.

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.[12] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[13] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[14] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, the Exchange believes modifying its System to allow it to handle auction responses in a timelier manner may provide further opportunities for auction eligible orders to receive price improvement that they may not otherwise receive if the System is unable to process auction response messages prior to the conclusion of an auction response period, if submitted during a time when there is a deep queue of message traffic. In particular, the proposed rule change will continue to provide investors with timely processing of their options quote and order messages, while providing investors who submit auction eligible orders with additional auction liquidity. Indeed, the proposed rule change may allow more investors additional opportunities to receive price improvement through an auction mechanism. While the Exchange may increase the length of auction response periods to accommodate more auction responses, the Exchange believes the proposed rule change allows the Exchange to continue to mitigate the market risk for TPHs using any such mechanism by setting the length of an auction response period to a time frame that allows an adequate amount of time for TPHs to respond to an auction message and fast executions. Additionally, a priority queue may provide liquidity providers that submit auction responses with additional execution opportunities in auctions, which may encourage the submission of more auction responses which may contribute to a deeper, more liquid auction process and, thus, provide investors with additional price improvement opportunities.

The Exchange believes that the information outlined above demonstrates why adopting a priority queue for auction responses would better provide customers with additional opportunities for price improvements with little impact to non-auction response message traffic. As discussed, auction responses account for an incredibly small fraction of message traffic submitted to the Exchange. Indeed, based on the Exchange's analysis, auction response messages accounted for a mere 0.02% of all message traffic submitted to the Exchange. The Exchange believe the processing of such a small amount of message traffic via a priority queue (which as proposed would rotate with the general queue) would therefore have a minimal impact on the processing of non-auction response messages in the general queue. Conversely, as demonstrated by the data discussed above, the current system configuration (*i.e.,* a single queue for all message traffic) can negatively impact the timeliness of the processing of auction responses to the detriment of investors who may miss out on opportunities to receive price improvement through one of the Exchange's auction mechanisms due to the time necessary for the System to process auction responses behind a queue of other message traffic. The Exchange therefore believes its proposal will make it more likely that the System processes timely submitted auction responses prior to the end of an auction response period and thus have more opportunities to execute against auctioned orders, even during periods of high message traffic. The Exchange also believes having the flexibility to determine the number of messages that it processes in each queue before alternating allows the Exchange to configure the number as needed to ensure the benefits of alternating between a priority queue and general queue continue to outweigh any potential negative impact to non-auction response message traffic. The Exchange further believes the proposal will continue to allow the Exchange to set an auction response period to an amount of time that provides TPHs with sufficient time to respond to, compete for, and provide price improvement for orders but provides auctioned orders with quick executions that may reduce market and execution risk. Accordingly, the Exchange believes the adoption of a priority queue for auction responses would provide customers with additional opportunities for price improvement and enhance the quality of the auctions, thereby removing impediments to and perfecting the mechanism of a free and open market and a national market system, and, in general protecting investors and the public interest.

The Exchange also believes the proposed rule change is not designed to permit unfair discrimination between market participants as all market participants are allowed to submit auction responses. Additionally, the Exchange believes it's reasonable to adopt a priority queue for auction responses as compared to other messages because auction responses are submitted only for the purpose of executing (and possibly providing price improvement) in auctions with short durations, whereas other messages are generally submitted to rest in or execute against the book (and generally not used to submit liquidity into auctions). As discussed above, the Exchange also believes the benefits that result from the adoption of a priority queue for auction responses would outweigh any potential negative impact to other message traffic, including customer orders, which have an incredibly low chance of being affected by the proposed change and which continue to receive priority allocation in any event.

The Exchange lastly does not believe that the purpose of the proposed rule change to adopt a priority queue for certain message traffic is new or unique. As the Commission is aware, other exchanges offer similar functionality. For example, Miami International Securities Exchange LLC (''MIAX'') makes clear in its current technical specifications that it offers priority mass cancel ports, which similarly provide expedited processing for certain message types by alternating between processing messages from a priority queue (but for mass cancel requests instead of auction responses) and messages from a general queue (for all other message traffic).[15]

[12] 15 U.S.C. 78f(b).

[13] 15 U.S.C. 78f(b)(5).

[14] *Id.*

[15] *See e.g.,* MIAX Express Orders Binary Orders for Trading Options MEO Interface Specification, Appendix E, Priority Mass Cancel Ports, at: *https://*

Continued

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange does not believe that the proposed changes will impose any burden on intra-market competition that is not necessary or appropriate in furtherance of the purposes of the Act, as the proposed rule change would apply equally to all TPHs that submit auction responses. As noted above, all market participants are able to submit auction responses. Additionally, the Exchange believes the adoption of a priority queue for auction responses would have little impact to non-auction response message traffic. As discussed, auction response messages account for an incredibly small fraction of message traffic submitted to the Exchange. The Exchange therefore believes the processing of such a small amount of message traffic via a priority queue would have a minimal impact on the processing of non-auction response messages in the general queue. Moreover, the Exchange believes it's reasonable to adopt a priority queue for auction responses as compared to other messages because auction responses are submitted only for the purpose of executing (and possibly providing price improvement) in auctions with short durations, whereas other messages are generally submitted to rest in or execute against the book (and generally not used to submit liquidity into auctions). Lastly, the Exchange does not believe the proposed rule change will impose any burden on inter-market competition that is not necessary or appropriate in furtherance of the purposes of the Act, as the proposed change affects how the System processes auction responses that may only participate in auctions that occur on the Exchange.

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

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the Exchange consents, the Commission will:

A. By order approve or disapprove such proposed rule change, or

B. institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–CBOE–2020–072 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–2020–072. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CBOE–2020–072, and should be submitted on or before September 8, 2020.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[16]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2020–17962 Filed 8–17–20; 8:45 am]

BILLING CODE 8011–01–P

www.miaxoptions.com/sites/default/files/page-files/MIAX_Express_Interface_MEI_v2.8.pdf.

[16] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–89534; File No. SR–OCC–2020–009]

Self-Regulatory Organizations; The Options Clearing Corporation; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Revise the Options Clearing Corporation's Schedule of Fees

August 12, 2020.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on July 31, 2020, the Options Clearing Corporation (''OCC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by OCC. OCC filed the proposed rule change pursuant to Section 19(b)(3)(A)(ii)[3] of the Act and Rule 19b–4(f)(2)[4] thereunder so that the proposal was effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Clearing Agency's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change by OCC would revise OCC's Schedule of Fees effective September 1, 2020, to implement a decrease in clearing fees. OCC's Schedule of Fees is included in Exhibit 5 to File No. SR–OCC–2020–009. Material proposed to be added to OCC's Schedule of Fees as currently in effect is underlined and material proposed to be deleted is marked in strikethrough text. All capitalized terms not defined herein have the same

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(ii).

[4] 17 CFR 240.19b–4(f)(2).

meaning as set forth in the OCC By-Laws and Rules.[5]

II. Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, OCC 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. OCC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of these statements.

(A) Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

(1) Purpose

The purpose of this proposed rule change is to revise OCC's Schedule of Fees effective September 1, 2020, to implement a decrease in clearing fees. Under OCC's capital management policy, if OCC's Equity exceeds 110 percent of the Target Capital Requirement plus the amount of approved capital expenditures, OCC's Board may reduce the cost of clearing by lowering fees, declaring a fee holiday, or issuing refunds.[6] As of December 31, 2019, OCC maintained shareholders' equity of approximately $351.3 million.[7] OCC has experienced record volumes in 2020 while maintaining expenses at or around the budgeted amount. Accordingly, OCC proposes to modify its fee schedule to: (i) Decrease its per contract clearing fee from $0.055 to $0.045 per contract; and (ii) adjust the quantity of contracts at which the fixed, per trade clearing fee begins from trades with more than 999 contracts per trade to trades with more than 1222 contracts per trade as set forth in the Schedule of Fees depicted below.[8]

CLEARING FEES

Current fee schedule		Proposed fee schedule	
Clearing fees		Clearing fees	
Trades with contracts of 0–999	$0.055/contract	Trades with contracts of 0–1222	$0.045/contract.
Trades with contracts of more than 999.	$55/trade	Trades with contracts of more than 1222.	$55/trade.

OCC proposes to make the fee change effective September 1, 2020, because OCC believes that this date is the first date that the industry could be prepared to process the new fee without disruption based on consultations with market participants.[9]

(2) Statutory Basis

Section 17A(b)(3)(D) of the Act[10] requires that the rules of a clearing agency provide for the equitable allocation of reasonable dues, fees, and other charges among its participants. OCC believes that the proposed fee change is reasonable because it is designed to decrease the cost of clearing while maintaining sufficient reserves in the form of liquid net assets to cover OCC's operating expenses and address potential business or operational losses so that OCC can continue to meet its obligations as a systemically important financial market utility to Clearing Members and the general public if such losses were to materialize (including through a recovery or orderly wind-down of critical operations and services) and thereby facilitate compliance with certain requirements of Rule 17Ad–22(e)(15)(ii).[11]

In determining the appropriate level of the proposed fee decrease, OCC's Board and Compensation and Performance Committee considered a variety of factors, including projected average daily volume, operating income, and margin and a scenario analysis modeling the sensitivity of operating income and margin, adjusting for different volume levels, clearing fees and potential year-end refunds against the thresholds set forth in OCC's Capital Management Policy. The Compensation and Performance Committee also considered a sensitivity analysis assessing the minimum average daily volume required to support the proposed decrease.[12] OCC believes that the proposed decrease in clearing fees is reasonable and consistent with its existing By-Laws and Rules. OCC also believes that the proposed fee change would result in an equitable allocation of fees among its participants because it would be equally applicable to all market participants transacting at a given level of contract volume. As a result, OCC believes that the proposed fee schedule provides for the equitable allocation of reasonable fees in accordance with Section 17A(b)(3)(D) of the Act.[13]

The proposed rule change is not inconsistent with the existing rules of OCC, including any other rules proposed to be amended.

(B) Clearing Agency's Statement on Burden on Competition

Section 17A(b)(3)(I) of the Act[14] requires that the rules of a clearing agency not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. OCC does not believe that the proposed rule change would have any impact or impose a burden on competition. Although this proposed rule change affects clearing members, their customers, and the markets that OCC serves, OCC believes that the proposed rule change would not disadvantage or favor any particular user of OCC's services in relationship to another user because the proposed clearing fees apply equally to all users of OCC. Accordingly, OCC does not believe that the proposed rule change

[5] OCC's By-Laws and Rules can be found on OCC's public website: *https://www.theocc.com/Company-Information/Documents-and-Archives/By-Laws-and-Rules.*

[6] *See* Securities Exchange Release No. 88029 (Jan. 24, 2020), 85 Fed. Red. 5500, 5502 (Jan. 30, 2020) (File No. SR–OCC–2019–007) and Securities Exchange Release No. 87257 (Oct. 8, 2019), 84 FR 55194, 55196 (Oct. 15, 2019) (File No. SR–OCC–2019–805).

[7] *See* OCC Audited Financials 2019 *available at https://www.theocc.com/getattachment/b12dec99-78ee-4ac0-b83e-94ec65ca7e94/attachment.aspx.*

[8] These changes are also reflected in Exhibit 5 to File No. SR–OCC–2020–009.

[9] OCC notes that a mid-month change to clearing fees could introduce operational disruption to Clearing Members due to the impact on their billing processes.

[10] 15 U.S.C. 78q–1(b)(3)(D).

[11] 17 CFR 240.17Ad–22(e)(15)(ii).

[12] A summary of the scenario and sensitivity analyses is included in confidential Exhibit 3 to File No. SR–OCC–2020–009.

[13] 15 U.S.C. 78q–1(b)(3)(D).

[14] 15 U.S.C. 78q–1(b)(3)(I).

would have any impact or impose a burden on competition.

(C) Clearing Agency's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments on the proposed rule change were not and are not intended to be solicited with respect to the proposed rule change and none have been received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Pursuant to Section 19(b)(3)(A)(ii) [15] of the Act, and Rule 19b–4(f)(2) thereunder,[16] the proposed rule change is filed for immediate effectiveness as it constitutes a change in fees charged to OCC Clearing Members. 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.[17]

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–OCC–2020–009 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–OCC–2020–009. 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 OCC and on OCC's website at *https://www.theocc.com/about/publications/bylaws.jsp.*

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–OCC–2020–009 and should be submitted on or before September 8, 2020.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[18]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2020–17966 Filed 8–17–20; 8:45 am]

BILLING CODE 8011–01–P

[15] 15 U.S.C. 78s(b)(3)(A)(ii).

[16] 17 CFR 240.19b–4(f)(2).

[17] Notwithstanding its immediate effectiveness, implementation of this rule change will be delayed until this change is deemed certified under CFTC Regulation 40.6.

[18] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request, Copies Available From: U.S. Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Extension:

Rule 15c1–6; SEC File No. 270–423, OMB Control No.3235–0472

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 existing collection of information provided for in Rule 15c1–6 (17 CFR 240.15c1–6) under the Securities Exchange Act of 1934 (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 15c1–6 states that any broker-dealer trying to sell to or buy from a customer a security in a primary or secondary distribution in which the broker-dealer is participating or is otherwise financially interested must give the customer written notification of the broker-dealer's participation or interest at or before completion of the transaction. The Commission estimates that approximately 365 respondents will collect information annually under Rule 15c1–6 and that each respondent will spend approximately 10 hours annually complying with the collection of information requirement for a total burden of approximately 3,650 hours per year in the aggregate.

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 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 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: August 13, 2020.

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2020–18001 Filed 8–17–20; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–89531; File Nos. SR–NYSE–2020–11, SR–NYSEAMER–2020–10, SR–NYSEArca–2020–15, SR–NYSECHX–2020–05, SR–NYSENAT–2020–08]

Self-Regulatory Organizations; New York Stock Exchange LLC, NYSE Chicago, Inc., NYSE American LLC, NYSE Arca, Inc., and NYSE National, Inc.; Notice of Designation of a Longer Period for Commission Action on Proceedings To Determine Whether To Approve or Disapprove Proposed Rule Changes, as Modified by Amendment No. 1, To Amend the Schedule of Wireless Connectivity Fees and Charges To Add Wireless Connectivity Services

August 12, 2020.

On February 11, 2020, New York Stock Exchange LLC, NYSE Chicago, Inc., NYSE Arca, Inc., and NYSE National, Inc. each filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change to amend the schedule of Wireless Connectivity Fees and Charges to add wireless connectivity services that transport the market data of the Exchanges. NYSE American LLC filed with the Commission a substantively identical filing on February 12, 2020.[3] The proposed rule changes were published for comment in the **Federal Register** on February 25, 2020.[4] On April 1, 2020, pursuant to Section 19(b)(2) of the Act,[5] the Commission designated a longer period within which to either approve the proposed rule changes, disapprove the proposed rule changes, or institute proceedings to determine whether to approve or disapprove the proposed rule changes.[6] On May 18, 2020, the Commission instituted proceedings to determine whether to approve or disapprove the proposed rule changes.[7] On July 27, 2020, the Exchanges each filed Amendment No. 1 to the proposed rule changes. Notice of Amendment No. 1 to the proposed rule changes was published for comment in the **Federal Register** on August 7, 2020.[8] The Commission has received comment letters on the proposed rule changes, as modified by Amendment No. 1.[9]

Section 19(b)(2) of the Act [10] provides that, after initiating proceedings, the Commission shall issue an order approving or disapproving the proposed rule change not later than 180 days after the date of publication of notice of filing of the proposed rule change. The Commission may extend the period for issuing an order approving or disapproving the proposed rule change, however, by not more than 60 days if the Commission determines that a longer period is appropriate and publishes the reasons for such determination. The proposed rule changes were published for notice and comment in the **Federal Register** on February 25, 2020.[11] August 23, 2020 is 180 days from that date, and October 22, 2020 is 240 days from that date.

The Commission finds it appropriate to designate a longer period within which to issue an order approving or disapproving the proposed rule changes, as modified by Amendment No. 1, so that it has sufficient time to consider the proposed rule changes, as modified by Amendment No. 1, the issues raised in the comment letters that have been submitted in connection therewith, and the Exchanges' responses to comments. Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,[12] designates October 22, 2020 as the date by which the Commission should either approve or disapprove the proposed rule changes (File Nos. SR–NYSE–2020–11, SR–NYSEAMER–2020–10, SR–NYSEArca–2020–15, SR–NYSECHX–2020–05, SR–NYSENAT–2020–08), as modified by Amendment No. 1.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[13]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2020–17964 Filed 8–17–20; 8:45 am]

BILLING CODE 8011–01–P

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] New York Stock Exchange LLC, NYSE Chicago, Inc., NYSE American LLC, NYSE Arca, Inc., and NYSE National, Inc. are collectively referred to herein as the ''Exchanges.''

[4] *See* Securities Exchange Act Release Nos. 88237 (February 19, 2020), 85 FR 10752 (February 25, 2020) (SR–NYSE–2020–11); 88238 (February 19, 2020), 85 FR 10776 (February 25, 2020) (SR–NYSEAMER–2020–10); 88239 (February 19, 2020), 85 FR 10786 (February 25, 2020) (SR–NYSEArca–2020–15); 88240 (February 19, 2020), 85 FR 10795 (February 25, 2020) (SR–NYSECHX–2020–05); and 88241 (February 19, 2020), 85 FR 10738 (February 25, 2020) (SR–NYSENAT–2020–08) (collectively, the ''Notices'').

[5] 15 U.S.C. 78s(b)(2).

[6] *See* Securities Exchange Act Release No. 88540 (April 1, 2020), 85 FR 19562 (April 7, 2020). The Commission designated May 25, 2020, as the date by which it should approve, disapprove, or institute proceedings to determine whether to approve or disapprove the proposed rule changes.

[7] *See* Securities Exchange Act Release No. 88901 (May 18, 2020), 85 FR 31273 (May 22, 2020).

[8] *See* Securities Exchange Act Release Nos. 89458 (August 3, 2020), 85 FR 48045 (August 7, 2020) (SR–NYSE–2020–11); 89459 (August 3, 2020), 85 FR 48052 (August 7, 2020) (SR–NYSEAMER–2020–10); 89460 (August 3, 2020), 85 FR 48017 (August 7, 2020) (SR–NYSEArca–2020–15); 89461 (August 3, 2020), 85 FR 48039 (August 7, 2020) (SR–NYSECHX–2020–05); and 89462 (August 3, 2020), 85 FR 48008 (August 7, 2020) (SR–NYSENAT–2020–08).

[9] Comments received on the proposed rule changes, as modified by Amendment No. 1, are available on the Commission's website at: *https://www.sec.gov/comments/sr-nyse-2020-11/srnyse202011.htm.*

[10] 15 U.S.C. 78s(b)(2).

[11] *See* Notices, *supra* note 4.

[12] 15 U.S.C. 78s(b)(2).

[13] 17 CFR 200.30–3(a)(31).

SECURITIES AND EXCHANGE COMMISSION

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:
Form CB, SEC File No. 270–457, OMB Control No. 3235–0518

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 summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget for extension and approval.

Form CB (17 CFR 239.800) is a Document filed in connection with a tender offer for a foreign private issuer. This form is used to report an issuer tender offer conducted in compliance with Exchange Act Rule 13e–4(h)(8) (17 CFR 240.13e–4(h)(8)) and a third-party tender offer conducted in compliance with Exchange Act Rule 14d–1(c) (17 CFR 240.14d–1(c)). Form CB takes approximately 0.5 hours per response to prepare and is filed by approximately 111 respondents annually. We estimate that 25% of the 0.5 hours per response (0.125 hours) is prepared by the respondent for an annual reporting burden of 14 hours (0.125 hours per response × 111 responses).

Written comments are invited on: (a) Whether this proposed collection of information is necessary for the performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden imposed by the 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 unless it displays a currently valid control number.

Please direct your written comment 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: August 13, 2020.

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2020–18000 Filed 8–17–20; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

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 433; SEC File No. 270–558, OMB Control No. 3235–0617

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 collections of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget for extension and approval.

Rule 433 (17 CFR 230.433) governs the use and filing of free writing prospectuses under the Securities Act of 1933 (15 U.S.C. 77a *et seq.*). The purpose of Rule 433 is to reduce the restrictions on communications that a company can make to investors during a registered offering of its securities, while maintaining a high level of investor protection. A free writing prospectus meeting the conditions of Rule 433(d)(1) must be filed with the Commission and is publicly available. We estimate that it takes approximately 1.28 burden hours per response to prepare a free writing prospectus and that the information is filed by 2,906 respondents approximately 5.4026 times a year for a total of 15,700 responses. We estimate that 25% of the 1.3 burden hours per response (0.32 hours) is prepared by the company for total annual reporting burden of 5,024 hours (0.32 hours × 15,700 responses).

Written comments are invited on: (a) Whether this proposed collection of information is necessary for the performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden imposed by the 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 unless it displays a currently valid control number.

Please direct your written comment 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: August 13, 2020.

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2020–17999 Filed 8–17–20; 8:45 am]

BILLING CODE 8011–01–P

SOCIAL SECURITY ADMINISTRATION

[Docket No: SSA–2020–0039]

Agency Information Collection Activities: Proposed Request and Comment Request

The Social Security Administration (SSA) publishes a list of information collection packages requiring clearance by the Office of Management and Budget (OMB) in compliance with Public Law 104–13, the Paperwork Reduction Act of 1995, effective October 1, 1995. This notice includes revisions of OMB-approved information collections.

SSA is soliciting comments on the accuracy of the agency's burden estimate; the need for the information; its practical utility; ways to enhance its quality, utility, and clarity; and ways to minimize burden on respondents, including the use of automated collection techniques or other forms of information technology. Mail, email, or fax your comments and recommendations on the information collection(s) to the OMB Desk Officer and SSA Reports Clearance Officer at the following addresses or fax numbers.

(OMB), Office of Management and Budget, Attn: Desk Officer for SSA, Fax: 202–395–6974, Email address: *OIRA_Submission@omb.eop.gov*

(SSA), Social Security Administration, OLCA, Attn: Reports Clearance Director, 3100 West High Rise, 6401 Security Blvd., Baltimore, MD 21235, Fax: 410–966–2830, Email address: *OR.Reports.Clearance@ssa.gov*

Or you may submit your comments online through *www.regulations.gov,* referencing Docket ID Number [SSA–2020–0039].

I. The information collection below is pending at SSA. SSA will submit it to OMB within 60 days from the date of this notice. To be sure we consider your comments, we must receive them no later than October 19, 2020. Individuals can obtain copies of the collection instrument by writing to the above email address.

Work Activity Report (Self-Employment)—20 CFR 404.1520(b), 20 CFR 404.1571–404.1576, 20 CFR 404.1584–404.1593, and 20 CFR 416.971–416.976—0960–0598. SSA uses Form SSA–820–BK to determine initial or continuing eligibility for: (1) Title II Social Security Disability Insurance benefits (SSDI); or (2) Title XVI Supplemental Security Income (SSI) payments. Under Titles II and XVI of the Social Security Act (Act), recipients receive disability benefits and SSI payments based on their inability to engage in substantial gainful activity (SGA) due to a physical or mental condition. Therefore, when the recipients resume work, they must report their work so SSA can evaluate and determine by law whether they continue to meet the disability requirements. SSA uses Form SSA–820–BK to obtain information on self-employment activities of Social Security Title II and XVI disability applicants and recipients. We use the data we obtain to evaluate disability claims, and to help us determine if the claimant meets current disability provisions under Titles II and XVI. Since applicants for disability benefits or payments must prove an inability to perform any kind of SGA generally available in the national economy for which we expect them to qualify based

on age, education, and work experience, any work an applicant performed until, or subsequent to, the date the disability allegedly began, affects our disability determination. The respondents are applicants and claimants for SSI payments or SSDI benefits.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)	Average theoretical hourly cost amount (dollars) *	Average wait time in field office (minutes) **	Total annual opportunity cost (dollars) ***
SSA–820–BK	100,000	1	30	50,000	$10.73 *	24 **	$965,700 ***

* We based this figure on average DI payments, as reported in SSA's disability insurance payment data (*https://www.ssa.gov/legislation/2020Fact%20Sheet.pdf*).

** We based this figure on the average FY 2020 wait times for field offices, based on SSA's current management information data.

*** This figure does not represent actual costs that SSA is imposing on recipients of Social Security payments to complete this application; rather, these are theoretical opportunity costs for the additional time respondents will spend to complete the application. *There is no actual charge to respondents to complete the application.*

II. SSA submitted the information collection below to OMB for clearance. Your comments regarding this information collection would be most useful if OMB and SSA receive them 30 days from the date of this publication. To be sure we consider your comments, we must receive them no later than September 17, 2020. Individuals can obtain copies of the OMB clearance package by writing to *OR.Reports.Clearance@ssa.gov.*

1. *Statement Regarding Marriage—20 CFR 404.726—0960–0017.* Section 216(h)(1)(A) of the Act directs SSA to apply State law to determine an individual's marital relationship. Some state laws recognize marriages without a ceremony (*i.e.,* common-law marriages). In such cases, SSA provides the same spouse or widow(er) benefits to the common-law spouses as it does to ceremonially married spouses. To determine common-law spouses, SSA must elicit information from blood relatives or other persons who are knowledgeable about the alleged common-law relationship. SSA uses Form SSA–753, Statement Regarding Marriage, to collect information from third parties to verify the applicant's statements about intent; cohabitation; and holding out to the public as married, which are the basic tenets of a common-law marriage. SSA uses the information to determine if a valid marital relationship exists, and if the common-law spouse is entitled to Social Security spouse, or widow(er) benefits. The respondents are third parties who can confirm or deny the alleged common-law marriage.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)	Average theoretical hourly cost amount (dollars) *	Average wait time in field office (minutes) **	Total annual opportunity cost (dollars) ***
SSA–753	40,000	1	9	6,000	$25.72 *	24 **	$565,840 ***

* We based this figures on average U.S. citizen's hourly salary, as reported by Bureau of Labor Statistics data (*https://www.bls.gov/oes/current/oes_stru.htm*).

** We based this figure on the average FY 2020 wait times for field offices, based on SSA's current management information data.

*** This figure does not represent actual costs that SSA is imposing on recipients of Social Security payments to complete this application; rather, these are theoretical opportunity costs for the additional time respondents will spend to complete the application. *There is no actual charge to respondents to complete the application.*

2. *Statement of Agricultural Employer (Year Prior to 1988; and 1988 and later)—20 CFR 404.702, 404.709, 404.802, 404.1056—0960–0036.* If agricultural workers believe their employers (1) did not report their wages, or (2) reported incorrect wage amounts, SSA will assist them in resolving this issue. Specifically, SSA will send Forms SSA–1002–F3 or SSA–1003–F3 to the agricultural employers to collect evidence of wages paid. The respondents are agricultural employers whose workers request wage verification or correction for their earnings records.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)	Average theoretical hourly cost amount (dollars) *	Average wait time in field office (minutes) **	Total annual opportunity cost (dollars) ***
SSA–1002	7,500	1	30	3,750	* 12.52	** 24	*** $84,510
SSA–1003	25,000	1	30	12,500	* 12.52	** 24	*** 281,700
Totals	32,500	.....	.....	16,250	.....	.....	*** 366,210

* We based this figures on average Agricultural Workers hourly salary, as reported by Bureau of Labor Statistics data (*https://www.bls.gov/oes/current/oes_nat.htm*).

** We based this figure on the average FY 2020 wait times for field offices, based on SSA's current management information data.

*** This figure does not represent actual costs that SSA is imposing on recipients of Social Security payments to complete this application; rather, these are theoretical opportunity costs for the additional time respondents will spend to complete the application. *There is no actual charge to respondents to complete the application.*

3. *Questionnaire About Employment or Self-Employment Outside the United States—20 CFR 404.401(b)(1), 404.415, & 404.417—0960–0050.* When a Social Security beneficiary or claimant reports work outside the United States (U.S.), SSA uses Form SSA–7163 to determine if foreign work deductions are applicable. Specifically, SSA uses Form SSA–7163 to determine: (1) Whether work performed by beneficiaries outside the U.S. is cause for deductions from their monthly benefits; (2) which of two work tests (foreign or regular test) is applicable; and (3) the number of months, if any, for SSA-imposed deductions. SSA determines whether the annual earnings test applies to all earnings from work covered by the Act, including earnings from covered work performed outside the U.S. However, because of the differences in foreign currency values, it is administratively impractical to apply this test to earnings from non covered work performed outside the U.S. and base it on U.S. dollars. Accordingly, the 45-hour work test provides for deductions from the benefits of employees under full retirement age who engage in non-covered remunerative activity for more than 45 hours in a calendar month. SSA asks beneficiaries working outside the U.S. to complete this form annually or every other year (depending on the country of residence). Respondents are beneficiaries or claimants for Social Security benefits who are engaged in work outside the United States.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)	Average theoretical hourly cost amount (dollars) *	Total annual opportunity cost (dollars) **
SSA–7163	20,000	1	60	20,000	$10.73 *	$214,600 **

* We based this figure on average DI payments, as reported in SSA's disability insurance payment data (*https://www.ssa.gov/legislation/2020Fact%20Sheet.pdf*).

** This figure does not represent actual costs that SSA is imposing on recipients of Social Security payments to complete this application; rather, these are theoretical opportunity costs for the additional time respondents will spend to complete the application. There is no actual charge to respondents to complete the application.

4. *State Mental Institution Policy Review Booklet—20 CFR 404.2035, 404.2065, 416.635, & 416.665—0960–0110.* SSA uses Form SSA–9584–BK: (1) To determine if the policies and practices of a state mental institution acting as a representative payee for SSA beneficiaries conform to SSA's regulations in the use of benefits; (2) to confirm institutions are performing other duties and responsibilities required of representative payees; and (3) as the basis for conducting onsite reviews of the institutions and preparing subsequent reports of findings. The respondents are state mental institutions serving as representative payees for Social Security beneficiaries and SSI recipients.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)	Average theoretical hourly cost amount (dollars) *	Total annual opportunity cost (dollars) **
SSA–9584	68	1	60	68	$15.00 *	$1,020 **

* We based this figure on average Personal Care and Service Workers hourly salary, as reported by Bureau of Labor Statistics data (*https://www.bls.gov/oes/current/oes390000.htm*).

** This figure does not represent actual costs that SSA is imposing on recipients of Social Security payments to complete this application; rather, these are theoretical opportunity costs for the additional time respondents will spend to complete the application. *There is no actual charge to respondents to complete the application.*

Dated: August 13, 2020.

Naomi Sipple,

Reports Clearance Officer, Social Security Administration.

[FR Doc. 2020–18033 Filed 8–17–20; 8:45 am]

BILLING CODE 4191–02–P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

[Docket Number USTR–2020–0033]

Request for Comments Concerning China's Compliance With World Trade Organization (WTO) Commitments

AGENCY: Office of the United States Trade Representative.

ACTION: Notice.

SUMMARY: The interagency Trade Policy Staff Committee (TPSC) invites comments to assist the Office of the United States Trade Representative (USTR) in the preparation of its annual report to Congress on China's compliance with the commitments made in connection with its accession to the World Trade Organization (WTO). Due to COVID–19, the TPSC will foster public participation via written questions and responses relating to the comments received by the TPSC rather than an in-person hearing. This notice includes the schedule for submission of comments, questions and responses.

DATES:

September 16, 2020 at 11:59 p.m. EDT: Deadline for submission of comments.

September 30, 2020 at 11:59 p.m. EDT: Deadline for the TPSC to pose questions on comments.

October 14, 2020 at 11:59 p.m. EDT: Deadline for submission of commenters' responses to TPSC questions.

ADDRESSES: USTR strongly prefers electronic submissions made through the Federal eRulemaking Portal: *http://www.regulations.gov (Regulations.gov).* The instructions for submitting comments are in sections 3 and 4 below. The docket number is USTR–2020–0033. For alternatives to online submissions, please contact Yvonne Jamison at *Yvonne_D_Jamison@ustr.eop.gov* or (202) 395–3475 before transmitting a comment and in advance of the relevant deadline.

FOR FURTHER INFORMATION CONTACT: For procedural questions concerning written submissions, contact Yvonne Jamison at *Yvonne_D_Jamison@ustr.eop.gov* or (202) 395–3475. Direct all other questions to Tsering Dhongthog, Senior Director for China Affairs, at (202) 395–3900, or Arthur N. Tsao, Chief Counsel for China Enforcement, at (202) 395–3150.

SUPPLEMENTARY INFORMATION:

I. Background

China became a Member of the WTO on December 11, 2001. In accordance with section 421 of the U.S.-China Relations Act of 2000 (Pub. L. 106–286), USTR is required to submit by December 11 of each year, a report to Congress on China's compliance with commitments made in connection with its accession to the WTO, including multilateral commitments and any bilateral commitments made to the United States. In accordance with section 421, and to assist it in preparing this year's report, the TPSC is soliciting public comments. You can find last year's report on USTR's website at *https://ustr.gov/sites/default/files/2019_Report_on_China%E2%80%99s_WTO_Compliance.pdf.*

The terms of China's accession to the WTO are contained in the Protocol on the Accession of the People's Republic of China (including its annexes) (Protocol), the Report of the Working Party on the Accession of China (Working Party Report), and the WTO agreements. You can find the Protocol and Working Party Report on the WTO website at *http://docsonline.wto.org* (document symbols: WT/L/432, WT/MIN(01)/3, WT/MIN(01)/3/Add.1, WT/MIN(01)/3/Add.2).

II. Topics on Which the TPSC Seeks Information

The TPSC invites written comments on China's compliance with commitments made in connection with its accession to the WTO, including, but not limited to, commitments in the following areas:

A. Trading rights.

B. Import regulation (*e.g.,* tariffs, tariff-rate quotas, quotas, import licenses).

C. Export regulation.

D. Internal policies affecting trade (*e.g.,* subsidies, standards and technical regulations, sanitary and phytosanitary measures, government procurement, trade-related investment measures, taxes and charges levied on imports and exports).

E. Intellectual property rights (including intellectual property rights enforcement).

F. Services.

G. Rule of law issues (*e.g.,* transparency, judicial review, uniform administration of laws and regulations) and status of legal reform.

H. Other WTO commitments.

In addition, given the United States' view that China should be held accountable as a full participant in, and beneficiary of, the international trading system, USTR requests that interested persons specifically identify unresolved compliance issues that warrant review and evaluation by USTR's China Enforcement Task Force.

III. Public Participation

Due to COVID–19, the TPSC will foster public participation via written submissions rather than an in-person hearing on China's compliance with the commitments made in connection with its accession to the WTO. In accordance with the schedule set out in the Dates section above, USTR invites written comments from the public. The TPSC will review the comments and may pose written clarifying questions to the commenters. The TPSC will post the questions on the public docket, other than questions that include properly designated business confidential information (BCI). USTR will send questions that include properly designated BCI to the relevant commenters by email and will not post these questions on the public docket. Written responses to questions that contain BCI must follow the procedures in section IV below.

IV. Requirements for Submissions

In order to be assured of consideration, USTR must receive your written comments in English by 11:59 p.m. EDT on September 16, 2020. USTR strongly encourages commenters to make on-line submissions, using *Regulations.gov*. On the first page, please identify the submission as ''China's WTO Compliance.''

To submit comments via *Regulations.gov*, enter docket number USTR–2020–0033 on the home page and click 'search.' The site will provide a search-results page listing all documents associated with this docket. Find a reference to this notice and click on the link entitled 'comment now.' For further information on using *Regulations.gov*, please consult the resources provided on the website by clicking on 'How to Use Regulations.gov' on the bottom of the home page. USTR will not accept hand-delivered submissions.

Regulations.gov allows users to submit comments by filling in a 'type comment' field or by attaching a document using an 'upload file' field. USTR prefers that you submit comments in an attached document. If you attach a document, it is sufficient to type 'see attached' in the 'type comment' field. USTR prefers submissions in Microsoft Word (.doc) or Adobe Acrobat (.pdf). If you use an application other than those two, please indicate the name of the application in the 'type comment' field.

Filers submitting comments containing no BCI should name their file using the name of the person or entity submitting the comments. For any comments submitted electronically containing BCI, the file name of the business confidential version should begin with the characters 'BCI.' Clearly mark any page containing BCI ''BUSINESS CONFIDENTIAL'' on the top of that page. Filers of submissions containing BCI also must submit a public version of their comments that USTR will place in the docket for public inspection. The file name of the public version should begin with the character P.' Follow the 'BCI' and P' with the name of the person or entity submitting the comments.

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

As noted, USTR strongly urges that you file submissions through *Regulations.gov*. You must make any alternative arrangements with Yvonne Jamison at *Yvonne_D_Jamison@ustr.eop.gov* or (202) 395–3475 before submitting a comment and in advance of the relevant deadline.

USTR will post written submissions in the docket for public inspection, except properly designated BCI. You can view written submissions on the *Regulations.gov* website by entering docket number USTR–2020–0033 in the search field on the home page. General information concerning USTR is available at *www.ustr.gov.*

Edward Gresser,

Chair of the Trade Policy Staff Committee, Office of the United States Trade Representative.

[FR Doc. 2020–18011 Filed 8–17–20; 8:45 am]

BILLING CODE 3290–F0–P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

[Docket No. USTR–2019–0003]

Notice of Modification of Section 301 Action: Enforcement of U.S. World Trade Organization (WTO) Rights in Large Civil Aircraft Dispute

AGENCY: Office of the United States Trade Representative.

ACTION: Notice of modification of action.

SUMMARY: On June 26, 2020, the U.S. Trade Representative announced a review of the action being taken to enforce U.S. World Trade Organization (WTO) rights in the Large Civil Aircraft dispute and requested public comments on possible modifications. Based on this review, the U.S. Trade Representative has determined to modify the list of products subject to additional duties of 25 percent *ad valorem.* At this time, the U.S. Trade Representative has determined to maintain the current levels of additional duties.

DATES: The modifications to the Section 301 action set out in Annex 1 are applicable with respect to products that are entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern daylight savings time on September 1, 2020.

FOR FURTHER INFORMATION CONTACT: For questions about the investigation and modifications announced in this notice, contact Associate General Counsel Megan Grimball, (202) 395–5725, or Director for Europe Michael Rogers, at (202) 395–3320. For questions on customs procedures or the classification of products identified in the annexes, contact *Traderemedy@cbp.dhs.gov.*

SUPPLEMENTARY INFORMATION:

A. Proceedings in the Investigation

On April 12, 2019, the U.S. Trade Representative announced the initiation of an investigation to enforce U.S. rights in the World Trade Organization (WTO) dispute against the EU and certain EU member States addressed to subsidies on large civil aircraft. *See* 84 FR 15028 (April 12 notice). The April 12 notice contains background information on the investigation and the dispute settlement proceedings.

The April 12 notice solicited comments on a proposed determination that, *inter alia*, the EU and certain member States have denied U.S. rights under the WTO Agreement, and in particular, under Articles 5 and 6.3 of the Agreement on Subsidies and Countervailing Measures (SCM Agreement) and the General Agreement on Tariffs and Trade 1994 (GATT 1994), and have failed to comply with the WTO Dispute Settlement Body (DSB) recommendations to bring the WTO-inconsistent subsidies into compliance with WTO obligations. The April 12 notice invited public comment on a proposed action in the form of an additional *ad valorem* duty of up to 100 percent on products of EU member States to be drawn from a list of 317 tariff subheadings and 9 statistical reporting numbers of the Harmonized Tariff Schedule of the United States (HTSUS) included in the annex to that notice.

On July 5, 2019, USTR published a notice inviting public comment on a second list of products also being considered for an additional *ad valorem* duty of up to 100 percent. *See* 84 FR 32248 (July 5, 2019).

On October 2, 2019, the WTO Arbitrator issued a report that concluded that the appropriate level of countermeasures in response to the WTO-inconsistent launch aid provided by the EU or certain member States to their large civil aircraft domestic industry is approximately $7.5 billion annually.

On October 9, 2019, the U.S. Trade Representative published a determination that the EU and certain member States have denied U.S. rights under the WTO Agreement and have failed to implement DSB recommendations concerning certain subsidies to the EU large civil aircraft industry. The U.S. Trade Representative determined to take action in the form of additional duties on products of certain member States of the EU, at levels of 10 or 25 percent *ad valorem*, effective October 18, 2019. *See* 84 FR 54245 (October 9, 2019) and 84 FR 55998 (October 18, 2019).

On December 12, 2019, the U.S. Trade Representative announced a review of the action and invited public comments regarding potential revisions. *See* 84 FR 67992 (December 12, 2019).

On February 14, 2020, the U.S. Trade Representative announced a determination to modify the list of non-aircraft products subject to 25 percent duty and to increase duties on certain large civil aircraft from 10 to 15 percent, effective March 5 and March 18, respectively. *See* 85 FR 10204 (Feb. 21, 2020) and 85 FR 14517 (March 12, 2020).

On June 26, 2020, the U.S. Trade Representative published a notice announcing another review of the action and establishing a docket to receive public comments. *See* 85 FR 38488. The June 26 notice included a proposal to impose additional duties of up to 100 percent on a new list of products of France, Germany, Spain and the United Kingdom, covered by 30 tariff subheadings with an approximate annual trade value of $3.1 billion. *See* 85 FR 38488 (June 26, 2020) and 85 FR 39661 (July 1, 2020). The notice invited interested persons to comment on whether products of specific current or former EU member States should be removed from the list of products subject to additional duties or should remain on the list; if a product remains on the list, whether the current rate of additional duty should be increased to as high as 100 percent; and whether additional products should be added to the list. In response to the notice, USTR received approximately 24,000 public comments.

B. Revision of Action

Section 306(b)(2)(B)(i) of the Trade Act of 1974, as amended, provides in pertinent part that the ''Trade Representative shall periodically revise the [retaliation] list or action to affect other goods of the country or countries that have failed to implement the [WTO Dispute Settlement Body] recommendation.'' Section 306(b)(2)(B)(ii) provides that no revision is required under section 306(b)(2)(B) if the U.S. Trade Representative determines that implementation of the DSB's recommendations is imminent, or the U.S. Trade Representative agrees with the affected industry concerned that revision of the list is not necessary.

The U.S. Trade Representative has not determined that the circumstances set forth in section 306(b)(2)(B)(ii) currently apply, and accordingly has determined to revise the action being taken in the investigation. The EU has not taken any action on six of the launch aid measures found in the WTO compliance proceedings to continue to be WTO-inconsistent. Furthermore, although the European Commission recently announced amendments to French and Spanish Airbus A350 XWB launch aid contracts, these actions do not implement the DSB's recommendations by withdrawing the subsidies received by Airbus.

Section 306(b)(2)(D) provides in pertinent part that in revising any list or action, the U.S. Trade Representative ''shall act in a manner that is most likely to result in the country or countries implementing the recommendations adopted in the dispute settlement proceeding or in achieving mutually satisfactory solution to the issue that gave rise to the dispute settlement proceeding.''

The modifications to the Section 301 action announced in this Notice are in

accordance with the statutory objective, and take into account the public comments, any advice of advisory committees, and the advice of the Section 301 committee. In accordance with section 306(b)(2)(F) of the Trade Act (19 U.S.C. 2416(b)(2)(F)), the revised action includes reciprocal goods of the affected industry. The annual trade value of the tariff subheadings subject to additional duties under the revised action remains at approximately $7.5 billion, which is consistent with the WTO Arbitrator's finding on the appropriate level of countermeasures.

As specified in the Annex 1 to this notice, the U.S. Trade Representative has determined to alter the composition of the list of non-aircraft products subject to additional duties. The level of additional duties on non-aircraft products will remain at 25 percent. In addition, the additional duty on certain large civil aircraft will remain at 15 percent.

Annex 1 to this Notice identifies the products affected by the revised action, the rate of duty to be assessed, and the current or former EU member States affected. Annex 2, section 1, contains the unofficial descriptive list of the revisions made by this Notice. Annex 2, section 2, contains an unofficial, consolidated description of the action, reflecting the changes in Annex 1.

In order to implement this determination, effective September 1, 2020, subchapter III of chapter 99 of the HTSUS is modified by Annex 1 to this notice. The additional duties provided for in the HTSUS subheadings established by Annex 1 apply in addition to all other applicable duties, fees, exactions, and charges.

Any product listed in Annex 1 to this notice, except any product that is eligible for admission under 'domestic status' as defined in 19 CFR 146.43, which is subject to the additional duty imposed by this determination, and is admitted into a U.S. foreign trade zone on or after 12:01 a.m. eastern daylight savings time on September 1, 2020, only may be admitted as 'privileged foreign status' as defined in 19 CFR 146.41. Such products will be subject upon entry for consumption to any *ad valorem* rates of duty or quantitative limitations related to the classification under the applicable HTSUS subheading.

The U.S. Trade Representative will continue to consider the action taken in this investigation. As stated in the February 21, 2020, notice, the U.S. Trade Representative has determined that the action may be revised as appropriate immediately upon any imposition of additional duties on U.S. products in connection with the Large Civil Aircraft dispute or with the EU's WTO challenge to the alleged subsidization of U.S. large civil aircraft.

Joseph Barloon,

General Counsel, Office of the U.S. Trade Representative.

Annex 1

A. Effective with respect to goods entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern daylight time September 1, 2020, U.S. note 21 to subchapter III of chapter 99 of the Harmonized Tariff Schedule of the United States is modified as provided herein:

1. U.S. note 21(a) to such subchapter is modified by deleting ''9903.89.52'' each place that it appears and inserting ''9903.89.55'' in lieu thereof.

2. U.S. note 21(e) to such subchapter is modified by deleting ''0406.90.99''.

3. U.S. note 21(l) to such subchapter is modified by inserting ''1905.31.00'' in numerical order.

4. U.S. note 21(n) to such subchapter is modified by deleting ''1905.31.00''.

5. U.S. note 21(q) to such subchapter is modified by deleting ''subheading 8214.90.60'' and inserting ''subheadings 2007.99.05, 2007.99.10, 2007.99.15, 2007.99.20, 2007.99.25, 2007.99.35, 2007.99.60, or 8214.90.60'' in lieu thereof.

6. U.S. note 21 to such subchapter is modified by inserting in alphabetical order:

''(r) Subheading 9903.89.55 and superior text thereto shall apply to all products of Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, Germany, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, or the United Kingdom that are classified in subheading 0406.90.99.''

B. Effective with respect to goods entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern daylight time September 1, 2020, the following new tariff provisions are inserted in numerical sequence in subchapter III of chapter 99, with the material in the following new tariff provisions inserted in the columns entitled ''Heading/Subheading'', ''Article Description'', and ''Rates of Duty 1-General'', respectively:

Heading/ subheading	Article description	Rates of duty		
		1		2
		General	Special	
9903.89.55	''Articles the product of Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, Germany, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, or the United Kingdom: Provided for in subheadings enumerated in U.S. note 21(r) to this subchapter.	The duty provided in the applicable subheading + 25%''.		

Annex 2

Section 1—Descriptive List of Changes From Annex 1

Note: The product descriptions that are contained this Annex are provided for informational purposes only, and are not intended to delimit in any way the scope of the action, except as specified below. In all cases, the formal language in Annex 1 governs the tariff treatment of products covered by the action. Section 1 of this Annex describes the changes to the action that were undertaken as a result of Annex 1, as reflected in the informal list presented in Section 2 of this Annex.

Any questions regarding the scope of particular HTS subheadings should be referred to U.S. Customs and Border Protection. In the product descriptions,

the abbreviation ''nesoi'' means ''not elsewhere specified or included''.

The following changes are made effective September 1, 2020.

(a) The following product has been removed from Part 4 of the descriptive list in Section 2.

HTS subheading	Product description
0406.90.99	Cheeses & subst. for cheese (incl. mixt.), nesoi, w/o cows milk, w/butterfat over 0.5 percent by wt, not subject to GN15.

(b) The following product has been inserted into Part 11 of the descriptive list in Section 2.

HTS subheading	Product description
1905.31.00	Sweet biscuits.

(c) The following product has been deleted from Part 13 of the descriptive list in Section 2.

HTS subheading	Product description
1905.31.00	Sweet biscuits.

(d) The following products have been added to the action, and have been inserted into Part 16 of the descriptive list in Section 2.

HTS subheading	Product description
2007.99.05	Lingonberry and raspberry jams.
2007.99.10	Strawberry jam.
2007.99.15	Currant and other berry jams, nesoi.
2007.99.20	Apricot jam.
2007.99.25	Cherry jam.
2007.99.35	Peach jam.
2007.99.60	Strawberry pastes and purees, being cooked preparations.

(e) Part 17 has been inserted into the descriptive list in Section 2.

HTS subheading	Product description
0406.90.99	Cheeses & subst. for cheese (incl. mixt.), nesoi, w/o cows milk, w/butterfat over 0.5 percent by wt, not subject to GN15.

Section 2—Descriptive List of Action, Reflecting Changes as Described in Annex 1

Note: The product descriptions that are contained this Annex are provided for informational purposes only, and are not intended to delimit in any way the scope of the action, except as specified below. In all cases, the formal language in Annex 1 and the notices published at 84 FR 54245 and 84 FR 55998 governs the tariff treatment of products covered by the action.

Any questions regarding the scope of particular HTS subheadings should be referred to U.S. Customs and Border Protection. In the product descriptions, the abbreviation ''nesoi'' means ''not elsewhere specified or included''.

Part 1—Products of France, Germany, Spain, or the United Kingdom described below are subject to additional import duties of 15 percent ad valorem.

Note: For purposes of the 8-digit subheading of HTS listed below, the product description defines and limits the scope of the proposed action.

HTS subheading	Product description
8802.40.00**	New airplanes and other new aircraft, as defined in U.S. note 21(b), (other than military airplanes or other military aircraft), of an unladen weight exceeding 30,000 kg (described in statistical reporting numbers 8802.40.0040, 8802.40.0060 or 8802.40.0070).

** Only a portion of HS8 digit is to be covered.

Part 2—Products of Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, or the United Kingdom described below are subject to additional import duties of 25 percent ad valorem:

HTS subheading	Product description
0403.10.50	Yogurt, in dry form, whether or not flavored or containing added fruit or cocoa, not subject to gen note 15 or add. US note 10 to Ch.4.
0403.90.85	Fermented milk o/than dried fermented milk or o/than dried milk with added lactic ferments.
0403.90.90	Curdled milk/cream/kephir & other fermentd or acid. milk/cream subject to add US note 10 to Ch.4.
0405.20.20	Butter substitute dairy spreads, over 45% butterfat weight, subject to quota pursuant to chapter 4 additional US note 14.
0406.10.28	Fresh (unripened/uncured) cheddar cheese, cheese/subs for cheese cont or proc from cheddar cheese, not subj to Ch4 US note 18, not GN15.
0406.10.54	Fresh (unripened/uncured) Italian-type cheeses from cow milk, cheese/substitutes containing such Italian-type cheeses or processed therefrom, subj to Ch4 US note 21, not subject to general note 15.
0406.10.58	Fresh (unrip./uncured) Italian-type cheeses from cow milk, cheese/substitutes cont or proc therefrom, not subj to Ch4 US note 21 or GN15.
0406.10.68	Fresh (unripened/uncured) Swiss/Emmentaler cheeses, except those with eye formation, gruyere-process cheese and cheese cont or proc. from such, not subject to additional US note 22 to ch4.
0406.20.51	Romano, reggiano, provolone, provoletti, sbrinz and goya, made from cow's milk, grated or powdered, subject to additional US note 21 to Ch.4.
0406.20.53	Romano, reggiano, provolone, provoletti, sbrinz and goya, made from cow's milk, grated or powdered, not subject to Ch4 US note 21 or GN15.
0406.20.69	Cheese containing or processed from american-type cheese (except cheddar), grated or powdered, subject to additional US note 19 to Ch. 4.
0406.20.77	Cheese containing or processed from italian-type cheeses made from cow's milk, grated or powdered, subject to additional US note 21 to Ch. 4.
0406.20.79	Cheese containing or processed from italian-type cheeses made from cow's milk, grated or powdered, not subject to additional US note 21 to Ch. 4.
0406.20.87	Cheese (including mixtures), nesoi, n/o 0.5 percent by wt. of butterfat, grated or powdered, not subject to additional US note 23 to Ch. 4.
0406.20.91	Cheese (including mixtures), nesoi, o/0.5 percent by wt of butterfat, w/cow's milk, grated or powdered, not subject to additional US note 16 to Ch. 4.
0406.30.05	Stilton cheese, processed, not grated or powdered, subject to additional US note 24 to Ch. 4.
0406.30.18	Blue-veined cheese (except roquefort), processed, not grated or powdered, not subject to gen. note 15 or additional US note 17 to Ch. 4.
0406.30.28	Cheddar cheese, processed, not grated or powdered, not subject to gen note 15 or to additional US note 18 to Ch. 4.
0406.30.34	Colby cheese, processed, not grated or powdered, subject to additional US note 19 to Ch. 4.
0406.30.38	Colby cheese, processed, not grated or powdered, not subject to gen note 15 or additional US note 19 to Ch. 4.
0406.30.55	Processed cheeses made from sheep's milk, including mixtures of such cheeses, not grated or powdered.
0406.30.69	Processed cheese containing or processed from american-type cheese (except cheddar), not grated/powdered, subject to additional US note 19 to Ch. 4, not subject to GN15.
0406.30.79	Processed cheese containing or processed from Italian-type, not grated/powdered, not subject to additional US note 21 to Ch. 4, not GN15.
0406.40.44	Stilton cheese, nesoi, in original loaves, subject to additional US note 24 to Ch. 4.
0406.40.48	Stilton cheese, nesoi, not in original loaves, subject to additional US note 24 to Ch. 4.
0406.90.32	Goya cheese from cow's milk, not in original loaves, nesoi, not subject to gen. note 15 or to additional US note 21 to Ch. 4.
0406.90.43	Reggiano, Parmesan, Provolone, and Provoletti cheese, nesoi, not from cow's milk, not subject to gen. note 15.
0406.90.52	Colby cheese, nesoi, subject to additional US note 19 to Ch. 4 and entered pursuant to its provisions.
0406.90.54	Colby cheese, nesoi, not subject to gen. note 15 or to add. US note 19 to Ch. 4.
0406.90.68	Cheeses & subst. for cheese(incl. mixt.), nesoi, w/romano/reggiano/parmesan/provolone/etc, f/cow milk, not subj. Ch4 US note 21, not GN15.
0406.90.72	Cheeses & subst. for cheese (incl. mixt.), nesoi, w/ or from blue-veined cheese, subj. to add. US note 17 to Ch.4, not GN15.
0406.90.74	Cheeses & subst. for cheese (incl. mixt.), nesoi, w/ or from blue-veined cheese, not subj. to add. US note 17 to Ch.4, not GN15.
0406.90.82	Cheeses & subst. for cheese (incl. mixt.), nesoi, w/ or from Am. cheese except cheddar, subj. to add. US note 19 to Ch.4, not GN15.
0406.90.92	Cheeses & subst. for cheese (incl. mixt.), nesoi, w/ or from swiss, emmentaler or gruyere, not subj. Ch4 US note 22, not GN15.
0406.90.94	Cheeses & subst. for cheese (incl. mixt.), nesoi, w/butterfat n/o 0.5 percent by wt, not subject to additional US note 23 to Ch. 4, not GN15.
0805.10.00	Oranges, fresh or dried.
0805.21.00	Mandarins and other similar citrus hybrids including tangerines, satsumas, clementines, wilkings, fresh or dried.
0805.22.00	Clementines, fresh or dried, other.
0805.50.20	Lemons, fresh or dried.
0812.10.00	Cherries, provisionally preserved, but unsuitable in that state for immediate consumption.
0813.40.30	Cherries, dried.
1602.49.10	Prepared or preserved pork offal, including mixtures.
1605.53.05	Mussels, containing fish meats or in prepared meals.
1605.56.05	Products of clams, cockles, and arkshells containing fish meat; prepared meals.
1605.56.10	Razor clams, in airtight containers, prepared or preserved, nesoi.
1605.56.15	Boiled clams in immediate airtight containers, the contents of which do not exceed 680 g gross weight.
1605.56.20	Clams, prepared or preserved, excluding boiled clams, in immediate airtight containers, nesoi.

HTS subheading	Product description
1605.56.30	Clams, prepared or preserved, other than in airtight containers.
1605.56.60	Cockles and arkshells, prepared or preserved.
1605.59.05	Products of molluscs nesoi containing fish meat; prepared meals of molluscs nesoi.
1605.59.60	Molluscs nesoi, prepared or preserved.

Part 3—Products of Germany, Spain, or the United Kingdom described below are subject to additional import duties of 25 percent ad valorem:

HTS subheading	Product description
0203.29.40	Frozen meat of swine, other than retail cuts, nesoi.
0404.10.05	Whey protein concentrates.
0406.10.84	Fresh cheese, and substitutes for cheese, cont. cows milk, neosi, over 0.5 percent by wt. of butterfat, descr in add US note 16 to Ch 4, not GN15.
0406.10.88	Fresh cheese, and substitutes for cheese, cont. cows milk, neosi, over 0.5 percent by wt. of butterfat, not descr in add US note 16 to Ch 4, not GN 15.
0406.10.95	Fresh cheese, and substitutes for cheese, not cont. cows milk, neosi, over 0.5 percent by wt. of butterfat.
0406.90.16	Edam and gouda cheese, nesoi, subject to additional US note 20 to Ch. 4.
0406.90.56	Cheeses, nesoi, from sheep's milk in original loaves and suitable for grating.
1509.10.20	Virgin olive oil and its fractions, whether or not refined, not chemically modified, weighing with the immediate container under 18 kg.
1509.90.20	Olive oil, other than virgin olive oil, and its fractions, not chemically modified, weighing with the immediate container under 18 kg.
2005.70.12	Olives, green, not pitted, in saline, not ripe.
2005.70.25	Olives, green, in a saline solution, pitted or stuffed, not place packed.

Part 4—Products of Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, or the United Kingdom described below are subject to additional import duties of 25 percent ad valorem:

HTS subheading	Product description
0403.10.90	Yogurt, not in dry form, whether or not flavored or containing add fruit or cocoa.
0405.10.10	Butter subject to quota pursuant to chapter 4 additional US note 6.
0405.10.20	Butter not subject to general note 15 and in excess of quota in chapter 4 additional U.S. note 6.
0406.30.89	Processed cheese (incl. mixtures), nesoi, w/cow's milk, not grated or powdered, subject to add US note 16 to Ch. 4, not subject to GN15.
0811.90.80	Fruit, nesoi, frozen, whether or not previously steamed or boiled.
1601.00.20	Pork sausages and similar products of pork, pork offal or blood; food preparations based on these products.
2008.60.00	Cherries, otherwise prepared or preserved, nesoi.
2008.70.20	Peaches (excluding nectarines), otherwise prepared or preserved, not elsewhere specified or included.
2008.97.90	Mixtures of fruit or other edible parts of plants, otherwise prepared or preserved, nesoi (excluding tropical fruit salad).
2009.89.65	Cherry juice, concentrated or not concentrated.
2009.89.80	Juice of any single vegetable, other than tomato, concentrated or not concentrated.

Part 5—Products of Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, or the United Kingdom described below are subject to additional import duties of 25 percent ad valorem:

HTS subheading	Product description
0405.20.30	Butter substitute dairy spreads, over 45 percent butterfat weight, not subj to gen note 15 and in excess of quota in ch. 4 additional US note 14.
0405.20.80	Other dairy spreads, not butter substitutes or of a type provided for in chapter 4 additional US note 1.
0406.30.85	Processed cheese (incl. mixtures), nesoi, not over 0.5 percent by wt. butterfat, not grated or powdered, subject to Ch4 US note 23, not GN15.
0406.90.78	Cheeses & subst. for cheese (incl. mixt.), nesoi, w/or from cheddar cheese, not subj. to add. US note 18 to Ch.4, not GN15.
1602.41.90	Prepared or preserved pork hams and cuts thereof, not containing cereals or vegetables, nesoi.
1602.42.20	Pork shoulders and cuts thereof, boned and cooked and packed in airtight containers.
1602.42.40	Prepared or preserved pork shoulders and cuts thereof, other than boned and cooked and packed in airtight containers.
1602.49.40	Prepared or preserved pork, not containing cereals or vegetables, nesoi.
1602.49.90	Prepared or preserved pork, nesoi.

Part 6—Products of Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, or the United Kingdom described below are subject to additional import duties of 25 percent ad valorem:

HTS Subheading	Product Description
0405.90.10	Fats and oils derived from milk, other than butter or dairy spreads, subject to quota pursuant to chapter 4 additional US note 14.
0406.30.51	Gruyere-process cheese, processed, not grated or powdered, subject to additional US note 22 to Ch. 4.
0406.30.53	Gruyere-process cheese, processed, not grated or powdered, not subject to gen note 15 or additional US note 22 to Ch. 4.
0406.40.54	Blue-veined cheese, nesoi, in original loaves, subject to add. US note 17 to Ch. 4.
0406.90.08	Cheddar cheese, neosi, subject to add. US note 18 to Ch. 4.
0406.90.12	Cheddar cheese, nesoi, not subject to gen. note 15 of the HTS or to additional US note 18 to Ch. 4.
0406.90.41	Romano, Reggiano, Parmesan, Provolone, and Provoletti cheese, nesoi, from cow's milk, subject to add. US note 21 to Ch. 4.
0406.90.42	Romano, Reggiano, Parmesan, Provolone, and Provoletti cheese, nesoi, from cow's milk, not subj to GN 15 or Ch4 additional US note 21.
0406.90.48	Swiss or Emmentaler cheese with eye formation, nesoi, not subject to gen. note 15 or to additional US note 25 to Ch. 4.
0406.90.90	Cheeses & subst. for cheese (incl. mixt.), nesoi, w/or from swiss, emmentaler or gruyere, subj. to add. US note 22 to Ch.4, not GN15.
0406.90.97	Cheeses & subst. for cheese (incl. mixt.), nesoi, w/cow's milk, w/butterfat over 0.5 percent by wt, not subject to Ch4 US note 16, not subject to GN15.
1605.53.60	Mussels, prepared or preserved.
2007.99.70	Currant and berry fruit jellies.
2008.40.00	Pears, otherwise prepared or preserved, nesoi.
2009.89.20	Pear juice, concentrated or not concentrated.

Part 7—Products of Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, or the United Kingdom described below are subject to additional import duties of 25 percent ad valorem:

HTS subheading	Product description
0406.90.46	Swiss or Emmentaler cheese with eye formation, nesoi, subject to add. US note 25 to Ch. 4.

Part 8—Products of Austria, Belgium, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, or the United Kingdom described below are subject to additional import duties of 25 percent ad valorem:

HTS subheading	Product description
0406.90.57	Pecorino cheese, from sheep's milk, in original loaves, not suitable for grating.

Part 9—Products of Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, Germany, Greece, Hungary, Ireland, Italy, Latvia, Luxembourg, Malta, Netherlands, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, or the United Kingdom described below are subject to additional import duties of 25 percent ad valorem:

HTS subheading	Product description
0406.90.95	Cheeses & subst. for cheese (incl. mixt.), nesoi, w/cows milk, w/butterfat over 0.5 percent by wt, subject to Ch 4 additional US note 16 (quota).

Part 10—Products of France, Germany, Spain or the United Kingdom described below are subject to additional import duties of 25 percent ad valorem:

HTS subheading	Product description
0711.20.18	Olives, n/pitted, green, in saline sol., in contain. >8 kg, drained wt, for repacking or sale, subject to additional US note 5 to Ch. 7.
0711.20.28	Olives, n/pitted, green, in saline sol., in contain. >8 kg, drained wt, for repacking or sale, not subject to additional US note 5 to Ch. 7.

HTS subheading	Product description
0711.20.38	Olives, n/pitted, nesoi.
0711.20.40	Olives, pitted or stuffed, provisionally preserved but unsuitable in that state for immediate consumption.
2005.70.08	Olives, green, not pitted, in saline, not ripe, in containers holding over kg for repkg, not subject to add. US note 4 to Ch. 20.
2005.70.16	Olives, green, in saline, place packed, stuffed, in containers holding not over 1 kg, aggregate quantity n/o 2700 m ton/yr.
2005.70.23	Olives, green, in saline, place packed, stuffed, not in containers holding 1 kg or less.
2204.21.50	Wine other than Tokay (not carbonated), not over 14 percent alcohol, in containers not over 2 liters.

Part 11—Products of Germany described below are subject to additional import duties of 25 percent ad valorem:

HTS subheading	Product description
0901.21.00	Coffee, roasted, not decaffeinated.
0901.22.00	Coffee, roasted, decaffeinated.
1905.31.00	Sweet biscuits.
2101.11.21	Instant coffee, not flavored.
8201.40.60	Axes, bill hooks and similar hewing tools (o/than machetes), and base metal parts thereof.
8203.20.20	Base metal tweezers.
8203.20.60	Pliers (including cutting pliers but not slip joint pliers), pincers and similar tools.
8203.30.00	Metal cutting shears and similar tools, and base metal parts thereof.
8203.40.60	Pipe cutters, bolt cutters, perforating punches and similar tools, nesoi, and base metal parts thereof.
8205.40.00	Screwdrivers and base metal parts thereof.
8211.93.00	Knives having other than fixed blades.
8211.94.50	Base metal blades for knives having other than fixed blades.
8467.19.10	Tools for working in the hand, pneumatic, other than rotary type, suitable for metal working.
8467.19.50	Tools for working in the hand, pneumatic, other than rotary type, other than suitable for metal working.
8468.80.10	Machinery and apparatus, hand-directed or -controlled, used for soldering, brazing or welding, not gas-operated.
8468.90.10	Parts of hand-directed or -controlled machinery, apparatus and appliances used for soldering, brazing, welding or tempering.
8514.20.40	Industrial or laboratory microwave ovens for making hot drinks or for cooking or heating food.
9002.11.90	Objective lenses and parts & access. thereof, for cameras, projectors, or photographic enlargers or reducers, except projection, nesoi.

Part 12—Products of Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Estonia, Finland, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, or the United Kingdom described below are subject to additional import duties of 25 percent ad valorem:

HTS subheading	Product description
1602.49.20	Pork other than ham and shoulder and cuts thereof, not containing cereals or vegetables, boned and cooked and packed in airtight containers.

Part 13—Products of Germany or the United Kingdom described below are subject to additional import duties of 25 percent ad valorem:

HTS subheading	Product description
1905.32.00	Waffles and wafers.
4901.10.00	Printed books, brochures, leaflets and similar printed matter in single sheets, whether or not folded.
4908.10.00	Transfers (decalcomanias), vitrifiable.
4911.91.20	Lithographs on paper or paperboard, not over 0.51 mm in thickness, printed not over 20 years at time of importation.
4911.91.30	Lithographs on paper or paperboard, over 0.51 mm in thickness, printed not over 20 years at time of importation.
4911.91.40	Pictures, designs and photographs, excluding lithographs on paper or paperboard, printed not over 20 years at time of importation.
8429.52.10	Self-propelled backhoes, shovels, clamshells and draglines with a 360 degree revolving superstructure.
8429.52.50	Self-propelled machinery with a 360 degree revolving superstructure, other than backhoes, shovels, clamshells and draglines.
8467.29.00	Electromechanical tools for working in the hand, other than drills or saws, with self-contained electric motor.

Part 14—Products of Germany, Ireland, Italy, Spain, or the United Kingdom described below are subject to additional import duties of 25 percent ad valorem:

HTS subheading	Product description
2208.70.00	Liqueurs and cordials.

Part 15—Products of the United Kingdom described below are subject to additional import duties of 25 percent ad valorem:

Note: For purposes of 2208.30.30, the product description defines and limits the scope of the proposed action.

HTS subheading	Product description
2208.30.30**	Single-malt Irish and Scotch Whiskies.
6110.11.00	Sweaters, pullovers, sweatshirts, waistcoats (vests) and similar articles, knitted or crocheted, of wool.
6110.12.10	Sweaters, pullovers, sweatshirts, waistcoats (vests) and similar articles, knitted or crocheted, of Kashmir goats, wholly of cashmere.
6110.20.20	Sweaters, pullovers and similar articles, knitted or crocheted, of cotton, nesoi.
6110.30.30	Sweaters, pullovers and similar articles, knitted or crocheted, of manmade fibers, nesoi.
6202.99.15	Rec perf outwear, women's/girls' anoraks, wind-breakers & similar articles, not k/c, tex mats (not wool, cotton or mmf), cont <70 percent by wt of silk.
6202.99.80	Women's/girls' anoraks, wind-breakers & similar articles, not k/c, of tex mats (not wool, cotton or mmf), cont <70% by wt of silk.
6203.11.60	Men's or boys' suits of wool, not knitted or crocheted, nesoi, of wool yarn with average fiber diameter of 18.5 micron or less.
6203.11.90	Men's or boys' suits of wool or fine animal hair, not knitted or crocheted, nesoi.
6203.19.30	Men's or boys' suits, of artificial fibers, nesoi, not knitted or crocheted.
6203.19.90	Men's or boys' suits, of textile mats (except wool, cotton or mmf), containing under 70 percent by weight of silk or silk waste, not knit or crocheted.
6208.21.00	Women's or girls' nightdresses and pajamas, not knitted or crocheted, of cotton.
6211.12.40	Women's or girls' swimwear, of textile materials (except mmf), containing 70% or more by weight of silk or silk waste, not knit or crocheted.
6211.12.80	Women's or girls' swimwear, of textile materials (except mmf), containing under 70% by weight of silk or silk waste, not knit or crocheted.
6301.30.00	Blankets (other than electric blankets) and traveling rugs, of cotton.
6301.90.00	Blankets and traveling rugs, nesoi.
6302.21.50	Bed linen, not knit or crocheted, printed, of cotton, cont any embroidery, lace, braid, edging, trimming, piping or applique work, n/napped.
6302.21.90	Bed linen, not knit or croc, printed, of cotton, not cont any embroidery, lace, braid, edging, trimming, piping or applique work, not napped.

** Only a portion of HS8 digit is to be covered.

Part 16—Products of France or Germany described below are subject to additional import duties of 25 percent ad valorem:

HTS subheading	Product description
8214.90.60	Butchers' or kitchen chopping or mincing knives (o/than cleavers w/their handles).
2007.99.05	Lingonberry and raspberry jams.
2007.99.10	Strawberry jam.
2007.99.15	Currant and other berry jams, nesoi.
2007.99.20	Apricot jam.
2007.99.25	Cherry jam.
2007.99.35	Peach jam.
2007.99.60	Strawberry pastes and purees, being cooked preparations.

Part 17—Products of Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, Germany, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, or the United Kingdom described below are subject to additional import duties of 25 percent ad valorem.

HTS subheading	Product description
0406.90.99	Cheeses & subst. for cheese (incl. mixt.), nesoi, w/o cows milk, w/butterfat over 0.5 percent by wt, not subject to GN15.

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DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA- 2019–0271]

Agency Information Collection Activities; Renewal of an Approved Information Collection: Accident Recordkeeping Requirements

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Transportation (DOT).

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FMCSA announces its plan to submit the Information Collection Request (ICR) described below to the Office of Management and Budget (OMB) for its review and approval. FMCSA requests approval to renew the ICR titled ''Accident Recordkeeping Requirements.'' This ICR relates to Agency requirements that motor carriers maintain a record of accidents involving their commercial motor vehicles (CMVs). Motor carriers are not required to report this data to FMCSA, but must produce it upon inquiry by authorized Federal, State or local officials.

DATES: Please send your comments by September 17, 2020. OMB must receive your comments by this date in order to act quickly on the ICR.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Ms. Pearlie Robinson, Driver and Carrier Operations Division, DOT, FMCSA, West Building 6th Floor, 1200 New Jersey Avenue SE, Washington, DC 20590. Telephone: 202–366–4325. Email: *MCPSD@dot.gov.*

SUPPLEMENTARY INFORMATION:

Title: Accident Recordkeeping Requirements.

OMB Control Number: 2126–0009.

Type of Request: Renewal of a currently approved collection.

Respondents: Motor carriers.

Estimated Number of Respondents: 89,270.

Estimated Number of Responses: 184,749.

Estimated Time per Response: 18 minutes.

Expiration Date: September 30, 2020.

Frequency of Response: On occasion.

Estimated Total Annual Burden: 55,425 burden hours (184,749 accidents × 18 minutes per response/60 minutes in an hour = 55,425 hours).

Definitions: ''Accident'' is an occurrence involving a CMV operating on a highway in interstate or intrastate commerce that results in (1) a fatality; (2) bodily injury to a person who, as a result of the injury, receives medical treatment away from the scene of the accident; or (3) one or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle(s) to be transported away from the scene by a tow truck or other motor vehicle. The term accident does not include (i) an occurrence involving only boarding or alighting from a stationary motor vehicle, or (ii) an occurrence involving only the loading or unloading of cargo (49 CFR 390.5).

Background

Title 49 of the Code of Federal Regulations, Section 390.15(b), requires motor carriers to make certain specified records and information pertaining to CMV accidents available to an authorized representative or special agent of FMCSA upon request or as part of an inquiry. Motor carriers are required to maintain an ''accident register'' consisting of information concerning all ''accidents'' involving their CMVs (49 CFR 390.15(b) (see ''Definition: Accident'' below). The following information must be recorded for each accident: Date, location, driver name, number of injuries, number of fatalities, and whether certain dangerous hazardous materials were released. In addition, the motor carrier must maintain copies of all accident reports required by insurers or governmental entities. Motor carriers must maintain this information for three years after the date of the accident. Section 390.15 does not require motor carriers to submit any information or records to FMCSA or any other party.

This ICR supports the DOT strategic goal of safety. By requiring motor carriers to gather and record information concerning CMV accidents, FMCSA is strengthening its ability to assess the safety performance of motor carriers. This information is a valuable resource in Agency initiatives to prevent, and reduce the severity of, CMV crashes.

The Agency has modified several of its estimates for this ICR. The estimated number of annual respondents has decreased substantially, while the numbers of responses, burden hours, and annual costs to respondents have increased. Explanations for these changes are summarized below.

The previously-approved number of annual respondents is 866,122. This estimate was based on records of all interstate and intrastate motor carriers with ''recent activity'' in the Motor Carrier Management Information System (MCMIS) for calendar year 2015. However, not all of these motor carriers experience a DOT-reportable crash every calendar year. To more accurately estimate the annual number of respondents, we looked at the carriers associated with crashes reported in MCMIS for calendar years 2016 through 2018 and calculated the annual average. This gave us a significantly reduced estimate of 89,270 respondents per year.

The previously-approved burden is 36,157 burden hours. The Agency increases its estimate to 55,425 burden hours. The text of section 390.15(b) is unchanged; the increase in burden hours does not reflect changes in the requirements for accident recordkeeping. The adjustment in annual burden hours is due to a revised estimate of the number of reportable accidents from 120,522 to 184,749 per year, using interstate and intrastate DOT-reportable motor carrier crash records in MCMIS for calendar years 2016 through 2018. In the previous iteration of this ICR, only crash records for calendar year 2015 were considered, and only crashes for carriers with a DOT number and ''recent activity'' in MCMIS were included. In the current iteration of this ICR, we include recorded crashes in which there is not a recorded DOT number, but the CRASH_CARRIER_INTERSTATE field in MCMIS is coded as ''Interstate'' or ''Intrastate'' (thus suggesting that they are commercial carriers). This change in approach has resulted in an increased estimate of annual crashes subject to the Accident Register reporting requirements, and thus an increase in the number of responses, as each crash is associated with one response.

The revised version of this ICR includes estimated labor costs associated with maintaining the Accident Register. The previous iteration of this ICR did not include such an estimate; it only reported the estimated annual burden hours. The estimated annual labor cost for industry resulting from the Accident Register reporting requirements is $1,860,617.

Finally, the estimated annual cost associated with accident recordkeeping (outside of labor costs) is increased from $8,437 to $106,785. In the previous

iteration of this ICR, it was assumed that all motor carriers were storing hard copy records offsite, which is less costly than storing hard copy records onsite due to reduced space requirements. In the current iteration of this ICR, FMCSA is assuming that (1) approximately 15 percent of motor carriers are storing their Accident Registers electronically, at no extra cost, and (2) approximately 85 percent of motor carriers are storing hard copy versions of their Accident Registers. FMCSA is further assuming that motor carriers that maintain paper records are storing their Accident Registers at their principal place of business, so that they have easy access to such records during an FMCSA investigation. This change in storage location increases the cost of storage, from $0.07 to $0.68 per accident recorded. While FMCSA is now assuming that some motor carriers are storing documents electronically at no extra cost, the overall number of responses has increased over prior years, overtaking the reduction in number of carriers storing hard copy records.

On April 28, 2020, FMCSA published a **Federal Register** notice allowing for a 60-day comment period on this ICR. Two comments were received in response to this notice. The first respondent, Denise Quinehan, reported that she was involved in a level 4 motorcycle accident in 2016 and the driver that hit her had no insurance or registration. Four years after the accident she found that the reporting officer altered the crash report and that report was being used in other claims that resulted in identity fraud. She wrote that some limits of reports should not be released until the involved party has access to it. Second, the National Motor Freight Traffic Association, Inc. concluded that ''FMCSA will benefit from greater use of accident information, such as police accident reports, that support greater accuracy and fairer portrayal of a carrier's safety practices. FMCSA could more effectively use its enforcement resources if it can better identify motor carriers who bore responsibility for commercial motor vehicle accidents.'' Neither of the respondents addressed whether the proposed collection is necessary for the performance of FMCSA's functions; the accuracy of the estimated burden; nor the ways the burden could be minimized without reducing the quality of the collected information.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including: (1) Whether the proposed collection is necessary for the performance of FMCSA's functions; (2) the accuracy of the estimated burden; (3) ways for FMCSA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized without reducing the quality of the collected information.

The agency will summarize or include your comments in the request for OMB's clearance of this information collection.

Issued under the authority of 49 CFR 1.87.

Kenneth Riddle,

Acting Associate Administrator, Office of Research and Registration.

[FR Doc. 2020–18013 Filed 8–17–20; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2018–0328]

Agency Information Collection Activities; Approval of a New Information Collection Request: Beyond Compliance

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Transportation (DOT).

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FMCSA announces its plan to submit the Information Collection Request (ICR) described below to the Office of Management and Budget (OMB) for review and approval. The primary purpose of the ICR is to assess the effectiveness of various technologies, programs, and policies on motor carrier safety performance in support of the implementation of the Fixing America's Surface Transportation Act, 2015 (FAST Act) Beyond Compliance requirements.

DATES: Please send your comments by September 17, 2020. OMB must receive your comments by this date in order to act quickly on the ICR.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Nicole Michel, Mathematical Statistician, Office of Analysis, Research, and Technology's Research Division, Department of Transportation, Federal Motor Carrier Safety Administration, 6th Floor, West Building, 1200 New Jersey Avenue SE, Washington, DC 20590–0001. Telephone: 202–366–4354; Email Address: *Nicole.michel@dot.gov.* Office hours are from 9 a.m. to 5 p.m., Monday through Friday, except Federal Holidays.

SUPPLEMENTARY INFORMATION:

Title: Beyond Compliance.

OMB Control Number: 2126–00XX.

Type of Request: New information collection.

Respondents: Motor carrier operational managers.

Estimated Number of Respondents: 112 participating carriers and 113 non-participating carriers.

Estimated Time per Response: 70 minutes (5 minutes to read email invite, 10 minutes for webinar, 5 minutes to read instructions, 40 minutes to respond to actual survey, 5 minutes for reminder email 1, 5 minutes for reminder email 2).

Expiration Date: N/A. This is a new information collection.

Frequency of Response: Once.

Estimated Total Annual Burden: 150 hours [(225 email invitation respondents × 5 minutes) + (112 webinar respondents × 10 minutes) + (112 survey instruction respondents × 5) + (112 survey respondents × 40 minutes) + (225 email reminder #1 respondents × 5 minutes) + (113 email reminder #2 respondents × 5 minutes)].

Background

FMCSA requests OMB's review and approval of a new ICR to implement the Beyond Compliance Program, required by Section 5222 of the Fixing America's Surface Transportation Act, 2015 (FAST Act) (Pub. L. 114–94, 129 Stat. 1312, Dec. 4, 2015).

The FAST Act requires FMCSA to allow recognition, including credit or an improved Safety Measurement System (SMS) percentile, for motor carriers that: (1) Install advanced safety equipment; (2) use enhanced driver fitness measures; (3) adopt fleet safety management tools, technologies, and programs; or (4) satisfy other standards determined appropriate by the Administrator.

The FAST Act also requires the FMCSA Administrator to carry out the Beyond Compliance provisions through: (1) Developing a process for identifying elements of technology and safety programs as a basis for recognition; (2) seeking input from stakeholders; (3) using a third party for a monitoring program; and (4) providing a report to Congress.

The primary purpose of the ICR is to assess the effectiveness of various technologies, programs, and policies on motor carrier safety performance in support of the implementation of the FAST Act Beyond Compliance requirements.

To accomplish this, the study will complete the following three objectives:

(1) Identify high-performing carriers in terms of safety performance.

(2) Determine the safety technologies, programs, and policies employed by these carriers.

(3) Gauge the relative effectiveness of those safety technologies, programs, and policies based on the expert opinion and performance metrics of the high performing carriers.

The data being collected for this study consists of responses from a select group of motor carriers on the most effective technologies, programs, and policies for achieving safe operations. The study does not attempt to conduct a full survey of the motor carrier population. Instead, it relies on expert opinion from carriers that are objectively determined to exhibit safe operations that exceed industry averages as indicated by driver out-of-service rates, vehicle out-of-service rates, and crash rates. To identify these carriers, the study will utilize existing data from the Motor Carrier Management Information System (MCMIS) database.

FMCSA will collect data through an electronic survey of a panel of industry experts. The experts will be recruited from motor carriers who have safety performance records that are better than national averages. These carriers will be identified by examining Department of Transportation-reportable crash rates, driver out-of-service rates at roadside inspections, and vehicle out-of-service rates at roadside inspections. Only those carriers that perform near the top quartile across all three categories are potential participants.

Participants would first be invited to participate in an online webinar that explains the evaluation design (*i.e.,* analytic hierarchy process, or AHP). AHP is a tool for dealing with complex decision-making that employs a series of structured, pairwise comparisons in which respondents must express a preference for one alternative over another according to various evaluation criteria. Participants may not know how to proceed through the pairwise comparisons. Instead of solely relying on written instructions to explain to participants how to complete the survey, the project team believes it would be useful to conduct an information session via a webinar so an example can be provided and any questions answered. The webinar would be conducted multiple times and participants would be given the option to select the one that best suits their schedules. In addition to the webinar, an online video would be made available to participants that explains the AHP.

Once participants complete the webinar, they will be given a link to complete the survey online using an online survey tool such as Survey Monkey or Qualtrics. In the context of Beyond Compliance, the AHP-based survey would work by presenting experts with alternatives for what an ideal safety program looks like and allowing them to systematically compare the major elements of these programs. The survey results would then be analyzed to determine the safety program elements that were most frequently scored the highest across participants. The resulting information would reveal the elements of safety programs that these motor carriers are using and their achieved results and what these motor carriers believe to be the most effective for achieving safety and should be included in a Beyond Compliance program.

In addition to those carriers invited by FMCSA to participate in the survey, FMCSA will also be reaching out to the National Association of Small Trucking Companies and Owner-Operator Independent Drivers Association to invite them to voluntarily survey members as a supplemental data collection to the structured design. This would enable greater participation by smaller carriers and owner-operators, and would also enable a wider perspective of responses.

The results of the data collection will be analyzed and integrated into the pilot study report. Data collection will be completed within 90 days of the end of the pilot program period and followed by a statistical analysis in 180 days. Both descriptive and analytical methods will be employed during the data analysis. The results of the study will be documented in a technical report that will be delivered to and maintained by FMCSA. This report will be available to the public on the FMCSA website, at *www.fmcsa.dot.gov.* The contents of the technical report will be utilized in developing the report that FMCSA is required to provide to Congress, pursuant to Section 5222 of the FAST Act.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including: (1) Whether the proposed collection is necessary for the FMCSA to perform its functions; (2) the accuracy of the estimated burden; (3) ways for the FMCSA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized without reducing the quality of the collected information.

Issued under the authority delegated in 49 CFR 1.87.

Kenneth Riddle,

Acting Associate Administrator, Office of Research and Registration.

[FR Doc. 2020–18014 Filed 8–17–20; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2020–0081]

Inspection, Repair and Maintenance; Inspector Qualifications; Intermodal Association of North America (IANA) Application for an Exemption

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of final disposition.

SUMMARY: The Federal Motor Carrier Safety Administration (FMCSA) announces its decision to grant Intermodal Association of North America's (IANA) application for a limited 5-year exemption to allow individuals who complete a training program consistent with a set of Intermodal Recommended Practices (IRPs) and associated requirements that has been developed by IANA to be considered a qualified inspector or qualified brake inspector for intermodal equipment (IME) under the Federal Motor Carrier Safety Regulations (FMCSR), in lieu of having one year of training or experience or a combination thereof prior to becoming a certified inspector/brake inspector. The Agency has determined that granting the exemption to allow individuals who complete a performance-based training program consistent with the IRPs and associated requirements developed by IANA, instead of the time-based training and experience requirements specified in the FMCSRs, would likely achieve a level of safety equivalent to or greater than the level of safety provided by the regulation.

DATES: This exemption is effective August 18, 2020 and ending August 18, 2025.

FOR FURTHER INFORMATION CONTACT: Mr. Luke Loy, Vehicle and Roadside Operations Division, Office of Carrier, Driver, and Vehicle Safety, MC–PSV,

Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE, Washington, DC 20590–0001; (202) 366–0676; *luke.loy@dot.gov.*

Docket: For access to the docket to read background documents or comments submitted to notice requesting public comments on the exemption application, go to *www.regulations.gov* at any time or visit Docket Operations, Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366–9317 or (202) 366–9826 before visiting Docket Operations. The on-line Federal document management system is available 24 hours each day, 365 days each year. The docket number is listed at the beginning of this notice.

SUPPLEMENTARY INFORMATION:

Background

FMCSA has authority under 49 U.S.C. 31136(e) and 31315 to grant exemptions from certain parts of the FMCSRs. FMCSA must publish a notice of each exemption request in the **Federal Register** (49 CFR 381.315(a)). The Agency must provide the public an opportunity to inspect the information relevant to the application, including any safety analyses that have been conducted. The Agency must also provide an opportunity for public comment on the request.

The Agency reviews safety analyses and public comments submitted, and determines whether granting the exemption would likely achieve a level of safety equivalent to, or greater than, the level that would be achieved by the current regulation (49 CFR 381.305). The decision of the Agency must be published in the **Federal Register** (49 CFR 381.315(b)) with the reasons for denying or granting the application and, if granted, the name of the person or class of persons receiving the exemption, and the regulatory provision from which the exemption is granted. The notice must also specify the effective period and explain the terms and conditions of the exemption. The exemption may be renewed (49 CFR 381.300(b)).

IANA Application for Exemption

IANA applied for an exemption that would allow individuals who complete a training program consistent with a set of IRPs and associated requirements developed by IANA to be considered (1) a qualified inspector for the purpose of conducting periodic (annual) inspections of IME under 49 CFR 396.17, and (2) a qualified brake inspector under 49 CFR 396.25 for the purpose of conducting brake system inspection, maintenance, service, or repair of IME. A copy of the application is included in the docket referenced at the beginning of this notice.

The FMCSRs require individuals performing annual inspections of commercial motor vehicles (CMVs), including IME, or inspections, maintenance, repairs, or service to the brake systems on CMVs (including IME) to be properly qualified to perform such inspections. Under §§ 396.19(a)(3)(ii) and 396.25(d)(3)(ii), an individual who has training or experience or a combination thereof totaling at least one year as outlined in those sections is considered to be qualified to conduct those inspections.

In its application, IANA states that:

> . . . a performance-based approach to training can be as effective, if not more so, than time-based training. An exemption to the current time-based requirement is therefore warranted in order to offer a performance-based alternative. The program that IANA has developed, including broad-based input from experts across the industry, coupled with real-world, operational experience, provides exceptional guidance and instruction for inspectors to meet FMCSA's ultimate goal, which is to have safe and roadworthy intermodal equipment on the highways.

Specifically, IANA's Mechanics Training Task Force, part of its Maintenance & Repair Committee, has developed a series of five discrete elements described in greater detail below that together will serve to provide training developers and providers with the necessary content to deliver comprehensive training programs and assessments.

(1) IRPs. IANA has developed a group of 53 IRPs that are individual procedures relating to the inspection, repair, or replacement of components on IME. The IRPs have been packaged into a Guide titled ''The IANA Guide to Chassis Inspection and Repair'' that includes additional resources in Appendices that support the IRPs. The IRPs have been grouped into nine separate sections based principally on the systems and components that exist on IME as follows: General Procedures and Auxiliary Equipment; Electrical and Lamps; Tires and Wheels; Axles; Couplers and Hitches; Frames; Suspensions; Brakes; and Welding/Fabrication. Generally, each IRP includes:

- Background and Context. This section provides an explanation of the need for the IRP and a brief overview of the content.
- Terms and Definitions. This section contains a list of specific terms and their meaning within the context of the IRP, over and above those found in the Glossary (Appendix B of the Guide). It also provides terms and definitions that are specific to the procedures in the IRP.
- Recommended Tools, Supplies and Equipment. This section lists the necessary items that should be available to mechanics in performing the procedure in the IRP.
- Procedures. This section contains detailed, step-by-step instructions for performing each specific procedure.
- Additional Information. This section lists resources that are relevant to and further inform the content of the IRP.

(2) Competency Documents. The Competency Documents are a set of 53 documents that are based on the IRPs, and that (a) include specific statements that correspond to each individual IRP, and (b) outline the specific knowledge and skills necessary for inspectors/mechanics to possess in order to successfully execute the procedures outlined in each IRP. The material provided in these Competency Documents serves to assist training providers as the foundation for the development of the training curriculum and content, as well as assisting in the development and delivery of inspector knowledge and skills assessments.

(3) Task Lists. Each Competency Document also includes a ''Task List.'' The items in the Task Lists represent the practical elements involved in assessing the proficiency of the inspectors/mechanics when conducting the procedures outlined in each of the IRPs. In addition to individuals successfully understanding the knowledge items outlined in the Competency Documents, each individual undertaking the training also needs to demonstrate proficiency in the items outlined in the Task Lists. These demonstrations occur under the oversight of a qualified inspector prior to the individual being able to perform the procedures in the IRP going forward as a qualified inspector.

(4) Question Matrix. IANA's Mechanics Training Working Group also developed a matrix to identify the number of test questions to be considered relative to each IRP when conducting assessments of an individual's knowledge level. The matrix, when coupled with the Competency Documents, forms the basis for developing test questions for an individual's knowledge assessments. These assessments are to be used in conjunction with modules in training courses. However, they will also serve to assess an individual's knowledge

prior to taking training (*e.g.,* for ''new'' inspectors/mechanics) and to assist with gap analysis and identifying additional training needs for the existing workforce of inspectors/mechanics.

(5) Training Hours. While IANA believes that the overall program should be primarily competency-based, IANA also recognizes that temporal parameters must be established for the overall course schedule. Deliberations within IANA's Maintenance & Repair Committee on this point focused first on developing a range of time for full course delivery on all 53 of the IRPs, from a minimum of 324 hours to a maximum of 480 hours (inclusive of classroom and hands-on instruction). This range was established based on the content as well as the level of knowledge, proficiency, and experience of the inspector prior to taking the course. Individuals having some prior level of experience and competency would be on the lower end of the time scale, and those who are new to the job would be on the high end of the scale. IANA also estimated that approximately one-third (⅓) of the instruction should be classroom-based, and two-thirds (⅔) of the instruction should be laboratory/hands-on based. The Committee resolved that, optimally, the course timing should be 480 hours for a new entrant to the business.

IANA states that ''. . . a mechanic who has successfully completed a training program based on the IRPs developed through IANA will possess the skills and knowledge to be a highly proficient and efficient inspector and will not appreciably benefit (if at all) from the current 12-month requirement.'' The exemption would apply to all individuals who successfully complete a training program based on the IRPs and associated requirements developed by IANA as described above. IANA believes that granting the exemption to permit use of the IRP-based training program curriculum would maintain a level of safety that is equivalent to, or greater than, the level of safety achieved without the exemption, and that ''safety will ultimately be enhanced.''

Request for Comments

FMCSA published a notice of the application in the **Federal Register** on April 3, 2020, and asked for public comment (85 FR 19055). The Agency received 20 comments, from the American Trucking Associations (ATA), the American Association of Railroads (AAR), and 18 individuals.

ATA commended IANA for taking time to develop IRPs consistent with the needs of the intermodal sector of the trucking industry, and stated that it ''supports this exemption request for FMCSA to allow intermodal chassis mechanic training programs—consistent with IANA's IRPs—to be able to certify students as qualified inspectors or brake inspectors without having the required one year of training or experience.'' [1] ATA stated that a technician shortage exists in the U.S. trucking industry, and ''The trucking industry could reduce this workforce shortage if FMCSA would allow: (1) students to complete training programs from institutes that base curricula from qualified trade organizations; and (2) permit self-certification by qualified training institutes with programs specific to commercial vehicle inspections, including brake system inspections.'' Additionally, ATA stated that properly trained technicians detect, correct and prevent the development of equipment failures, and ''The trucking industry could decrease the vehicle OOS rate (decreasing vehicle downtime) while improving traffic safety if FMCSA allowed industry recognized RP-based training programs to equal the experience minimum.'' Finally, ATA stated that:

> One year of experience or training for a commercial vehicle technician is arbitrary and can be misjudged. Fleets and service providers in the trucking industry are diverse and can perform business with their employees through multifaceted roles. For example, new entrants to truck maintenance may have a job for more than half the year to clean shop and move trucks around the yard. A new employee may be hired to do one non-PMI [preventive maintenance inspection] related job and be tasked with many PMI jobs 11 months after being hired. Although ATA's experience with fleets and service providers meet or exceed the FMCSRs for inspector qualifications (*e.g.,* an apprentice working alongside a PMI professional technician for at least one year and routinely perfecting mistakes) this may not be the case for all motor carriers. Focusing an industry recognized RP-based training program on students/new techs is imperative to the experience and training they would have before starting their first real-world PMI. In addition to experienced and well-trained new technician applicants, students would be qualified well under the one-year requirement if FMCSA would exempt industry recognized RP-based training programs.

AAR supports ''IANA's proposed use of a modern, performance-based, training program in lieu of FMCSA's existing one-year experience requirement,'' and stated:

> A formalized education program could serve as a superior and more efficient alternative to qualify an inspector than does the one-year experience requirement in 49 CFR part 396. A graduate of IANA's program must prove proficiency and knowledge by demonstrating the skills required for each job he or she performs. FMCSA should allow the use of industry-developed best practices in the form of the IRPs developed by IANA in this matter to help to ensure consistent standards are met in qualifying chassis inspectors, and that the potential to improve safety across the intermodal industry is realized.

Eighteen individuals provided comments regarding the IANA application. One commenter stated that Federal Aviation Administration (FAA) regulations ''allow aspiring aircraft mechanics a path to certification outside of strictly practical (*i.e.* on the job) experience by graduating from an FAA-approved aviation maintenance technician program—thereby gaining certification and doing the same work as their strictly on-the-job-experienced counterparts up to two years sooner.'' The commenter noted that if this alternative approach works for the FAA, ''it should [work] for the FMCSA given the community of safety-minded intermodal industry experts behind this request for temporary exemption.'' Several commenters noted that mechanics who complete the IANA training and certification process will be far more reliable and consistent than someone who simply works for 1 year in a repair environment. Commenters noted that training programs based on the IANA IRPs will be heavily focused on hands-on training and assessments that standardize competencies and provide an expectation of the skills required for the certification. Commenters also noted that experience-based learning is continuous and adds value to competencies, but stated that mechanics working without the foundation of an education regarding the equipment—specifically on IME—cannot ensure the safety or standard levels of performance of that equipment. Multiple commenters believe that with a combination of hands-on training and a dedicated training program, a technician can become competent and thorough within a much shorter time than the 1 year of training and/or experience required by the FMCSRs. One commenter noted that a validation of a mechanic's abilities is much safer than an arbitrary waiting period (without dedicated training and an evaluation of that mechanic's abilities).

[1] In supporting IANA's exemption request, ATA recommends FMCSA work with its Technology & Maintenance Council to further apply qualified training programs for all types of commercial vehicle equipment so that the entire trucking industry and overall transportation industry may benefit from industry recognized RP-based training programs.

One commenter did not support the IANA application, stating ''There exists no data suggesting that Intermodal Association of North America, or anyone for that matter, has developed a miraculous training program that somehow, is able to improve upon and replace 12-months of actual real-life work experience. Common sense and logic tells us that any training program that claims to replace 12-months of real-life, hands-on work experience with an unspecified amount of time in their vague 'training program' is fraudulent.'' Other commenters stated that the current requirement that an individual have a combination of training and/or experience that totals at least 1 year before being considered qualified should be retained, and that the 1-year time period is necessary to ensure that inspectors fully understand the specifics of the equipment and the tasks associated with inspecting the equipment. One commenter stated that the application should not be granted because brake violations continue to be some of the most often cited violations during inspections, and as such, there needs to be additional focus regarding the fundamental operation of brake systems from a training and continuous education standpoint.

FMCSA Decision

The FMCSA has evaluated the IANA application, and the comments received. For the reasons discussed below, FMCSA has determined that granting the exemption to allow individuals who successfully complete a performance-based training program consistent with the IRPs and associated requirements developed by IANA, instead of the time-based training and experience requirements specified in the FMCSRs, would likely achieve a level of safety equivalent to or greater than the level of safety provided by the regulation.

In 2015, IANA established a Mechanics Training Task Force as part of its Maintenance & Repair Committee. As an initial step, the Task Force evaluated the processes necessary for the inspection and repair of intermodal equipment, and developed recommended practices and training for the mechanics who inspect and work on the equipment. These recommendations were based on IANA's analysis of FMCSA inspection data for intermodal equipment over a 5-year period that identified specific vehicle components that routinely are the subject of out-of-service violations.

IANA stated that the goal of the Task Force was to develop processes and procedures to assist the industry in complying with the requirements in part 393, part 396, and Appendix G relating to intermodal equipment. Specifically, the Task Force developed (1) a framework for the development of recommended practices for the inspection and repair of IME, (2) a set of IRPs to guide the inspection and repair of IME, and (3) a training methodology and set of guidelines that increases and enhances the skills of an individual in the inspection and repair of IME. The Task Force included representation from all key stakeholder groups, and developed the work product as outlined in the three areas discussed above over the course of 3 years. IANA's Maintenance & Repair Committee, which includes additional stakeholder representatives from across the industry, ultimately reviewed and approved the Task Force's work product.

FMCSA has reviewed the IANA Guide that includes the 53 individual IRPs and associated resources, along with the Competency Documents, Task Lists, and Question Matrix that together establish the framework for the training program. In addition, the Maintenance & Repair Committee determined that inspectors/mechanics need at least 480 hours of training on the materials discussed above, with approximately one-third of the instruction classroom-based and approximately two-thirds of the instruction laboratory/hands-on based. FMCSA believes that an individual who successfully completes a training program consistent with the IANA IRPs and associated requirements will possess the skills and knowledge to be a highly proficient and efficient inspector, without the need to have a minimum of 1 year of training or experience or a combination thereof. FMCSA agrees that the establishment of recommended inspection and repair practices and training guidelines through a program based on the IANA IRPs and associated requirements will have a positive impact on the safety and roadworthiness of IME, and by extension, the traveling public.

FMCSA acknowledges the commenters who did not support the IANA application, many of whom simply stated that they believe the requirement for individuals to have at least one year of experience and/or training is the minimum needed to ensure that those individuals have the necessary skills to properly conduct inspections of intermodal equipment. While these commenters contend that eliminating the 1-year training and experience requirement will result in unqualified individuals being able to conduct inspections of intermodal equipment, none presented any specific concerns regarding the detailed and comprehensive IANA IRPs or associated requirements developed by the IANA IRP Mechanics Training Task Force. As noted above, and based on a review of the comprehensive materials that have been developed by IANA following a detailed analysis of FMCSA intermodal equipment inspection data, FMCSA believes that a performance-based approach to training can be as effective as, if not more so than, training that is strictly time-based.

Terms and Conditions for the Exemption

The Agency hereby grants the exemption for a 5-year period, beginning August 18, 2020 and ending August 18, 2025. During the temporary exemption period, individuals who successfully complete a training program consistent with (1) a set of 53 IRPs that have been developed by IANA and (2) the Competency Documents, Task Lists, and Question Matrices that have been developed by IANA for each of the 53 IRPs, and that have completed a minimum of 480 hours of training on those materials will be considered to be (1) a qualified inspector for the purpose of conducting periodic (annual) inspections of IME under 49 CFR 396.17, and (2) a qualified brake inspector under 49 CFR 396.25 for the purpose of conducting brake system inspection, maintenance, service, or repair of IME. FMCSA emphasizes that the exemption is limited to individuals performing periodic inspections of, and brake system inspection, maintenance, service, or repair of, IME, and does not eliminate the requirement under §§ 396.19(a)(3)(ii) and 396.25(d)(3)(ii) that individuals have at least 1 year of training or experience or a combination thereof to be qualified to conduct periodic inspections of or brake system inspection, maintenance, service, or repair on commercial vehicles other than IME.

The exemption will be valid for 5 years unless rescinded earlier by FMCSA. The exemption will be rescinded if: (1) Individuals, motor carriers, or intermodal equipment providers (IEP) fail to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315(b).

Interested parties possessing information demonstrating that periodic inspections or brake system inspection, maintenance, service, or repair of IME conducted by inspectors that have been

determined to be qualified under the terms and conditions of this exemption do not result in the requisite statutory level of safety should immediately notify FMCSA. The Agency will evaluate any such information and, if safety is being compromised or if the continuation of the exemption is not consistent with 49 U.S.C. 31136(e) and 31315(b), will take immediate steps to revoke the exemption.

Preemption

In accordance with 49 U.S.C. 31313(d), as implemented by 49 CFR 381.600, during the period this exemption is in effect, no State shall enforce any law or regulation applicable to interstate commerce that conflicts with or is inconsistent with this exemption with respect to a firm or person operating under the exemption. States may, but are not required to, adopt the same exemption with respect to operations in intrastate commerce.

James A. Mullen,

Deputy Administrator.

[FR Doc. 2020–17957 Filed 8–17–20; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

Announcement of Fiscal Year 2020 Grants for Buses and Bus Facilities Program Project Selections

AGENCY: Federal Transit Administration (FTA), DOT.

ACTION: Notice; Announcement of Project Selections. Grants for Buses and Bus Facilities Program.

SUMMARY: The U.S. Department of Transportation's (DOT) Federal Transit Administration (FTA) announces the allocation of $463,848,929 to projects under the Fiscal Year (FY) 2020 Grants for Buses and Bus Facilities Program (Bus and Bus Facilities Program) and provides administrative guidance on project implementation.

FOR FURTHER INFORMATION CONTACT: Successful applicants should contact the appropriate FTA Regional Office for information regarding applying for the funds or program-specific information. A list of Regional Offices can be found at *www.transit.dot.gov/.* Unsuccessful applicants may contact Mark G. Bathrick, Office of Program Management at (202) 366–9955, email: *Mark.Bathrick@dot.gov,* within 30 days of this announcement to arrange a proposal debriefing. A TDD is available at 1–800–877–8339 (TDD/FIRS).

SUPPLEMENTARY INFORMATION: Federal public transportation law (49 U.S.C. 5339(b)) authorizes FTA to make competitive grants for buses and bus facilities. Federal public transportation law (49 U.S.C. 5338) authorized $289,044,179 for competitive allocations in FY 2020. The Consolidated Appropriations Act, 2020 (Pub. L. 116–94) appropriated an additional $170 million for the Buses and Bus Facilities Program for FY 2020. An additional $20,401 of unawarded FY 2019 and $9,273,773 in FY 2016 funding was also made available. After the statutory set, aside for oversight, $463,920,522 was available for competitive grants under the Buses and Bus Facilities Program.

On January 30, 2020, FTA published a Notice of Funding Opportunity (NOFO) (85 FR 5538) announcing the availability of $454,626,348 in competitive funding under the Buses and Bus Facilities Program, with the option to award additional funds if they are made available to the program prior to the announcement of project selections. These funds will provide financial assistance to states and eligible public entities to replace, rehabilitate, purchase, or lease buses, vans, and related equipment, and for capital projects to rehabilitate, purchase, construct, or lease bus-related facilities. In response to the NOFO, FTA received 282 eligible project proposals from 48 States, the District of Columbia, Guam, and Puerto Rico requesting approximately $1.846 billion in Federal funds. Project proposals were evaluated based on each applicant's responsiveness to the program evaluation criteria outlined in the NOFO.

Based on the criteria in the NOFO, FTA is funding 96 projects, as shown in Table 1, for a total of $463,848,929. Recipients selected for competitive funding are required to work with their FTA Regional Office to submit a grant application in FTA's Transit Award Management System (TrAMS) for the projects identified in the attached table to quickly obligate funds. Grant applications must only include eligible activities applied for in the original project application. Funds must be used consistent with the competitive proposal and for the eligible capital purposes described in the NOFO.

In cases where the allocation amount is less than the proposer's total requested amount, recipients are required to fund the scalable project option as described in the application. If the award amount does not correspond to the scalable option, the recipient should work with the Regional Office to reduce scope or scale the project such that a complete phase or project is accomplished. Recipients may also provide additional local funds to complete a proposed project. A discretionary project identification number has been assigned to each project for tracking purposes and must be used in the TrAMS application.

Selected projects are eligible to incur costs under pre-award authority no earlier than the date projects were publicly announced. Pre-award authority does not guarantee that project expenses incurred prior to the award of a grant will be eligible for reimbursement, as eligibility for reimbursement is contingent upon other requirements, such as planning and environmental requirements, having been met. For more about FTA's policy on pre-award authority, please see the current FTA Apportionments, Allocations, and Program Information and Interim Guidance at *https://www.transit.dot.gov/funding/apportionments.* Post-award reporting requirements include submission of Federal Financial Reports and Milestone Progress Reports in TrAMS (see FTA Circular 5010.1E, *https://www.transit.dot.gov/regulations-and-guidance/fta-circulars/award-management-requirements-circular-50101e*). Recipients must comply with all applicable Federal statutes, regulations, executive orders, FTA circulars, and other Federal requirements in carrying out the project supported by the FTA grant. FTA emphasizes that recipients must follow all third-party procurement requirements set forth in Federal public transportation law (49 U.S.C. 5325(a)) and described in the FTA Third Party Contracting Guidance Circular (FTA Circular 4220.1,). Funds allocated in this announcement must be obligated in a grant by September 30, 2023.

Technical Review and Evaluation Summary: The FTA assessed all project proposals that were submitted under the FY 2020 Bus and Bus Facilities Program competition according to the following evaluation criteria. The specific metrics for each criterion were described in the January 30, 2020, NOFO:

1. Demonstration of Need
2. Demonstration of Benefits
3. Planning/Local Prioritization
4. Local Financial Commitment
5. Project Implementation Strategy
6. Technical, Legal, and Financial Capacity

For each project, a technical review panel assigned a rating of Highly Recommended, Recommended, or Not

Recommended for each of the six criteria. The technical review panel then assigned an overall rating of Highly Recommended, Recommended, Not Recommended, or Ineligible to the project proposal.

Projects were assigned a final overall rating of Highly Recommended if they were rated Highly Recommended in at least four categories overall, with no Not Recommended ratings. Projects not rated Highly Recommended, were assigned a final overall rating of Recommended if the projects had no Not Recommended ratings. Projects were assigned a rating of Not Recommended if they received a Not Recommended rating in any criteria. The final overall ratings are summarized for 282 eligible project proposals in the table below.

OVERALL PROJECT RATINGS
[Eligible submissions]

Highly Recommended	174
Recommended	68
Not Recommended	40
Total	282

As outlined in the NOFO, FTA made the final selections based on the technical ratings as well as geographic diversity, projects that support the FTA Accelerating Innovative Mobility and/or United States Department of Transportation Rural Opportunities to Use Transportation for Economic Success Initiatives, percentage of local cost share, location in or support of an opportunity zone, and/or receipt of other recent competitive awards.

As further outlined in the NOFO, in some cases, due to funding limitations, proposers that were selected for funding received less than the amount originally requested.

K. Jane Williams,
Deputy Administrator.

TABLE 1—FY 20 GRANTS FOR BUSES AND BUS FACILITIES PROJECT SELECTIONS

State	Recipient	Project ID	Project description	Allocation
AK	Fairbanks North Star Borough	D2020–BUSC–096	Transit Facility Phase 2	$10,403,343
AK	Ketchikan Indian Community (KIC)	D2020–BUSC–097	Vehicle Procurement	93,000
AL	City of Huntsville, Alabama	D2020–BUSC–098	Multimodal Transfer Station Construction and Operating Facility Re-design and Renovation.	12,541,782
AZ	City of Phoenix Public Transit Department.	D2020–BUSC–099	Bus Replacement	6,948,750
CA	California Department of Transportation on behalf of Kern Regional Transit.	D2020–BUSC–100	Construction of Kern Transit Bus Maintenance Facility.	1,400,000
CA	Solano County Transit	D2020–BUSC–101	Solano County Transit Electrical Infrastructure for Charging All-Electric Buses.	1,850,000
CA	Butte County Association of Governments.	D2020–BUSC–102	Purchase electric buses and associated charging equipment.	1,767,769
CA	City of Davis	D2020–BUSC–103	Bus Replacement Program—Battery Electric Buses.	3,760,000
CA	Monterey-Salinas Transit	D2020–BUSC–104	Transit System Improvement Project of Monterey County.	2,521,984
CO	Colorado Department of Transportation on behalf of Roaring Fork Transportation Authority.	D2020–BUSC–105	Roaring Fork Transportation Authority Regional Transit Center Renovation and Expansion.	11,475,000
CO	Colorado Department of Transportation on behalf of Durango Transit.	D2020–BUSC–106	Durango Transit Replacement Vehicles.	479,444
CO	Colorado Department of Transportation on behalf of ECO Transit.	D2020–BUSC–107	ECO Transit Bus Replacement Project	800,000
CO	Colorado Department of Transportation on behalf of Estes Park.	D2020–BUSC–108	Electric Trolley Facility and Electric Trolley Charger for Estes Park.	300,800
CO	Colorado Department of Transportation on behalf of Archuleta County.	D2020–BUSC–109	Archuleta County Bus Center and Bus Purchase.	1,812,000
CT	Connecticut Department of Transportation.	D2020–BUSC–110	CTtransit Stamford Facility Upgrades to Deploy Battery Electric Buses (BEB).	6,730,532
DC	District Department of Transportation	D2020–BUSC–111	DC Circulator South Capitol Street Facility Modernization and Expansion Initiative.	5,984,319
DE	Delaware Transit Corporation	D2020–BUSC–112	Dover Operations Solar Power	2,480,000
FL	Collier, County of	D2020–BUSC–113	Collier Area Transit Maintenance Facility Enhancement and Bus Replacement.	9,020,000
FL	Hillsborough Transit Authority	D2020–BUSC–114	Electric Buses and Infrastructure	2,742,675
FL	Pinellas Suncoast Transit Authority	D2020–BUSC–115	Electric Bus Expansion	1,239,710
FL	Central Florida Regional Transportation Authority, dba LYNX.	D2020–BUSC–116	Battery Electric Bus Replacements	2,840,000
FL	Jacksonville Transportation Authority	D2020–BUSC–117	Replacing, Rehabilitating and Overhauling JTA's Facilities and Buses.	11,986,230
GA	Metropolitan Atlanta Rapid Transit Authority (MARTA).	D2020–BUSC–118	Clayton County Multipurpose Operations and Maintenance Facility.	13,000,000

TABLE 1—FY 20 GRANTS FOR BUSES AND BUS FACILITIES PROJECT SELECTIONS—Continued

State	Recipient	Project ID	Project description	Allocation
GU	Guam Regional Transit Authority	D2020–BUSC–119	Guam Regional Transit Authority's (GRTA) purchase of Electric Buses, Electric Cars, Charging Stations and new Park and Ride Facility Phase1.	9,558,120
HI	Hawaii Department of Transportation	D2020–BUSC–120	Purchase Hybrid Buses for Hawaii, Kauai, and Maui.	9,596,669
IA	Iowa Department of Transportation	D2020–BUSC–121	Iowa Bus Replacement Project	5,541,710
IA	City of Dubuque	D2020–BUSC–122	Fleet Replacement, Improvements and New Facility Amenities.	1,073,000
ID	Valley Regional Transit	D2020–BUSC–123	Compressed Natural Gas Fueling Island System Renovation and Parking Lot Rehabilitation and Expansion.	2,140,000
IL	Bloomington-Normal Public Transit System (DBA Connect Transit).	D2020–BUSC–124	Downtown Bloomington Transportation Center.	8,000,000
IL	Pace Suburban Bus Division of the Regional Transportation Authority.	D2020–BUSC–125	Lease of Bus Facility Supporting I–90 Service Expansion.	850,464
IL	Greater Peoria Mass Transit District	D2020–BUSC–126	Construction of a New Facility and Rehabilitation of Existing Maintenance & Operations Building.	10,000,000
IN	Bloomington Public Transportation Corporation.	D2020–BUSC–127	Bus Replacement, Fleet Transition to Low-No Emission Vehicles.	3,200,000
IN	Greater Lafayette Public Transportation Corporation.	D2020–BUSC–128	Compressed Natural Gas Fueling Station Expansion Project.	1,200,000
KS	Topeka Metropolitan Transit Authority	D2020–BUSC–129	Bus System Reliability and Resiliency Improvements.	4,987,500
KY	Kentucky Transportation Cabinet	D2020–BUSC–130	Statewide Vehicle Procurement	3,070,671
KY	Transit Authority of Central Kentucky	D2020–BUSC–131	TACK Fleet Replacement	2,037,920
LA	New Orleans Regional Transit Authority.	D2020–BUSC–132	Bus Replacement	13,916,000
MA	Montachusett Regional Transit Authority.	D2020–BUSC–133	Procure Innovative Automated Fare Collection System.	1,000,000
MA	Lowell Regional Transit Authority	D2020–BUSC–134	Bus and Lift Replacements	4,620,000
MA	Worcester Regional Transit Authority	D2020–BUSC–135	Account-Based Mobile Fare Payment System.	722,606
MA	Pioneer Valley Transit Authority	D2020–BUSC–136	New Bus Wash Systems for PVTA Bus Maintenance Garages in Northampton and at UMass Amherst.	1,536,000
MA	Berkshire Regional Transit Authority	D2020–BUSC–137	Bus Replacement	333,732
MD	MDOT Maryland Transit Administration on behalf of The County Commissioners of Carroll County.	D2020–BUSC–138	Carroll County, MD Light Duty Bus Replacement.	118,174
MD	MDOT Maryland Transit Administration on behalf of Harford County Maryland.	D2020–BUSC–139	CNG Bus Procurement	3,437,370
MD	MDOT Maryland Transit Administration on behalf of Howard County, Maryland.	D2020–BUSC–140	Replacement Buses and Automated Bus Stop Announcements.	1,239,024
ME	Greater Portland Transit District	D2020–BUSC–141	Bus Replacement Project	821,526
ME	Maine Department of Transportation	D2020–BUSC–142	Acadia Gateway Center Phase 2 Completion.	9,000,000
ME	City of Bangor	D2020–BUSC–143	Bus Stops and Shelters	396,800
MI	Michigan Department of Transportation.	D2020–BUSC–144	Bus facility rehabilitation and expansion for rural transit agencies.	2,365,600
MI	Michigan Department of Transportation.	D2020–BUSC–145	Vehicle replacements and expansions for rural public transit agencies.	4,924,382
MI	Michigan Department of Transportation.	D2020–BUSC–146	New construction of a Bay Area Transportation Authority headquarters facility and transfer station.	13,380,000
MI	Battle Creek, City of Battle Creek Transit.	D2020–BUSC–147	Bus Replacement	5,340,000
MI	Capital Area Transportation Authority	D2020–BUSC–148	Rehabilitation and Repairs to Downtown Bus Terminal Building.	1,824,416
MN	Minnesota State Department of Transportation.	D2020–BUSC–149	Rural Transit Bus Replacement Project.	4,412,890
MN	Metropolitan Council/Metro Transit on behalf of Minnesota Valley Transit Authority.	D2020–BUSC–150	Burnsville Bus Garage Modernization	2,800,000
MO	Kansas City Area Transportation Authority.	D2020–BUSC–151	Operations Center Improvements	7,980,000

TABLE 1—FY 20 GRANTS FOR BUSES AND BUS FACILITIES PROJECT SELECTIONS—Continued

State	Recipient	Project ID	Project description	Allocation
MS	City of Hattiesburg	D2020–BUSC–152	Hub City Transit Bus Stop Improvements.	1,831,200
MT	Montana Department of Transportation on behalf of Opportunity Link, Inc.	D2020–BUSC–153	Bus Replacement Project	201,549
NC	Town of Chapel Hill	D2020–BUSC–154	Electric Buses and Infrastructure	5,600,000
NC	City of Asheville	D2020–BUSC–155	Bus Stop Enhancement and Improvement Project.	1,000,000
NC	City of Fayetteville	D2020–BUSC–156	Bus Replacement	1,734,000
ND	North Dakota Department of Transportation.	D2020–BUSC–157	Statewide Bus Purchases	15,000,000
NE	The Transit Authority of the City of Omaha.	D2020–BUSC–158	Bus Procurement	13,558,199
NH	City of Nashua	D2020–BUSC–159	Safety, Security and Passenger Technology Enhancements.	821,500
NJ	New Jersey Transit Corporation	D2020–BUSC–160	Wayne Bus Garage Modernization	14,672,995
NM	Ohkay Owingeh	D2020–BUSC–161	PoPay Messenger Transit Service Facility.	582,664
NV	Regional Transportation Commission of Washoe County.	D2020–BUSC–162	Hybrid Electric Replacement Buses	4,080,000
NY	New York City Department of Transportation.	D2020–BUSC–163	South Bronx Bx6 Select Bus Service	10,000,000
NY	County of Suffolk	D2020–BUSC–164	Battery Electric Transit Bus Purchase	1,600,000
OH	Greater Dayton Regional Transit Authority.	D2020–BUSC–165	Bus Replacement	4,324,608
OH	Butler County Regional Transit Authority.	D2020–BUSC–166	Chestnut Street Multimodal Station and Shared Services Facility.	2,000,000
OH	Portage Area Regional Transportation Authority.	D2020–BUSC–167	CNG Bus Replacement	446,742
OK	Oklahoma Department of Transportation.	D2020–BUSC–168	Rural Transportation Operations and Maintenance Facility—Phase 2 & 3.	9,120,000
OK	Oklahoma Department of Transportation.	D2020–BUSC–169	Ki Bois Area Transit System—Oklahoma's Rural and Tribal Connection.	1,452,544
OK	Metropolitan Tulsa Transit Authority	D2020–BUSC–170	Bus Replacement and Service Modernization.	3,175,604
OR	Rogue Valley Transportation District	D2020–BUSC–171	Bus Procurement	2,687,000
OR	Lane Transit District	D2020–BUSC–172	Electric Bus Procurement	3,952,851
PA	City of Hazleton	D2020–BUSC–173	Bus Maintenance and Storage Facility	10,000,000
PA	Erie Metropolitan Transit Authority	D2020–BUSC–174	CNG Bus Procurement	1,466,250
PR	Municipio de Carolina	D2020–BUSC–175	Bus Procurement	2,482,880
RI	Rhode Island Public Transit Authority	D2020–BUSC–176	RIPTA Bus Procurement Program	8,913,508
SC	Berkeley Charleston Dorchester Council of Governments.	D2020–BUSC–177	Hospitality on Peninsula (HOP) Park & Ride Lot and Multimodal Transit Hub.	2,777,211
SD	South Dakota Department of Transportation.	D2020–BUSC–178	Rural Transit Vehicles Procurement	1,636,000
TX	Texas Department of Transportation	D2020–BUSC–179	Rural Transit Facility Development Project.	10,210,000
TX	Metropolitan Transit Authority of Harris County.	D2020–BUSC–180	Fare Collection System	14,770,058
TX	City of Conroe	D2020–BUSC–181	Conroe Connection Transit Bus Expansion and Replacement.	896,000
UT	Cache Valley Transit District	D2020–BUSC–182	Cache Valley Transit District Bus Storage and Maintenance Facility.	18,000,000
VT	Vermont Agency of Transportation	D2020–BUSC–183	Statewide Small Bus and Sprinter Replacement Project.	836,355
WA	Washington State Department of Transportation.	D2020–BUSC–184	Rural Buses and Bus Facilities	4,871,549
WA	Intercity Transit	D2020–BUSC–185/D2020–BUSC–186/D2020–BUSC–187.	Maintenance Facility Renovation, Expansion, and Modernization Project.	11,345,700
WA	Spokane Transit Authority	D2020–BUSC–188	Double Decker Bus Procurement	2,950,000
WA	Central Puget Sound Regional Transit Authority (Sound Transit).	D2020–BUSC–189	Bus Procurement	4,800,000
WA	King County Metro Transit	D2020–BUSC–190	HVAC Systems Replacement	4,532,400
WI	City of Madison	D2020–BUSC–191	Articulated Bus Procurement	4,676,760
WI	Milwaukee County	D2020–BUSC–192	Fleet Maintenance Facility Roof Replacement.	3,003,628
WY	Wyoming Department of Transportation on behalf of the University of Wyoming.	D2020–BUSC–193	Transit Maintenance and Storage Facility.	4,237,262

TABLE 1—FY 20 GRANTS FOR BUSES AND BUS FACILITIES PROJECT SELECTIONS—Continued

State	Recipient	Project ID	Project description	Allocation
Total:	.....	.....	.....	463,848,929

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Part II

Federal Communications Commission

47 CFR Part 1

Establishing the Digital Opportunity Data Collection; Modernizing the FCC Form 477 Data Program; Final and Proposed Rules

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 1

[WC Docket Nos. 11–10 and 19–195; FCC 20–94; FRS 16994]

Establishing the Digital Opportunity Data Collection; Modernizing the FCC Form 477 Data Program

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In this document, a *Second Report and Order* adopted by the Commission establishes important measures for developing improved broadband data, including requiring fixed wireline and satellite providers to submit shapefiles, or lists of addresses or locations, representing where they have customers or could install service within 10 business days of a request; requiring terrestrial fixed wireless providers to report their coverage areas based on propagation maps and models using prescribed parameters, or based on lists of addresses or locations, to define their specific coverage areas; requiring all fixed providers to provide details on the methodology used to determine their reported coverage; and requiring mobile providers to submit coverage maps and propagation model details based on minimum specified parameters and to disclose other assumptions underlying the models. In addition, the *Second Report and Order* includes a provision for the Commission to establish a common dataset of all locations in the United States where fixed broadband service can be installed—known as the ''Broadband Serviceable Location Fabric.'' The *Second Report and Order* also adopts processes for verifying the accuracy of providers' broadband data, including the collection of crowdsourced data and the use of regular audits to examine provider data.

DATES: Effective September 17, 2020.

FOR FURTHER INFORMATION CONTACT: Wireline Competition Bureau, Kirk Burgee, at (202) 418–1599, *Kirk.Burgee@fcc.gov,* or Wireless Telecommunications Bureau, Garnet Hanly, at (202) 418–0995, *Garnet.Hanly@fcc.gov.*

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Second Report and Order* in WC Docket Nos. 11–10 and 19–195, FCC 20–94, adopted July 16, 2020 and released July 17, 2020. The full text of this document is available for public inspection on the Commission's website at *https://docs.fcc.gov/public/attachments/FCC-20-94A1.pdf.*

Synopsis

I. Introduction

1. Closing the digital divide and connecting every American to broadband no matter where he or she lives is the Commission's highest priority. But to bring broadband to every unserved part of the country means knowing where broadband is available, and where it is not. The Commission has made significant advances in bringing broadband to areas that the Commission's current data show are wholly unserved. To maintain that momentum, the Commission needs more granular, precise maps that will allow it to target support to Americans living in those areas where some, but not all, have access. Accurate and precise broadband maps are of enormous importance not only to the Commission, but also other federal policy makers, state policy makers, and consumers alike. This action follows the pivotal step the Commission took in 2019 when it adopted the Digital Opportunity Data Collection, laying out a three-pronged approach to developing a nationwide broadband map that will have unprecedented detail: internet service providers, who have the most intimate knowledge of where their networks reach, provide granular and detailed coverage data; that coverage data is compared against a fabric of locations that are, or could be, serviced by a broadband connection; and consumers, plus state, local, and Tribal government entities, provide feedback on the accuracy of the broadband coverage data directly to the Commission.

2. Congress has likewise recognized that accurate and granular maps are essential to closing the digital divide. Congress passed the Broadband DATA Act in March 2020, largely codifying the Commission's overall approach to the Digital Opportunity Data Collection. The Broadband DATA Act requires the Commission, among other things, to issue final rules for collecting granular data from providers on the availability and quality of broadband internet access service, to create publicly available coverage maps, to establish processes for members of the public and other entities to challenge and verify the coverage maps, and to create a common dataset of all locations where fixed broadband internet access service can be installed.

3. This *Second Report and Order* takes the next step in developing the new broadband coverage maps by adopting specific coverage reporting and disclosure requirements for fixed and mobile broadband providers, filing and certification requirements, measures for determining the accuracy of broadband availability data (including audits and collecting crowdsourced data), standards for collecting and incorporating verified data for use in the coverage maps from governmental entities and certain third parties, and establishing the Broadband Serviceable Location Fabric (Fabric). In the *Third Further Notice of Proposed Rulemaking (Third FNPRM),* published elsewhere in this issue of the **Federal Register**, the Commission also seeks comment on several narrow issues relating to implementing the challenge and verification processes for coverage data, implementing the Fabric, and certain other specific requirements of the Broadband DATA Act outside the scope of the *Digital Opportunity Data Collection Order and Further NPRM* (84 FR 43705, Aug. 21, 2019, and 84 FR 43764, Aug. 21, 2019).

II. Background

4. The Commission's prior work collecting information about broadband availability has a lengthy history beginning in 2000 with FCC Form 477, originally a collection of subscription and connection data for local telephone and broadband services. The Commission's broadband data collection efforts evolved over time, and in 2013 the Commission adopted the current Form 477 requirement that fixed service providers report a list of census blocks in which they provide access to broadband. That block-level reporting, while imperfect, was a valuable data source that allowed the Commission to identify the least-served parts of the country and was incorporated into many Commission proceedings and actions, including reporting to Congress and the public about the availability of broadband services, informing transaction reviews, and supporting the Commission's universal service policies. However, in 2017, the Commission recognized the need to collect and develop better quality, more useful, and more granular broadband deployment data to inform the Commission's policymaking.

5. In August 2019, the Commission recognized ''a compelling and immediate need'' for better broadband deployment data, and adopted the *Digital Opportunity Data Collection Order and Further NPRM* that: (1) Established the Digital Opportunity Data Collection in order to obtain geospatial broadband coverage maps from fixed broadband providers; (2) adopted a

process to collect public input, commonly known as ''crowdsourcing,'' on the accuracy of fixed providers' broadband maps; and (3) made targeted changes to the existing Form 477 data collection to reduce reporting burdens for all filers and to incorporate new technologies. The Commission also indicated that it would pursue the development of a uniform national locations dataset on which provider deployment data could be overlaid to produce a highly accurate and precise picture of broadband deployment. The *Digital Opportunity Data Collection Order and Further NPRM* directed the Universal Service Administrative Company—the Administrator of the Commission's Universal Service Fund—under the oversight of the Commission's Office of Economics and Analytics (OEA), the Wireline Competition Bureau (WCB), the Wireless Telecommunications Bureau (WTB), and the International Bureau (IB), to develop the portal for collecting the broadband coverage maps from fixed providers as well as public input on the accuracy of the maps.

6. At that time, the Commission also sought comment on: (1) The additional technical standards for fixed broadband providers that could ensure greater precision for the Digital Opportunity Data Collection deployment reporting; (2) the ways in which the Commission could incorporate crowdsourced and location-specific fixed broadband deployment data into the Digital Opportunity Data Collection; and (3) how the Commission could incorporate the collection of accurate, reliable mobile voice and broadband coverage data into the Digital Opportunity Data Collection.

7. Following adoption of the *Digital Opportunity Data Collection Order and Further NPRM,* Congress passed the Broadband DATA Act, which requires the Commission to take steps to improve its broadband deployment data collection and the related maps documenting broadband availability in the United States. The Broadband DATA Act requires the Commission, within 180 days of its enactment, to issue final rules to: (1) Require the biannual collection and dissemination of granular data relating to the availability and quality of service of fixed and mobile broadband internet access service for the Commission to use in conjunction with creating broadband coverage maps; (2) establish processes for the Commission to verify and protect the data collected; (3) establish a process for collecting verified data for use in the coverage maps from State, local, and Tribal governmental entities, from other federal agencies, and, if the Commission deems it in the public interest, from third parties; (4) establish the Fabric to serve as a foundation on which fixed broadband availability is overlaid; (5) establish a user-friendly challenge process through which the public and State, local, and Tribal governmental entities can challenge the accuracy of the coverage maps, provider availability data, or information in the Fabric; and (6) develop a process through which entities or individuals in the United States may submit specific information about the deployment and availability of broadband internet access service in the United States on an ongoing basis. The Broadband DATA Act also requires that the Commission adopt rules that include uniform standards for reporting mobile and fixed broadband service availability data.

8. Within 180 days of the effective date of those rules, the Commission also must reform the Form 477 broadband deployment collection in a manner that achieves the purposes of the Broadband DATA Act and that allows for the comparison of data produced before and after the implementation of the Broadband DATA Act's requirements. The Commission, after consulting with the Federal Geographic Data Committee, must create a map that depicts the extent and availability of broadband internet access service in the United States, without regard to whether the service is fixed or mobile, as well as the areas of the United States that remain unserved (the Broadband Map). The Commission also must create, in consultation with the Federal Geographic Data Committee, certain other coverage maps, which must depict the extent of availability of fixed and mobile broadband internet access services and the areas that remain unserved. The Commission must update the maps at least biannually and make them available to the public at an appropriate level of granularity and to other federal agencies upon request.

III. Second Report and Order

9. Based on the record before us and consistent with the requirements of the Broadband DATA Act, in this *Second Report and Order* the Commission takes steps to implement collection and verification requirements for fixed and mobile broadband service availability and quality of service data. The Commission largely builds on the filing requirements it previously adopted or proposed for broadband service providers, and comments submitted in response to the *Digital Opportunity Data Collection Order and Further NPRM.* Many of the requirements and proposals are encompassed in the structure of the Broadband DATA Act. Indeed, Congress recognized the value of the Commission's earlier work on the Digital Opportunity Data Collection and provided that ''[i]f the Commission, before the date of enactment of this title, has taken an action that, in whole or in part, implements this title, the Commission shall not be required to revisit such action to the extent that such action is consistent with this title.''

10. However, certain requirements adopted in the *Digital Opportunity Data Collection Order and Further NPRM* are inconsistent with the terms of the statute. For example, it established a role for USAC to develop and maintain the infrastructure for accepting and managing submissions from service providers, along with challenges and crowdsourced data from consumers, government entities, and other third parties, which the Broadband DATA Act prohibits. In addition, although the Commission lacks necessary funding to currently implement the Digital Opportunity Data Collection maps under the Broadband DATA Act, the Commission takes steps to complete the rulemaking required within the statutory deadline and in anticipation of receiving necessary funding in the future so that the Commission can begin developing these granular, precise broadband service availability maps as quickly as possible.

11. In light of these and other minor inconsistencies, the Commission will not seek Paperwork Reduction Act approval for the part 54 rules adopted in the *Digital Opportunity Data Collection Order and Further NPRM.* Instead, the Commission adopts certain measures to implement aspects of the Broadband DATA Act for which the Commission has no discretion or that are consistent with the Broadband DATA Act and for which the Commission has a sufficient record in this proceeding. The Commission also seeks comment in the *Third FNPRM* on how best to implement the remaining requirements in the Broadband DATA Act through a new set of rules in accordance with the 180-day timetable contemplated in the Act. The Commission intends to implement the remaining requirements of the Act in light of further comments received in response to the *Third FNPRM.* The Commission notes that the Act exempts this rulemaking from review of its information collection requirements under the Paperwork Reduction Act.

A. Requirements for the Submission of Fixed Broadband internet Access Service Availability and Quality of Service Data

12. The Commission requires providers of terrestrial fixed, fixed wireless, and satellite broadband internet access service to report availability and quality of service data that document the areas (1) where they have actually built out their broadband network infrastructure, such that they are able to provide service, and (2) where they could perform a standard broadband installation. In establishing these requirements, the Commission adopts and incorporates the Broadband DATA Act's definitions of ''broadband internet access service,'' ''propagation model,'' ''provider,'' ''quality of service,'' ''shapefile,'' and ''standard broadband installation,'' which shall apply to the submission of the required data. All terrestrial fixed and satellite service providers must report either polygon shapefiles or lists of addresses or locations that constitute their service areas. The Commission further requires terrestrial fixed wireless providers to report either their shapefiles in the form of propagation maps and propagation model details that reflect the speeds and latency of their service, or a list of addresses or locations that reflect their service areas. All fixed providers must disclose the details of how they generated their coverage polygons or lists of addresses or locations when they submit them. In particular, the Commission requires providers to submit an explanation of the methodology or combination of methodologies used and how they implemented those methodologies, including the distances from aggregation points, to the extent relevant. The Commission will make such information publicly available, subject to individual requests for confidential treatment of this information.

13. In the *Digital Opportunity Data Collection Order and Further NPRM,* the Commission required all fixed broadband service providers to submit ''granular coverage maps (polygons)'' of the areas where they have broadband-capable networks and can make service available to end-user locations. The Commission explained that ''broadband coverage polygons,'' ''coverage polygons,'' and ''polygons'' as used in the *Digital Opportunity Data Collection Order and Further NPRM* refer to ''broadband areas or footprints—captured in GIS-compatible formats—delineating the areas in which a provider's network meets the requirements detailed in [the *Digital Opportunity Data Collection Order and Further NPRM*] and as defined by the Commission.'' The *Digital Opportunity Data Collection Order and Further NPRM* further required all fixed providers to submit broadband coverage polygons that reflect the maximum download and upload speeds available in each area, the technology used to provide the service, and a differentiation among residential-only, business-only, or residential-and-business broadband services. Service would be considered ''actually available'' in an area in which a provider had a current broadband connection or could provide such a connection within ten business days of a request, without an extraordinary commitment of resources and without construction charges or fees exceeding an ordinary service activation fee.

14. The Broadband DATA Act takes a similar approach to fixed broadband service reporting, requiring the Commission's rules to provide uniform standards for the reporting of broadband internet access service data, including ''information regarding download and upload speeds, at various thresholds established by the Commission, and, if applicable, latency with respect to broadband internet access service that the provider makes available,'' and that ''can be georeferenced to the GIS data in the Fabric . . . .'' Also, with regard to fixed broadband services, the data collected must document where the provider ''has actually built out network infrastructure . . . such that the provider is able to provide service; and [where it] could provide that service, as determined by where the provider is capable of performing a standard broadband installation . . . .'' The Broadband DATA Act defines a ''standard broadband installation'' as ''the initiation of service in an area in which the provider has not previously offered that service, with no charges or delays attributable to the extension of the network of the provider,'' as well as ''the initiation of fixed broadband internet access service through routine installation that can be completed not later than ten business days after the date on which the service request is submitted.''

15. The Commission must further allow providers of terrestrial fixed and satellite service to report availability data in the form of polygon shapefiles, defined as ''a digital storage format containing geospatial or location-based data and attribute information regarding the availability of broadband internet access service[,] and that can be viewed, edited, and mapped in GIS software.'' With regard to data collected from terrestrial fixed wireless providers, the rules must provide for reporting propagation maps and propagation model details that satisfy standards similar to those applicable to mobile services, taking into account differences between the two types of services. The maps and model data reported for fixed wireless service must also reflect the speed and latency of the services they depict. For all fixed services, the Broadband DATA Act provides that the Commission also may permit, but not require, providers to report fixed broadband service availability using a ''list of addresses or locations'' in lieu of shapefiles or propagation maps and model details, but requires the Commission to provide a method for providers to use such address or location-based reporting in Tribal areas.

1. Maximum Buffers for Wireline Broadband Service Reporting

16. The *Digital Opportunity Data Collection Order and Further NPRM* sought comment on whether to adopt additional reporting requirements for similarly-situated fixed wired providers in order to provide consistently reliable results. The Commission asked whether fixed ''buffers,'' or a specified distance around network facilities such as the location of distribution or coaxial plant, should be established to define coverage for specific fixed technologies.

17. The Commission adopts requirements for the use of specific maximum buffers around aggregation points for wired technologies. Specifically, for providers using Digital Subscriber Line (DSL) technologies to offer speeds at 25/3 Mbps or greater, the Commission adopts a maximum distance of 6,600 route feet from the DSLAM to the covered premises. For providers using Hybrid-Fiber Coax (HFC or cable) technology, the Commission adopts a maximum buffer of 12,000 route feet from the aggregation point to the customer premises. For providers using Fiber to the Premises (FTTP or fiber) technologies, the Commission adopts a maximum buffer of 196,000 route feet from the OLT to the Optical Network Termination (ONT). For all fixed wired technologies, the buffer distance from the aggregation point shall include the drop distance, up to a maximum distance of 500 feet from a deployed line or distribution network infrastructure to the parcel boundary of a served location. Providers that make fixed DSL service available at a maximum speed less than 25/3 Mbps in an area will not be subject to a maximum buffer requirement for such areas. However, these providers are still subject to the requirement of the

Broadband DATA Act and this *Second Report and Order* that their coverage areas include only the areas where they have actually built out their broadband network infrastructure, such that they are able to provide service, and where they could perform a standard broadband installation. In addition, the buffer distances from the aggregation point are measured in route distance and therefore must reflect where providers have deployed their last-mile distribution networks. Providers may not simply create and submit a coverage area in the Digital Opportunity Data Collection that is an airline-mile radius around an aggregation point of the maximum buffer value. The Commission directs OEA, in coordination with WCB and OET, to update these values via notice and comment rulemaking in the future as necessary to ensure accuracy and to account for technological and other developments.

18. The maximum buffers the Commission adopts here are, as the name implies, *maximums.* Wireline fixed broadband providers reporting service availability should not consider these maximum buffers safe harbors; rather, service providers may only report those areas they know to be serviceable by their networks. That is, if the locations that a provider can *actually* serve fall within a smaller distance from the aggregation point, either within a particular geographic area or throughout its network, then the provider should report only those smaller areas or set of locations. Providers must ensure that their polygons, the outer edges of which represent the outer perimeter of a service area, encompass only locations that meet the standards for service provision established in the Broadband DATA Act. The Commission expects that in many areas and under many varying conditions, a provider's actual maximum distance from the aggregation point to a served location would be lower than the maximum buffer. In such circumstances, the provider's coverage polygon must reflect the *actual* buffer size or other methodology used to generate the polygon that accurately depicts the area it serves. Providers may also use a different methodology than buffering around network plant to determine and depict their coverage areas. However, subject to the specific exceptions set forth below, locations included in a provider's coverage polygon may not be outside of the maximum buffers established by the Commission, irrespective of the methodology used by the provider.

19. The approach the Commission adopts is consistent with those commenters that opposed a one-size-fits-all approach to buffers. Service providers may only report serving areas up to the maximum buffer distance to the extent that they have existing line or distribution network infrastructure located within 500 feet of the parcel boundary of the served location and where the provider can perform a standard broadband installation. In particular, the Commission agrees with Verizon that where service providers' business practices call for a smaller buffer than the maximum the Commission adopts for a given technology, the provider should use the smaller of the two. For those reasons, the Commission disagrees with the Broadband Mapping Coalition's proposal to establish ''safe harbors'' based on an appropriate buffer zone related to the density of a geographic area. Providing such safe harbors could permit some service providers to overstate the availability of their services and report areas served where they cannot actually provide service. The Commission believes that the use of maximum buffers will provide important guardrails and result in more accurate, standardized, and cohesive data on broadband availability by wired providers using fiber, cable, and DSL technologies, and therefore adopt the use of maximum buffers specific to each to account for the particular attributes of each technology.

20. Further, several parties have expressed support for the approach the Commission adopts today for maximum buffers. With respect to buffer values for fiber, NTCA, USTelecom, NRECA, ACA Connects, and UTC argue that common provider deployment practices and industry technical standards provide the basis for a much larger maximum distance from the aggregation point for FTTP than for HFC or DSL. NTCA, NRECA, and UTC claim that ITU standards for Gigabit-capable passive optical network (GPON) technologies, as well Active Ethernet (AE) technology, allow for a maximum buffer of up to 60 km and that real-world fiber deployments in rural areas are often at or above 45 km from the OLT to the ONT at the customer premises. The three parties support a maximum buffer, or distance from the aggregation point, of 60 km for fiber. USTelecom does not recommend a specific distance, but notes that several of its members have reported deploying FTTP to upwards of 65,000 feet (or 20 km). The Commission agrees that industry technical standards and deployment practices, as explained in the record, provide a basis for adopting a significantly larger maximum buffer for fiber than for HFC or DSL, and the Commission therefore adopts a maximum distance of 60 route km from the aggregation point at the central office for fiber reporting. To ensure that coverage areas reflect where providers have actually deployed fiber plant that can be accessed by nearby locations, NTCA proposes that the boundary of each location shown to be served or within a provider's polygon coverage area be within 500 feet of a deployed fiber line or distribution network infrastructure. The Commission agrees with this proposal and adopt an equivalent requirement for all wireline technologies in the Digital Opportunity Data Collection. In addition, each location shown to be served or within a provider's polygon coverage area, if not already connected to the network, must be able to be connected within ten business days of a request.

21. With respect to HFC networks, NCTA and ACA Connects encouraged the Commission not to adopt maximum buffers at this time. However, NCTA stated that if the Commission were to adopt a maximum buffer, it should be at least 12,000 route feet from the aggregation point in order to accurately reflect the construction and operation of HFC networks. NCTA argues that smaller buffers would lead to locations that are actually served to be shown as unserved, a concern shared by ACA Connects. For the reasons stated above, the Commission is adopting maximum buffers for HFC and other wired technologies. The Commission supports NCTA's proposed buffer distances and adopt a maximum distance of 12,000 route feet from the aggregation point for HFC networks, along with a maximum distance of 500 feet from a deployed line or distribution network infrastructure and the parcel boundary.

22. With respect to DSL, the Commission's 2010 National Broadband Plan reported that DSL speeds exceeding 25/3 Mbps could be attained in a lab environment at a distance of 5,000 feet from the DSLAM using pair-bonded, vectored VDSL2/2+ on a heavy gauge wire. In addition, USTelecom claims that speeds of 25/3 Mbps are offered at 4,000 feet from the aggregation point using pair-bonded DSL technology. The Commission adopts a higher maximum buffer size of 6,600 route feet from the DSLAM for DSL providers to allow for variance between the actual practices of providers and those examples, along with a maximum of distance of 500 feet from a deployed line or distribution network infrastructure and the parcel

property. In addition, the 6,600-foot buffer for DSL is supported by NTCA. The maximum buffer requirement will not apply to reporting of DSL service at a maximum speed of less than 25/3 Mbps. Given that DSL speeds are highly dependent on the distance from the aggregation point and on the type of copper deployed in a way that the other technologies are not, lower-speed DSL services can be offered at greater distances along a large continuum. Adopting discrete buffer distances to account for different speeds levels for DSL services below 25/3 Mbps would introduce complexity and burden for providers of those services. Given that services offered at speeds below 25/3 Mbps are increasingly less common in the marketplace and are not the focus of the Commission's assessment of broadband availability for universal service funding and annual Broadband Progress Reports, the Commission finds that this additional burden would not be warranted and therefore exempt DSL services offered below 25/3 Mbps from buffers. All fixed providers, including DSL providers offering maximum speeds below 25/3 Mbps, are still subject to the requirement of the Broadband DATA Act and this *Second Report and Order* that their coverage areas include only the areas where they have actually built out their broadband network infrastructure, such that they are able to provide service, and where they could perform a standard broadband installation.

23. The Commission also adopts several limited exceptions to the use of these maximum buffers to promote greater accuracy in the map. First, if a provider has a current subscriber at a location beyond the bounds of the applicable maximum buffer, then that location must be included in its coverage polygon or list of addresses or locations, as applicable. Second, if a provider previously had a broadband subscriber, using the same technology, at a location beyond the bounds of the maximum buffer, then the location must be included in the provider's coverage polygon or list of addresses or locations. Third, if a provider is receiving or has received universal service support to provide broadband service in a particular geographic area—or has other Federal, state, or local obligations to make service available in the area—and the provider has begun to make service available in that area, then the provider must include all of the deployed locations in that area in its polygon or list of addresses or locations, regardless of whether they are within or beyond the bounds of the maximum buffer. Finally, in cases where a provider asserts that it could serve a location beyond the bounds of the applicable maximum buffer for a reason not already addressed under the exceptions described herein, then the provider must submit a waiver request explaining where and how it provides service to such areas or locations.

2. Fixed Wireless Broadband Service Availability Reporting Standards

24. The Commission also adopts standards for fixed wireless providers that report availability using propagation maps and propagation model details, as required by the Broadband DATA Act. The Broadband DATA Act requires that propagation maps and model details reported by fixed wireless providers: (1) Satisfy standards similar to those set for mobile broadband service, taking into account ''material differences'' between fixed and mobile services; and (2) reflect the speeds and latency of the service. In the *Digital Opportunity Data Collection Order and Further NPRM,* the Commission sought comment on a variety of issues associated with reporting coverage polygons for terrestrial fixed wireless broadband service. In particular, the Commission asked whether there are ''fundamental differences between fixed wireless and mobile technologies that would caution against using mobile wireless standards for fixed wireless deployment reporting (*e.g.,* fixed wireless use of fixed, high-powered antennas that could result in a different link budget than for mobile service, or the use of unlicensed spectrum by some fixed wireless providers).'' The Commission further sought comment on whether, based on differences between mobile and terrestrial fixed services, it would be appropriate to adopt different standards or parameters for reporting, for example, a different probability of cell-edge throughput or utilization rate for unlicensed spectrum. The Commission also sought comment on factors it should use to validate the fixed wireless mapping methodology, identifying as possible examples ''cell-site and receive site engineering and technical details and locations, RF propagation characteristics, [and] signal strength.''

25. In response to the *Digital Opportunity Data Collection Order and Further NPRM,* commenters argued that different standards should be used for fixed wireless given the technological, operational, and usage differences between the services. In addition, two parties, AT&T and WISPA, proposed frameworks for reporting fixed wireless coverage. Following passage of the Broadband DATA Act, USTelecom and WISPA submitted a joint proposal modifying earlier proposals. Specifically, USTelecom and WISPA urged the Commission to adopt a 50% loading factor for fixed broadband service coverage reporting, consistent with the loading factor established for mobile service by the Broadband DATA Act. USTelecom and WISPA, however, argued for the adoption of a 75% cell edge probability for fixed services, rather than the 90% cell edge probability established in the Broadband DATA Act for mobile broadband services. USTelecom and WISPA explained that ''[a] fixed wireless provider often controls the base station and receiver and thus can often customize an installation or adjust a radio to enable successful signal reception even when a model predicts only a 75% probability of success.'' USTelecom and WISPA contrast this with mobile wireless providers, who ''have no control over the location or movement of a user's phone and thus a higher probability is necessary to predict a consistent connection.''

26. The Commission agrees with USTelecom and WISPA that there are fundamental similarities between mobile and fixed wireless service that warrant collecting common elements in the coverage reporting for each technology, but that certain differences warrant collecting different information, as contemplated by the Broadband DATA Act. Accordingly, given the material differences between the two types of service, as set out in the record, the Commission adopts some of the standards for fixed wireless broadband service reporting by propagation maps and models proposed by USTelecom and WISPA, including a 75% cell edge probability, a 50% cell loading factor, and a receiver height of four to seven meters. The Commission agrees with USTelecom and WISPA that given the stationary nature of fixed wireless customer installations and the ability to manage the base stations and receivers to maximize coverage at fixed locations, it is appropriate to adopt a lower cell edge probability than the Commission otherwise requires for mobile broadband coverage. In addition, fixed wireless propagation modeling appears to use the cell edge probability parameter in a different way than mobile, often having it reflect existing locations in a point-to-point network configuration. Given these material differences and the inaccuracies that could potentially result from a higher cell edge probability for fixed wireless, the Commission adopts the 75% cell edge

parameter for the reporting of fixed wireless broadband availability using propagation maps and model details. In addition, the Commission adopts the use of a 50% cell loading factor, given that it is the value specified in the Broadband DATA Act for mobile and that there is no basis in the record for using a different standard for fixed wireless services. Finally, the Commission requires fixed wireless providers to use a receiver height value ranging from four to seven meters in their propagation modeling. USTelecom and WISPA claimed this range is reasonable for fixed wireless receiver heights and suggested that the Commission establish it. The Commission declines to adopt higher values for these elements of terrestrial fixed wireless reporting, as suggested by NTCA and Vantage Point. USTelecom and WISPA have demonstrated that fixed wireless broadband service providers' control over both the base stations and receivers in their networks affords them more opportunity to make adjustments and take other steps that will increase the likelihood of consistent connections as compared with mobile providers. NTCA and Vantage Point have not meaningfully challenged USTelecom and WISPA's position in their comments, nor have they provided a justification for imposing a higher loading factor on fixed service reporting.

27. Like in the case of wireline fixed broadband networks, the Commission also provides for certain exceptions for serviceable locations outside the coverage area depicted by a provider's propagation model. Fixed wireless service providers must include locations with current and former subscribers. In the case of former subscribers, providers should not report those locations that they no longer believe to be serviceable due to subsequent changes in the network. Likewise, if a provider is receiving or has received universal service support to provide broadband service in a particular geographic area—or has other Federal, state, or local obligations to make service available in the area—and the provider has begun to make service available in that area, then the provider must include all of the deployed locations, regardless of whether they are within or beyond the bounds of the maximum buffer. In adopting these standards, the Commission confirms that the availability of fixed wireless service at a given location may ultimately be determined through the challenge process and other determinations based on facts on the ground. Therefore, the Commission will require a fixed wireless provider to remove from its broadband availability data areas or locations that a successful challenge or Commission inquiry has shown to be unserved by that provider.

28. Although the Commission could prescribe additional propagation modeling parameters for fixed wireless providers, the Commission is concerned that doing so would risk making the maps less accurate. The specific parameters the Commission adopts above will allow providers to use their internal modeling standards and practices in a way that will best reflect the service they are capable of providing, and the service providers are in the best position to determine where their service is available. However, to facilitate public feedback, a robust challenge process, and ease of analysis by Commission staff, the Commission also adopts the USTelecom and WISPA proposal to require fixed wireless providers submitting propagation maps and propagation model details to disclose several of the parameters and details used to create their propagation maps and models.

29. *First,* service providers must identify the radio network planning tool(s) used, along with information including: (1) The name of the planning tool; (2) the version number of the planning tool; (3) the name of the planning tool's developer; (4) the granularity of the model (*e.g.,* 3-arc-second square points); and (5) affirmation that the coverage model has been validated and calibrated at least one time using on-the-ground testing and/or other real-world measurements completed by the provider or its vendor. *Second,* service providers must submit base station information including: (1) Frequency band(s) used to provide service being mapped; (2) carrier aggregation; (3) radio technologies used on each band (*e.g.,* 802.11ac-derived OFDM, proprietary OFDM, LTE); and (4) elevation above ground for each base station. *Third,* service providers must submit information on the height and power values used for receivers/CPE antennas in their modeling (height must be within a range of four to seven meters). *Finally,* service providers must submit terrain and clutter information including the name and vintage of the dataset used, the resolution of clutter data, and a list of clutter categories used with a description of each, along with a description of the link budget and parameters including predicted signal strength.

30. The Commission believes that this information will assist us in determining whether the fixed wireless broadband data that the Commission collects is granular and accurate, consistent with the requirements and purpose of the Broadband DATA Act. It will also promote participation from the public and from other government entities and third parties to ensure that the resulting maps are as accurate as possible. For example, interested parties may be able to use this information to identify poorly calibrated propagation models which will obviate the need for a lengthier case-by-case challenge process and give filers an opportunity to correct their coverage data more quickly. It similarly will provide Commission staff with an opportunity to identify possible concerns with filers' model parameters and most efficiently target the Commission's auditing and verification efforts. At the same time, it provides filers the greatest ability to ensure their coverage data best reflects the realities on the ground without being constrained to unnecessarily prescriptive modeling requirements that could increase cost and burden with little consequent benefit to the accuracy of broadband maps.

31. USTelecom and WISPA assert that certain categories of the information the Commission is collecting from terrestrial fixed wireless providers may be commercially sensitive or raise security concerns. Other information—such as the frequency bands used to provide service, carrier aggregation, radio technologies used, terrain and clutter information, base station elevation, and CPE height and power information—do not appear to raise confidentiality concerns. The Commission will treat this information as presumptively public and will treat the remaining information as presumptively non-public. The Commission believes there is a strong public interest in having as much access to this information as possible in order to facilitate public review and input on its accuracy, but the Commission acknowledges the potential sensitivities and believe this approach best balances the two interests.

B. The Collection and Reporting of Data for Mobile Broadband Internet Access Service

32. The Commission requires mobile broadband providers to submit propagation maps and propagation model details based on minimum specified parameters. Service providers will be required to submit propagation maps reflecting technology-specific user download and upload speeds given prescribed minimum cell edge probabilities, cell loading factors, and modeling resolution. The Commission

otherwise allows service providers to choose other propagation modeling parameters that reflect each provider's particular network configurations, deployed infrastructure, and geographic characteristics of each area. Service providers must submit to the Commission modeling parameters they use in modeling the prescribed network performance standards which will be available for public review. Providing flexibility to select modeling parameters combined with public disclosure of those parameters will ensure that submitted propagation maps reflect on-the-ground performance while fostering transparency and confidence in modeled performance. As AT&T points out, ''The answer is not to prescribe *how* providers should create their maps, but rather to clearly define *what the map must represent,* and then to require transparency.''

33. In addition to requiring mobile broadband providers to use propagation modeling to generate and to submit maps showing their 4G LTE coverage, the Commission additionally requires providers to submit information, data, and coverage maps for existing 3G networks and next-generation 5G–NR networks. By requiring technology-specific maps, this approach provides information about the availability of the three most widely deployed generations of mobile wireless technology and will make it easier to compare the services that different mobile broadband providers offer. Commenters previously have expressed support for this approach.

34. Under current Form 477 reporting requirements, facilities-based mobile broadband providers must report on mobile broadband deployment by submitting, for each technology, polygons in GIS mapping files that digitally represent the geographic areas in which a customer should expect to receive the minimum upload and download speed the mobile provider advertises for that area or, if the provider does not advertise such speeds, the minimum upload and download speeds users should expect to receive within the polygon.

35. In the *Digital Opportunity Data Collection Order and Further NPRM,* the Commission sought comment on incorporating mobile voice and broadband coverage into the Digital Opportunity Data Collection and on what additional steps the Commission should take to obtain more accurate and reliable mobile broadband deployment data. The Commission asked commenters to refresh the record on the potential use of radio frequency (RF) signal prediction, including the mutual use (by the Commission and stakeholders) of a standardized RF propagation prediction model and standardized coverage maps for mobile services. The Commission asked commenters to discuss their experience in the Mobility Fund Phase II proceeding, including the lessons the Commission should draw from the standardized parameters it established for propagation models in that proceeding and whether standardized RF signal strength prediction and technical parameters including download speed, cell loading, and cell edge coverage probability are sufficient to demonstrate coverage. The Commission also asked whether any additional parameters are necessary and whether 5G technology requires different standardized parameters. Providers, to varying degrees, supported the use of propagation models with standardized parameters, though all commenters who opined on the issue supported 4G LTE parameters defined by a cell edge probability of 90% and a cell loading factor of 50%.

36. On December 4, 2019, the Rural Broadband Auctions Task Force released a report on the results of its investigation of purported inaccuracies in the mobile broadband coverage data submitted by mobile providers for the one-time collection of 4G LTE coverage data in the Mobility Fund Phase II proceeding (*Mobility Fund Phase II Investigation Staff Report* or *Report*). The *Report* included recommendations on how the Commission could improve its collection of mobile broadband coverage data, including recommendations for standardizing many of the parameters carriers should use to generate propagation maps. In particular, the *Report* recommended that propagation models be based on standardized parameters for reference signal received power (RSRP) value and/or minimum downlink and uplink speeds, standard cell loading factors and cell edge coverage probabilities, and maximum terrain and clutter bin sizes, among other parameters. The *Report* also recommended that the Commission collect specific information used in propagation models, including the locations and characteristics of certain cell sites used for mobile wireless service, the modeling software used, the entire link budget, the sources of terrain and clutter data, and clutter values. The Commission subsequently placed the *Report* into the record of this proceeding.

37. Several of the requirements of the Broadband DATA Act are similar to proposals and recommendations from the *Digital Opportunity Data Collection Order and Further NPRM* and the *Mobility Fund Phase II Investigation Staff Report.* The Act requires the Commission to collect from each mobile broadband provider propagation maps and propagation model details that indicate a provider's current 4G LTE coverage based on certain minimum specified parameters. The maps must ''take into consideration the effect of clutter,'' and must reflect ''a download speed of not less than 5 megabits per second and an upload speed of not less than 1 megabit per second with a cell edge probability of not less than 90%'' and ''cell loading of not less than 50%,'' as well as ''any other parameter that the Commission determines to be necessary to create a map . . . that is more precise than the map produced'' under the Mobility Fund Phase II data collection.

1. Standardized Predictive Propagation Maps for Mobile Service

38. At the outset the Commission prescribes the same cell edge probability, cell loading, and clutter factors for each of the mobile broadband technologies—3G, 4G, and 5G–NR—for providers' propagation model results. These parameters also will apply to the propagation models providers use to generate the shapefiles that depict the coverage of their voice services. While commenters support consistent parameters in the context of 4G LTE, the Commission concludes that certain uniform minimum parameter values are equally important for demonstrating 3G and 5G–NR coverage as well as voice coverage and that they will help the Commission assess and compare coverage maps among providers for each technology.

39. *First,* as noted above, the Commission requires each coverage map to reflect coverage areas where users should expect to receive the minimum required download and upload speeds with not less than a 90% cell edge coverage probability and a cell loading of not less than 50%. The Broadband DATA Act set these requirements for 4G LTE data submissions, and the Commission finds that they are appropriate metrics to use for 3G and 5G–NR data submissions and voice submissions as well. The Commission agrees with commenters that by adopting the stricter coverage probability and network loading parameters that many providers themselves use to design their networks, the Commission will help ensure that the coverage maps providers submit do not overestimate coverage and that they more closely match real consumer experience. The Commission adopts the Broadband DATA Act's definitions of

the terms ''cell edge probability'' and ''cell loading.''

40. *Second,* the Commission requires that mobile service providers generate coverage maps with a spatial resolution of 100 meters or better. The Broadband DATA Act defines clutter as ''a natural or man-made surface feature that affects the propagation of a signal from a base station'' and requires that the Commission develop rules that require providers to account for the effect of clutter as part of the propagation models and coverage maps for 4G LTE service. When predicting mobile coverage using a propagation model, it is standard practice to incorporate digital terrain information so that propagation models predict those instances when the radio signal will likely be blocked on the ground. Similarly, it is common practice to include location-specific data for clutter which can also attenuate and scatter radio waves as they propagate.

41. For consistency between submissions, and to implement the Broadband DATA Act's requirement that providers account for the effect of clutter in producing their propagation models, the Commission specifies a baseline resolution requirement for the terrain and clutter data used for modeling and producing maps. The Commission adopts the Broadband DATA Act's definition of the term clutter for purposes of the collection. Without sufficient resolution for terrain and clutter data, natural obstructions to radio propagation can be missed and cause propagation models to misrepresent cellular coverage. The *Mobility Fund Phase II Investigation Staff Report* recommended that the Commission's data specifications include maximum terrain and clutter bin sizes and noted that failure to adequately model local clutter and terrain may have contributed to inaccuracies in carrier propagation models in the Mobility Fund Phase II proceeding. Several commenters support requiring carriers to report the clutter factors they use across their coverage areas and requiring the use of terrain and clutter data with a resolution of 100 meters or better. The Commission finds that establishing a baseline terrain and clutter bin value of 100 meters or better will help improve the overall accuracy and comparability of the data the Commission collect.

42. The Commission's decision to require reporting for 3G, 4G LTE, and 5G–NR networks is consistent with the requirements of the Broadband DATA Act and the streamlining measures the Commission adopted in the *Digital Opportunity Data Collection Order and Further NPRM.* Such a requirement should serve the public interest by providing accurate, granular data on the availability of the most prevalent generations of mobile broadband service. The Commission rejects arguments that it lacks legal authority to establish mapping parameters for 5G–NR services or that it would be premature do so.

43. The Commission's decision to adopt reporting parameters for 5G–NR services implements the Broadband DATA Act requirement that the Commission, if it determines that it is necessary to revise reporting standards to collect accurate propagation maps with respect to future generations of mobile broadband technologies, shall immediately commence a rulemaking to adopt new reporting standards for those technologies. The Commission requires mobile providers to submit coverage maps reflecting 5G–NR deployment based on different speed thresholds than the Broadband DATA Act requires for 4G LTE services because the Commission finds that the 4G LTE speed thresholds specified in the Act are insufficient to accurately reflect 5G–NR coverage. In the *Digital Opportunity Data Collection Order and Further NPRM,* the Commission specifically asked whether 5G technology would require different standardized parameters. Moreover, and as noted above, nationwide providers have deployed 5G networks in different areas throughout the country and additional rollouts are planned. The Commission needs reliable and accurate information about the scope of these 5G–NR deployments as they occur and the parameters the Commission establishes today are appropriate for assessing service quality and consumer experience for all mobile technologies, including 5G–NR. Because the Commission does not prescribe extensive modeling parameters and provide flexibility to providers to select and disclose appropriate parameters that reflect the configuration of their networks, commenters' concerns here are largely mooted.

44. *Third,* the Commission prescribes technology-specific user download and upload speeds that users should expect in light of the cell edge probabilities and cell loading factors described above. For 4G LTE, as specified in the Broadband DATA Act, the Commission will require mobile broadband service providers to submit propagation maps and propagation model details that demonstrate where mobile wireless users should expect to receive minimum user speeds of 5/1 Mbps at the cell edge, with a cell edge probability of not less than 90% and a cell loading of not less than 50%. The speed thresholds must represent the expected user experience, as measured at the application layer.

45. For 5G–NR networks, the Commission will require service providers to submit maps that model 5G–NR service using two distinct minimum speed thresholds, both of which must be modeled using a cell edge probability of 90% and cell loading of 50%. First, the Commission requires service providers to submit 5G–NR deployment data using a minimum speed threshold of 7/1 Mbps at the cell edge. The Commission anticipates that a 7/1 Mbps speed metric is realistically attainable and will reflect the minimum desired typical user experience across broad 5G–NR coverage areas. In particular, this speed threshold is likely to be attainable by mobile broadband service providers deploying 5G–NR service over smaller channel blocks of low-band spectrum and finds support in the record. Second, the Commission requires service providers to submit 5G–NR deployment data based on a higher, 35/3 Mbps minimum speed threshold (at the cell edge). The Commission previously adopted 35/3 Mbps for universal service supported 5G deployments in Puerto Rico and the U.S. Virgin Islands. The two-tiered approach the Commission adopts today for mapping 5G–NR service will provide the best information to end users on where they can expect to receive 5G–NR services capable of supporting a variety of potential use cases.

46. The Commission finds it appropriate to adopt requirements for reporting 5G–NR coverage at this time based on the current state of these commercial deployments. The Commission sought comment on reporting standards for 5G networks in the *Digital Opportunity Data Collection Order and Further NPRM,* and several commenters expressed support for adopting reporting standards for 5G mobile service. Major U.S. wireless carriers have deployed, or are deploying, commercial 5G networks throughout the country. In view of the Commission's previous request for comment and the record it received on this issue, the Commission disagrees with those commenters that argue it should seek additional comment before adopting reporting standards for 5G–NR services.

47. The Commission adopts minimum expected user speeds of 200/50 kbps at the cell edge for 3G network deployments at the prescribed cell edge probability and cell loading. These speeds are consistent with the speed thresholds for 3G service used by the Commission in the Mobility Fund I

context, and represent a useful baseline for mapping 3G mobile network coverage. In the *Digital Opportunity Data Collection Order and Further NPRM,* the Commission noted that commenters had previously expressed support for applying standardized parameters to coverage maps for each mobile broadband technology, including 3G, and it asked commenters to refresh the record on that issue. Although the transition to networks capable of supporting 5G technology is underway nationwide, the Commission recognizes that many mobile broadband network service providers continue to operate 3G networks—particularly providers that serve customers in rural areas of the country.

48. *Fourth,* the Commission requires providers to disclose to the Commission details of their propagation models and of the link budgets they use for modeling cell edge network throughput (both uplink and downlink). The *Mobility Fund Phase II Investigation Staff Report* recommended that the Commission require providers to include detailed information in their filing related to how they developed their coverage maps, such as the locations and specific characteristics of cell sites, the modeling software used, the entire link budget and values, and terrain source data. Commenters expressed support for requiring providers to disclose similar information. The Commission agrees that requiring providers to submit detailed data about their propagation models and link budgets will help the Commission verify the accuracy of their propagation models. Accordingly, the Commission requires providers to disclose the following information regarding their radio network planning tools: (1) The name of the planning tool; (2) the version number used to produce the map; (3) the name of the developer of the planning tool; (4) an affirmation that the coverage model has been validated and calibrated at least one time using drive test and/or other real-world measurements completed by the provider or its vendors (the affirmation should include a brief summary of the process used for calibration and date of calibration); (5) the propagation model or models used; and (6) the granularity of the models used (*e.g.,* 3-arc-second square points, bin sizes (subject to the baseline requirements adopted here), and other parameters). The Commission also requires that propagation maps submitted by providers predict outdoor coverage, which should include both (1) on-street or pedestrian stationary usage and (2) in-vehicle mobile usage.

49. In addition, the Commission also requires providers to submit: (1) All applicable link-budgets used to design their networks and provide service at the defined speeds, and all parameters and parameter values included in those link budgets; (2) a description of how the carrier developed its link budget(s) and the rationale for using specific values in the link budget(s); and (3) the name of the creator, developer or supplier, as well as the vintage of the terrain and clutter datasets used, the specific resolution of the data (subject to the minimum requirements adopted in this *Order*), a list of clutter categories used, a description of each clutter category, and a description of the propagation loss due to clutter for each. For each of the categories of required data, the Commission requires providers to submit reasonable parameter values and propagation models consistent with how they model their services when designing their networks. In no case may any provider omit link budget parameters or otherwise fail to account for constraints on their coverage projections. The Commission also requires the above-described information be made public subject to individual requests for confidential treatment, so that it is available to those who wish to challenge provider-submitted coverage maps.

50. The Commission requires service providers to submit their coverage maps in vector format. There are two predominant forms for storing and displaying map information digitally. Raster format provides a grid of individual points that, together, represent an image. Vector format produces an image by storing and displaying a set of connected lines in the form of the start and end points, rather than the individual pixels of the line as would be done with raster-format data. When taken together, the set of lines form the boundaries for different colors within a map or, more generally, an image. While raster format arguably provides for more detail, it involves significantly more data. There are differing views in the record about whether to require raster format. Some commenters argue that raster format would improve consistency and comparability of provider data. Others argue that requiring raster format would be burdensome. The Commission finds that requiring the submissions in vector format will facilitate efficient and effective collection of data while minimizing burdens for providers. The Commission is not persuaded that the benefits of requiring raster format outweigh the potential added burdens for some providers. Requiring submission of raster files would not only increase burdens on service providers, but also expend significant Commission resources needed to process the greater volume of data associated with raster-formatted submissions. In addition, the Commission finds that the evidence in the record fails to demonstrate that requiring providers to use raster format for their submissions is necessary for the Commission to be able to verify mobile broadband coverage. Instead, the Commission anticipates that the other verification measures the Commission proposes in the *Third FNPRM* would be more useful for verifying provider submissions.

51. Taken together, the Commission expects that the minimum parameter values the Commission establishes will improve the accuracy, comparability, and reliability of the mobile broadband data it collects. As discussed above, the Broadband DATA Act gives the Commission the authority to adopt any other parameters it determines are necessary to create a map that is ''more precise than the map produced as a result of the submissions under the Mobility Fund Phase II information collection.'' In accordance with this authority, the Commission directs OEA and WTB to modify the speed, probability, and loading parameters as necessary to account for improvements in mobile broadband service over time. This will continue to allow the Commission to ensure the collection of accurate, comparable, and granular broadband data maps in the future.

C. Establishment of the Fabric

52. The Broadband DATA Act requires the Commission to create ''a common dataset of all locations in the United States where fixed broadband internet access service can be installed, as determined by the Commission.'' The Act also requires the Commission to establish the Fabric, which must contain ''geocoded information'' for all of the locations identified in the common dataset. In addition, the Fabric must serve as the foundation on which all other fixed broadband internet access service availability data collected under the Broadband DATA Act are layered, it must be compatible with commonly used geographic information system (GIS) software, and the Commission must update the Fabric at least every six months. The Broadband DATA Act also prescribes constraints for the Commission in contracting for assistance in the creation of the Fabric.

53. In the *Digital Opportunity Data Collection Order and Further NPRM,* the

Commission stated its intention to develop a national, broadband-serviceable location database, to be maintained by the Administrator, that would be incorporated into the Digital Opportunity Data Collection database. In the *Digital Opportunity Data Collection Order and Further NPRM,* the Commission sought comment on multiple issues associated with the development and implementation of such a database, including what kinds of locations should be included as being ''broadband-serviceable,'' how locations should be defined in the location database, and how it should manage and verify the quality of the data.

54. Consistent with the Commission's stated intentions in the *Digital Opportunity Data Collection Order and Further NPRM,* and the substantially overlapping requirements of the Broadband DATA Act, the Commission adopts the Fabric, along with these basic elements as required by the Act. Specifically, the Commission concludes that the Fabric will consist of a single, nationwide fabric that will contain geocoded locations for all locations where a broadband connection can be installed. However, the Commission finds that it is appropriate in the *Third FNPRM* to seek additional comment on certain aspects of developing the Fabric. The Commission also notes that the Broadband DATA Act specifically authorizes the Commission to contract with an entity with GIS expertise to create and maintain the Fabric, but the Commission has not yet been appropriated funding to implement the Fabric and other measures required by the Broadband DATA Act and therefore cannot begin to implement them. The Commission finds, however, that determining to establish the Fabric now will enable us to commence promptly the processes necessary to contract for its creation and operation once funding is available, subject to the provisions of the Federal Acquisition Regulation and other requirements established in the Broadband DATA Act.

D. Timing of Collection Filings

55. As required by the Broadband DATA Act, the Commission establishes a biannual schedule for collection of broadband internet access service availability and quality of service data. For this purpose, the Commission establishes filing deadlines of March 1 and September 1 each year. The March filing would reflect data as of December 31 of the previous calendar year, while the September filing would reflect data as of June 30 of the then-current calendar year. The Commission directs OEA to issue a public notice announcing the initial filing deadline at least six months prior to that deadline, and fixed and mobile service providers must file their initial reports by that initial filing deadline. Finally, providers that become subject to the Digital Opportunity Data Collection filing requirements after the initial filing deadline must file data initially for the reporting period in which they become eligible.

E. Processes for Verifying Broadband Availability Data Submitted by Providers

56. Pursuant to the Broadband DATA Act, the Commission adopts rules for processes through which it will be able to ''verify the accuracy and reliability'' of the broadband internet access service availability data submitted by providers. In addition to the infrastructure data that fixed wireless providers must submit to verify their network coverage data, the Commission also adopts (1) a process that uses data contained in the Administrator's High Cost Universal Broadband (HUBB) portal to cross-check fixed broadband coverage data; (2) the use of audits as a means of verifying coverage data accuracy; (3) a certification requirement for all biannual provider submissions, and (4) processes for collecting crowdsourced and verified third-party data. The Commission seeks comment in the *Third FNPRM* on other methods for verifying the broadband availability and quality of service data submitted by providers, some of which are mandated by the Broadband DATA Act.

1. Verifying Fixed Broadband Data Using HUBB Data

57. The Commission will independently verify fixed broadband coverage data submitted by providers by integrating the geolocation data contained in the HUBB portal with the submitted fixed broadband coverage polygons. As part of its Universal Service Fund oversight responsibilities, USAC maintains the HUBB portal through which high-cost universal service support recipients report the coordinates, address, deployment date, speed, and number of units for every location where fixed broadband service is available. The Commission found in the *Digital Opportunity Data Collection Order and Further NPRM* that cross-checking broadband availability data with HUBB data ''will benefit our overall understanding of how high-cost support dollars are used in conjunction with overall broadband deployment and will aid the data collection verification effort.'' As a result, the Commission will use HUBB data to verify provider-submitted data, but note that USAC will not have a role in this process. Since HUBB data include location coordinates, the Commission will use the data to cross-check any location data submitted by fixed broadband providers or to determine whether any locations served according to the HUBB are outside any service polygons submitted. The Commission will require filers whose data in the HUBB conflict with their availability data to submit conforming or corrective information after determining which information is in error.

2. Commission Audits

58. The Broadband DATA Act requires the Commission to ''conduct regular audits of information submitted by providers . . . to ensure that the providers are complying with [the Act].'' For all fixed providers, this information includes (1) the availability of broadband internet access service; (2) download and upload speeds and, if applicable, latency; and (3) location data that can be georeferenced in the Fabric. For fixed wireless providers, such information includes any propagation maps and propagation model details, or lists of addresses or locations that constitute a provider's service area. For terrestrial fixed and satellite providers, such information includes polygon shapefiles or a list of addresses or locations that constitute a provider's service area. For mobile providers, such information includes propagation maps and propagation model details that indicate a provider's mobile 4G–LTE broadband internet access service coverage.

59. In the *Digital Opportunity Data Collection Order and Further NPRM,* the Commission sought comment on the use of such tools such as audits, field tests, and statistical analyses to confirm the accuracy of broadband availability data submitted by providers. The Commission agrees with commenters such as Connected Nation that ''the DODC would benefit significantly from having a mechanism for field validation in place at the outset of the first data collection so that there is a means of auditing the data and investigating where evidence suggests the resulting maps may be incorrect.''

60. Accordingly, the Commission will conduct audits involving information submitted by all types of providers of broadband internet access service (*e.g.,* terrestrial fixed, fixed and mobile wireless, satellite). Subject to the Commission's receipt of sufficient appropriations, audit tools will include field surveys, investigations, and annual random audits to verify data accuracy.

In addition, audits may be initiated based on an unusual number of crowdsourced complaints.

3. Certification of Filings

61. The Broadband DATA Act requires that each provider must include as part of its filing ''a certification from a corporate officer of the provider that the officer has examined the information contained in the submission and that, to the best of the officer's actual knowledge, information, and belief, all statements of fact contained in the submission are true and correct.'' The format of this certification is slightly different from the certification requirement adopted for fixed providers in the *Digital Opportunity Data Collection Order and Further NPRM,* but the Commission concludes that the plain language of the Broadband DATA Act now requires us to adopt this new standard (for both fixed and mobile service providers) and it does so here.

4. Process for Collecting Crowdsourced Data

62. The Broadband DATA Act requires that the Commission develop a crowdsourcing process ''through which entities or individuals . . . may submit specific information about the deployment and availability of broadband internet access service . . . on an ongoing basis so that the information may be used to verify and supplement information submitted by providers . . . for inclusion in the [broadband coverage] maps.'' The Act further directs the Commission to ''prioritize the consideration of data provided by data collection applications used by consumers that the Commission has determined: (i) Are highly reliable; and (ii) have proven methodologies for determining network coverage and network performance.'' In the *Digital Opportunity Data Collection Order and Further NPRM,* the Commission adopted a crowdsourcing process for fixed services to begin collecting public input on the accuracy of service providers' broadband deployment data. The Commission further stated, ''Consistent with the public feedback mechanism the Commission adopts for fixed providers in the Digital Opportunity Data Collection, the Commission proposes to collect similar crowdsourced data for purposes of improving the quality of mobile broadband deployment data and seek comment on how to incorporate such data into data quality analysis.'' The Commission noted that third-party crowdsourced data for mobile service can serve as an important supplement to the information the Commission collects from service providers by independently measuring mobile broadband speed and availability. In addition to the Commission's proposal to collect such data, the Commission sought comment on how to treat crowdsourced data and the procedures that the Commission should follow. In this *Second Report and Order,* the Commission adopts the requirements from the Broadband DATA Act and the Commission's proposals from the *Digital Opportunity Data Collection Order and Further NPRM* to collect crowdsourced data.

63. As an initial matter, consistent with comments received in response to the *Digital Opportunity Data Collection Order and Further NPRM* and the differences spelled out in the Broadband DATA Act, the Commission determines that the crowdsourcing process should be administered as separate and distinct from the challenge process. As a result, as set forth herein, the Commission adopts distinct processes for collecting data for crowdsourcing and challenges. In addition, in connection with crowdsourced data on mobile service availability, the Commission distinguishes between mobile crowdsourced data collected by app developers, such as Ookla, and information (including individual speed test results) submitted by consumers through the online portal for crowdsourced filings, as described below.

a. Scope of Crowdsourced Data Filings

64. The Broadband DATA Act requires the Commission to establish a process that allows individuals and entities to submit specific information about the ''deployment and availability'' of broadband internet access service in the United States on an ongoing basis. The Commission adopts a process that will allow for submission of information falling within this defined scope.

65. In the *Digital Opportunity Data Collection Order and Further NPRM,* the Commission noted that it has used mobile crowdsourced data, such as speed test data generated by mobile consumer speed test apps, to inform various Commission reports. The Commission recognized, however, that such data have certain limitations. For example, bias is often introduced into speed test data because tests are performed only at specific times and places, potentially providing a less accurate snapshot of mobile broadband performance. The Commission also noted that the methods by which different speed test apps collect data can vary and may not use techniques that control for certain variables. Although the Commission recognizes the potential limitations of crowdsourced data, it nonetheless believes that third-party crowdsourced data can serve as an important supplement to the information the Commission collects from service providers by independently measuring mobile broadband speed and availability.

66. The Commission directs OET, OEA, WCB, and WTB to develop and refine a process for entities and individuals to submit third-party fixed and mobile crowdsourced data consistent with the Broadband DATA Act's requirements and the Commission's policies. In accordance with the Act's requirements, these Bureaus and Offices will develop the process by which the Commission will prioritize the consideration of crowdsourced data submitted through data collection applications used by consumers, and other entities, that are determined to be ''highly reliable'' and that ''have proven methodologies for determining network coverage and network performance.'' In applying this standard, these Bureaus and Offices may consider: (1) Whether the application uses metrics and methods that comply with current Bureau and Office requirements for submitting network coverage and speed data in the ordinary course; (2) whether the speed application has enough users that it produces a dataset to provide statistically significant results for a particular provider in a given area; and (3) whether the application is designed so as not to introduce bias into test results. The Bureaus and Offices will issue specific rules by which the Commission will prioritize the consideration of crowdsourced data in advance of the time that the online portal is available. This will allow filers to take these rules into account in submitting crowdsourced data. As noted above, the Commission has used mobile crowdsourced data to inform various Commission reports, such as in the 2020 Broadband Deployment Report where the Commission supplemented Form 477 data with Ookla crowdsourced speed test data in assessing access to advanced telecommunications capability for mobile services. The Commission currently receives some crowdsourced data through its Measuring Mobile Broadband in America (MMBA) program; the Commission does not, however, intend to restrict crowdsourcing broadband data collection efforts to the product of any one specific entity. Further, the industry or commenter may identify a number of alternative applications that

satisfy the aims of crowdsourcing in this context.

67. The Commission also directs OET, OEA, WCB, and WTB to modify the process for the collection of fixed and mobile crowdsourced data over time in the event that these Bureaus and Offices determine it is necessary. The Commission recognizes that there may be changes in technology, different types of crowdsourced data, or other considerations that may require revaluation and possible modifications of the Bureaus' and Offices' initial determinations in order that they may satisfy the Act's provisions for submitting crowdsourced data on an ongoing basis. The Commission finds that directing these Bureaus and Offices to implement the collection of fixed and mobile crowdsourced data will provide greater flexibility to adjust and improve the Commission's data collection process over time.

b. Establishment of an Online Portal for Crowdsourced Data Filings

68. Consistent with the requirements in the Broadband DATA Act and similar to the requirement in the *Digital Opportunity Data Collection Order and Further NPRM,* the Commission will establish and use an online portal for crowdsourced data filings and will use that same portal for challenge filings. The Commission finds that a single platform would be the most beneficial approach for the public, challengers, and providers to use for crowdsourced data and challenge filings. The Commission directs the Offices and Bureaus to implement the crowdsourced data collection and to create a portal for the receipt of crowdsourced data.

c. Information Included in Crowdsourced Data Filings

69. Similar to the Commission's proposal in the *Digital Opportunity Data Collection Order and Further NPRM,* the Commission requires that crowdsourced data filings contain the contact information of the filer (*e.g.,* name, address, phone number, and email), the location that is the subject of the filing (including the street address and/or GPS coordinates of the location), the name of the provider, and any relevant details about the deployment and availability of broadband internet access service at the location. With regard to crowdsourced input from existing speed-test applications, the Commission currently collects the location and identifying information that is part of the normal operation of the application, and the Commission will only accept tests that use the device's location services to determine latitude and longitude to ensure precise location data.

70. In addition, crowdsourced data filers must certify that, to the best of the filer's actual knowledge, information, and belief, all statements in the filing are true and correct. This is similar to the certification required under the Broadband DATA Act for providers when making their biannual filings, as well as the proposed certification for parties when submitting data in the challenge process. The Commission believes that such a requirement will discourage frivolous or malicious crowdsourced data filings.

d. Treatment of Crowdsourced Data Filings

71. As an initial matter, the crowdsourced data portal will alert providers when crowdsourced filings are made concerning their data, and providers may, but will generally not be required, absent a Commission inquiry, to respond to crowdsourced data filings. In response to the *Digital Opportunity Data Collection Order and Further NPRM,* many providers objected to a proposed requirement that they respond to all crowdsourced data filings. The Commission notes that a crowdsourced data filer can file a challenge if it seeks a more formal response to a dispute pursuant to a challenge process, on which the Commission seeks comment in the *Third FNPRM.*

72. The Commission will use crowdsourced data to inform, but not decide, a provider's claimed deployment and availability of broadband internet access service—and as an important part of verification options that include Commission audits, cross-checking with HUBB data, a challenge process, and data from government entities and third parties. When the Commission sought comment in the *Digital Opportunity Data Collection Order and Further NPRM* on the use of crowdsourced data, many providers argued that such data should be used only when there is a systematic problem with a provider's reporting in a given area. The Commission adopts an approach similar to that advocated by commenters and limit the use of crowdsourced data to identifying trends and trouble-spotting, rather than addressing every individual claim. Specifically, Commission staff will use crowdsourced data to identify individual instances or patterns of potentially inaccurate or incomplete deployment or availability data that warrant further investigation or review.

73. In response to the Commission's requests for comment on mobile crowdsourced data, parties generally agree that service providers represent the best source of mobile broadband deployment and availability data and that crowdsourced data should only be used as a supplement to the information that the Commission collects from providers. Some commenters assert that public feedback from actual broadband consumers and entities can improve the accuracy and granularity of the coverage maps or identify inadvertent errors, while also emphasizing that caution is necessary in relying on crowdsourced data. They maintain that such data must be carefully calibrated both to promote greater accuracy and to protect providers from unnecessary burdens. Several commenters urge the Commission not to require providers to respond to each individual crowdsourced data submission; they argue that it would be an unnecessary burden and may not materially improve the development of accurate coverage maps. Some commenters point out that crowdsourced data are not collected under controlled conditions or in a statistically significant manner. In particular, CTIA proposes a limited pilot program to evaluate the utility of tools such as crowdsourced data for verifying mobile broadband coverage before the Commission takes more steps to expand the use of such data.

74. In response to the *Digital Opportunity Data Collection Order and Further NPRM,* commenters suggested a range of thresholds above which the Commission should investigate crowdsourced data complaints—from ''one half of one percent of the number of premises covered,'' as suggested by Next Century Cities, to at least 75% of submitted results in an area suggesting that coverage is overstated, as requested by WTA—Advocates for Rural Broadband (WTA). The Commission declines to establish specific thresholds to use when deciding whether to evaluate providers' filings where crowdsourced data suggest that a certain percentage of the locations reported in a census block, or a certain percentage of the provider's total locations, are inaccurate. Instead, the Commission agrees with commenters such as ACA Connects that Commission staff should initiate inquiries when a ''critical mass of'' crowdsourced filings suggest that a provider has submitted inaccurate or incomplete data. The Commission directs its Bureaus and Offices to provide guidance to providers when inquiries based on crowdsourced filings could be initiated. The Commission also reserves the right to investigate filings in instances that do not meet the thresholds if warranted by the specific

circumstances of a crowdsourced data filing.

e. Remedies for Inaccurate Data Identified by Crowdsourced Data Filings

75. Similar to the Commission's proposal in the *Digital Opportunity Data Collection Order and Further NPRM,* once staff have evaluated a particular crowdsourced data submission and established the need to take a closer look at a provider's data, staff will contact the provider and offer it an opportunity to explain any discrepancies between its data and the Commission's analysis. If the provider agrees with staff analysis, then it will be required to refile updated and corrected data within 30 days of agreeing with that determination, although providers will be allowed to bundle multiple crowdsourced corrections into one filing during a 30-day period. If the provider disputes the staff analysis, staff will review the provider's response and consider whether further inquiry is necessary to resolve the discrepancy. This could include, for example, beginning a formal audit of the provider's data or engaging in informal dispute resolution. If staff ultimately conclude that the provider's filing is not reliable with respect to the areas covered by the crowdsourced filing, staff will require the provider to refile its fixed or mobile coverage data excluding the locations or areas in question.

f. Public Availability of Information Filed in the Crowdsourcing Process

76. The Commission will make public all information submitted as part of the crowdsourcing process, with the exception of personally identifiable information and any data required to be confidential under § 0.457 of the Commission's rules. The Commission notes that the information that it adopts for crowdsourced data filers to provide is the same information that the Commission required be made publicly available in the *Digital Opportunity Data Collection Order and Further NPRM.* The Commission finds that this information will be sufficient to inform the public about the nature of a crowdsourced data filing, while protecting legitimate privacy or other interests. Similar to the requirement the Commission adopted in the *Digital Opportunity Data Collection Order and Further NPRM,* it directs OEA to make crowdsourced data publicly available as soon as is practicable after submission and to establish an appropriate method for doing so. While the Commission does not establish a specific timeline for making such data publicly available, it expects that there will be regular releases of crowdsourced data.

F. Enforcement

77. Under the Broadband DATA Act, it is unlawful to willfully and knowingly, or recklessly, submit information or data that is materially inaccurate or incomplete with respect to the availability or the quality of broadband internet access service. The Commission adopts this requirement, but seek comment in the *Third FNPRM* on several aspects of the Broadband DATA Act's enforcement requirement.

G. Creation of Coverage Maps Depicting Availability of Broadband Internet Access Service and Sharing Mapping Data

78. Pursuant to the Broadband DATA Act, the Commission must issue final rules that require the dissemination of granular data that the Commission must use to compile coverage maps that depict the availability of broadband internet access service and be made publicly available. This requirement is different from the process the Commission adopted in the *Digital Opportunity Data Collection Order and Further NPRM,* which required broadband service providers to submit granular maps of the areas where they have broadband-capable networks and make service available. Pursuant to the Broadband DATA Act, it is now the Commission's responsibility to take the granular availability data for broadband internet access service submitted by providers and others and create, after consultation with the Federal Geographic Data Committee: (1) The Broadband Map, which must depict areas of the country that remain unserved by providers and depict the extent of availability of fixed and mobile broadband internet access service; (2) a map that depicts the availability of fixed broadband internet access service; and (3) a map that depicts the availability of mobile broadband internet access service.

79. The Commission will establish the Broadband Map as a map that depicts the extent of the availability of broadband internet access service, as well as areas that are unserved, overlaid onto the fixed service Fabric data. The Broadband DATA Act provides that this Broadband Map must depict the availability of broadband ''without regard to whether that service is fixed or mobile.'' Pursuant to the Act, the Commission also will create separate maps depicting fixed coverage and mobile coverage. Coverage depicted on the Broadband Map and the fixed and mobile coverage maps will be defined by providers' reported availability data, as revised by the outcome of successful challenges under the challenge process and the outcomes of Commission investigations and inquiries, which may be informed by crowdsourced data.

80. Further, the Broadband DATA Act requires that the Commission update the coverage maps at least biannually using the most recent data collected from providers. In concert with the Commission's adoption herein of the biannual collection of broadband internet access service data, the Commission will update its coverage maps with new provider availability data at least biannually with data submitted by providers, as well as with any updates or corrections. Doing so will meet the Broadband DATA Act's requirement that the Commission use the most recent data collected from providers. The Commission directs OEA to update the coverage maps as quickly as possible after the biannual submission deadlines and to update the maps on a continuing basis based on the outcomes of challenges and Commission investigations and inquiries, including those informed by verified data and crowdsourced data as that information becomes available.

81. Finally, the Act requires the Commission to consult with various Federal agencies in connection with creating and providing access to the coverage maps. First, the Broadband DATA Act requires the Commission to consult with the Federal Geographic Data Committee before creating the three coverage maps. Second, the Broadband DATA Act requires the Commission to consult with the Secretary of Agriculture and with NTIA to enable those entities to consult the coverage maps when considering the awarding of funds for the deployment of broadband internet access service under any program administered by the Administrator of the Rural Utilities Service or the Administration, respectively. In addition, the Commission must establish a process to make the data collected from providers pursuant to the Digital Opportunity Data Collection available to NTIA. The Commission directs OEA, WTB, IB, and WCB to carry out these requirements.

H. Collection of Verified Broadband Data From Government Entities and Third Parties for Use in the Coverage Maps

82. The Broadband DATA Act requires the Commission to develop a process to collect verified data for use in the coverage maps from: (1) State, local, and Tribal governmental entities primarily responsible for mapping or

tracking broadband internet access service coverage in their areas; (2) third parties, if the Commission determines it is in the public interest to use their data in the development of the coverage maps or in the verification of data submitted by providers; and (3) other federal agencies. The Commission adopts this requirement and direct the Bureaus and Offices to implement the details of the process. The Commission will treat such data as ''primary'' availability data ''for use in the coverage maps'' on par with the availability data submitted by providers in their biannual Digital Opportunity Data Collection filings. The Commission seeks comment in the *Third FNPRM* on other details associated with the process, including such issues as the meaning of ''verified'' data, how to reconcile this data with data submitted by providers in their biannual filings, collecting verified data for mobile service, and the parameters of the Commission's public interest determination to use third-party data.

I. Data Confidentiality and Privacy

83. The Broadband DATA Act requires that the rules the Commission adopts establish ''processes and procedures through which the Commission and, as necessary, other entities or individuals submitting non-public or competitively sensitive information, can protect the security, privacy, and confidentiality of such information,'' including: (1) Information contained in the Fabric, (2) the dataset supporting the Fabric, and (3) availability data submitted pursuant to section 802(b)(2) of the Broadband DATA Act. In the *Digital Opportunity Data Collection Order and Further NPRM,* the Commission determined that all fixed broadband service provider information, comprising shapefiles depicting areas covered at each offered speed, would be presumed to be non-confidential unless the Commission specifically directed that it be withheld. The Commission required all filers seeking confidential treatment of data submitted as part of the Digital Opportunity Data Collection to submit a request at the time of the filing that the data be treated as confidential, along with the reasons for withholding the information from the public. The Commission noted that it would make decisions on requests for confidential treatment on a case-by-case basis. The Commission similarly determined that mobile broadband service provider coverage maps would presumptively be treated as non-confidential. Specifically, the Commission decided that the Commission will release the following information in Digital Opportunity Data Collection filings to the public, and providers may not request confidential treatment of such information: (1) Provider-specific mobile deployment data; (2) data regarding minimum advertised or expected speed for mobile broadband internet access services; and (3) location information that is necessary to permit accurate broadband mapping, including as part of the crowdsourcing or challenge processes.

84. The Commission found in the *Digital Opportunity Data Collection Order and Further NPRM* that to better allow for crowdsourcing, mapping, and other uses of fixed broadband deployment data, all fixed service provider information filed as part of the Digital Opportunity Data Collection will be presumed to be non-confidential unless the Commission specifically directs that it be withheld. The Commission also found that this approach ''strikes an appropriate balance between the protection of confidential information and the need for public disclosure of fixed broadband deployment data to help with crucial crowdsourcing functionality and mapping capabilities.'' The Commission finds these rationales continue to apply and accordingly adopt the requirements from the *Digital Opportunity Data Collection Order and Further NPRM* to the treatment of both fixed and mobile availability data and expand the requirements to include information contained in the Fabric and the dataset supporting the Fabric.

85. The Commission expects the Fabric will include at least some proprietary information that it will acquire commercially, which will be subject to licensing or other agreements that limit the extent to which it can be made available. The Commission also anticipates that it will receive information from individuals or entities concerning the accuracy of availability data and information in the Fabric. Accordingly, the Commission will withhold from routine public inspection all data required to be kept confidential pursuant to § 0.457 of the Commission's rules and all personally identifiable information, including names, email addresses, and telephone numbers submitted in connection with availability data and the data in the Fabric. However, the Commission will entertain requests for disclosure if the public interest in disclosure outweighs the interests listed in § 0.457 of the Commission's rules. Subject to contractual or license restrictions, the Commission will make public all other information received about the status of broadband internet access service availability at specific locations, including geographic coordinates and street addresses, whether a provider has reported availability at a location, and whether the owner or occupant has disputed a report of broadband internet access service availability at such location. The Commission also will make publicly available all shapefiles, propagation maps, lists of addresses or locations for both fixed and mobile service, and on-the-ground mobile data, including data submitted by mobile providers to verify their coverage maps, subject to individual requests for confidential treatment.

J. Updating the Data Collection

86. Consistent with the requirement in the Broadband DATA Act, and similar to the requirement that the Commission adopted (but have not implemented) in the *Digital Opportunity Data Collection Order and Further NPRM,* it directs IB, WTB, WCB, and OEA to (1) update the specific format of data to be submitted pursuant to the Digital Opportunity Data Collection to reflect changes over time in GIS and other data storage and processing functionalities; and (2) implement any technical improvements or other clarifications to the filing mechanism and forms.

IV. Final Regulatory Flexibility Analysis

87. As required by the Regulatory Flexibility Act of 1980, as amended (RFA), an Initial Regulatory Flexibility Analysis (IRFA) was incorporated in the *Digital Opportunity Data Collection Order and Further NPRM* released in August 2019 in this proceeding. The Commission sought written public comment on the proposals in the Further NPRM, including comments on the IRFA. No comments were filed specifically in response to the IRFA. This Final Regulatory Flexibility Analysis (FRFA) conforms to the RFA.

A. Need for, and Objectives of, the Rules

88. With the *Second Report and Order,* the Commission takes steps to adopt certain requirements mandated by the Broadband DATA Act, as well as adopting improvements to the collection of data. Specifically, the Commission establishes reporting and disclosure requirements for fixed and mobile broadband providers, filing and certification requirements. The Commission adopts the use of the Fabric to serve as the foundation upon which all data relating to fixed broadband internet access service availability must be overlaid. The Commission also adopts certain rules for the collection and reporting of data mobile broadband

internet access service. For mobile providers, the Commission implements the requirements of the Broadband DATA Act by requiring them to submit propagation maps and propagation model details based on specified minimum parameters. In addition to requiring mobile broadband providers to use propagation modeling to generate and submit maps showing their 4G LTE coverage, the Commission requires providers to submit data and coverage maps for existing 3G networks and next-generation (5G–NR) networks. The Commission also adopts requirements to collect crowdsourced data as well as a process for verifying broadband availability. The Commission believes these actions in the *Second Report and Order* will increase the usefulness of broadband deployment data to the Commission, Congress, the industry, and the public, and satisfy the requirements of the Broadband DATA Act.

B. Summary of Significant Issues Raised by Public Comments in Response to the IRFA

89. None.

C. Response to Comments by the Chief Counsel for Advocacy of the Small Business Administration

90. Pursuant to the Small Business Jobs Act of 2010, which amended the RFA, the Commission is required to respond to any comments filed by the Chief Counsel for Advocacy of the Small Business Administration (SBA) and to provide a detailed statement of any change made to the proposed rules as a result of those comments.

91. The Chief Counsel did not file comments in response to the proposed rules in this proceeding.

D. Description and Estimate of the Number of Small Entities to Which the Proposed Rules Will Apply

92. The RFA directs agencies to provide a description of and, where feasible, an estimate of the number of small entities that may be affected by the rules adopted herein. The RFA generally defines the term ''small entity'' as having the same meaning as the terms ''small business,'' ''small organization,'' and ''small governmental jurisdiction.'' In addition, the term ''small business'' has the same meaning as the term ''small-business concern'' under the Small Business Act.'' A ''small-business concern'' is one which: (1) Is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the Small Business Administration (SBA).

93. *Small Businesses, Small Organizations, Small Governmental Jurisdictions.* The Commission's actions, over time, may affect small entities that are not easily categorized at present. The Commission therefore describes here, at the outset, three comprehensive small entity size standards that could be directly affected herein. First, while there are industry-specific size standards for small businesses that are used in the regulatory flexibility analysis, according to data from the SBA's Office of Advocacy, in general a small business is an independent business having fewer than 500 employees. These types of small businesses represent 99.9% of all businesses in the United States which translates to 28.8 million businesses.

94. Next, the type of small entity described as a ''small organization'' is generally ''any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.'' Nationwide, as of August 2016, there were approximately 356,494 small organizations based on registration and tax data filed by nonprofits with the Internal Revenue Service (IRS).

95. Finally, the small entity described as a ''small governmental jurisdiction'' is defined generally as ''governments of cities, towns, townships, villages, school districts, or special districts, with a population of less than fifty thousand.'' U.S. Census Bureau data from the 2012 Census of Governments indicate that there were 90,056 local governmental jurisdictions consisting of general purpose governments and special purpose governments in the United States. Based on this data, the Commission estimates that at least 49,316 local government jurisdictions fall in the category of ''small governmental jurisdictions.''

1. Broadband Internet Access Service Providers

96. The broadband internet access service provider industry has changed since the definition was introduced in 2007. The data cited below may therefore include entities that no longer provide broadband internet access service and may exclude entities that now provide such service. To ensure that this FRFA describes the universe of small entities that the Commission's action might affect, it discusses in turn several different types of entities that might be providing broadband internet access service. The Commission notes that, although it has no specific information on the number of small entities that provide broadband internet access service over unlicensed spectrum, the Commission included these entities in its Initial Regulatory Flexibility Analysis.

97. *Internet Service Providers (Broadband).* Broadband internet service providers include wired (*e.g.,* cable, DSL) and VoIP service providers using their own operated wired telecommunications infrastructure and fall in the category of Wired Telecommunication Carriers. Wired Telecommunications Carriers are comprised of establishments primarily engaged in operating and/or providing access to transmission facilities and infrastructure that they own and/or lease for the transmission of voice, data, text, sound, and video using wired telecommunications networks. Transmission facilities may be based on a single technology or a combination of technologies. The SBA size standard for this category classifies a business as small if it has 1,500 or fewer employees. U.S. Census data for 2012 show that there were 3,117 firms that operated that year. Of this total, 3,083 operated with fewer than 1,000 employees. Consequently, under this size standard the majority of firms in this industry can be considered small.

98. *Internet Service Providers (Non-Broadband).* Internet access service providers such as Dial-up internet service providers, VoIP service providers using client-supplied telecommunications connections, and internet service providers using client-supplied telecommunications connections (*e.g.,* dial-up ISPs) fall in the category of All Other Telecommunications. The SBA has developed a small business size standard for All Other Telecommunications, which consists of all such firms with gross annual receipts of $32.5 million or less. For this category, U.S. Census data for 2012 shows that there were 1,442 firms that operated for the entire year. Of these firms, a total of 1,400 had gross annual receipts of less than $25 million. Consequently, under this size standard a majority of ''All Other Telecommunications'' firms can be considered small.

2. Wireline Providers

99. *Wired Telecommunications Carriers.* The U.S. Census Bureau defines this industry as ''establishments primarily engaged in operating and/or providing access to transmission facilities and infrastructure that they own and/or lease for the transmission of voice, data, text, sound, and video using wired communications networks. Transmission facilities may be based on a single technology or a combination of technologies. Establishments in this

industry use the wired telecommunications network facilities that they operate to provide a variety of services, such as wired telephony services, including VoIP services, wired (cable) audio and video programming distribution, and wired broadband internet services. By exception, establishments providing satellite television distribution services using facilities and infrastructure that they operate are included in this industry.'' The SBA has developed a small business size standard for Wired Telecommunications Carriers, which consists of all such companies having 1,500 or fewer employees. U.S. Census Bureau data for 2012 show that there were 3,117 firms that operated that year. Of this total, 3,083 operated with fewer than 1,000 employees. Thus, under this size standard, the majority of firms in this industry can be considered small.

100. *Local Exchange Carriers (LECs).* Neither the Commission nor the SBA has developed a size standard for small businesses specifically applicable to local exchange services. The closest applicable NAICS Code category is Wired Telecommunications Carriers. Under the applicable SBA size standard, such a business is small if it has 1,500 or fewer employees. According to Commission data, U.S. Census data for 2012 show that there were 3,117 firms that operated that year. Of this total, 3,083 operated with fewer than 1,000 employees. Thus under this category and the associated size standard, the Commission estimates that the majority of local exchange carriers are small entities.

101. *Incumbent Local Exchange Carriers* (*Incumbent LECs*). Neither the Commission nor the SBA has developed a small business size standard specifically for incumbent local exchange services. The closest applicable NAICS Code category is Wired Telecommunications Carriers. Under the applicable SBA size standard, such a business is small if it has 1,500 or fewer employees. According to U.S. Census Bureau data for 2012, 3,117 firms operated in that year. Of this total, 3,083 operated with fewer than 1,000 employees. Consequently, the Commission estimates that most providers of incumbent local exchange service are small businesses that may be affected by the Commission's actions. According to Commission data, 1,307 Incumbent LECs reported that they were incumbent local exchange service providers. Of this total, an estimated 1,006 have 1,500 or fewer employees. Thus, using the SBA's size standard, the majority of Incumbent LECs can be considered small entities.

102. Competitive Local Exchange Carriers (Competitive LECs), Competitive Access Providers (CAPs), Shared-Tenant Service Providers, and Other Local Service Providers. Neither the Commission nor the SBA has developed a small business size standard specifically for these service providers. The appropriate NAICS Code category is Wired Telecommunications Carriers and under that size standard, such a business is small if it has 1,500 or fewer employees. U.S. Census Bureau data for 2012 indicate that 3,117 firms operated during that year. Of that number, 3,083 operated with fewer than 1,000 employees. Based on these data, the Commission concludes that the majority of Competitive LECS, CAPs, Shared-Tenant Service Providers, and Other Local Service Providers, are small entities. According to Commission data, 1,442 carriers reported that they were engaged in the provision of either competitive local exchange services or competitive access provider services. Of these 1,442 carriers, an estimated 1,256 have 1,500 or fewer employees. In addition, 17 carriers have reported that they are Shared-Tenant Service Providers, and all 17 are estimated to have 1,500 or fewer employees. Also, 72 carriers have reported that they are Other Local Service Providers. Of this total, 70 have 1,500 or fewer employees. Consequently, based on internally researched FCC data, the Commission estimates that most providers of competitive local exchange service, competitive access providers, Shared-Tenant Service Providers, and Other Local Service Providers are small entities.

103. *Interexchange Carriers (IXCs).* Neither the Commission nor the SBA has developed a definition for Interexchange Carriers. The closest NAICS Code category is Wired Telecommunications Carriers. The applicable size standard under SBA rules consists of all such companies having 1,500 or fewer employees. U.S. Census Bureau data for 2012 indicate that 3,117 firms operated during that year. Of that number, 3,083 operated with fewer than 1,000 employees. According to internally developed Commission data, 359 companies reported that their primary telecommunications service activity was the provision of interexchange services. Of this total, an estimated 317 have 1,500 or fewer employees. Consequently, the Commission estimates that the majority of interexchange service providers are small entities.

104. *Operator Service Providers* (*OSPs*). Neither the Commission nor the SBA has developed a small business size standard specifically for operator service providers. The closest applicable size standard under SBA rules is the category of Wired Telecommunications Carriers. Under the size standard for Wired Telecommunications Carriers, such a business is small if it has 1,500 or fewer employees. U.S. Census Bureau data for 2012 show that there were 3,117 firms that operated that year. Of this total, 3,083 operated with fewer than 1,000 employees. Thus, under this size standard, the majority of firms in this industry can be considered small.

105. According to Commission data, 33 carriers have reported that they are engaged in the provision of operator services. Of these, an estimated 31 have 1,500 or fewer employees and two have more than 1,500 employees. Consequently, the Commission estimates that the majority of OSPs are small entities.

106. *Other Toll Carriers.* Neither the Commission nor the SBA has developed a definition for small businesses specifically applicable to Other Toll Carriers. This category includes toll carriers that do not fall within the categories of interexchange carriers, operator service providers, prepaid calling card providers, satellite service carriers, or toll resellers. The closest applicable size standard under SBA rules is for Wired Telecommunications Carriers and the applicable small business size standard under SBA rules consists of all such companies having 1,500 or fewer employees. U.S. Census data for 2012 indicate that 3,117 firms operated during that year. Of that number, 3,083 operated with fewer than 1,000 employees. According to Commission data, 284 companies reported that their primary telecommunications service activity was the provision of other toll carriage. Of these, an estimated 279 have 1,500 or fewer employees. Consequently, the Commission estimates that most Other Toll Carriers are small entities.

3. Wireless Providers—Fixed and Mobile

107. The broadband internet access service provider category covered by these new rules may cover multiple wireless firms and categories of regulated wireless services. Thus, to the extent the wireless services listed below are used by wireless firms for broadband internet access service, the actions may have an impact on those small businesses as set forth above and further below. In addition, for those services subject to auctions, the Commission notes that, as a general matter, the number of winning bidders that claim to

qualify as small businesses at the close of an auction does not necessarily represent the number of small businesses currently in service. Also, the Commission does not generally track subsequent business size unless, in the context of assignments and transfers or reportable eligibility events, unjust enrichment issues are implicated.

108. *Wireless Telecommunications Carriers (except Satellite).* This industry comprises establishments engaged in operating and maintaining switching and transmission facilities to provide communications via the airwaves. Establishments in this industry have spectrum licenses and provide services using that spectrum, such as cellular services, paging services, wireless internet access, and wireless video services. The appropriate size standard under SBA rules is that such a business is small if it has 1,500 or fewer employees. For this industry, U.S. Census data for 2012 show that there were 967 firms that operated for the entire year. Of this total, 955 firms had employment of 999 or fewer employees and 12 had employment of 1,000 employees or more. Thus, under this category and the associated size standard, the Commission estimates that the majority of wireless telecommunications carriers (except satellite) are small entities.

109. The Commission's own data—available in its Universal Licensing System—indicate that, as of August 31, 2018, there are 265 Cellular licensees that will be affected by the Commission's actions. The Commission does not know how many of these licensees are small, as the Commission does not collect that information for these types of entities. Similarly, according to internally-developed Commission data, 413 carriers reported that they were engaged in the provision of wireless telephony, including cellular service, Personal Communications Service (PCS), and Specialized Mobile Radio (SMR) Telephony services. Of this total, an estimated 261 have 1,500 or fewer employees, and 152 have more than 1,500 employees. Thus, using available data, the Commission estimates that the majority of wireless firms can be considered small.

110. *Wireless Communications Services.* This service can be used for fixed, mobile, radiolocation, and digital audio broadcasting satellite uses. The Commission defined ''small business'' for the wireless communications services (WCS) auction as an entity with average gross revenues of $40 million for each of the three preceding years, and a ''very small business'' as an entity with average gross revenues of $15 million for each of the three preceding years. The SBA has approved these small business size standards. In the Commission's auction for geographic area licenses in the WCS, there were seven winning bidders that qualified as ''very small business'' entities and one that qualified as a ''small business'' entity.

111. *1670–1675 MHz Services.* This service can be used for fixed and mobile uses, except aeronautical mobile. An auction for one license in the 1670–1675 MHz band was conducted in 2003. One license was awarded. The winning bidder was not a small entity.

112. *Wireless Telephony.* Wireless telephony includes cellular, personal communications services, and specialized mobile radio telephony carriers. The closest applicable SBA category is Wireless Telecommunications Carriers (except Satellite). Under the SBA small business size standard, a business is small if it has 1,500 or fewer employees. For this industry, U.S. Census Bureau data for 2012 show that there were 967 firms that operated for the entire year. Of this total, 955 firms had fewer than 1,000 employees and 12 firms had 1,000 employees or more. Thus, under this category and the associated size standard, the Commission estimates that a majority of these entities can be considered small. According to Commission data, 413 carriers reported that they were engaged in wireless telephony. Of these, an estimated 261 have 1,500 or fewer employees and 152 have more than 1,500 employees. Therefore, more than half of these entities can be considered small.

113. *Broadband Personal Communications Service.* The broadband personal communications services (PCS) spectrum is divided into six frequency blocks designated A through F, and the Commission has held auctions for each block. The Commission initially defined a ''small business'' for C- and F-Block licenses as an entity that has average gross revenues of $40 million or less in the three previous calendar years. For F-Block licenses, an additional small business size standard for ''very small business'' was added and is defined as an entity that, together with its affiliates, has average gross revenues of not more than $15 million for the preceding three calendar years. These standards, defining ''small entity'' in the context of broadband PCS auctions, have been approved by the SBA. No small businesses within the SBA-approved small business size standards bid successfully for licenses in Blocks A and B. There were 90 winning bidders that claimed small business status in the first two C-Block auctions. A total of 93 bidders that claimed small business status won approximately 40% of the 1,479 licenses in the first auction for the D, E, and F Blocks. On April 15, 1999, the Commission completed the reauction of 347 C-, D-, E-, and F-Block licenses in Auction No. 22. Of the 57 winning bidders in that auction, 48 claimed small business status and won 277 licenses.

114. On January 26, 2001, the Commission completed the auction of 422 C and F Block Broadband PCS licenses in Auction No. 35. Of the 35 winning bidders in that auction, 29 claimed small business status. Subsequent events concerning Auction 35, including judicial and agency determinations, resulted in a total of 163 C and F Block licenses being available for grant. On February 15, 2005, the Commission completed an auction of 242 C-, D-, E-, and F-Block licenses in Auction No. 58. Of the 24 winning bidders in that auction, 16 claimed small business status and won 156 licenses. On May 21, 2007, the Commission completed an auction of 33 licenses in the A, C, and F Blocks in Auction No. 71. Of the 12 winning bidders in that auction, five claimed small business status and won 18 licenses. On August 20, 2008, the Commission completed the auction of 20 C-, D-, E-, and F-Block Broadband PCS licenses in Auction No. 78. Of the eight winning bidders for Broadband PCS licenses in that auction, six claimed small business status and won 14 licenses.

115. *Specialized Mobile Radio Licenses.* The Commission awards ''small entity'' bidding credits in auctions for Specialized Mobile Radio (SMR) geographic area licenses in the 800 MHz and 900 MHz bands to firms that had revenues of no more than $15 million in each of the three previous calendar years. The Commission awards ''very small entity'' bidding credits to firms that had revenues of no more than $3 million in each of the three previous calendar years. The SBA has approved these small business size standards for the 900 MHz Service. The Commission has held auctions for geographic area licenses in the 800 MHz and 900 MHz bands. The 900 MHz SMR auction began on December 5, 1995, and closed on April 15, 1996. Sixty bidders claiming that they qualified as small businesses under the $15 million size standard won 263 geographic area licenses in the 900 MHz SMR band. The 800 MHz SMR auction for the upper 200 channels began on October 28, 1997, and was completed on December 8, 1997. Ten

bidders claiming that they qualified as small businesses under the $15 million size standard won 38 geographic area licenses for the upper 200 channels in the 800 MHz SMR band. A second auction for the 800 MHz band conducted in 2002 and included 23 BEA licenses. One bidder claiming small business status won five licenses.

116. The auction of the 1,053 800 MHz SMR geographic area licenses for the General Category channels was conducted in 2000. Eleven bidders won 108 geographic area licenses for the General Category channels in the 800 MHz SMR band and qualified as small businesses under the $15 million size standard. In an auction completed in 2000, a total of 2,800 Economic Area licenses in the lower 80 channels of the 800 MHz SMR service were awarded. Of the 22 winning bidders, 19 claimed small business status and won 129 licenses. Thus, combining all four auctions, 41 winning bidders for geographic licenses in the 800 MHz SMR band claimed status as small businesses.

117. In addition, there are numerous incumbent site-by-site SMR licenses and licensees with extended implementation authorizations in the 800 and 900 MHz bands. The Commission does not know how many firms provide 800 MHz or 900 MHz geographic area SMR service pursuant to extended implementation authorizations, nor how many of these providers have annual revenues of no more than $15 million. One firm has over $15 million in revenues. In addition, the Commission does not know how many of these firms have 1,500 or fewer employees, which is the SBA-determined size standard. The Commission assumes, for purposes of this analysis, that all of the remaining extended implementation authorizations are held by small entities, as defined by the SBA.

118. *Lower 700 MHz Band Licenses.* The Commission previously adopted criteria for defining three groups of small businesses for purposes of determining their eligibility for special provisions such as bidding credits. The Commission defined a ''small business'' as an entity that, together with its affiliates and controlling principals, has average gross revenues not exceeding $40 million for the preceding three years. A ''very small business'' is defined as an entity that, together with its affiliates and controlling principals, has average gross revenues that are not more than $15 million for the preceding three years. Additionally, the lower 700 MHz Service had a third category of small business status for Metropolitan/Rural Service Area (MSA/RSA) licenses—''entrepreneur''—which is defined as an entity that, together with its affiliates and controlling principals, has average gross revenues that are not more than $3 million for the preceding three years. The SBA approved these small size standards. An auction of 740 licenses (one license in each of the 734 MSAs/RSAs and one license in each of the six Economic Area Groupings (EAGs)) commenced on August 27, 2002, and closed on September 18, 2002. Of the 740 licenses available for auction, 484 licenses were won by 102 winning bidders. Seventy-two of the winning bidders claimed small business, very small business, or entrepreneur status and won a total of 329 licenses. A second auction commenced on May 28, 2003, closed on June 13, 2003, and included 256 licenses: 5 EAG licenses and 476 Cellular Market Area licenses. Seventeen winning bidders claimed small or very small business status and won 60 licenses, and nine winning bidders claimed entrepreneur status and won 154 licenses. On July 26, 2005, the Commission completed an auction of 5 licenses in the Lower 700 MHz band (Auction No. 60). There were three winning bidders for five licenses. All three winning bidders claimed small business status.

119. In 2007, the Commission reexamined its rules governing the 700 MHz band in the *700 MHz Second Report and Order* (72 FR 48814, Aug. 24, 2007). An auction of 700 MHz licenses commenced January 24, 2008 and closed on March 18, 2008, which included, 176 Economic Area licenses in the A Block, 734 Cellular Market Area licenses in the B Block, and 176 EA licenses in the E Block. Twenty winning bidders, claiming small business status (those with attributable average annual gross revenues that exceed $15 million and do not exceed $40 million for the preceding three years) won 49 licenses. Thirty-three winning bidders claiming very small business status (those with attributable average annual gross revenues that do not exceed $15 million for the preceding three years) won 325 licenses.

120. *Upper 700 MHz Band Licenses.* In the *700 MHz Second Report and Order,* the Commission revised its rules regarding Upper 700 MHz licenses. On January 24, 2008, the Commission commenced Auction 73 in which several licenses in the Upper 700 MHz band were available for licensing: 12 Regional Economic Area Grouping licenses in the C Block and one nationwide license in the D Block. The auction concluded on March 18, 2008, with three winning bidders claiming very small business status (those with attributable average annual gross revenues that do not exceed $15 million for the preceding three years) and winning five licenses.

121. *700 MHz Guard Band Licensees.* In 2000, in the *700 MHz Guard Band Order* (65 FR 17594, April 4, 2000), the Commission adopted size standards for ''small businesses'' and ''very small businesses'' for purposes of determining their eligibility for special provisions such as bidding credits and installment payments. A small business in this service is an entity that, together with its affiliates and controlling principals, has average gross revenues not exceeding $40 million for the preceding three years. Additionally, a very small business is an entity that, together with its affiliates and controlling principals, has average gross revenues that are not more than $15 million for the preceding three years. SBA approval of these definitions is not required. An auction of 52 Major Economic Area licenses commenced on September 6, 2000, and closed on September 21, 2000. Of the 104 licenses auctioned, 96 licenses were sold to nine bidders. Five of these bidders were small businesses that won a total of 26 licenses. A second auction of 700 MHz Guard Band licenses commenced on February 13, 2001, and closed on February 21, 2001. All eight of the licenses auctioned were sold to three bidders. One of these bidders was a small business that won a total of two licenses.

122. *Air-Ground Radiotelephone Service.* The Commission has previously used the SBA's small business size standard applicable to Wireless Telecommunications Carriers (except Satellite). The appropriate size standard under SBA rules is that such a business is small if it has 1,500 or fewer employees. For this industry, U.S. Census Bureau data for 2012 show that there were 967 firms that operated for the entire year. Of this total, 955 firms had fewer than 1,000 employees and 12 had employment of 1,000 employees or more. There are approximately 100 licensees in the Air-Ground Radiotelephone Service, and the Commission estimates that almost all of them qualify as small entities under the SBA definition.

123. For purposes of assigning Air-Ground Radiotelephone Service licenses through competitive bidding, the Commission has defined ''small business'' as an entity that, together with controlling interests and affiliates, has average annual gross revenues for the preceding three years not exceeding $40 million. A ''very small business'' is defined as an entity that, together with

controlling interests and affiliates, has average annual gross revenues for the preceding three years not exceeding $15 million. These definitions were approved by the SBA. In May 2006, the Commission completed an auction of nationwide commercial Air-Ground Radiotelephone Service licenses in the 800 MHz band (Auction No. 65). On June 2, 2006, the auction closed with two winning bidders winning two Air-Ground Radiotelephone Services licenses. Neither of the winning bidders claimed small business status.

124. AWS Services (1710–1755 MHz and 2110–2155 MHz bands (AWS–1); 1915–1920 MHz, 1995–2000 MHz, 2020–2025 MHz and 2175–2180 MHz bands (AWS–2); 2155–2175 MHz band (AWS–3)). For the AWS–1 bands, the Commission has defined a ''small business'' as an entity with average annual gross revenues for the preceding three years not exceeding $40 million, and a ''very small business'' as an entity with average annual gross revenues for the preceding three years not exceeding $15 million. For AWS–2 and AWS–3, although the Commission does not know for certain which entities are likely to apply for these frequencies, the Commission notes that the AWS–1 bands are comparable to those used for cellular service and personal communications service. The Commission has not yet adopted size standards for the AWS–2 or AWS–3 bands but proposes to treat both AWS–2 and AWS–3 similarly to broadband PCS service and AWS–1 service due to the comparable capital requirements and other factors, such as issues involved in relocating incumbents and developing markets, technologies, and services.

125. *3650–3700 MHz band.* In March 2005, the Commission released a *Report and Order and Memorandum Opinion and Order* (70 FR 24712, May 11, 2005) that provides for nationwide, non-exclusive licensing of terrestrial operations, using contention-based technologies, in the 3650 MHz band (*i.e.,* 3650–3700 MHz). As of April 2010, more than 1,270 licenses have been granted and more than 7,433 sites have been registered. The Commission has not developed a definition of small entities applicable to 3650–3700 MHz band nationwide, non-exclusive licenses. However, the Commission estimates that the majority of these licensees are Internet Access Service Providers (ISPs) and that most of those licensees are small businesses.

126. *Fixed Microwave Services.* Microwave services include common carrier, private-operational fixed, and broadcast auxiliary radio services. They also include the Local Multipoint Distribution Service (LMDS), the Digital Electronic Message Service (DEMS), and the 24 GHz Service, where licensees can choose between common carrier and non-common carrier status. At present, there are approximately 36,708 common carrier fixed licensees and 59,291 private operational-fixed licensees and broadcast auxiliary radio licensees in the microwave services. There are approximately 135 LMDS licensees, three DEMS licensees, and three 24 GHz licensees. The Commission has not yet defined a small business with respect to microwave services. The closest applicable SBA category is Wireless Telecommunications Carriers (except Satellite) and the appropriate size standard for this category under SBA rules is that such a business is small if it has 1,500 or fewer employees. For this industry, U.S. Census Bureau data for 2012 show that there were 967 firms that operated for the entire year. Of this total, 955 firms had fewer than 1,000 employees and 12 had employment of 1,000 employees or more. Thus, under this SBA category and the associated size standard, the Commission estimates that a majority of fixed microwave service licensees can be considered small.

127. The Commission does not have data specifying the number of these licensees that have more than 1,500 employees, and thus is unable at this time to estimate with greater precision the number of fixed microwave service licensees that would qualify as small business concerns under the SBA's small business size standard. Consequently, the Commission estimates that there are up to 36,708 common carrier fixed licensees and up to 59,291 private operational-fixed licensees and broadcast auxiliary radio licensees in the microwave services that may be small and may be affected by the rules and policies adopted herein. The Commission notes, however, that the common carrier microwave fixed licensee category does include some large entities.

128. *Broadband Radio Service and Educational Broadband Service.* Broadband Radio Service systems, previously referred to as Multipoint Distribution Service (MDS) and Multichannel Multipoint Distribution Service (MMDS) systems and ''wireless cable,'' transmit video programming to subscribers and provide two-way high-speed data operations using the microwave frequencies of the Broadband Radio Service (BRS) and Educational Broadband Service (EBS) (previously referred to as the Instructional Television Fixed Service (ITFS)).

129. *BRS*—In connection with the 1996 BRS auction, the Commission established a small business size standard as an entity that had annual average gross revenues of no more than $40 million in the previous three calendar years. The BRS auctions resulted in 67 successful bidders obtaining licensing opportunities for 493 Basic Trading Areas (BTAs). Of the 67 auction winners, 61 met the definition of a small business. BRS also includes licensees of stations authorized prior to the auction. At this time, the Commission estimates that of the 61 small business BRS auction winners, 48 remain small business licensees. In addition to the 48 small businesses that hold BTA authorizations, there are approximately 392 incumbent BRS licensees that are considered small entities. After adding the number of small business auction licensees to the number of incumbent licensees not already counted, we find that there are currently approximately 440 BRS licensees that are defined as small businesses under either the SBA or the Commission's rules.

130. In 2009, the Commission conducted Auction 86, the sale of 78 licenses in the BRS areas. The Commission offered three levels of bidding credits: (1) A bidder with attributed average annual gross revenues that exceed $15 million and do not exceed $40 million for the preceding three years (small business) received a 15% discount on its winning bid; (2) a bidder with attributed average annual gross revenues that exceed $3 million and do not exceed $15 million for the preceding three years (very small business) received a 25% discount on its winning bid; and (3) a bidder with attributed average annual gross revenues that do not exceed $3 million for the preceding three years (entrepreneur) received a 35% discount on its winning bid. Auction 86 concluded in 2009 with the sale of 61 licenses. Of the ten winning bidders, two bidders that claimed small business status won four licenses; one bidder that claimed very small business status won three licenses; and two bidders that claimed entrepreneur status won six licenses.

131. *EBS*—The SBA's Cable Television Distribution Services small business size standard is applicable to EBS. There are presently 2,436 EBS licensees. All but 100 of these licenses are held by educational institutions. Educational institutions are included in this analysis as small entities. Thus, the Commission estimates that at least 2,336 licensees are small businesses. Since

2007, Cable Television Distribution Services have been defined within the broad economic census category of Wired Telecommunications Carriers. Wired Telecommunications Carriers are comprised of establishments primarily engaged in operating and/or providing access to transmission facilities and infrastructure that they own and/or lease for the transmission of voice, data, text, sound, and video using wired telecommunications networks. Transmission facilities may be based on a single technology or a combination of technologies.'' The SBA's small business size standard for this category is all such firms having 1,500 or fewer employees. U.S. Census data for 2012 show that there were 3,117 firms that operated that year. Of this total, 3,083 operated with fewer than 1,000 employees. Thus, under this size standard, the majority of firms in this industry can be considered small.

4. Satellite Service Providers

132. *Satellite Telecommunications.* This category comprises firms ''primarily engaged in providing telecommunications services to other establishments in the telecommunications and broadcasting industries by forwarding and receiving communications signals via a system of satellites or reselling satellite telecommunications.'' Satellite telecommunications service providers include satellite and earth station operators. The category has a small business size standard of $32.5 million or less in average annual receipts, under SBA rules. For this category, U.S. Census Bureau data for 2012 show that a total of 333 firms operated for the entire year. Of this total, 299 firms had annual receipts of less than $25 million. Consequently, the Commission estimates that the majority of satellite telecommunications providers are small entities.

133. *All Other Telecommunications.* The ''All Other Telecommunications'' category is comprised of establishments that are primarily engaged in providing specialized telecommunications services, such as satellite tracking, communications telemetry, and radar station operation. This industry also includes establishments primarily engaged in providing satellite terminal stations and associated facilities connected with one or more terrestrial systems and capable of transmitting telecommunications to, and receiving telecommunications from, satellite systems. Establishments providing internet services or voice over internet protocol (VoIP) services via client-supplied telecommunications connections are also included in this industry. The SBA has developed a small business size standard for ''All Other Telecommunications,'' which consists of all such firms with gross annual receipts of $32.5 million or less. For this category, U.S. Census Bureau data for 2012 show that there were 1,442 firms that operated for the entire year. Of these firms, a total of 1,400 had gross annual receipts of less than $25 million. Consequently, a majority of ''All Other Telecommunications'' firms potentially affected by the Commission's action can be considered small.

5. Cable Service Providers

134. Because section 706 of the Act requires us to monitor the deployment of broadband using any technology, the Commission anticipates that some broadband service providers may not provide telephone service. Accordingly, the Commission describes below other types of firms that may provide broadband services, including cable companies, MDS providers, and utilities, among others.

135. *Cable and Other Subscription Programming.* This industry comprises establishments primarily engaged in operating studios and facilities for the broadcasting of programs on a subscription or fee basis. The broadcast programming is typically narrowcast in nature (*e.g.* limited format, such as news, sports, education, or youth-oriented). These establishments produce programming in their own facilities or acquire programming from external sources. The programming material is usually delivered to a third party, such as cable systems or direct-to-home satellite systems, for transmission to viewers. The SBA size standard for this industry establishes as small, any company in this category that has annual receipts of $38.5 million or less. According to 2012 U.S. Census Bureau data, 367 firms operated for the entire year. Of that number, 319 operated with annual receipts of less than $25 million a year and 48 firms operated with annual receipts of $25 million or more. Based on this data, the Commission estimates that the majority of firms operating in this industry are small.

136. *Cable Companies and Systems (Rate Regulation).* The Commission has developed its own small business size standards for the purpose of cable rate regulation. Under the Commission's rules, a ''small cable company'' is one serving 400,000 or fewer subscribers nationwide. Industry data indicate that there are currently 4,600 active cable systems in the United States. Of this total, all but eleven cable operators nationwide are small under the 400,000-subscriber size standard. In addition, under the Commission's rate regulation rules, a ''small system'' is a cable system serving 15,000 or fewer subscribers. Current Commission records show 4,600 cable systems nationwide. Of this total, 3,900 cable systems have fewer than 15,000 subscribers, and 700 systems have 15,000 or more subscribers, based on the same records. Thus, under this standard as well, the Commission estimates that most cable systems are small entities.

137. *Cable System Operators (Telecom Act Standard).* The Communications Act of 1934, as amended, also contains a size standard for small cable system operators, which is ''a cable operator that, directly or through an affiliate, serves in the aggregate fewer than 1% of all subscribers in the United States and is not affiliated with any entity or entities whose gross annual revenues in the aggregate exceed $250,000,000.'' There are approximately 52,403,705 cable video subscribers in the United States today. Accordingly, an operator serving fewer than 524,037 subscribers shall be deemed a small operator if its annual revenues, when combined with the total annual revenues of all its affiliates, do not exceed $250 million in the aggregate. Based on available data, the Commission finds that all but nine incumbent cable operators are small entities under this size standard. The Commission notes that the Commission neither requests nor collects information on whether cable system operators are affiliated with entities whose gross annual revenues exceed $250 million. Although it seems certain that some of these cable system operators are affiliated with entities whose gross annual revenues exceed $250 million, the Commission is unable at this time to estimate with greater precision the number of cable system operators that would qualify as small cable operators under the definition in the Communications Act.

6. All Other Telecommunications

138. *Electric Power Generators, Transmitters, and Distributors.* This U.S. industry is comprised of establishments that are primarily engaged in providing specialized telecommunications services, such as satellite tracking, communications telemetry, and radar station operation. This industry also includes establishments primarily engaged in providing satellite terminal stations and associated facilities connected with one or more terrestrial systems and capable of transmitting telecommunications to, and receiving telecommunications from,

satellite systems. Establishments providing internet services or voice over internet protocol (VoIP) services via client-supplied telecommunications connections are also included in this industry. The closest applicable SBA category is ''All Other Telecommunications.'' The SBA's small business size standard for ''All Other Telecommunications'' consists of all such firms with gross annual receipts of $32.5 million or less. For this category, U.S. Census data for 2012 show that there were 1,442 firms that operated for the entire year. Of these firms, a total of 1,400 had gross annual receipts of less than $25 million. Consequently, the Commission estimates that under this category and the associated size standard the majority of these firms can be considered small entities.

E. Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements for Small Entities

139. The Commission expects the rules adopted in the *Second Report and Order* will impose new or additional reporting, recordkeeping, and/or other compliance obligations on small entities. The Commission establishes reporting and disclosure requirements for fixed and mobile broadband providers, filing and certification requirements. In an effort to comply with the Broadband DATA Act and develop better quality, more useful, and more granular broadband deployment data to advance the Commission's statutory obligations, it concludes it is necessary to adopt these rules to produce broadband deployment maps that will allow the Commission to precisely target scarce universal service dollars to where broadband service is lacking. The Commission is cognizant of the need to ensure that the benefits resulting from use of the data outweigh the reporting burdens imposed on filers and believe the establishment of the broadband serviceable location fabric will benefit small entities as well as other providers. Further, the Broadband DATA Act requires the Commission to collect from each mobile broadband internet access service provider propagation maps and propagation model details that indicate coverage based on specified parameters which the Commission concludes will improve the accuracy and reliability of the mobile broadband data the Commission collects. The Commission also adopts requirements to collect crowdsourced data. The Commission finds that any additional burdens imposed by the Commission's revised reporting approach for providers in comparison are outweighed by the significant benefit to be gained from more precise broadband deployment data. Although the Commission cannot quantify the cost of compliance with the requirements in the *Second Report and Order,* the Commission believes the reporting requirements are necessary to comply with the Broadband DATA Act and complete accurate broadband coverage maps.

F. Steps Taken To Minimize the Significant Economic Impact on Small Entities, and Significant Alternatives Considered

140. The RFA requires an agency to describe any significant, specifically small business, alternatives that it has considered in reaching its approach, which may include the following four alternatives (among others): (1) The establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance or reporting requirements under the rule for small entities; (3) the use of performance, rather than design, standards; and (4) an exemption from coverage of the rule, or any part thereof, for small entities. The Commission's actions in the *Second Report and Order* are primarily in response to the legislative enactment of the Broadband DATA Act and to develop better quality, more useful, and more granular broadband deployment data. In considering the comments in the record, the Commission was mindful of the time, money, and resources that some small entities incur to complete these requirements.

G. Report to Congress

141. The Commission will send a copy of the *Second Report and Order,* including this FRFA, in a report to Congress pursuant to the Congressional Review Act. In addition, the Commission will send a copy of the *Second Report and Order,* including this FRFA, to the Chief Counsel for Advocacy of the SBA.

V. Procedural Matters

142. *Final Regulatory Flexibility Analysis.* The Regulatory Flexibility Act (RFA) requires that an agency prepare a regulatory flexibility analysis for notice and comment rulemakings, unless the agency certifies that ''the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities.'' Accordingly, the Commission has prepared a Final Regulatory Flexibility Analysis (FRFA) concerning the possible impact of the rule changes contained in this *Second Report and Order* on small entities.

143. *Paperwork Reduction Act.* The initial rulemaking required under the Broadband DATA Act is exempt from review by OMB and from the requirements of the Paperwork Reduction Act of 1995 (PRA), Public Law 104–13. As a result, the *Second Report and Order* will not be submitted to OMB for review under section 3507(d) of the PRA.

144. *Congressional Review Act.* The Commission has determined, and the Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget, concurs, that this rule is non-major under the Congressional Review Act, 5 U.S.C. 804(2), because it is promulgated under the Telecommunications Act of 1996 and the amendments made by that Act. The Commission will send a copy of this *Second Report and Order* to Congress and the Government Accountability Office pursuant to 5 U.S.C. 801(a)(1)(A).

VI. Ordering Clauses

145. Accordingly, *it is ordered* that, pursuant to sections 1–4, 7, 201, 254, 301, 303, 309, 319, 332, and 641–646 of the Communications Act of 1934, as amended, 47 U.S.C. 151–154, 157, 201, 254, 301, 303, 309, 319, 332, and 641–646, this *Second Report and Order is adopted.*

146. *It is further ordered* that part 1 of the Commission's rules *is amended* as set forth in the Final Rules.

147. *It is further ordered* that the *Second Report and Order shall be* effective 30 days after publication in the **Federal Register**.

148. *It is further ordered* that the Commission's Consumer & Governmental Affairs Bureau, Reference Information Center, *shall send* a copy of the *Second Report and Order* to Congress and the Government Accountability Office pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A).

List of Subjects in 47 CFR Part 1

Administrative practice and procedure, Broadband, Reporting and recordkeeping requirements, Telecommunications.

Federal Communications Commission.

Marlene Dortch,

Secretary.

Final Rules

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR part 1 as follows:

PART 1—PRACTICE AND PROCEDURE

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

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

■ 2. Revise § 1.7000 to read as follows:

§ 1.7000 Purpose.

The purposes of this subpart are to set out the terms by which certain commercial and government-controlled entities report data to the Commission concerning:

(a) The provision of wired and wireless local telephone services and interconnected Voice over internet Protocol services;

(b) The deployment of advanced telecommunications capability, as defined in 47 U.S.C. 1302, and services that are competitive with advanced telecommunications capability; and

(c) The availability and quality of service of broadband internet access service.

■ 3. Amend § 1.7001 by adding paragraphs (a)(6) through (19) to read as follows:

§ 1.7001 Scope and content of filed reports.

(a) * * *

(6) *Broadband internet access service.* Has the meaning given the term in § 8.1(b) of this chapter.

(7) *Broadband map.* The map created by the Commission under 47 U.S.C. 642(c)(1)(A).

(8) *Cell edge probability.* The likelihood that the minimum threshold download and upload speeds with respect to broadband internet access service will be met or exceeded at a distance from a base station that is intended to indicate the ultimate edge of the coverage area of a cell.

(9) *Cell loading.* The percentage of the available air interface resources of a base station that are used by consumers with respect to broadband internet access service.

(10) *Clutter.* A natural or man-made surface feature that affects the propagation of a signal from a base station.

(11) *Fabric.* The Broadband Serviceable Location Fabric established under 47 U.S.C. 642(b)(1)(B).

(12) *FCC Form 477.* Form 477 of the Commission relating to local telephone competition and broadband reporting.

(13) *Indian Tribe.* Has the meaning given the term ''Indian tribe'' in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

(14) *Mobility Fund Phase II.* The second phase of the proceeding to provide universal service support from the Mobility Fund (WC Docket No. 10–90; WT Docket No. 10–208).

(15) *Propagation model.* A mathematical formulation for the characterization of radio wave propagation as a function of frequency, distance, and other conditions.

(16) *Provider.* A provider of fixed or mobile broadband internet access service.

(17) *Quality of service.* With respect to broadband internet access service, the download and upload speeds, and latency if applicable, with respect to that service, as determined by, and to the extent otherwise collected by, the Commission.

(18) *Shapefile.* A digital storage format containing geospatial or location-based data and attribute information regarding the availability of broadband internet access service and that can be viewed, edited, and mapped in geographic information system software.

(19) *Standard broadband installation.* The initiation by a provider of fixed broadband internet access service in an area in which the provider has not previously offered that service, with no charges or delays attributable to the extension of the network of the provider, and includes the initiation of fixed broadband internet access service through routine installation that can be completed not later than 10 business days after the date on which the service request is submitted.

* * * * *

■ 4. Add §§ 1.7004 through 1.7010 to read as follows:

Subpart V—Commission Collection of Advanced Telecommunications Capability Data and Local Exchange Competition Data

* * * * *

Sec.

1.7004 Scope, content, and frequency of Digital Opportunity Data Collection filings.
1.7005 Disclosure of data in the Fabric and Digital Opportunity Data Collection filings.
1.7006 Data verification.
1.7007 Establishing the Fabric.
1.7008 Creation of broadband internet access service coverage maps.
1.7009 Enforcement.
1.7010 Authority to update the Digital Opportunity Data Collection.

* * * * *

§ 1.7004 Scope, content, and frequency of Digital Opportunity Data Collection filings.

(a) All providers shall make biannual filings with the Commission in the Digital Opportunity Data Collection portal in accordance with this subpart.

(b) Digital Opportunity Data Collection filings shall be made each year on or before March 1 (reporting data as of December 31 of the prior year) and September 1 (reporting data as of June 30 of the current year). Providers becoming subject to the provisions of this section for the first time shall file data initially for the reporting period in which they become eligible.

(c) Providers shall include in their filings data relating to the availability and quality of service of their broadband internet access service in accordance with this subpart.

(1) Each provider of terrestrial fixed or satellite broadband internet access service shall submit polygon shapefiles or a list of addresses or locations, and each provider of fixed wireless broadband internet access service shall submit propagation maps and model details that reflect the speeds and latency of its service or a list of addresses or locations, that document the areas where the provider has actually built out its broadband network infrastructure, such that the provider is able to provide service, and where the provider is capable of performing a standard broadband installation. Each provider's submission shall include the details of how it generated its polygon shapefiles, propagation maps and model details, or list of addresses or locations.

(i) Terrestrial fixed providers using certain wireline technologies may not report coverage that exceeds a defined maximum distance from an aggregation point, including the drop distance, or that exceeds 500 feet from a deployed line or distribution network infrastructure to the parcel boundary of a served location.

(A) Terrestrial fixed providers using Digital Subscriber Line technology shall not report coverage that exceeds 6,600 route feet from the digital subscriber line access multiplexer to the customer premises for speeds offered at or above 25 Mbps downstream, 3 Mbps upstream. Providers that offer Digital Subscriber Line service in areas at speeds less than 25 Mbps downstream, 3 Mbps upstream shall not be subject to a maximum buffer requirement for such areas.

(B) Terrestrial fixed providers using Fiber to the Premises technology shall not report coverage that exceeds 196,000 route feet from the optical line termination point to the optical network termination point.

(C) Terrestrial fixed providers using Hybrid Fiber Coaxial Cable technology shall not report coverage that exceeds 12,000 route feet from the aggregation point to the customer premises.

(D) Locations can be reported as served beyond the maximum distances to the extent that:

(*1*) A provider has a current subscriber at a location beyond the bounds of the applicable maximum distance;

(*2*) A provider previously had a broadband subscriber, using the same technology, at a location beyond the bounds of the maximum distance;

(*3*) A provider is receiving or has received universal service support to provide broadband service in a particular geographic area—or has other Federal, state, or local obligations to make service available in the area—and the provider has begun to make service available in that area; or

(*4*) A provider receives a waiver to report coverage beyond the maximum distances.

(ii) Fixed wireless service providers that submit coverage maps shall submit propagation maps and propagation model details based on the following parameters:

(A) A cell edge probability of not less than 75% of receiving the maximum advertised download and upload speeds;

(B) A cell loading factor of not less than 50%; and

(C) Receiver heights within a range of four to seven meters.

(2) Fixed wireless service providers that submit coverage maps shall provide the following information with their propagation maps and model details:

(i) The name of the radio network planning tool(s) used, along with information including:

(A) The version number of the planning tool;

(B) The name of the planning tool's developer;

(C) The granularity of the model (*e.g.,* 3-arc-second square points); and

(D) Affirmation that the coverage model has been validated and calibrated at least one time using on the ground testing and/or other real-world measurements completed by the provider or its vendor.

(ii) The following base station information:

(A) Frequency band(s) used to provide the service being mapped;

(B) Information about whether and how carrier aggregation is used;

(C) The radio technologies used on each frequency band (*e.g.,* 802.11ac-derived orthogonal frequency division multiplexing modulation (OFDM), proprietary OFDM, long-term evolution (LTE)); and

(D) The elevation above ground for each base station.

(iii) The following terrain and clutter information:

(A) The name and vintage of the datasets used;

(B) The resolution of clutter data;

(C) A list of clutter categories used with a description of each; and

(D) The link budget and a description of the other parameters used in the propagation model, including predicted signal strength.

(iv) Information on the height and power values used for receivers/customer premises equipment (CPE) antennas in their modeling (height must be within a range of four to seven meters).

(3) Mobile providers must submit coverage maps based on the following specified parameters:

(i) For 3G services—a minimum expected user download speed of 200 kbps and user upload speed of 50 kbps at the cell edge; for 4G LTE services—a minimum expected user download speed of 5 Mbps and user upload speed of 1 Mbps at the cell edge; for 5G–NR services—a minimum expected user download speed of 7 Mbps and user upload speed of 1 Mbps, and a minimum expected user download speed of 35 Mbps and user upload speed of 3 Mbps at the cell edge.

(ii) For each of the mobile broadband technologies, 3G, 4G LTE, and 5G–NR, and for mobile voice services, the provider's coverage maps must reflect coverage areas where users should expect to receive the minimum required download and upload speeds with cell edge coverage probability of not less than 90% and a cell loading of not less than 50%.

(iii) For each of the mobile broadband technologies, 3G, 4G LTE, and 5G–NR, and for mobile voice services, the provider's coverage maps must account for terrain and clutter and use terrain and clutter data with a resolution of 100 meters or better. Each coverage map must have a resolution of 100 meters or better.

(iv) For each of the mobile broadband technologies, 3G, 4G LTE, and 5G–NR, and for mobile voice services, the provider's coverage maps must be submitted in vector format.

(4) Mobile providers must disclose the following information regarding their radio network planning tools:

(i) The name of the planning tool;

(ii) The version number used to produce the map;

(iii) The name of the developer of the planning tool;

(iv) Affirmation that the coverage model has been validated and calibrated at least one time using drive test and/or other real-world measurements completed by the provider or its vendors, to include a brief summary of the process and date of calibration; and

(v) The propagation model or models used. If multiple models are used, the provider should include a brief description of the circumstances under which each model is deployed (*e.g.,* model X is used in urban areas, while model Y is used in rural areas) and include any sites where conditions deviate; and

(vi) The granularity of the models used (*e.g.,* 3-arc-second square points, bin sizes, and other parameters).

(5) Propagation maps submitted by providers must depict outdoor coverage, to include both on-street or pedestrian stationary usage, and in-vehicle mobile usage.

(6) Mobile providers must disclose all applicable link-budgets used to design their networks and provide service at the defined speeds, and all parameters and parameter values included in those link budgets, including the following information:

(i) A description of how the provider developed the link budget(s) and the rationale for using specific values in the link budget(s); and

(ii) The name of the creator, developer or supplier, as well as the vintage of the terrain and clutter datasets used, the specific resolution of the data, and a list of clutter categories used, a description of each clutter category, and a description of the propagation loss due to clutter for each.

(7) For each of the categories of data providers must disclose to the Commission, providers must submit reasonable parameter values and propagation models consistent with how they model their services when designing their networks. In no case may any provider omit link budget parameters or otherwise fail to account for constraints on their coverage projections.

(d) Providers shall include in each Digital Opportunity Data Collection filing a certification signed by a corporate officer of the provider that the officer has examined the information contained in the submission and that, to the best of the officer's actual knowledge, information, and belief, all statements of fact contained in the submission are true and correct.

§ 1.7005 Disclosure of data in the Fabric and Digital Opportunity Data Collection filings.

(a) The Commission shall protect the security, privacy, and confidentiality of non-public or competitively sensitive information submitted by entities or individuals, including information contained in the Fabric, the dataset

supporting the Fabric, and availability data submitted pursuant to § 1.7004, by:

(1) Withholding from public inspection all data required to be kept confidential pursuant to § 0.457 of this chapter and all personally identifiable information submitted in connection with the information contained in the Fabric, the dataset supporting the Fabric, and availability data submitted pursuant to § 1.7004; and

(2) Subject to contractual or license restrictions, making public all other information received about the status of broadband internet access service availability at specific locations, including geographic coordinates and street addresses, whether a provider has reported availability at a location, and whether an entity or individual has disputed a report of broadband internet access service availability at such location.

(b) Providers may request that provider-specific subscription information in Digital Opportunity Data Act filings be treated as confidential and be withheld from public inspection by so indicating on the filing at the time that they submit such data.

(c) Providers seeking confidential treatment of any other data contained in their Digital Opportunity Data Collection filings must submit a request that the data be treated as confidential with the submission of their filing, along with their reasons for withholding the information from the public, pursuant to § 0.459 of this chapter.

(d) The Commission shall make all decisions regarding non-disclosure of provider-specific information.

(e) The Commission shall release the following information in Digital Opportunity Data Collection filings to the public, and providers may not request confidential treatment of such information:

(1) Provider-specific mobile deployment data;

(2) Data regarding minimum advertised or expected speed for mobile broadband internet access services; and

(3) Location information that is necessary to permit accurate broadband mapping, including as part of the crowdsourcing or challenge processes.

§ 1.7006 Data verification.

(a) *Audits.* The Commission shall conduct regular audits of the information submitted by providers in their Digital Opportunity Data Collection filings. The audits:

(1) May be random, as determined by the Commission; or

(2) Can be required in cases where there may be patterns of filing incorrect information, as determined by the Commission.

(b) *Crowdsourcing process.* Entities or individuals may submit in the Commission's online portal specific information regarding the deployment and availability of broadband internet access service so that it may be used to verify and supplement information submitted by providers for potential inclusion in the coverage maps.

(1) Crowdsourced data filers shall provide:

(i) Contact information of the filer (*e.g.,* name, address, phone number, and email);

(ii) The location that is the subject of the filing, including the street address and/or coordinates (latitude and longitude) of the location;

(iii) The name of the provider;

(iv) Any relevant details disputing the deployment and availability of broadband internet access service at the location; and

(v) A certification that to the best of the filer's actual knowledge, information, and belief, all statements in the filing are true and correct.

(2) The online portal shall notify a provider of a crowdsourced data filing against it, but a provider is not required to respond to a crowdsourced data filing.

(3) If, as a result of a crowdsourced data filing, the Commission determines that a provider's Digital Opportunity Data Collection information is not accurate, then the provider shall refile updated and corrected data information within 30 days of agreeing with the Commission's determination. Providers are allowed to bundle multiple crowdsourced corrections into one filing during a 30-day period.

(4) All information submitted as part of the crowdsourcing process shall be made public, with the exception of personally identifiable information and any data required to be confidential under § 0.457 of this chapter.

§ 1.7007 Establishing the Fabric.

(a) The Commission shall create the Fabric, a common dataset of all locations in the United States where fixed broadband internet access service can be installed. The Fabric shall:

(1) Contain geocoded information for each location where fixed broadband internet access service can be installed;

(2) Serve as the foundation upon which all data relating to the availability of fixed broadband internet access service collected pursuant to the Digital Opportunity Data Collection shall be overlaid;

(3) Be compatible with commonly used Geographical Information Systems (GIS) software; and

(4) Be updated every 6 months by the Commission.

(b) The Commission shall prioritize implementing the Fabric for rural and insular areas of the United States.

§ 1.7008 Creation of broadband internet access service coverage maps.

(a) After consultation with the Federal Geographic Data Committee, the Commission shall use the availability and quality of service data submitted by providers in the Digital Opportunity Data Collection to create:

(1) The Broadband Map, which shall depict areas of the country that remain unserved by providers and depict the extent of availability of broadband internet access service;

(2) A map that depicts the availability of fixed broadband internet access service; and

(3) A map that depicts the availability of mobile broadband internet access service.

(b) The Commission shall use the maps created in paragraph (a) of this section to determine areas where broadband internet access service is and is not available and when making any funding award for broadband internet access service deployment for residential and mobile customers.

(c) Based on the most recent Digital Opportunity Data Collection information collected from providers, the Commission shall update the maps created in paragraph (a) of this section at least biannually using the data collected from providers.

(d)(1) The Commission shall develop a process through which it can collect verified data for use in the coverage maps from:

(i) State, local, and Tribal entities primarily responsible for mapping or tracking broadband internet access service coverage in their areas;

(ii) Third parties, if the Commission determines it is in the public interest to use their data in the development of the coverage maps or the verification of data submitted by providers; and

(iii) Other Federal agencies.

(2) Such government entities and third parties shall follow the same filing process as providers submitting their broadband internet access service data in the Digital Opportunity Data Collection portal.

§ 1.7009 Enforcement.

(a) It shall be unlawful for an entity or individual to willfully and knowingly, or recklessly, submit information or data as part of the Digital Opportunity Data Collection that is materially inaccurate or incomplete with respect to the availability or the

quality of broadband internet access service.

(b) [Reserved]

§ 1.7010 Authority to update the Digital Opportunity Data Collection.

The International Bureau, Wireless Telecommunications Bureau, Wireline Competition Bureau, and Office of Economics and Analytics may update the specific format of data to be submitted pursuant to the Digital Opportunity Data Collection to reflect changes over time in Geographical Information Systems (GIS) and other data storage and processing functionalities and may implement any technical improvements or other clarifications to the filing mechanism and forms.

[FR Doc. 2020–17633 Filed 8–17–20; 8:45 am]

BILLING CODE 6712–01–P

Proposed Rules

Federal Register
Vol. 85, No. 160
Tuesday, August 18, 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.

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 1

[WC Docket Nos. 19–195, 11–10; FCC 20–94; FRS 16946]

Establishing the Digital Opportunity Data Collection; Modernizing the FCC Form 477 Data Program

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: In this document, the Commission seeks comment on proposals for processes for consumers, governmental entities, and other parties to challenge the availability data represented in the broadband maps; additional processes for verifying broadband availability data submitted by providers; targeted reforms to the FCC Form 477 subscribership data that broadband and voice providers are required to file biannually; and implementing other requirements of the Broadband DATA Act.

DATES: Interested parties may file comments on or before September 8, 2020 and reply comments on or before September 17, 2020. Written comments on the Paperwork Reduction Act proposed information collection requirements must be submitted by the public, Office of Management and Budget (OMB), and other interested parties on or before October 19, 2020.

ADDRESSES: You may submit comments, identified by WC Docket Nos. 19–195 and 11–10, by any of the following methods:

- *Federal Communications Commission's Website: http://apps.fcc.gov/ecfs/.* Follow the instructions for submitting comments.
- *People with Disabilities:* Contact the FCC to request reasonable accommodations (accessible format documents, sign language interpreters, CART, etc.) by email: *FCC504@fcc.gov* or phone: 202–418–0530 or TTY: 202–418–0432.

For detailed instructions for submitting comments and additional information on the rulemaking process, see the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: For further information on this proceeding, contact Kirk Burgee, FCC Wireline Competition Bureau, Competition Policy Division, (202) 418–1599, *Kirk.Burgee@fcc.gov,* or Garnet Hanly, FCC Wireless Telecommunications Bureau, Competition and Infrastructure Policy Division, (202) 418–0995, *Garnet.Hanly@fcc.gov.*

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Third Further Notice of Proposed Rulemaking (*Third FNPRM*) in WC Docket Nos. 19–195 and 11–10, adopted on July 16, 2020 and released on July 17, 2020. The document is available for download at *https://www.fcc.gov/edocs.* To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an email to *FCC504@fcc.gov* or call the Consumer & Governmental Affairs Bureau at 202–418–0530 (voice), 202–418–0432 (TTY).

Ex Parte Procedures: The proceeding this *Third FNPRM* initiates shall be treated as a ''permit-but-disclose'' proceeding in accordance with the Commission's ex parte rules. *See* 47 CFR 1.1200 through 1.1216. Persons making ex parte presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral ex parte presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the ex parte presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during ex parte meetings are deemed to be written ex parte presentations and must be filed consistent with rule § 1.1206(b). In proceedings governed by rule § 1.49(f) or for which the Commission has made available a method of electronic filing, written ex parte presentations and memoranda summarizing oral ex parte presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.,* .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's ex parte rules.

Initial Paperwork Reduction Analysis: This document contains proposed new or modified information collection requirements. The Commission, as part of its continuing effort to reduce paperwork burdens, invites the general public and the Office of Management and Budget (OMB) to comment on the information collection requirements in this document, subject to the Paperwork Reduction Act of 1995 (PRA), Public Law 104–13. In addition, pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, see 44 U.S.C. 3506(c)(4), the Commission seeks specific comment on how it might further reduce the information collection burden for small business concerns with fewer than 25 employees.

Statement of Authority: This *Third FNPRM* is adopted pursuant to sections 1 through 4, 7, 201, 254, 301, 303, 309, 319, 332, and 641 through 646 of the Communications Act of 1934, as amended, 47 U.S.C. 151 through 154, 157, 201, 254, 301, 303, 309, 319, 332, and 641 through 646.

Synopsis

I. Third Further Notice of Proposed Rulemaking

1. In this *Third FNPRM,* the Commission seeks comment on what steps are necessary to implement certain other provisions of the Broadband DATA Act. In doing so, the Commission notes that section 806(e) of the Broadband DATA Act provides that ''[i]f the Commission, before the date of enactment of this title, has taken an action that, in whole or in part,

implements this title, the Commission shall not be required to revisit such action to the extent that such action is consistent with this title.'' Accordingly, the Commission asks that commenters address the extent to which measures already adopted by the Commission meet the requirements of the Broadband DATA Act, as well as what new measures may be necessary.

A. Service Providers Subject to the Collection of Broadband internet Access Service Data

2. Under the Broadband DATA Act, the Commission must issue rules for the collection of broadband internet access service data from each ''provider'' of broadband internet access service, with ''provider'' being defined as ''a provider of fixed or mobile broadband internet access service.'' The Commission proposes that the providers subject to the requirements adopted in the *Second Report and Order,* published elsewhere in this issue of the **Federal Register**, be limited to ''facilities-based providers,'' as defined in 47 CFR 1.7001(a)(2). The Commission believes this definition is consistent with the Broadband DATA Act because the Act requires each provider to report where it ''has actually built out the broadband network infrastructure,'' and a facilities-based provider, rather than a reseller of the facilities-based provider's services or capacity, is in the best position to know and report such information. If resellers were to report information on broadband availability, it is likely that such information would be less accurate than the data reported by facilities-based providers. In addition, the availability footprints of resold service would overlap those reported by facilities-based providers, given that resellers, by definition, provide service in all or a portion of the same footprint as the facilities-based providers. Further, the definition of facilities-based provider that the Commission proposes to use is the same as that adopted for fixed providers in the *Digital Opportunity Data Collection Order and Further NPRM* (84 FR 43705, Aug. 21, 2019, and 84 FR 43764, Aug. 21, 2019), and it currently applies to providers required to file Form 477 fixed and mobile broadband deployment data. As such, defining ''provider'' in the same way in the Digital Opportunity Data Collection will enable ''the comparison of data and maps'' produced under Form 477 with those produced under the Broadband DATA Act, which the Act requires the Commission to do.

B. Standards for Reporting Availability and Quality of Service Data for Fixed Broadband Internet Access Service

3. The Broadband DATA Act requires that rules issued by the Commission provide for uniform standards for the reporting of broadband internet access service data. The Commission believes that, except as noted below, the reporting requirements previously adopted in the *Digital Opportunity Data Collection Order and Further NPRM* for fixed broadband service data are consistent with the Broadband DATA Act's requirements for reporting on the availability of such services. In particular, the Commission believes that it is consistent with the Broadband DATA Act to require providers of broadband internet access service at advertised speeds exceeding 200 kbps in at least one direction to report broadband availability data under the rules established for the Digital Opportunity Data Collection. The 200 kbps speed threshold is the same as that adopted in the *Digital Opportunity Data Collection Order and Further NPRM* and currently required for Form 477.

4. *Business-Only Service.* The *Digital Opportunity Data Collection Order and Further NPRM* required fixed providers to differentiate in their coverage polygons among service that was residential-only, business-only, or business-and-residential. While the Commission recognizes that there may be drawbacks to requiring fixed providers to report business-only broadband polygons due to the competitively sensitive nature of such data, it recognizes that there may be benefits to collecting and consulting business-only data, for example, in awarding funding for broadband services in other Universal Service Fund programs. As such, the Commission seeks comment on excluding from the Digital Opportunity Data Collection business-only service and instead requiring only a distinction between ''residential-only'' and ''business-and-residential'' services by fixed providers. The Commission seeks comment on this approach. In the alternative, should the Commission require the collection of business-only services, including non-mass-market business data services, though not specifically required by the Broadband DATA Act? Would there be a benefit to the Commission having data about the availability of broadband service for businesses and organizations that do not buy mass-market services, including healthcare organizations, schools, libraries, and other government entities? Would business-only availability data be particularly helpful for informing, for example, E-rate or universal service programs that support health care? Since the Broadband DATA Act focuses on restricting subsidies to unserved areas and avoiding wasteful subsidized overbuilding, could the availability of business-only deployment data for consultation in the E-Rate or Rural Health Care programs, for example, help advance the goals and principles of the statute?

5. *Speed Information for Fixed Services.* As a component of their availability reporting under the Broadband DATA Act, fixed broadband providers must submit ''information regarding download and upload speeds, at various thresholds.'' The *Digital Opportunity Data Collection Order and Further NPRM* required all fixed providers to submit broadband coverage polygons that reflect the maximum download and upload speeds available in each area, as well as the technology used to provide the service and a differentiation among residential-only, business-only, or residential-and-business broadband services. The Commission proposes that all fixed broadband providers be required to report the maximum advertised download and upload speeds associated with the broadband internet access service that a provider offers in an area. However, for service offered at speeds below 25/3 Mbps, the Commission proposes the use of two speed tiers: One for speeds greater than 200 kbps in at least one direction and less than 10/1 Mbps, and another for speeds greater than or equal to 10/1 Mbps and less than 25/3. For speeds greater than or equal to 25/3 Mbps, the Commission proposes that providers report the maximum advertised download and upload speeds associated with the broadband internet access service provided in an area. The Commission seeks comment on these proposals.

6. *Latency Information for Fixed Services.* The Commission also seeks comment on whether and how to collect latency information for fixed broadband services. Latency refers to the time it takes for a data packet to travel from one point to another in a network, whereas a round-trip latency refers to the time it takes for a data packet to travel from one point to another and then back again. The *Digital Opportunity Data Collection Order and Further NPRM* sought comment on whether fixed providers should be required to report latency levels along with other parameters in their coverage polygons. The Broadband DATA Act provides that latency information shall be collected from fixed broadband providers ''if applicable,'' and specifically requires

that propagation model-based coverage maps submitted by fixed wireless providers reflect the ''speeds and latency'' of the service offered by the provider. The Commission proposes to require all fixed broadband service providers to report latency data by indicating whether the network round-trip latency associated with the service offered by each technology and each maximum speed combination in a particular geographic area is less than or equal to a particular threshold. The Commission proposes to use 100 milliseconds (ms)—based on the 95th percentile of measurements—as that threshold, since that is the latency benchmark that recipients of Connect America Fund Phase II model-based support, as well as Connect America Fund Phase II auction support recipients in the Low Latency tier, are required to meet. The Commission proposes to update that benchmark for the Digital Opportunity Data Collection if and when the benchmark is updated in the universal service context. The Commission seeks comment on this proposal and ask whether a lower value should be used as a latency threshold independent of any changes made in the universal service context.

7. As an alternative to having all fixed providers submit latency information, should the Commission determine that the collection of latency data is only applicable to providers of certain types of fixed service? Further, should a more limited set of providers be required to submit more granular data on latency? Would such requirements be consistent with the Broadband DATA Act? For instance, should the Commission require only fixed wireless providers submitting propagation maps to file data indicating the 95th percentile latency values for the services they offer? Should the Commission extend this requirement to satellite providers, given the notable differences in latency values between satellite providers and other fixed providers? Should any latency requirements of satellite providers be limited to non-geostationary-orbit satellites and should such providers report latency values specifically for the apogee of satellites' orbits or for the greatest path distance between a satellite and ground station? The Commission proposes to direct OEA, in consultation with WCB, IB, and OET, to issue specific guidance to providers on how to measure their network latency for purposes of reporting such information in the Digital Opportunity Data Collection. The Commission seeks comment on these proposals regarding the collection of latency information and ask commenters to provide detailed explanations for any alternative recommendations, including any alternative latency benchmarks.

8. *Satellite Availability Reporting.* In the *Digital Opportunity Data Collection Order and Further NPRM,* the Commission sought comment on how, for the purposes of the Digital Opportunity Data Collection, it could improve upon the existing satellite broadband data collection to reflect more accurately current satellite broadband service availability. The Commission sought comment on whether satellite broadband deployment data reporting near nationwide deployment could be improved by requiring additional information, including the number and location of satellite beams, the capacity used to provide service by an individual satellite to consumers at various speeds, and the number of subscribers served at those speed levels. The Satellite Industry Association and Hughes oppose such reporting and argue that neither beam location nor capacity would provide additional granular information about the reach of the networks or where satellite broadband providers make service available. The Commission continues to seek comment on how to improve upon the existing satellite broadband data collection. Assuming *arguendo* that requiring the reporting of such supply side data is not useful or practical, should the Commission require additional reporting on the demand side by requiring any satellite provider submitting nationwide broadband coverage also to identify the census tracts with at least one reported subscriber? Should the Commission require reporting of where the satellite operator is actively marketing its broadband services? If concrete proposals are not provided to more reasonably represent satellite broadband deployment, the Commission would rely on other mechanisms outlined in the *Second Report and Order* and this *Third FNPRM* including standards for availability reporting, crowdsourced data checks, certifications, audits, and enforcement, potentially as well as currently reported subscriber data, in assessing the accuracy of satellite provider claims of broadband deployment.

C. Additional Standards for Collection and Reporting of Data for Mobile Broadband Internet Access Service

9. In the *Second Report and Order,* the Commission required that a mobile provider's propagation model results for 3G, 4G and 5G–NR mobile broadband technologies be based on standardized parameter values for cell edge probability, cell loading, and clutter that meet or exceed certain specified minimum values. The Commission also required mobile providers to disclose propagation model details and link budget parameters. In this *Third FNPRM,* the Commission seeks comment on whether it should require providers to submit infrastructure information, make additional disclosures concerning the input data, assumptions, and parameter values underlying their propagation models and on whether any additional parameters are necessary to ensure that the Commission collects accurate mobile broadband deployment data.

10. First, the Commission seeks comment on requiring providers to disclose to the Commission additional details of their propagation models and of the link budgets they use for modeling cell edge network throughput (both uplink and downlink). Specifically, the Commission seeks comment on requiring providers to submit a description of sites or areas in their network where drive testing or other verification mechanisms demonstrate measured deviations from the input parameter values or output values included in the link budget(s) submitted to the Commission, and a description of each deviation and its purpose. The Commission seeks comment on whether requiring providers to include this additional information will help it more fully understand and assess propagation model coverage predictions.

11. The Commission also seeks comment on whether it should prescribe propagation modeling standards, such as a minimum value for Reference Signal Received Power (RSRP) or Received Signal Strength Indicator (RSSI). A map showing where the RSRP or RSSI meets or exceeds a minimum value could assist with the verification of expected user speeds. The *Mobility Fund Phase II Investigation Staff Report* discussed the role of signal strength in measuring mobile broadband performance and found ''a strong positive relationship between the RSRP signal strength recorded and the percentage of 4G LTE speed tests that achieved a download speed of at least 5 Mbps . . . .'' Several parties discussed signal strength in their comments in response to the *Digital Opportunity Data Collection Order and Further NPRM* and expressed differing views on whether a standardized or minimum signal strength parameter value is necessary. The Commission seeks additional comment to inform its

determination of whether a minimum signal strength parameter value is appropriate. The Commission recognizes that RSRP or RSSI values may vary based on factors such as spectrum band, network design, or device operating capabilities, but it seeks comment on whether it can establish a minimum signal strength parameter value that accommodates such variation. For example, should the Commission adopt CCA's suggestion that to define a minimum signal strength parameter by technology (*e.g.,* LTE or 5G), spectrum band, and channel size? If so, the Commission seeks comment on what values would be appropriate. Alternatively, in view of the variety of factors that affect signal strength, would it be preferable to adopt an approach that uses a range of signal strength data to verify propagation model coverage predictions? Under such an approach, the Commission could require, for each of the propagation maps submitted, a second set of maps showing RSSI or RSRP signal levels, measured at 1.5 meters above ground level (AGL), from each active cell site. These maps could form color coded ''heat maps'' showing RSSI or RSRP gradient levels in 10 dB increments from –40 dBm to –120 dBm. The Commission seeks comment on this approach and whether it would be an effective method for verifying coverage predictions.

12. The Commission also seeks comment on whether it should adopt any other minimum values for particular model parameters not otherwise specified above. For example, the *Mobility Fund Phase II Investigation Staff Report* concluded that the Commission ''should be able to obtain more accurate mobile coverage data by specifying additional technical parameters,'' and it recommended that the Commission adopt standard fading statistics as one parameter for standardized mobile broadband coverage data specifications. Based on this finding, should the Commission require carriers to report the fading standard deviation they use to set a fade margin or otherwise incorporate into their link budgets or propagation models? Should the Commission set minimum values or standardize values for any of the additional parameters it would require carriers to submit? Commenters advocating for the Commission to require reporting (or standardization) of a particular parameter should provide detailed technical justifications for why the parameter or value is necessary or important for the Commission to verify carriers' propagation models and coverage maps.

13. Finally, the Commission asks whether it should require mobile providers to submit additional coverage maps based on different speed, cell edge probability, or cell loading values. Are there particular use cases or categories of subscribers, such as Machine-to-Machine or Internet-of-Things users, that might benefit from information on 4G LTE or 5G–NR service availability at speeds below the thresholds set forth in the Broadband DATA Act and adopted in the *Second Report and Order;* or are there use cases for which higher thresholds for broadband speed or utilization might make sense? For example, should providers report coverage with cell loading values set to 30% and 70%, in addition to 50%, where all other values were held constant? Having different maps (or map layers) based on these different assumptions could show how the likelihood of establishing or maintaining a mobile broadband connection may change when the network is experiencing different utilization rates. Rather than setting uniform cell-loading values, should the Commission instead require carriers to submit, on a per-cell basis, propagation maps that incorporate a cell-loading value based on busy-hour utilization? The Commission notes that this requirement would be in addition to the requirements it adopted in the *Second Report and Order* that carriers submit maps based on minimum speed, cell-edge probability, and cell loading metrics. Assuming the Commission requires mobile providers to submit additional coverage maps, how should the Commission incorporate this information into the maps it creates pursuant to the Broadband DATA Act? Are there any steps the Commission would need to take to avoid confusing consumers and help ensure that they are able to make reasonable comparisons between mobile broadband providers' coverage areas?

1. Collecting Infrastructure Information

14. In the *Digital Opportunity Data Collection Order and Further NPRM,* the Commission proposed to collect certain types of network infrastructure information to be submitted by mobile service providers upon Commission request, and it sought comment on whether the Commission should require mobile providers to submit infrastructure information to verify providers' broadband network coverage. The Commission seeks to refresh the record and seek further comment on collecting infrastructure information as part of the Digital Opportunity Data Collection.

15. The Commission believes such information could help Commission staff independently verify the accuracy of provider coverage propagation models and maps submitted by mobile wireless service providers. The *Mobility Fund Phase II Investigation Staff Report* concluded that collecting such infrastructure data could help accurately verify mobile broadband coverage. The Commission also believes that infrastructure data could advance the Broadband DATA Act's requirement that it verify the accuracy and reliability of submitted coverage data. At the same time, The Commission recognizes that this is not data it ordinarily collects, and further acknowledges that the collection of infrastructure information could raise commercial sensitivity and national security concerns, as well as impose additional burdens on filers. The Commission seeks additional comment on these views and how best to strike a balance between competing concerns.

16. If the Commission opts to collect this information as part of the Digital Opportunity Data Collection, it seeks comment on what information it should collect, how often it should collect it, and whether filers should regularly submit infrastructure information to the Commission or submit information only on staff request, such as when the need for staff to verify part or all of a filer's network arises. In the *Digital Opportunity Data Collection Further NPRM,* the Commission proposed collecting nine categories of infrastructure information from filers. The Commission notes that some parties, including CTIA and AT&T, support requiring mobile providers to require regular submission of certain infrastructure information relating to the geographic locations of cell sites, while making other more detailed information available upon Commission staff request. The Commission seeks comment on these proposals and other alternatives it should consider, including whether such a rule is necessary in the first instance and whether the benefits of regular reporting would outweigh the costs. Commenters should discuss both the value of collecting this information for ensuring the accuracy of mobile broadband coverage maps and the potential impact on filers.

D. Processes for Verifying Broadband Availability Data Submitted by Providers

17. Pursuant to the Broadband DATA Act, the Commission must issue final rules that establish processes through

which it can ''verify the accuracy and reliability'' of the broadband internet access service availability data submitted by providers. These requirements are set out in distinct provisions of the Broadband DATA Act, separate from other requirements to establish processes for improving data accuracy and reliability, such as processes for receiving verified data from third parties and governmental mapping entities, crowdsourcing, and a challenge process. Accordingly, the Commission finds that these verification processes are intended to be in addition to other requirements, though there may be overlap and interrelationships between them. The Commission notes, for example, that information received through the crowdsourcing required under section 804(b) of the Broadband DATA Act is to be used to ''verify and supplement'' availability data collected under section 802(b)(2)(B) of the Act. The Commission seeks comment on this finding.

1. Verifying Mobile Data

18. In this section, the Commission proposes requiring mobile providers to submit a statistically valid sample of on-the-ground data (*i.e.,* both mobile and stationary drive-test data) as an additional method to verify mobile providers' coverage maps. The Commission seeks comment on ways to develop a statistically valid methodology for the submission and collection of such data as well as how to implement such a requirement in a way that is not cost prohibitive for providers, particularly for small service providers. Further, the Commission requests comment on directing OEA and WTB to determine whether to develop a statistically valid methodology that will be used for determining the locations and frequency for on-the-ground testing as well as the technical parameters for standardizing on-the-ground data, and the Commission seeks comment on potential considerations for developing such a methodology. Finally, the Commission requests comment on whether and how the Commission should use signal strength information submitted by carriers to verify providers' coverage maps.

19. *On-the-Ground Service Provider Data.* The *2017 Data Collection Improvement FNPRM* (82 FR 40118, Aug. 24, 2017) sought comment on requiring mobile broadband providers to submit speed test data to supplement their model-based data. In the *Digital Opportunity Data Collection Order and Further NPRM,* the Commission sought further comment on this issue and asked whether providers already collect such data in the ordinary course of business. In response to the *2017 Data Collection Improvement FNPRM* and the *Digital Opportunity Data Collection Order and Further NPRM,* some commenters supported using drive-test data as a means of verifying broadband coverage. Providers, on the other hand, argued that collecting such data over their entire network would be unduly burdensome and unnecessary. The *Mobility Fund Phase II Investigation Staff Report,* however, found that drive testing can play an important role in auditing, verifying, and investigating the accuracy of mobile broadband coverage maps submitted to the Commission. The *Mobility Fund Phase II Investigation Staff Report* recommended that the Commission require providers to ''submit sufficient actual speed test data sampling that verifies the accuracy of the propagation model used to generate the coverage maps. Actual speed test data is critical to validating the models used to generate the maps.''

20. The Commission proposes requiring mobile service providers to submit on-the-ground test data—from a combination of mobile and stationary tests—as a tool to help the Commission verify their voice and broadband coverage submissions. The Broadband DATA Act requires the Commission to verify the accuracy and reliability of mobile broadband coverage data that mobile providers submit to the Commission. The Commission believes that on-the-ground test data from mobile providers could be a critical component of its verification process. The Commission anticipates, however, that requiring providers to test their entire network would be prohibitively expensive; accordingly, the Commission proposes to require mobile providers to collect a statistically valid, unbiased sample of on-the-ground test data to verify their coverage maps. Industry commenters have indicated either that providers do not collect on-the-ground test data in the ordinary course of business or that they do so only to calibrate their propagation models. Accordingly, the Commission expects that collecting a sample would be more effective in verifying coverage than on-the-ground test data already collected in the ordinary course of business.

21. In order to help verify the accuracy of mobile providers' submitted coverage maps, the Commission proposes that carriers submit evidence of network performance based on a sample of on-the-ground tests that is statistically appropriate for the area tested. The Commission proposes at a minimum that the speed tests include downlink, uplink, latency, and signal strength measurements and that they be performed using an end-user application that measures performance between the mobile device and specified test servers. The Commission proposes that speed tests must be taken outdoors. The Commission proposes requiring a combination of mobile and stationary tests to accurately verify the coverage speed maps. The Commission also seeks comment on how it should compare the two types of tests. The Commission requests comment on the parameters that should be specified, such as the time of day within which the tests should be performed and whether it should set limits on the height at which the tests must be conducted. In the case of mobile speed tests, the Commission requests comment on whether it should set limits on vehicle speed and whether it should accept unmanned aircraft system tests. The Commission also seek comment on how to ensure that providers submit a statistically valid and unbiased sample of tests. For example, how should the tests be distributed between urban and rural areas? How can the Commission ensure that the speed test measurements represent the typical user case for the area covered? How, for example, can the Commission prevent providers from performing their tests close to their towers where signal strength is greatest? In developing its methodology, should the Commission specify the types of equipment that providers can use, including the handsets and any other special equipment necessary for the testing? Should the Commission specify where to place such equipment during the testing? Although the Commission eliminated the requirement to report network coverage on Form 477 by spectrum band in the *Digital Opportunity Data Collection Order and Further NPRM,* it proposes, for verification purposes, to require providers to indicate spectrum bands and bandwidths in submitted mobile and stationary test data. In the context of eliminating the requirement to submit separate Form 477 coverage maps by spectrum band, the Commission acknowledged that it had not yet used such data to analyze deployment in different spectrum bands and that such data were unnecessary to confirm buildout requirements or to determine deployment speeds, as such information was typically provided by mobile providers through other means. *Digital Opportunity Data Collection Order and Further NPRM,* 34 FCC Rcd at 7523–24, paras. 42–43. For on-the-ground test data, however, spectrum band data are essential to be able to understand and

analyze mobile providers' on-the-ground submissions and to use them as a tool to verify mobile coverage maps.

22. The Commission seeks comment on the costs of requiring mobile providers to submit a statistically valid sample of on-the-ground data to verify their network coverage. The Commission recognizes both that it may be difficult to develop a statistically valid methodology governing mobile and stationary tests that eliminates or minimizes selection bias and that on-the-ground testing may prove burdensome and expensive. The Commission requests comment on the potential costs of developing a statistically valid methodology for on-the-ground testing. In addition, the Commission seeks comment on the potential costs for providers to implement such methodology, particularly in light of its proposal to require only a sample of a mobile provider's network. What are the costs of requiring providers to submit both mobile stationary test data? To what extent should the Commission modify its requirements for small providers, if at all?

23. The Commission requests comment on the type of confidentiality protections that it should apply to any on-the-ground data that mobile providers submit. The Broadband DATA Act's privacy provision does not clearly apply to the collection of data submitted to verify the accuracy of coverage data. Should these data be subject to disclosure pursuant to the private-public balancing test in §§ 0.457 and 0.461 of the Commission's rules? Should these data be available to the public during the challenge process?

2. Engineering Certification of Biannual Filings

24. While the Broadband DATA Act requires that each provider must include as part of its filing a certification from a corporate officer, the *Mobility Fund Phase II Investigation Staff Report* included a similar recommendation that the Commission require service providers to include an engineering certification with all data submissions.

25. In the *Second Report and Order,* as required by the Broadband DATA Act, the Commission requires providers to submit a certification from a corporate officer that the statements of fact contained in its biannual submissions are true and correct. The Commission proposes requiring mobile providers in addition to submit a certification of the accuracy of their submissions from a qualified engineer. The Commission also proposes to require public filing of these certifications. The *Mobility Fund Phase II Investigation Staff Report* recommended that the Commission require providers to include an engineering certification. It found that requiring an engineering certification would help improve the accuracy of submissions by ensuring that providers take into account network performance data showing actual service availability in different areas across the country. The Commission seeks comment on the *Report's* recommendation and on whether requiring both an engineering certification and a certification from a corporate officer would help improve accuracy of provider submissions. To the extent a corporate officer (*e.g.,* a Chief Technology Officer) is both an engineer and has the requisite knowledge required under the Broadband DATA Act, the Commission proposes to require the mobile filer to submit a single certification, which would also attest to the corporate officer's engineering qualifications. The Commission proposes requiring that this certification state that the certified professional engineer or a corporate engineering officer that is employed by the service provider has direct knowledge of, or responsibility for, the generation of the service provider's Commission-filed coverage maps. The Commission proposes requiring that the certified professional engineer or corporate engineering officer certify that he or she has examined the information contained in the submission and that, to the best of the engineer's actual knowledge, information, and belief, all statements of fact contained in the submission are true and correct, and in accordance with the service provider's ordinary course of network design and engineering.

26. The Commission also seeks comment on whether it should require an engineering certification for biannual filings for fixed broadband service providers, as it proposes to do with certifications for mobile service providers. The Commission believes that this step would improve the accuracy of data on availability of fixed services by requiring providers to focus on network performance in certifying the accuracy of their filings, but seek comment on whether the same considerations would apply to fixed services so as to warrant this step. The Commission also seeks comment on any potential penalties for violating the certification.

3. Collection and Use of Verified Data

27. The Commission seeks comment on how best to implement the Broadband DATA Act's requirement to collect and use ''verified'' data from third parties and government entities. As an initial matter, the Commission seeks comment on what constitutes ''verified'' data. If the data are produced by the entity submitting them, should the entity be required to explain the methodology for collecting and producing the data? If the entity gathers the data from providers or other third parties, should the entity be required to attest to the reliability of the data? Also, how should these verified data be ''used'' in the coverage maps to provide a useful resource? If the provider agrees with the data submitted by the government entity or third party, then the Commission proposes to ''use'' such data by including the data in the coverage maps. The Commission seeks comment on a process for getting the provider's assessment of this data. The Commission also seeks comment on these proposals and seek ideas on other approaches to verifying and using such data.

28. The Commission proposes requiring third party and governmental entities to attempt to resolve any inconsistent data with the providers. If the third party or governmental provider successfully reconciles its data with the provider, then the Commission would allow those data to be used in the coverage maps. If the third-party or governmental data cannot be reconciled with the provider after a period of 60 days, then the data would be made publicly available and its status noted, but the data would not be included as part of the official coverage maps. The Commission seeks comment on this approach and whether it is consistent with the Broadband DATA Act's mandate that such data be used in the coverage maps. The Commission seeks comment on any other methods for resolving inconsistencies between a provider's data and data submitted by third parties and government entities.

29. In addition, the Commission seeks comment on how to handle instances in which an external data format used by the third party is incompatible with the data submitted by providers—for example, if a state provides data based on geocoded addresses, but the provider submits availability data using shapefiles. The Commission proposes to make publicly available, and note the status of, such incompatible data from governments and third parties, but not to include them in producing the coverage maps. Is this a viable proposal and consistent with the Broadband DATA Act? What else could the Commission do to resolve the incompatibility in formats so that the

data can be useful for the coverage maps?

30. The Commission seeks comment on the flexibility in the Broadband DATA Act to collect third-party availability data when the Commission determines that it is in the public interest to use such data in the development of the coverage maps or the verification of data submitted by providers. The Commission proposes to accept broadband internet access service availability data from any third party that is able to demonstrate that it has employed a sound and reliable methodology in collecting, organizing, and verifying coverage data or location data. However, the Commission proposes to only use such data if, in its discretion, it determines that the data would make the coverage maps (or the data underlying the coverage maps) more accurate. The Commission seeks comment on this proposal and on any alternatives where collecting and using third-party data would improve the coverage maps or the underlying provider-submitted data. For example, should the Commission use third-party data only to verify the availability data submitted by providers? Also, what factors should drive the Commission's public interest determination to accept and use the third-party data? The Commission proposes to use factors such as whether the third party specializes in gathering and/or analyzing broadband availability data, the format and type of data submitted (are they compatible and comparable with the providers' data), and the extent to which the entity demonstrates that its collection, organization, and verification methodologies are sound and would appreciably improve the accuracy and reliability of the coverage maps. Finally, the Commission proposes to require third parties submitting verified data to certify that the information it is submitting is true and accurate to the best of their actual knowledge, information, and belief, consistent with the certification requirements the Commission proposes to apply to providers in connection with their availability data.

4. Additional Options for Collecting Verified Data on Mobile Service

31. As discussed above, the Commission proposes to require mobile providers to submit on-the-ground test data to assist the Commission in verifying their data submissions. In this section, the Commission proposes to collect voluntarily-submitted ''verified'' on-the-ground data on mobile service from ''[s]tate, local, and Tribal governmental entities that are primarily responsible for mapping or tracking broadband internet access service'' and from Federal agencies for use in the mobile coverage maps the Commission creates. The Commission also seeks comment on whether to collect voluntarily-submitted ''verified'' on-the-ground data from other third parties, including other non-federal government entities and mobile providers that submit data unrelated to their own networks, for use in the coverage maps. In addition, to meet the Broadband DATA Act's mandate to conclude a process that tests the feasibility of partnering with one or more Federal agencies to collect information to verify and supplement broadband information submitted by providers, the Commission proposes to launch a pilot program with a Federal agency with a delivery fleet, such as the United States Postal Service (USPS). The Commission seeks comment on how to implement this pilot program.

32. *On-the-Ground Data from Government Entities and Third Parties.* The Commission seeks to refresh the record on accepting on-the-ground data from certain state, local, and Tribal governmental entities as well as from other third parties. The *Digital Opportunity Data Collection Order and Further NPRM* sought comment on whether to contract with third parties to deliver speed test data. In response to the *Digital Opportunity Data Collection Order and Further NPRM,* the California PUC argued that the Commission or third parties not affiliated with providers should conduct nationwide drive-testing and that the Commission should accept data collected through tests conducted by states or their contractors. The City of New York also supported submission of voluntary speed-test data produced by local governments. Verizon maintained that, if the Commission were to obtain third-party sources of test data, including structured sample data, it would be reasonable to *supplement* providers' submissions but unreasonable to use such data to *validate* providers' submissions, given inherent *variability* in such data.

33. The Commission seeks comment on whether it should adopt standards or requirements that these data must satisfy. The Commission also seeks comment on whether the Commission has discretion, under the Act, not to use such data if it determines that such data is not reliable or helpful for creation of the coverage maps. The Commission also seeks comment on whether, and under what conditions, the Commission should accept verified on-the-ground data from other third parties. The Commission proposes to define ''other third parties'' to include all entities not mentioned in section 642(a)(2)(A) and (C) of the Act, including non-federal governmental entities that are not primarily responsible for mapping or tracking broadband internet access service, service providers that submit data on other providers' network coverage and performance, and other entities, such as third-party entities that routinely collect on-the-ground data. The Commission seeks comment on this proposed definition. Would data from other third parties help the Commission develop more accurate mobile coverage maps and verify providers' submitted data? If the Commission collects data from other third parties, should it specify the procedures and parameters for on-the-ground testing that the Commission will accept, as discussed in more detail above? Should the third-party be required to certify the methods by which the data were collected? The Commission seeks comment on whether establishing required procedures and standards will ensure the accuracy of these data. Will third parties be able to manipulate the procedures to generate inaccurate coverage data?

34. The Commission seeks comment on whether it can set technical standards for on-the-ground data that it collects from government and third parties, and if so, what standards it should require for such data. In the *Digital Opportunity Data Collection Order and Further NPRM,* the Commission sought comment on ways to define a drive-testing process that would yield a useful dataset to verify provider data. The Commission notes that the data speed that users experience depends on both the deployed network and the performance capabilities of the device. The Commission believes that adopting standardized methodologies, testing parameters, and minimum device performance capabilities that apply equally to on-the-ground data submitted by providers to verify their network (as discussed in section IV.D.1., above) and to on-the-ground data voluntarily submitted by state, local, and Tribal governmental entities, other third parties, and Federal agencies (including through a pilot program) will assist the Commission in collecting verified data. Accordingly, the Commission proposes that any standardized requirements should be the same as those it adopts for service providers submitting on-the-ground data to verify their coverage data, as discussed above. For government and third-party on-the-ground test data, should the Commission set parameters

and methodologies such as equipment standards, requirements for placement of equipment, and time-of-day testing requirements? Should the Commission require a combination of mobile and stationary test data? To the extent the Commission adopts methodologies and parameters, can parties still manipulate such tests to generate inaccurate results? What, if anything, can the Commission do to prevent such manipulation?

35. Should the Commission consider accepting any other forms of verified on-the-ground data besides mobile and/or stationary test data? In the *Digital Opportunity Data Collection Order and Further NPRM,* the Commission sought comment on the use of aerial drone testing and other technologies to verify data accuracy, with a particular emphasis on using such technologies to conduct sample audits of provider-submitted mobile deployment data, but few commenters addressed this issue. The Commission seeks to refresh the record on the extent to which the Commission could verify and use such data in the creation of its mobile broadband maps. Are such data sufficiently reliable for use in the mobile broadband coverage maps? Would third parties have an interest in submitting such data for use in the Commission's coverage maps?

36. *Federal Agency Delivery Fleet Pilot Program.* Section 644(b)(2)(B) of the Broadband DATA Act requires the Commission, within one year of the Act's enactment, to ''conclude a process that tests the feasibility of partnering with Federal agencies that operate delivery fleet vehicles, including the United States Postal Service, to facilitate the collection and submission'' of data that can be used to verify and supplement broadband coverage information. After the feasibility testing, the Commission must publish a report determining ''whether the partnerships with Federal agencies . . . are able to facilitate the collection and submission of information'' to verify and supplement mobile broadband data submitted by providers. The Commission seeks comment on how best to comply with these mandates.

37. The Commission believes that it should study the feasibility of partnering with Federal agencies by seeking to develop a pilot program that would install drive-test hardware on last-mile federal delivery fleet vehicles in certain sample markets to perform drive tests during a typical delivery route. How can the Commission develop a cost-effective pilot program with USPS or another Federal agency that would yield useful data? What steps could the Commission take to address concerns about the validity of drive-test data more generally? For example, should the Commission focus its pilot program on rural areas, where there are greater concerns with mobile coverage, or on markets where coverage is disputed? The Commission seeks comment on whether the pilot program should also incorporate stationary testing.

38. What other considerations should guide the Commission's decisions in establishing a pilot program with a federal agency that operates delivery fleet vehicles, such as USPS? For instance, in a Government Accountability Office (GAO) Report that considered the feasibility of USPS delivery vehicles collecting mobile wireless coverage and performance data, GAO identified two potential limitations: large up-front costs and complex technical specifications. The Commission seeks comment on the likely costs of a pilot program. What procedures could the Commission implement to address concerns with requiring delivery workers to perform technically complex tasks? Can drive-testing be automated so that delivery vehicles can collect data passively? The Commission seeks comment on possible best practices for obtaining reliable drive-test data, including whether technicians would be required to install and calibrate test equipment; whether drivers would have to be trained to perform tests; and whether, in order to ensure a statistically valid sample, multiple drive-tests would be required on the same route. Would there be any legal or other constraints inherent in partnering with USPS for such a pilot program? For example, USPS Rural Carrier Associates ''serv[e] thousands of families and businesses in rural and suburban areas while traveling millions of miles daily'' but typically use their own vehicles for mail delivery. Are there challenges to deploying drive testing equipment in vehicles not owned by the USPS? Are there other Federal agencies ''that operate delivery fleet vehicles,'' as the Broadband DATA Act states?

39. Finally, should the Commission also consider exploring a pilot program with a private entity that operates a large fleet of delivery vehicles, such as UPS or Federal Express? Are private entities better equipped than Federal agencies to operate such a program? Are there other private entities that routinely cover a high enough percentage of the roads?

E. Challenge Process

40. In the *Digital Opportunity Data Collection Order and Further NPRM,* the Commission explained that ''input from the people who live and work in the areas that a service provider purports to serve also plays a vital role in ensuring the quality of these maps, helping to identify areas where the data submitted do not align with the reality on the ground.'' The Commission seeks comment on how best to implement a user-friendly challenge process consistent with the Broadband DATA Act.

41. Pursuant to the Broadband DATA Act, the Commission must establish a user-friendly challenge process through which consumers, State, local, and Tribal governmental entities, and other entities or individuals may submit coverage data to challenge the accuracy of the coverage maps, broadband availability information submitted by providers, or information included in the Fabric. In establishing the rules for the challenge process, the Commission must take into consideration a number of factors, including: (1) The types and granularity of information to be provided in a challenge; (2) the need to mitigate time and expense in submitting or responding to a challenge; (3) the costs to consumers and providers from misallocating funds based on outdated or inaccurate information in coverage maps; (4) lessons learned from comments submitted in the Mobility Fund Phase II challenge process; and (5) the need for user-friendly submission formats to promote participation in the process. The process also must include the verification of data submitted through the challenge process and allow providers to respond to challenges to their data. The Commission must develop an online mechanism for submitting challenges: (1) That is integrated into the coverage maps, (2) that allows an eligible entity or individual to submit a challenge, (3) that makes challenge data available in both GIS and non-GIS formats, and (4) that clearly identifies broadband availability and speeds as reported by providers. The rules establishing the challenge process also must include processes for the speedy resolution of challenges and for updating the Commission's coverage maps and data as challenges are resolved.

1. Online Tracking System

42. In the *Digital Opportunity Data Collection Order and Further NPRM,* the Commission directed OEA to work with the Administrator to create an online portal for State, local, and Tribal governmental entities and members of the public to review and dispute the broadband coverage data filed by fixed providers under the new Digital Opportunity Data Collection. The

Broadband DATA Act does not permit USAC to develop the new portal, however, and, as described above, the portal must be flexible enough to handle broadband internet access service mapping, availability, and location challenges for both fixed and mobile providers. The Commission proposes that the online mechanism for receiving and tracking challenges be accessible through the same portal that is proposed to be used for crowdsourced submissions, and that it provide easy, direct access to the challenge data as well as broadband availability data the Commission collects from providers, including speed and latency data. The Commission seeks comment on this proposal and on any alternatives for tracking challenges. For example, in the *Digital Opportunity Data Collection Order and Further NPRM,* the Commission asked whether the tracking portal could be similar to the Commission's existing consumer complaints database. The Commission also seeks comment on the best user-friendly format for filing, responding to, and tracking challenges, as well as on what other steps may be required to ensure that the challenge portal complies with the requirements of the Broadband DATA Act.

2. Consumer Challenge Process

43. The challenge process must be available for consumers, as well as for State, local, and Tribal governmental entities and other entities. The Commission anticipates that the issues raised in individual consumer challenges may differ from those raised by entities, so it proposes to establish separate sets of requirements and procedures for consumer challengers.

a. Consumer Challenges of Fixed Data

44. *Service Availability and Coverage Map Data.* The Commission proposes to collect the following information from consumers seeking to challenging coverage map data or the availability of service at a particular location: (1) The name and contact information of the challenger (*e.g.,* address, phone number, and/or email); (2) the street address and geographic coordinates (latitude/longitude) of the location(s) at which the consumer is disputing the availability of broadband internet access service; (3) a representation that the challenger owns or resides at the location or is authorized to request and receive service there; (4) the name of the provider whose coverage is being disputed; (5) a category of availability dispute, selected from pre-established options on the portal (*e.g.,* no actual service offering at location; provider failed to install within ten business days of valid order for service; provider denied request for service; installation attempted but unsuccessful; reported speed not available); and (6) text and documentary evidence and details of a request for service (or attempted request for service), including the date, method, and content of the request and details of the response from the provider. As required by the Broadband DATA Act, the platform for this submission would be integrated with the coverage maps so that the challenger would have ready access to broadband availability information reported at the location that is subject to the challenge.

45. The Commission concludes that collecting this information would appropriately balance the burden on the challenger and provider, would facilitate challenge participation, and would adequately verify the information collected, as required by the Broadband DATA Act. The Commission seeks comment on this conclusion.

46. The Commission also seeks comment on the information that it proposes to collect for challenges to fixed service availability and coverage data. Is there additional information that the Commission should collect or are any of the proposed types of information not needed to present a clear picture of a challenge? Is the information the Commission proposes to collect comprehensive enough to cover all challenges considered by the Broadband DATA Act? The Commission also believes that requiring detailed information to support a challenge will inhibit the submission of frivolous or malicious filings. The Commission seeks comment on this assumption.

47. Regarding the information requested from a consumer challenger, the Commission seeks comment on the specificity it should require for contact information and whether there are any privacy concerns with requesting this information (*e.g.,* whether the Commission should require both telephone numbers and email addresses). With regard to geographic coordinates, the Commission proposes to require that challenges be brought only on a location-specific basis, whether the challenge be for coverage maps, availability, or the Fabric. The Commission seeks comment on this proposal and on any better alternatives.

48. Also, in order to ensure the reliability of the data submitted, the Commission proposes that an individual, or an authorized officer or signatory of an entity, certify that the person examined the information contained in the challenge and that, to the best of the person's actual knowledge, information, and belief, all statements of fact contained in the submission are true and correct. Because providers must certify in a similar fashion with regard to their availability filings, the Commission believes it is appropriate that a challenge to the substance of such filings be supported with certification that have comparable terms. The Commission also propose that, if allowed to challenge multiple locations at once, the challenger must certify that this is true for each of the locations. The Commission seeks comment on these proposals.

49. Once a challenge is submitted to the online portal, the Broadband DATA Act requires the Commission to allow providers to respond. As an initial matter, the Commission proposes that its online portal should automatically notify a provider that a challenge has been filed against it. The Commission believes that sending an automatic notification to providers is appropriate as it should promote active engagement, awareness, and responsiveness by providers. The Commission seeks comment on this proposal and on any alternatives to alerting providers to the filing of a challenge in the portal.

50. The Commission proposes requiring providers to submit a reply to a challenge in the online portal within 30 days of being notified of the challenge. The Commission further proposes that a provider's failure to submit a reply within the required period, or its acceptance of the assertions in the challenge, result in removal of the location from the Commission's official coverage map. The Commission seeks comment on this approach and on alternative time periods and alternative approaches. For example, NTCA has proposed a 60-day reply period for providers. Any timetable for a provider response must balance the burdens on the provider versus the public's interest in rapid resolution of disputes so that the Commission has the best broadband internet access service deployment data available for funding decisions and reporting. The Commission also wants to assess the burdens on providers (especially small providers) in responding to challenges.

51. The Commission proposes that a provider disputing a challenge must provide evidence in its reply to the challenger that it has either verified the existence of service or evaluated its capability of provisioning service at the location of the dispute and that it is currently providing service or is willing and able to provide service to the challenger at that location. Once a

provider submits its objection to the challenge, the location will be identified on the public coverage maps as ''in dispute/pending resolution.'' The challenger and provider would then have 60 days from the provider's reply to resolve the dispute. If the parties are unable to reach consensus within those 60 days, then the Commission will review the evidence and make a determination (based on a preponderance of the evidence, with the burden on the provider to demonstrate service availability), either: (1) In favor of the challenger, in which case the provider must remove the location from its Digital Opportunity Data Collection polygon within 30 days of the decision; or (2) in favor of the provider, in which case the location will no longer be subject to the ''in dispute/pending resolution'' designation on the coverage maps. A provider failing to respond to a challenge, or a challenger failing to respond to a provider's reply, would result in a finding for the other party. The Commission seeks comment on this multi-step dispute resolution proposal and the timelines therein.

52. The Commission also seeks comment on its proposed use of the ''preponderance of the evidence'' standard in resolving disputes between challengers and providers. Based on this evidentiary standard, the Commission would weigh the presented evidence and determine whether the challenger had initially established evidence of a lack of service and, if so, whether the service provider has shown by the greater weight of the evidence that it makes service available at the challenger's location. The Commission seeks comment on potential alternatives. For example, in response to the *Digital Opportunity Data Collection Order and Further NPRM,* the Broadband Mapping Coalition proposed a ''clear and convincing'' evidence standard, with the burden of proof on the challenger, for resolving challenges, which ''is intermediate, being more than mere preponderance, but not to extent of such certainty as is required beyond reasonable doubt as in criminal cases.'' NCTA recommends that the dispute resolution framework ''should be an evidence-based challenge process that places substantive evidentiary requirements on the party submitting the challenge, requires a response from the provider, and leads to a decision by the Commission if there is no resolution between the parties.'' The Commission seeks comment on the dispute resolution framework and whether it should put the burden of proof in the challenge process on the challenger.

53. One of the benefits of the proposed approach is that it balances the interest in avoiding unreliable or malicious availability and location disputes with the need to have finality in disputes to enhance the accuracy of the provider's data and coverage maps. The Commission believes the process it proposes would encourage the sharing of information and opportunities for cooperation that will result in many challenges being resolved promptly without the need for Commission intervention. The Commission's goal is to establish a dispute resolution process that achieves the Broadband DATA Act's objectives while minimizing burdens on the parties and conserving valuable Commission resources to the maximum extent possible.

54. *Consumer Challenge of Fabric Data.* The Commission proposes a different process for consumers to challenge information in the Fabric. The Commission anticipates that challenges to location information in the Fabric would not generally require the involvement of a broadband provider. The Commission proposes, however, that challenges to the Fabric data will be filed on the same portal as challenges of availability and coverage map data, with the submission of much of the same information. As with consumer challenges to availability and coverage map data, for challenges to the Fabric, the Commission proposes to provide a selection of pre-established categories of disputes, including, for example: Placement of location on the map is wrong (geocoder/broadband serviceable location); location is not broadband serviceable (*e.g.,* condemned, not a habitable structure); or serviceable location is not reflected in the Fabric. The Commission also proposes to provide an ''other'' option, along with the opportunity in the portal for submitting text or documentary evidence in support of the challenge. The Commission proposes that the challenge process platform provide each challenger with an acknowledgement of its submission and information about the process, including expected timing, and it proposes that the portal notify any affected providers of the challenge and allow, but not require, them to submit information relating to the Fabric challenge. The Commission proposes to establish a goal of resolving challenges to the Fabric within 60 days of receipt of the challenge and seek comment on that proposal.

b. Consumer Challenges of Mobile Coverage Data

55. The Commission seeks comment on how to create a user-friendly challenge process that encourages participation to maximize the accuracy of the maps, while also accounting for the variable nature of wireless service. However, the Commission recognizes that resolving challenges to mobile coverage maps presents unique challenges not present with regard to fixed broadband availability challenges.

56. For consumers seeking to challenge mobile broadband coverage map data, the Commission proposes to collect the following information: (1) The name and contact information of challenger (*e.g.,* address, phone number, and/or email address); (2) the street address or geographic coordinates (latitude/longitude) of the location(s) at which mobile broadband internet access service coverage is disputed; (3) the name of the provider whose coverage is being disputed; (4) a representation that the challenger is a subscriber of the provider that is the subject of the challenge; (5) a category of dispute, selected from pre-established options on the portal (*e.g.,* no mobile broadband signal at a location; mobile broadband speed below defined technology speed parameter at a location); and (6) information regarding the available mobile broadband service. The Commission seeks comment about whether the information it proposes to collect from consumer challengers would cover all the potential challenges authorized by the Act and facilitate participation in the challenge process, while being detailed enough to discourage frivolous filings. Would it be enough to verify the legitimacy of the challenge and provide enough information for the challenged party to respond? Should the Commission require the submission of other information or should it not require the submission of certain information listed above? Consistent with its proposed process for consumer challenges in the fixed context, the Commission proposes that a mobile challenger certify that an authorized person has examined the information contained in the challenge and that, to the best of the person's actual knowledge, information, and belief, all statements of fact contained in the submission are true and correct.

57. In addition to challenges regarding the availability of mobile broadband service, the Commission proposes to allow challenges by consumers based on quality of service metrics such as delivered user speeds. The Commission believes that allowing such challenges would help it verify the accuracy of mobile coverage maps by providing it with a source of on-the-ground data that reflects consumer experience in areas across the country. The Commission

seeks comment on its proposal. What are the advantages and disadvantages of permitting consumers to make such challenges? The Commission proposes requiring consumers who are challenging quality of service metrics (such as download or upload speeds) to submit speed test evidence. For consumers using third-party mobile speed test applications to collect data for their challenges, the Commission proposes to adopt the same procedures for qualifying applications as the Commission uses for receiving crowdsource data. The Commission seeks comment on whether it should establish rules for consumer challengers requiring a minimum number of speed test observations, specifying the distance between speed tests, or requiring that speed tests be conducted during a defined time frame. The Commission seeks comment on whether it should require the use of a specific speed test application, such as the FCC Speed Test application or another application. Would requiring the submission of speed test data be consistent with the Broadband DATA Act's requirement that the Commission develop an online mechanism to receive challenges? Would adopting these additional requirements be consistent with the requirement that the Commission create a user-friendly challenge process as required by the Broadband DATA Act? Alternatively, should the Commission limit challenges in the mobile context to those based only on evidence of a lack of service availability? Would doing so be consistent with the requirements of the Broadband DATA Act? The Commission also seeks comment on whether and how it should use signal strength information submitted by carriers, assuming the Commission adopts such a requirement, as part of the challenge process. As noted above, end user throughput can be affected by factors other than signal strength, but often signal strength correlates to expected throughput. Based on this relationship between signal strength and throughput, the Commission seeks comment on the role signal strength information could play in the challenge process. Should the Commission adopt a different evidentiary standard or burden of proof in cases where a party submits a challenge in an area where the carrier's RSRP/RSSI falls below a specified threshold? If so, then what RSRP/RSSI value would be appropriate?

58. The Commission proposes to use generally the same processes and timeframes for mobile service providers to respond to challenges in the mobile context as it proposes to use in the fixed context. Consistent with its proposal for fixed services, the Commission proposes that its dispute tracking portal automatically push notifications through to mobile providers regarding filings made against them and that providers seeking to dispute a challenge be required to submit a reply to a challenge in the online portal within 30 days of being notified of the challenge. The Commission seeks comment on this proposal. For challenges involving the delivered speeds associated with a mobile broadband service, the Commission proposes that a provider disputing a challenge from a mobile consumer must provide evidence in its reply to the challenger that it has evaluated the speed of its service at the location of the dispute and determined that the delivered speeds of the service match the speeds indicated on the provider's coverage map. The Commission proposes that the rest of the challenge process for consumers follow the same approach as for consumer challenges in the fixed context. The Commission seeks comment on this approach and on any better alternatives to ensure that it and the provider have complete and accurate information about the challenge. Additionally, the Commission seeks comment on whether the rules for consumer challenges should require uniform measurements per grid cell similar to what the Commission proposes to adopt for challenges by governmental and other non-consumer entities as set forth below.

3. Challenges by Governmental and Other Entities

a. Challenges by Governmental and Other Entities to Fixed Data

59. *Challenges by Governmental and Other Entities to Service Availability and Coverage.* The Commission also proposes to establish two processes for challenges to fixed data by State, local, or Tribal governmental entities or other entities: One for availability and coverage map challenges and one for challenges to Fabric data. These entities will not under normal circumstances be consumers of mass-market broadband services and so the Commission anticipates that the challenges they initiate will be typically in the form of bulk challenges of provider availability, coverage map, or Fabric data. The Commission seeks comment on this conclusion. The Commission proposes to establish a portal for entity challenges on the same platform used for consumer challenges.

60. While government organizations or other entities (*e.g.,* businesses, trade groups, other organizations) can be customers of a provider at a location (and follow the challenge process above laid out for consumers (or potential consumers) at a specific location), the Commission proposes to allow them also to file challenges for locations where they are not customers or potential customers. In those situations, the Commission proposes to require some of the same information from the challenger as for consumer availability challenges, including: (1) The name and contact information for the challenger; (2) the geographic coordinates (latitude/longitude) or the street addresses of the location(s) at which coverage is disputed; (3) the name[s] of the provider[s] whose availability data are being disputed; (4) narrative description of dispute (*e.g.,* no actual service offering at location; provider failed to install within ten business days of valid order for service; provider denied request for service; installation[s] attempted but unsuccessful; reported speed not available for purchase); (5) evidence/details supporting dispute, including (a) methodology, (b) basis for determinations underlying the challenge, and (c) communications with provider, if any, and outcome; and (6) a certification that the information submitted with the challenge is accurate, equivalent to the certification made by providers in submitting their availability data. The Commission also proposes that the processes and timeframes for provider replies and dispute resolution follow the same approach as for consumer challenges to availability and coverage. The Commission seeks comment on this approach and on any better alternatives to ensure that the Commission and the provider have complete and accurate information about the challenge.

61. *Challenges by Governmental and Other Entities to the Fabric.* The Commission proposes that governmental and other entities' challenges to locations in the Fabric be initiated on the same portal as their challenges to availability, with the same filing requirements as consumer challenges to the Fabric, including the name and contact information for the challenger and the geographic coordinates (latitude/longitude) or the street addresses of the location(s) for which the entity disputes the Fabric data, as well as a description of the disputed information and evidence/details that support the challenge. As with consumer challenges to Fabric data, the Commission proposes to

establish a goal of resolving disputes of data in the Fabric within 60 days of receipt of the challenge and seek comment on that proposal.

62. The Commission seeks comment on these proposals and specifically on whether they would appropriately balance the considerations the Broadband DATA Act requires it to take into account in establishing the challenge process.

b. Challenges by Governmental and Other Entities to Mobile Data

63. *Minimum Requirements for Challengers.* Consistent with its proposal for consumers in the mobile context, the Commission proposes to allow challenges from governmental and other entities based on both mobile broadband service availability and quality of service metrics such as delivered speeds. For challenges involving delivered speeds, however, the Commission proposes that governmental and other entities follow a different process for submitting standardized challenge data.

64. In the Mobility Fund Phase II proceeding, the Commission required challengers to submit proof of lack of 4G LTE coverage in the form of actual outdoor download throughput speed test measurements to reflect actual consumer experience throughout the entire challenged area. In particular, the Commission adopted a requirement that a challenger must take measurements that were no more than one-half of a kilometer apart from one another in each challenged area and required challengers to demonstrate measured speeds falling below the applicable parameters in 75% of the challenged area. Challengers also faced additional evidentiary requirements, including a requirement to use pre-approved handset models, to purchase a service plan from each provider in the challenged area, and to conduct speed tests during a specified timeframe.

65. In response to the *Digital Opportunity Data Collection Order and Further NPRM,* at least one commenter argued that the evidentiary standards the Commission adopted for the Mobility Fund challenge process were burdensome and difficult to meet, particularly for small entities. CCA explained that collecting drive test data to dispute coverage was a significant challenge because ''many rural areas that could be challenged have thousands of square kilometer blocks that must be separately analyzed to determine whether any carrier is providing service.'' CCA also claimed that the requirement to provide evidence demonstrating lack of coverage in 75% of the area being challenged limited small provider participation because as many as half of rural blocks did ''not have enough drivable roads to meet the Commission's 75-percent benchmark.'' While WTA expressed support for a challenge process generally, it noted that establishing a challenge process in the mobile context is difficult because of the need to collect evidence of mobile broadband performance over vast areas.

66. The Commission proposes to adopt an approach for governmental and other non-consumer entities submitting challenge data that is similar to the process for demonstrating compliance with performance requirements that the Commission has proposed in the *5G Fund NPRM* (85 FR 31616, May 26, 2020). Under such an approach, the Commission would overlay a uniform grid of one square kilometer (1 km by 1 km) grid cells on each carrier's propagation model-based coverage maps. The Commission would then require governmental and other entities interested in challenging the accuracy of a carrier's map to submit user speed test measurement data showing measured user throughput speeds in the area they wish to challenge. For example, the Commission could require challengers to submit at least 3 speed test measurements per square kilometer grid cell in the disputed area demonstrating that measured throughput speeds do not match reported service levels. Measurement data indicating speed levels below applicable parameters in the challenged area would constitute evidence that a provider's coverage map may not be accurate. The Commission seeks comment on the feasibility of this approach for governmental and other entities in the context of the challenge process. The Commission seeks comment on the minimum number of measurements that should be required in each grid cell. Would a minimum testing requirement of 3 speed test measurements per square kilometer grid cell in the challenged area provide sufficient data while minimizing costs and logistical burdens for challengers? Does the Commission need to adopt any requirements concerning the three speed tests, such as requiring a minimum distance between tests? Or, should the Commission require a different number of speed test measurements? Are there other types of drive tests that can be conducted with more frequent observations? Alternatively, should the Commission require challengers to submit speed test measurements in a defined percentage of grid cells in a challenged area? What percentage of grid cells would provide a representative sample of coverage in an area? Should the Commission require challengers to submit measurements in 15% of grid cells in the challenged area? Would doing so provide a sufficient sample size on which to base a challenge filing? Are there alternative approaches that would not require challengers to submit speed test data?

67. The Commission proposes that tests must be conducted using a device certified by the service provider that is the subject of the challenge as compatible with its service. The Commission further proposes that each speed test be taken between the hours of 6:00 a.m. and 12:00 a.m. (midnight) local time and that each test be taken outdoors. The Commission proposes to require challengers to provide test data from a combination of mobile and stationary tests. For in-vehicle tests, the Commission seeks comment about whether it should specify the maximum vehicle speed during which tests may be taken and whether challengers should be required to report the speed of the vehicle at the time of the measurements. If tests are conducted with the device in the vehicle, the Commission proposes that the measurements must be calibrated to accurately represent outdoor operation and that the calibration procedures be provided with the analysis. The Commission also proposes to require that speed test data be substantiated by the certification of a qualified engineer or official. To the extent governmental or other non-consumer entities use third-party applications to collect data used for their challenge process, the Commission proposes that the Commission will adopt the same procedures for qualifying applications as it uses for receiving crowdsource data and consumer challenge data. The Commission seeks comment on this proposal. The Commission also seeks comment on whether and how a challenger might game the results of a challenge. If so, how might the Commission prevent such gaming?

68. The Commission acknowledges that a mobile service provider might have different motives for challenging a competitor's propagation models and coverage maps than governmental entities and other third parties that do not provide competing mobile broadband internet access service. Should the Commission allow competing mobile service providers to submit challenges, and if so, should the Commission adopt different evidentiary standards for mobile service providers than for governmental agencies and other third parties that are not service

providers? The Commission also seek comment on whether to establish different evidentiary standards or permit challengers to use different measurements methods in rural areas. The Commission seeks comment on its proposals and asks commenters to discuss any other measures it should adopt to help ensure that it receives useful data while minimizing the time, expense, and administrative burden for both challengers and providers.

69. Lastly, the Commission seeks comment on whether the minimum requirements and other standardization procedures tit proposes here for challenging mobile broadband coverage data, if adopted, would ensure the reliability of the data sufficient to satisfy its obligations under the Broadband DATA Act. If not, then what other processes would be necessary for the Commission to verify and ensure the reliability of the challenge process data in accordance with the Act?

70. *Challenge Responses.* The Commission proposes to generally use the same challenge response processes and timeframes for challenges by governmental and other entities as it proposes to use for challenges made by those entities involving fixed services. For cases where a mobile provider seeks to rebut a governmental or other entity's allegation regarding delivered speeds, however, the Commission proposes the following. The Commission will allow the provider to submit comprehensive on-the-ground data, or a statistically valid and sufficient sample of such data to verify its coverage maps in the challenged area. The Commission also proposes that the Bureaus have the option to require carriers to submit other data as necessary. The Commission further proposes that mobile service providers be subject to the same speed test measurement parameters it ultimately adopts for challengers. The Commission seeks comment on its proposals.

71. In order to facilitate the resolution of challenges in the mobile context, the Commission seeks comment on requiring providers to submit a standardized ''challenge evaluation map'' of specific geographic areas being challenged using a Commission-approved propagation model. In the *Second Report and Order,* the Commission requires that a provider's propagation model results be based on certain standardized parameters (and their corresponding minimum values) that the Commission establishes for cell edge probability, cell loading, and clutter. The Commission also require that providers must use the same optimized propagation models and parameters that they use in their normal course of network planning and design. Notwithstanding these standardized parameters, there remain many differences among the propagation models used by providers which may result in coverage maps that are difficult for potential challengers to analyze and contrast across providers and different RF environments. Moreover, the propagation models used by providers in their normal course of business contain RF network engineering parameters that are proprietary and unique, which may make it more difficult for Commission staff to resolve challenges to the results produced by these propagation models.

72. To address these issues, the Commission seeks comment on whether to require providers, as part of the challenge process, to produce a standardized ''challenge evaluation map'' of specific geographic areas being challenged using a Commission-approved propagation model (*e.g.,* Longley-Rice, or E-Hata), so that third parties and the Commission are able to analyze the technical and statistical factors that lead to variations in actual coverage and user experience. Such a Commission-approved standard model, implemented by the service provider(s), would produce signal strength predictions, as well as predictions of expected minimum downlink and uplink user speeds, based on provider specific system parameters (such as spectrum band and bandwidth deployed, transmit power, etc.). The Commission believes that the use of such a standardized propagation model would afford the Commission and challengers additional insight into the expected minimum coverage and speed performance, to resolve the challenge of validating providers' claims beyond what is provided in the maps produced using providers' proprietary and unique RF parameters, especially in challenged areas. However, by requiring coverage prediction in specific geographic areas through the use of a standardized propagation model, the Commission recognizes that there may be an additional information collection burden associated with requesting this additional information from licensees. Therefore, the Commission seeks comment on the costs and benefits of this proposed requirement and whether adopting it would be consistent with the Broadband DATA Act requirement that the Commission consider '' . . . the need to mitigate the time and expense incurred by, and the administrative burdens placed on, entities and individuals in . . . responding to challenges.''

73. Are there other alternatives that would achieve the results of balancing the desired outcome of having more transparent maps and predictions with less calibration error and uncertainty? Can a standard model be produced by providers without undue additional burden, given the more extensive and detailed normal-course-of-business RF propagation modeling that providers perform using proprietary tools?

74. For commenters who favor the adoption of a standardized propagation model, the Commission seeks comment on the appropriate open RF propagation model(s) and its applicability to meet the accuracy expectations of this proceeding. Is Longley-Rice and/or E-Hata appropriate for the Commission to use for this purpose? How could such models be calibrated, such as through the use of clutter databases and models, to be adequately reflective of their effects on propagation in specific geographic areas? For example, path loss exponents and/or other modeling parameters such as clutter loss may be geographically dependent on the propagation path between two points (between transmitter and receiver) and significantly influence predicted coverage and performance. Commenters should specify how their recommended model(s) would provide the Commission and challengers the insight necessary to evaluate the coverage maps and performance claims produced by providers in their normal course of network planning and design.

75. Could a public dataset(s) of geospatial RF propagation parameters be developed and used, so that a standard evaluation model, or models, may be calibrated for the public benefit? Are there incentives and policies that the Commission should promote to encourage greater transparency and the development of trusted public propagation data in the public's interest? Commenters should specify which parameters should or should not be disclosed to the Commission with supporting reasons for their position on each parameter.

76. The Commission also seeks comment on when in the process providers should be required to submit these new coverage maps, if the Commission adopts this requirement to standardize challenge evaluation maps. Should providers submit such maps on a calendar basis or only when coverage and performance is challenged in a specific area? Could the use of standardized challenge evaluation maps reduce the need and cost burden of measurement test campaigns? What

other methods or processes can be used to evaluate providers' coverage maps under a challenge process? The Commission seeks comment on the above, as well as the relative costs and benefits of these alternative approaches.

77. *Framework for Verifying Data.* The Commission seeks comment on the data that should be used in the framework and how such data should be analyzed in ways not otherwise proposed in this *Third FNPRM.* What metrics from on-the-ground test results and crowdsourced data should be analyzed in the framework and how? To improve its ability to verify provider data, the Commission proposes that the framework require results from a certain number of on-the-ground or crowdsourced tests in an area. How many tests are needed to adequately assess coverage in a particular grid cell, set of grid cells, the area covered by a cell site, or a larger portion of a network? In assessing this number, the Commission must consider that test results will be from particular points or lines within a grid cell, while coverage maps depict much larger areas. How often should test results be taken (*i.e.,* across a range of dates and times of day)? How should the Commission account for peak hour or other time-based variations in network traffic?

78. What, if any, additional infrastructure data should the Commission include in the framework? The Commission proposes to obtain busy hour metrics for individual cell sites and include that data, as well as backhaul speed and technology, into its analysis. Are there other metrics and data sources that the framework should incorporate? The Commission also proposes to include population data and roadway traffic patterns. Should traffic pattern data be used to assess the level of cell loading on the network? If a mobile connection can be established in an area at one point, or one point in time, but not another, especially if the lack of a connection can be explained by high traffic or another factor, should the map of coverage in that area be deemed accurate and reliable? The Commission proposes to include a confidence rating within the framework, given the amount of data and level of network traffic variation to account for. The Commission proposes that the framework treat urban and rural areas differently. The Commission seeks comment on this proposal. The Commission asks that commenters provide in-depth explanations of how various types of on-the-ground tests, crowdsourced data, infrastructure data, and other data can be used to verify mobile coverage pursuant to this framework.

4. Public Availability of Information Filed in the Challenge Process

79. The Broadband DATA Act requires the Commission to establish processes and procedures whereby entities or individuals submitting non-public or competitively sensitive information can protect the security, privacy, and confidentiality of that information with regard to Fabric data and broadband internet access service data that they submit. While the Broadband DATA Act does not expressly require the Commission to extend such protection to data submitted as part of the challenge process, the Commission proposes to do so in a limited capacity. In the *Digital Opportunity Data Collection Order and Further NPRM,* the Commission stated that ''public input on fixed broadband service coverage will be most effective if some types of data collected in this process are routinely made available to the public.'' As a result, the Commission directed USAC to make public information about the location that is the subject of the challenge (including the street address and/or coordinates (latitude and longitude)), the name of the provider, and any relevant details concerning the basis for challenging the reported broadband coverage. The Commission proposes to adopt the same requirements for information submitted as part of its proposed challenge process (with the exception of the Administrator's involvement), and seeks comment on that approach and any better alternatives. Specifically, the Commission asks whether the information to be made public is too much or too little to adequately inform the public about the nature of a challenge. The Commission also proposes to keep all other challenge information private, unless disclosure ''would be helpful to improve the quality of broadband data reporting.'' The Commission seeks comment on the extent of this exception and under what circumstances the Commission would make any other challenge information available to the public.

80. In the *Digital Opportunity Data Collection Order and Further NPRM,* the Commission also directed that any input from the public on broadband coverage service data be made available as soon as is practical after submission. The Commission did not specify a timeline for making such data publicly available, but expected that there would be regular releases of data. The Commission seeks comment on the procedures and timing for making available the public data submitted as part of the challenge process. One option would be to make such information available and searchable in the Digital Opportunity Data Collection, without any official release of data. Another option would be to regularly issue public notices with the appropriate information. The Commission seeks comment on the best option for accomplishing its goal of making public challenge data available.

F. Broadband Serviceable Location Database

81. In the *Second Report and Order,* the Commission adopted the Fabric as required by section 642(b) of the Broadband DATA Act, along with other basic Fabric elements prescribed in the Act. As noted in the *Second Report and Order,* the Broadband DATA Act authorizes the Commission to contract for the creation and maintenance of the Fabric, subject to Federal Acquisition Regulations, but it has not been appropriated funding to cover the cost of implementing the Fabric. The Commission intends to initiate a procurement process promptly once adequate funding has been appropriated, and it expects to address many of the technical aspects of the Fabric in the course of that process.

82. In the *Digital Opportunity Data Collection Order and Further NPRM,* the Commission sought comment on a number of issues related to the implementation of a comprehensive location database, including how it should define a broadband serviceable location, how to treat multi-structure parcels and multi-tenant environments, and the best way to check the quality of the database. While technical issues related to the Fabric can be addressed in the procurement process, the Commission seek comment on certain proposals related to the Fabric.

83. The Broadband DATA Act requires that the Fabric include ''all locations in the United States where fixed broadband internet access service can be installed.'' In order to create the Fabric, the Commission will need to provide greater specificity on the criteria to determine whether a location can have fixed broadband service installed at it. In the context of the Connect America Fund (CAF), a ''location'' is a residential or business location to which providers would extend mass market broadband and voice services. Carriers are directed to base residential locations served on the Census Bureau's definition of a ''housing unit,'' and to report ''the locations of businesses that they would expect to demand consumer-grade broadband services, which typically are

small businesses.'' The Commission proposes to adopt the CAF approach and seek comment on this proposal.

84. As the Commission has done in the CAF context, the Commission proposes to have the Fabric reflect a location as a single point, defined by both geographic coordinates (latitude and longitude) and street address. As the Commission stated in the *Digital Opportunity Data Collection Order and Further NPRM,* ''[w]e anticipate that this would be the coordinates of a building on a parcel,'' to which broadband can be installed. In cases where there are multiple buildings on a parcel, the Commission proposes that all of the buildings on a parcel to which broadband can be installed, and only those buildings, be included in the Fabric. The Commission believes that recording each location as a single point has an advantage over reporting the outlines of each building (*i.e.,* a polygon for each location), the latter of which will increase the difficulty of creating the database and the amount of data required, without meaningfully improving the quality of the database. The Commission seeks comment on this proposal.

85. Because the Commission specified that a residential location should be based on the definition of a housing unit, locations in the CAF context include the individual units in Multi-Tenant Environments (MTEs), such as an apartment building or office building, not simply the buildings themselves. The Commission seeks comment on whether to use the same approach for the Fabric, particularly given that fixed providers likely would not offer service only to some units in an MTE. Should each unit in a building be assigned a unique identifier, or should the building be assigned a unique identifier and the number of units recorded, which is more analogous to the process used for the Connect America Fund? Is it feasible to record the location of each individual unit within an MTE? What are the trade-offs of identifying a separate latitude/longitude (and perhaps altitude) point for each unit versus recording a single point for the building and its total number of units? The Commission is concerned that the added complexity of identifying individual units as individual locations—far more locations and the need to differentiate not just latitude and longitude, but also potentially altitude—would outweigh any benefits. The Commission seeks comment on this assumption.

86. Further, the Commission seeks comment on whether to identify each location as a residential or business location, which the Broadband Mapping Coalition claims to be a ''critical step to ensure that datasets can be appropriately selected and calibrated.''

87. The Commission also seeks comment on how to ensure the quality of the Fabric. The Commission notes that there are different types of errors possible in such a database, for example, incorrectly counting a structure that cannot have a broadband service installation as a location, such as a dilapidated house or a shed. Another type of error could be to exclude locations that should be included, such as a home in a heavily forested area that does not appear on satellite imagery. Finally, there also could be errors about the characteristics of a location, such as identifying the wrong building from among several on a parcel as the one that is broadband serviceable. Given the potential for errors, what data sources and methods can the Commission staff use to verify the accuracy of the Fabric? Should 2020 Census data, the National Address Database, Open Address Database, and/or other sources be used? Should staff manually verify a statistically valid sample of locations in the database? If so, what methods should they use for that verification? The Commission seeks comment on these and other approaches to ensure that the Fabric is accurate.

G. Enforcement

88. In the *Second Report and Order,* the Commission adopts the Broadband DATA Act requirement that it is unlawful to willfully and knowingly, or recklessly, submit information or data that is materially inaccurate or incomplete with respect to the availability or the quality of broadband internet access service. The Commission seeks comment on several aspects of the Broadband DATA Act's enforcement requirement. As an initial matter, how should the Commission determine whether an entity or individual ''willfully and knowingly'' or ''recklessly'' submitted inaccurate or incomplete information?

89. ''Willfully and knowingly'' seems to presume that such information was submitted intentionally, and the Commission seeks comment on the evidence needed to prove an entity or individual's intent. The Commission has generally found intent in cases where a false statement is ''coupled with proof that the party . . . [knew] of its falsity.'' In addition, the Commission notes that other statutes that it enforces include a similar standard of proof. For example, section 510(a) of the Communications Act similarly provides that the United States may seize equipment that is used or sold ''with willful and knowing intent to violate'' section 301 or 302a of the Communications Act. Should the Commission apply ''willfully and knowingly'' in the same manner in this context? ''Recklessly'' suggests something less than intent yet more than mere negligence. What evidence would the Commission need to show that an entity or individual recklessly submitted materially inaccurate or incomplete information?

90. The Commission also seeks comment on the definition of ''materially inaccurate or incomplete.'' What level of inaccuracy or incompleteness does the information submitted to the Commission have to reach before it should be considered material? Could it involve just one location or must there be multiple locations involved for the inaccurate or incomplete information to be material? The Commission asks whether it should adopt a quantitative or qualitative standard for determining materiality and what that standard should be. In addition, the Commission notes that § 1.17 of its rules require that truthful and accurate statements be provided to the Commission in investigatory and adjudicatory matters. Specifically, § 1.17(a)(2) makes it unlawful to ''provide material factual information that is incorrect or omit material information.'' The Commission has held that a false statement may constitute an actionable violation of that rule, even absent an intent to deceive, if it is provided without a reasonable basis for believing that the statement is correct and not misleading.

91. The Commission seeks comment on the scope of the information subject to the enforcement requirements. The Broadband DATA Act makes it unlawful to submit ''information or data . . . that is materially inaccurate or incomplete information or data with respect to availability of broadband internet access or the quality of service with respect to broadband internet access service.'' Because these are the only two types of information required to be reported under the Broadband DATA Act, should enforcement of the prohibition in the Broadband DATA Act be limited to any data or information supplied in biannual Digital Opportunity Data Collection filings? Or, could enforcement be brought against availability and quality of service data submitted in other contexts (*e.g.,* the challenge process, the crowdsource process, by governments or third parties pursuant to 47 U.S.C. 642(a)(2))? The Commission also seeks comment on whether the reference in section 803 of

the Broadband DATA Act to the submission of ''information and data under this title'' applies to filings that are not specifically contemplated by the Act (*e.g.,* the proposed mandatory submission of speed-test data by providers).

92. *Penalties for the submission of materially inaccurate or incomplete data.* The Commission also seeks comment on the scope of appropriate penalties for submitting materially inaccurate or incomplete information, including any civil penalties under the Commission's rules or other applicable statues and rules. Should the Commission establish a base forfeiture amount, subject to adjustment pursuant to section 503(b) of the Act? If so, what should that base amount be? The Commission seeks comment on the recommendation from the State of Colorado that enforcement actions should include making the provider ineligible to receive USF funds and/or a forfeiture of previously committed USF funds. The Commission also seek comment on the proposal of the Next Century Cities that the Commission should set a ''simple and transparent standard that offers multiple warnings before an escalating set of sanctions that takes into account the geographic reach of a provider.'' Would such an approach send an appropriate signal to filers regarding the importance of their filings and the need for them to ensure their accuracy? Alternatively, should the Commission look at a provider's filing as a singular whole or do it need to consider whether a filing could have multiple omissions or inaccurate data that could each be considered a separate violation?

93. The Commission proposes to adopt an approach that properly distinguishes between those entities that make a conscientious, good faith effort to provide accurate data and those that fail to take their reporting obligations seriously or affirmatively manipulate the data being reported. The Commission agrees with the Broadband Mapping Coalition that reporting entities that make a good faith effort to comply fully and carefully with reporting obligations should not be sanctioned if their data prove to be flawed in some way, provided that any errors be quickly and appropriately addressed. The Commission also agrees with commenters who argue that, while providers are responsible for submitting accurate Digital Opportunity Data Collection data, an excessively aggressive enforcement stance could lead providers to be overly cautious in their filings and possibly distort the coverage maps. The Commission seeks comment on this approach.

94. Finally, the Commission seeks comment on whether section 803 of the Broadband DATA Act is an exclusive remedy for all actions under that law or whether behavior that may be actionable under existing provisions of the Communications Act or its rules remain subject to enforcement under the Commission's general section 503 authority. For example, under rule 1.17(a)(2), provision of written information to the Commission without a reasoned basis is actionable under the Commission's existing authority today. How should this, and other existing provisions, apply?

95. Penalties for failure to file. Similar to the conclusion that the Commission reached in the *Digital Opportunity Data Collection Order and Further NPRM,* it proposes that a failure to timely file required data in the new Digital Opportunity Data Collection may lead to enforcement action and/or penalties as set forth in the Communications Act and other applicable laws. The Commission seeks comment on the specific penalties that should be imposed if a provider fails to timely submit its Digital Opportunity Data Collection filings. In instances in which enforcement action and/or penalties are appropriate, should the Commission propose higher fine levels for either failures to file or for misrepresentation of material data? We note that we have the discretion to upwardly or downwardly adjust from the base forfeiture, taking into account the particular facts of each individual case. The Commission's Forfeiture Policy Statement and Amendment of Section 1.80 of the Rules to Incorporate the Forfeiture Guidelines, *Report and Order,* 62 FR 43474, Aug. 14, 1997, 12 FCC Rcd 17087, 17098–99, para. 22 (1997). How should the Commission address the extent of untimeliness?

96. *Filing corrected data.* The Commission proposes that providers must revise their Digital Opportunity Data Collection filings any time they discover an inaccuracy, omission, or significant reporting error in the original data that they submit, whether through self-discovery, the crowdsource process, Commission discovery, or otherwise. In the *Digital Opportunity Data Collection Order and Further NPRM,* the Commission sought comment on how quickly providers should be required to correct any data where they do not refute a lack of coverage. While several commenters argued that providers should be allowed to file any corrections at their next Digital Opportunity Data Collection filing opportunity, the Commission proposes instead that providers should file corrections within 45 days of their discovery of incorrect data. The Commission proposes that any corrected filings be accompanied by the same level of certifications that accompany the original filings and further propose that, for calculation of the statute of limitations, the one-year limit would begin to accrue on the date of the corrected filing, where the correction was timely under the Commission's rules. The Commission believes that this timing would help ensure that the most accurate data possible are available at any particular time. The Commission seeks comment on this proposal and on any better alternatives.

97. *Scope of Required Corrections.* The Commission asked in the *Digital Opportunity Data Collection Order and Further NPRM* whether providers should be required to refile earlier Digital Opportunity Data Collection reports where it is determined that current availability data are incorrect. Based on that record, the Commission proposes that corrections generally should be forward-looking only, although providers must reflect in their next biannual filing any corrections made as a result of the challenge or crowdsource processes. The Commission seeks comment on this proposal and any better alternatives.

H. Details on the Creation of Coverage Maps

98. In the *Second Report and Order,* the Commission adopted requirements pursuant to the Broadband DATA Act to take the granular broadband availability data submitted by providers and others and create the Broadband Map and two different maps depicting the availability of, respectively, fixed and mobile broadband internet access service. The Broadband DATA Act requires that the Broadband Map depict ''the extent of the availability of broadband internet access service in the United States, without regard to whether that service is fixed broadband internet access service or mobile broadband internet access service, which shall be based on data collected by the Commission from all providers.'' The Commission proposes to implement this by publishing aggregated broadband availability data in the Broadband Map that does not distinguish between fixed or mobile data. With regard to the other two maps, the Commission proposes to create maps that identify carrier-specific fixed and mobile coverage data, including reported technologies and speeds by provider. The Commission seeks comment on these proposals and if there

are other steps it should take to ensure that it fulfills the requirements of the Broadband DATA Act in connection with these maps. Are there other features or datasets that would be helpful to inform the Commission and the public with regard to broadband availability?

I. Technical Assistance

99. Pursuant to the Broadband DATA Act, the Commission must hold annual workshops for Tribal governments in each of the 12 Bureau of Indian Affairs regions to provide technical assistance with the collection and submission of data. In addition, every year the Commission, in consultation with the Tribes, must review the need for continued workshops The Commission seeks comment on the type of technical assistance the Tribes will need to help them collect and submit data under the Broadband DATA Act's provision allowing State, local, and Tribal government entities that are primarily responsible for mapping or tracking broadband internet access service coverage in their areas to provide verified data for use in the coverage maps.

100. The Broadband DATA Act also requires the Commission to establish a process in which a provider that has fewer than 100,000 active broadband internet access service connections may request and receive assistance from the Commission with respect to GIS data processing to ensure that the provider is able to comply with the Broadband DATA Act in a timely and accurate manner. In response to the *Digital Opportunity Data Collection Order and Further NPRM,* the Commission received several comments asking it to provide technical assistance to small providers. Subject to receiving adequate funding to support it, the Commission proposes to make service-desk help available, as well as providing clear instructions on the form for the Digital Opportunity Data Collection, to aid providers in making their filings. The Commission seeks comment on the extent of such technical assistance and any other help that small providers will need to comply with the Broadband DATA Act.

101. Pursuant to the Broadband DATA Act, the Commission also must provide technical assistance to consumers and State, local, and Tribal governments with respect to the challenge process, which must include detailed tutorials and webinars and the provision of Commission staff to provide assistance throughout the challenge process. The Commission seeks comment on the type of technical assistance with the challenge process that it should provide pursuant to this requirement, taking into account the current lack of funding for the Commission to implement the provisions of the Broadband DATA Act.

J. Form 477 Reforms

102. Pursuant to the Broadband DATA Act, not later than 180 days after the Commission's broadband internet access service collection rules take effect, the Commission must: (1) Reform the Form 477 broadband deployment service availability collection process to achieve the purposes of the Broadband DATA Act in a manner that enables the comparison of data and coverage maps produced before the implementation of the Broadband DATA Act with data and coverage maps produced after implementation of the Broadband DATA Act and maintains the public availability of broadband internet access service deployment data; and (2) harmonize reporting requirements and procedures regarding the deployment of broadband internet access service that are in effect before the new rules are effective with those in effect after the new rules are effective. The measures the Commission proposes in this *Third FNPRM* would only increase the granularity of broadband availability data that the Commission collects so that comparison of new availability data with the data currently collected would only require the aggregation of the new data to the geographic scale currently employed. The Commission proposes to publish the new broadband availability data it collects in aggregated forms, so as to allow comparisons with the data it collects now. The Commission believes that these measures will comply with the requirements under the Broadband DATA Act concerning the ability to compare the new and existing data. The Commission seeks comment on this conclusion and, to the extent that commenters disagree, it seeks comment on any measures it should adopt to ensure compliance with this requirement of the Broadband DATA Act.

1. Mobile Subscriber Data

103. In the *Digital Opportunity Data Collection Order and Further NPRM,* the Commission made several changes to its collection of mobile voice and broadband subscriber data in order to obtain more granular data and to improve the usefulness of such data. The Commission required mobile providers to submit broadband and voice subscriber information at the census-tract level based on the subscriber's place of primary use for postpaid subscribers and based on the subscriber's telephone number for prepaid and resold subscribers. Under the *Digital Opportunity Data Collection Order and Further NPRM,* the revised mobile broadband and voice subscription reporting requirements were to take effect for submissions filed on June 30, 2020. The Broadband DATA Act directs the Commission to ''continue to collect and publicly report subscription data that the Commission collected through the Form 477 broadband deployment service availability process, as in effect on July 1, 2019.''

104. The Commission interprets the plain language of the Broadband DATA Act as requiring the collection of Form 477 subscription information pursuant to the rules in effect on July 1, 2019, which is before the date the *Digital Opportunity Data Collection Order and Further NPRM* was adopted. The Commission therefore proposes that for Form 477 filings as of December 31, 2020 and beyond, mobile providers report subscription data under the rules in effect on July 1, 2019 and not under the rule changes adopted in the *Digital Opportunity Data Collection Order and Further NPRM.* While the Broadband DATA Act generally addresses reporting requirements for broadband and not voice service, in order to avoid having potentially inconsistent reporting requirements for mobile broadband and voice subscriptions, the Commission proposes that, going forward, both mobile voice and mobile broadband subscribership data be reported under the Form 477 rules in effect on July 1, 2019. The Commission seeks comment on this proposal and its interpretation of the Broadband DATA Act.

2. Sunsetting FCC Form 477 Census Block Reporting for Fixed Providers

105. In order to ensure continuity in its fixed broadband deployment data, the Commission proposes to continue the current census-based deployment data collection under Form 477 for at least one reporting cycle after the new granular reporting collection commences. The Commission seeks comment on sunsetting the census-block broadband deployment reporting in the FCC Form 477 and the timing of doing so.

106. Pursuant to §§ 1.415 and 1.419 of the Commission's rules, 47 CFR 1.415, 1.419, interested parties may file comments and reply comments on or before the dates indicated in the **DATES** section of this document. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS). *See Electronic Filing of*

Documents in Rulemaking Proceedings, 63 FR 24121 (1998).

• *Electronic Filers:* Comments may be filed electronically using the internet by accessing the ECFS: *http://apps.fcc.gov/ecfs/.*

• *Paper Filers:* Parties who choose to file by paper must file an original and one copy of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

Filings can be sent by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

• Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701.

• U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street SW, Washington, DC 20554.

• Effective March 19, 2020, and until further notice, the Commission no longer accepts any hand or messenger delivered filings. This is a temporary measure taken to help protect the health and safety of individuals, and to mitigate the transmission of COVID–19. See FCC Announces Closure of FCC Headquarters Open Window and Change in Hand-Delivery Policy, Public Notice, DA 20–304 (March 19, 2020). *https://www.fcc.gov/document/fcc-closes-headquarters-open-window-and-changes-hand-delivery-policy.*

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

108. In addition to filing comments with the Secretary, a copy of any comments on the Paperwork Reduction Act information collection modifications proposed herein should be submitted to the Commission via email to *PRA@fcc.gov* and to *Cathy.Williams@fcc.gov* or *Nicole.Ongele@fcc.gov.* Include in the comments the OMB control number.

II. Procedural Matters

Initial Regulatory Flexibility Analysis

109. As required by the Regulatory Flexibility Act of 1980, as amended (RFA), the Commission has prepared this Initial Regulatory Flexibility Analysis (IRFA) of the possible significant economic impact on a substantial number of small entities from the policies and rules proposed in this *Third FNPRM.* The Commission requests written public comment on this IRFA, including any alternative proposals that will reduce the impact on small entities. Comments must be identified as responses to the IRFA and must be filed by the deadlines for comments on the *Third FNPRM.* The Commission will send a copy of the *Third FNPRM,* including this IRFA, to the Chief Counsel for Advocacy of the Small Business Administration (SBA). In addition, the *Third FNPRM* and IRFA (or summaries thereof) will be published in the **Federal Register**.

A. Need for, and Objectives of, the Proposed Rules

110. The Commission continues its ongoing efforts to collect accurate and granular broadband deployment data so that it can bring broadband to those areas most in need of it. In the *Third FNPRM,* the Commission raises issues for consideration and seeks comment on additional steps it can take to obtain more reliable data on the availability and quality of service of broadband internet access service and how it should implement the requirements in the Broadband DATA Act. Specifically, the Commission seeks comment about the standards for collecting and disseminating availability and quality of service data from providers on a biannual basis. Further, the Commission asks about a range of options for verifying the data submitted by providers, including a challenge process, an engineering certification for biannual filers, and obtaining data from government entities and certain third parties. The Commission also provides tentative conclusions and seeks comment on how to implement provider coverage map verification methods for mobile services and on how best to use mobile data. While some of the tools the Commission requests comment on are required by the Broadband DATA Act, the Commission also inquires about various ways to use other data sources to verify the accuracy of provider coverage maps. Further, the Commission seeks comment on the details for establishing the Broadband Serviceable Location Fabric (Fabric) and for the creation of coverage maps depicting broadband availability. Finally, the Commission asks about enforcement issues if providers either fail to make their required filings or they submit materially inaccurate or incomplete data.

B. Legal Basis

111. The proposed action is authorized pursuant to sections 1–5, 201–206, 214, 218–220, 251, 252, 254, 256, 303(r), 332, 403, 405, and 641–646 of the Communications Act of 1934, as amended, 47 U.S.C. 151–155, 201–206, 214, 218–220, 251, 252, 254, 256, 303(r), 332, 403, 405, 641–646.

C. Description and Estimate of the Number of Small Entities to Which the Proposed Rules Would Apply

112. The RFA directs agencies to provide a description of, and where feasible, an estimate of the number of small entities that may be affected by the proposed rules, if adopted. The RFA generally defines the term ''small entity'' as having the same meaning as the terms ''small business,'' ''small organization,'' and ''small governmental jurisdiction.'' In addition, the term ''small business'' has the same meaning as the term ''small-business concern'' under the Small Business Act. A ''small-business concern'' is one which: (1) Is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the Small Business Administration (SBA).

1. Total Small Entities

113. *Small Businesses, Small Organizations, Small Governmental Jurisdictions.* The Commission's actions, over time, may affect small entities that are not easily categorized at present. The Commission therefore describes here, at the outset, three broad groups of small entities that could be directly affected herein. First, while there are industry-specific size standards for small businesses that are used in the regulatory flexibility analysis, according to data from the SBA's Office of Advocacy, in general a small business is an independent business having fewer than 500 employees. These types of small businesses represent 99.9% of all businesses in the United States, which translates to 28.8 million businesses.

114. Next, the type of small entity described as a ''small organization'' is generally ''any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.'' Nationwide, as of August 2016, there were approximately 356,494 small organizations based on registration and tax data filed by nonprofits with the Internal Revenue Service (IRS).

115. Finally, the small entity described as a ''small governmental jurisdiction'' is defined generally as ''governments of cities, counties, towns, townships, villages, school districts, or

special districts, with a population of less than fifty thousand.'' U.S. Census Bureau data from the 2012 Census of Governments indicate that there were 90,056 local governmental jurisdictions consisting of general purpose governments and special purpose governments in the United States. Based on this data, the Commission estimates that at least 49,316 local government jurisdictions fall in the category of ''small governmental jurisdictions.''

2. Broadband Internet Access Service Providers

116. To ensure that this IRFA describes the universe of small entities that its action might affect, the Commission discusses in turn several different types of entities that might be providing broadband internet access service.

117. *internet Service Providers (Broadband).* Broadband internet service providers include wired (*e.g.,* cable, DSL) and VoIP service providers using their own operated wired telecommunications infrastructure fall in the category of Wired Telecommunication Carriers. Wired Telecommunications Carriers are comprised of establishments primarily engaged in operating and/or providing access to transmission facilities and infrastructure that they own and/or lease for the transmission of voice, data, text, sound, and video using wired telecommunications networks. Transmission facilities may be based on a single technology or a combination of technologies. The SBA size standard for this category classifies a business as small if it has 1,500 or fewer employees. U.S. Census Bureau data for 2012 show that there were 3,117 firms that operated that year. Of this total, 3,083 operated with fewer than 1,000 employees. Consequently, under this size standard the majority of firms in this industry can be considered small.

118. *Internet Service Providers (Non-Broadband).* Internet access service providers such as Dial-up internet service providers, VoIP service providers using client-supplied telecommunications connections, and internet service providers using client-supplied telecommunications connections (*e.g.,* dial-up ISPs) fall in the category of All Other Telecommunications. The SBA has developed a small business size standard for All Other Telecommunications, which consists of all such firms with gross annual receipts of $32.5 million or less. For this category, U.S. Census Bureau data for 2012 show that there were 1,442 firms that operated for the entire year. Of these firms, a total of 1,400 had gross annual receipts of less than $25 million. Consequently, under this size standard, a majority of firms in this industry can be considered small.

3. Wireline Providers

119. *Wired Telecommunications Carriers.* The U.S. Census Bureau defines this industry as ''establishments primarily engaged in operating and/or providing access to transmission facilities and infrastructure that they own and/or lease for the transmission of voice, data, text, sound, and video using wired communications networks. Transmission facilities may be based on a single technology or a combination of technologies. Establishments in this industry use the wired telecommunications network facilities that they operate to provide a variety of services, such as wired telephony services, including VoIP services, wired (cable) audio and video programming distribution, and wired broadband internet services. By exception, establishments providing satellite television distribution services using facilities and infrastructure that they operate are included in this industry.'' The SBA has developed a small business size standard for Wired Telecommunications Carriers, which consists of all such companies having 1,500 or fewer employees. U.S. Census Bureau data for 2012 show that there were 3,117 firms that operated that year. Of this total, 3,083 operated with fewer than 1,000 employees. Thus, under this size standard, the majority of firms in this industry can be considered small.

120. *Local Exchange Carriers (LECs).* Neither the Commission nor the SBA has developed a size standard for small businesses specifically applicable to local exchange services. The closest applicable NAICS Code category is Wired Telecommunications Carriers. Under the applicable SBA size standard, such a business is small if it has 1,500 or fewer employees. According to Commission data, U.S. Census data for 2012 show that there were 3,117 firms that operated that year. Of this total, 3,083 operated with fewer than 1,000 employees. Thus, under this category and the associated size standard, the Commission estimates that the majority of local exchange carriers are small entities.

121. *Incumbent Local Exchange Carriers (Incumbent LECs).* Neither the Commission nor the SBA has developed a small business size standard specifically for incumbent local exchange services. The closest applicable NAICS Code category is Wired Telecommunications Carriers. Under the applicable SBA size standard, such a business is small if it has 1,500 or fewer employees. According to U.S. Census Bureau data for 2012, 3,117 firms operated in that year. Of this total, 3,083 operated with fewer than 1,000 employees. Consequently, the Commission estimates that most providers of incumbent local exchange service are small businesses that may be affected by its actions. According to Commission data, 1,307 Incumbent LECs reported that they were incumbent local exchange service providers. Of this total, an estimated 1,006 have 1,500 or fewer employees. Thus, using the SBA's size standard, the majority of Incumbent LECs can be considered small entities.

122. Competitive Local Exchange Carriers (Competitive LECs), Competitive Access Providers (CAPs), Shared-Tenant Service Providers, and Other Local Service Providers. Neither the Commission nor the SBA has developed a small business size standard specifically for these service providers. The appropriate NAICS Code category is Wired Telecommunications Carriers and under that size standard, such a business is small if it has 1,500 or fewer employees. U.S. Census Bureau data for 2012 indicate that 3,117 firms operated during that year. Of that number, 3,083 operated with fewer than 1,000 employees. Based on these data, the Commission concludes that the majority of Competitive LECs, CAPs, Shared-Tenant Service Providers, and Other Local Service Providers, are small entities. According to Commission data, 1,442 carriers reported that they were engaged in the provision of either competitive local exchange services or competitive access provider services. Of these 1,442 carriers, an estimated 1,256 have 1,500 or fewer employees. In addition, 17 carriers have reported that they are Shared-Tenant Service Providers, and all 17 are estimated to have 1,500 or fewer employees. Also, 72 carriers have reported that they are Other Local Service Providers. Of this total, 70 have 1,500 or fewer employees. Consequently, based on internally researched FCC data, the Commission estimates that most providers of competitive local exchange service, competitive access providers, Shared-Tenant Service Providers, and Other Local Service Providers are small entities.

123. *Interexchange Carriers (IXCs).* Neither the Commission nor the SBA has developed a definition for Interexchange Carriers. The closest NAICS Code category is Wired Telecommunications Carriers. The applicable size standard under SBA rules consists of all such companies

having 1,500 or fewer employees. U.S. Census Bureau data for 2012 indicate that 3,117 firms operated during that year. Of that number, 3,083 operated with fewer than 1,000 employees. According to internally developed Commission data, 359 companies reported that their primary telecommunications service activity was the provision of interexchange services. Of this total, an estimated 317 have 1,500 or fewer employees. Consequently, the Commission estimates that the majority of interexchange service providers are small entities.

124. *Operator Service Providers (OSPs).* Neither the Commission nor the SBA has developed a small business size standard specifically for operator service providers. The closest applicable size standard under SBA rules is the category of Wired Telecommunications Carriers. Under the size standard for Wired Telecommunications Carriers, such a business is small if it has 1,500 or fewer employees. U.S. Census Bureau data for 2012 show that there were 3,117 firms that operated that year. Of this total, 3,083 operated with fewer than 1,000 employees. Thus, under this size standard, the majority of firms in this industry can be considered small.

125. According to Commission data, 33 carriers have reported that they are engaged in the provision of operator services. Of these, an estimated 31 have 1,500 or fewer employees and two have more than 1,500 employees. Consequently, the Commission estimates that the majority of OSPs are small entities.

126. *Other Toll Carriers.* Neither the Commission nor the SBA has developed a definition for small businesses specifically applicable to Other Toll Carriers. This category includes toll carriers that do not fall within the categories of interexchange carriers, operator service providers, prepaid calling card providers, satellite service carriers, or toll resellers. The closest applicable size standard under SBA rules is for Wired Telecommunications Carriers and the applicable small business size standard under SBA rules consists of all such companies having 1,500 or fewer employees. U.S. Census data for 2012 indicate that 3,117 firms operated during that year. Of that number, 3,083 operated with fewer than 1,000 employees. According to Commission data, 284 companies reported that their primary telecommunications service activity was the provision of other toll carriage. Of these, an estimated 279 have 1,500 or fewer employees. Consequently, the Commission estimates that most Other Toll Carriers are small entities.

4. Wireless Providers—Fixed and Mobile

127. The broadband internet access service provider category covered by this Order may cover multiple wireless firms and categories of wireless services. Thus, to the extent the wireless services listed below are used by wireless firms for broadband internet access service, the proposed actions may have an impact on those small businesses as set forth above and further below. In addition, for those services subject to auctions, the Commission notes that, as a general matter, the number of winning bidders that claim to qualify as small businesses at the close of an auction does not necessarily represent the number of small businesses currently in service. Also, the Commission does not generally track subsequent business size unless, in the context of assignments and transfers or reportable eligibility events, unjust enrichment issues are implicated.

128. *Wireless Telecommunications Carriers (except Satellite).* This industry comprises establishments engaged in operating and maintaining switching and transmission facilities to provide communications via the airwaves. Establishments in this industry have spectrum licenses and provide services using that spectrum, such as cellular services, paging services, wireless internet access, and wireless video services. The appropriate size standard under SBA rules is that such a business is small if it has 1,500 or fewer employees. For this industry, U.S. Census data for 2012 show that there were 967 firms that operated for the entire year. Of this total, 955 firms had employment of 999 or fewer employees and 12 had employment of 1,000 employees or more. Thus, under this category and the associated size standard, the Commission estimates that the majority of wireless telecommunications carriers (except satellite) are small entities.

129. The Commission's own data—available in its Universal Licensing System—indicate that, as of August 31, 2018, there are 265 Cellular licensees that will be affected by its actions. The Commission does not know how many of these licensees are small, as the Commission does not collect that information for these types of entities. Similarly, according to internally-developed Commission data, 413 carriers reported that they were engaged in the provision of wireless telephony, including cellular service, Personal Communications Service (PCS), and Specialized Mobile Radio (SMR) Telephony services. Of this total, an estimated 261 have 1,500 or fewer employees, and 152 have more than 1,500 employees. Thus, using available data, the Commission estimates that the majority of wireless firms can be considered small.

130. *Wireless Communications Services.* This service can be used for fixed, mobile, radiolocation, and digital audio broadcasting satellite uses. The Commission defined ''small business'' for the wireless communications services (WCS) auction as an entity with average gross revenues of $40 million for each of the three preceding years, and a ''very small business'' as an entity with average gross revenues of $15 million for each of the three preceding years. The SBA approved these small business size standards. In the Commission's auction for geographic area licenses in the WCS there were seven winning bidders that qualified as ''very small business'' entities, and one that qualified as a ''small business'' entity.

131. *1670–1675 MHz Services.* This service can be used for fixed and mobile uses, except aeronautical mobile. An auction for one license in the 1670–1675 MHz band was conducted in 2003. One license was awarded. The winning bidder was not a small entity.

132. *Wireless Telephony.* Wireless telephony includes cellular, personal communications services, and specialized mobile radio telephony carriers. The closest applicable SBA category is Wireless Telecommunications Carriers (except Satellite). Under the SBA small business size standard, a business is small if it has 1,500 or fewer employees. For this industry, U.S. Census Bureau data for 2012 show that there were 967 firms that operated for the entire year. Of this total, 955 firms had fewer than 1,000 employees and 12 firms had 1,000 employees or more. Thus, under this category and the associated size standard, the Commission estimates that a majority of these entities can be considered small. According to Commission data, 413 carriers reported that they were engaged in wireless telephony. Of these, an estimated 261 have 1,500 or fewer employees and 152 have more than 1,500 employees. Therefore, more than half of these entities can be considered small.

133. *Broadband Personal Communications Service.* The broadband personal communications services (PCS) spectrum is divided into six frequency blocks designated A through F, and the Commission has held auctions for each block. The

Commission initially defined a ''small business'' for C- and F-Block licenses as an entity that has average gross revenues of $40 million or less in the three previous calendar years. For F-Block licenses, an additional small business size standard for ''very small business'' was added and is defined as an entity that, together with its affiliates, has average gross revenues of not more than $15 million for the preceding three calendar years. These small business size standards, in the context of broadband PCS auctions, have been approved by the SBA. No small businesses within the SBA-approved small business size standards bid successfully for licenses in Blocks A and B. There were 90 winning bidders that claimed small business status in the first two C-Block auctions. A total of 93 bidders that claimed small business status won approximately 40% of the 1,479 licenses in the first auction for the D, E, and F Blocks. On April 15, 1999, the Commission completed the reauction of 347 C-, D-, E-, and F-Block licenses in Auction No. 22. Of the 57 winning bidders in that auction, 48 claimed small business status and won 277 licenses.

134. On January 26, 2001, the Commission completed the auction of 422 C and F Block Broadband PCS licenses in Auction No. 35. Of the 35 winning bidders in that auction, 29 claimed small business status. Subsequent events concerning Auction 35, including judicial and agency determinations, resulted in a total of 163 C and F Block licenses being available for grant. On February 15, 2005, the Commission completed an auction of 242 C-, D-, E-, and F-Block licenses in Auction No. 58. Of the 24 winning bidders in that auction, 16 claimed small business status and won 156 licenses. On May 21, 2007, the Commission completed an auction of 33 licenses in the A, C, and F Blocks in Auction No. 71. Of the 12 winning bidders in that auction, five claimed small business status and won 18 licenses. On August 20, 2008, the Commission completed the auction of 20 C-, D-, E-, and F-Block Broadband PCS licenses in Auction No. 78. Of the eight winning bidders for Broadband PCS licenses in that auction, six claimed small business status and won 14 licenses.

135. *Specialized Mobile Radio Licenses.* The Commission awards ''small entity'' bidding credits in auctions for Specialized Mobile Radio (SMR) geographic area licenses in the 800 MHz and 900 MHz bands to firms that had revenues of no more than $15 million in each of the three previous calendar years. The Commission awards ''very small entity'' bidding credits to firms that had revenues of no more than $3 million in each of the three previous calendar years. The SBA approved these small business size standards for the 900 MHz Service. The Commission held auctions for geographic area licenses in the 800 MHz and 900 MHz bands. The 900 MHz SMR auction began on December 5, 1995, and closed on April 15, 1996. Sixty bidders claiming that they qualified as small businesses under the $15 million size standard won 263 geographic area licenses in the 900 MHz SMR band. The 800 MHz SMR auction for the upper 200 channels began on October 28, 1997, and was completed on December 8, 1997. Ten bidders claiming that they qualified as small businesses under the $15 million size standard won 38 geographic area licenses for the upper 200 channels in the 800 MHz SMR band. A second auction for the 800 MHz band was held on January 10, 2002, and closed on January 17, 2002, and included 23 BEA licenses. One bidder claiming small business status won five licenses.

136. The auction of the 1,053 800 MHz SMR geographic area licenses for the General Category channels was conducted in 2000. Eleven bidders won 108 geographic area licenses for the General Category channels in the 800 MHz SMR band and qualified as small businesses under the $15 million size standard. In an auction completed in 2000, a total of 2,800 Economic Area licenses in the lower 80 channels of the 800 MHz SMR service were awarded. Of the 22 winning bidders, 19 claimed small business status and won 129 licenses. Thus, combining all four auctions, 41 winning bidders for geographic licenses in the 800 MHz SMR band claimed status as small businesses.

137. In addition, there are numerous incumbent site-by-site SMR licenses and licensees with extended implementation authorizations in the 800 and 900 MHz bands. The Commission does not know how many firms provide 800 MHz or 900 MHz geographic area SMR service pursuant to extended implementation authorizations, nor how many of these providers have annual revenues of no more than $15 million. One firm has over $15 million in revenues. In addition, the Commission does not know how many of these firms have 1,500 or fewer employees, which is the SBA-determined size standard. The Commission assumes, for purposes of this analysis, that all of the remaining extended implementation authorizations are held by small entities, as defined by the SBA.

138. *Lower 700 MHz Band Licenses.* The Commission previously adopted criteria for defining three groups of small businesses for purposes of determining their eligibility for special provisions such as bidding credits. The Commission defined a ''small business'' as an entity that, together with its affiliates and controlling principals, has average gross revenues not exceeding $40 million for the preceding three years. A ''very small business'' is defined as an entity that, together with its affiliates and controlling principals, has average gross revenues that are not more than $15 million for the preceding three years. Additionally, the lower 700 MHz Service had a third category of small business status for Metropolitan/Rural Service Area (MSA/RSA) licenses—''entrepreneur''—which is defined as an entity that, together with its affiliates and controlling principals, has average gross revenues that are not more than $3 million for the preceding three years. The SBA approved these small size standards. An auction of 740 licenses (one license in each of the 734 MSAs/RSAs and one license in each of the six Economic Area Groupings (EAGs)) commenced on August 27, 2002, and closed on September 18, 2002. Of the 740 licenses available for auction, 484 licenses were won by 102 winning bidders. Seventy-two of the winning bidders claimed small business, very small business, or entrepreneur status and won a total of 329 licenses. A second auction commenced on May 28, 2003, closed on June 13, 2003, and included 256 licenses: 5 EAG licenses and 476 Cellular Market Area licenses. Seventeen winning bidders claimed small or very small business status and won 60 licenses, and nine winning bidders claimed entrepreneur status and won 154 licenses. On July 26, 2005, the Commission completed an auction of five licenses in the Lower 700 MHz band (Auction No. 60). There were three winning bidders for the five licenses. All three winning bidders claimed small business status.

139. In 2007, the Commission reexamined its rules governing the 700 MHz band in the *700 MHz Second Report and Order* (72 FR 48814, Aug. 24, 2007). An auction of 700 MHz licenses commenced January 24, 2008, and closed on March 18, 2008, which included 176 Economic Area licenses in the A Block, 734 Cellular Market Area licenses in the B Block, and 176 EA licenses in the E Block. Twenty winning bidders, claiming small business status (those with attributable average annual gross revenues that exceed $15 million

and do not exceed $40 million for the preceding three years) won 49 licenses. Thirty-three winning bidders claiming very small business status (those with attributable average annual gross revenues that do not exceed $15 million for the preceding three years) won 325 licenses.

140. *Upper 700 MHz Band Licenses.* In the *700 MHz Second Report and Order,* the Commission revised its rules regarding Upper 700 MHz licenses. On January 24, 2008, the Commission commenced Auction 73 in which several licenses in the Upper 700 MHz band were available for licensing: 12 Regional Economic Area Grouping licenses in the C Block, and one nationwide license in the D Block. The auction concluded on March 18, 2008, with 3 winning bidders claiming very small business status (those with attributable average annual gross revenues that do not exceed $15 million for the preceding three years) and winning five licenses.

141. *700 MHz Guard Band Licensees.* In 2000, in the 700 MHz Guard Band Order (65 FR 17594, April 4, 2000), the Commission adopted size standards for ''small businesses'' and ''very small businesses'' for purposes of determining their eligibility for special provisions such as bidding credits and installment payments. A small business in this service is an entity that, together with its affiliates and controlling principals, has average gross revenues not exceeding $40 million for the preceding three years. Additionally, a very small business is an entity that, together with its affiliates and controlling principals, has average gross revenues that are not more than $15 million for the preceding three years. SBA approval of these definitions is not required. An auction of 52 Major Economic Area licenses commenced on September 6, 2000, and closed on September 21, 2000. Of the 104 licenses auctioned, 96 licenses were sold to nine bidders. Five of these bidders were small businesses that won a total of 26 licenses. A second auction of 700 MHz Guard Band licenses commenced on February 13, 2001 and closed on February 21, 2001. All eight of the licenses auctioned were sold to three bidders. One of these bidders was a small business that won a total of two licenses.

142. *Air-Ground Radiotelephone Service.* The Commission previously used the SBA's small business size standard applicable to Wireless Telecommunications Carriers (except Satellite) for this service. The appropriate size standard under SBA rules is that such a business is small if it has 1,500 or fewer employees. For this industry, U.S. Census Bureau data for 2012 show that there were 967 firms that operated for the entire year. Of this total, 955 firms had fewer than 1,000 employees and 12 had employment of 1,000 employees or more. There are approximately 100 licensees in the Air-Ground Radiotelephone Service, and the Commission estimates that almost all of them qualify as small entities under the SBA definition.

143. For purposes of assigning Air-Ground Radiotelephone Service licenses through competitive bidding, the Commission has defined ''small business'' as an entity that, together with controlling interests and affiliates, has average annual gross revenues for the preceding three years not exceeding $40 million. A ''very small business'' is defined as an entity that, together with controlling interests and affiliates, has average annual gross revenues for the preceding three years not exceeding $15 million. The SBA approved these definitions. In May 2006, the Commission completed an auction of nationwide commercial Air-Ground Radiotelephone Service licenses in the 800 MHz band (Auction No. 65). On June 2, 2006, the auction closed with two winning bidders winning two Air-Ground Radiotelephone Services licenses. Neither of the winning bidders claimed small business status.

144. Advanced Wireless Services (AWS) (1710–1755 MHz and 2110–2155 MHz bands (AWS–1); 1915–1920 MHz, 1995–2000 MHz, 2020–2025 MHz and 2175–2180 MHz bands (AWS–2); 2155–2175 MHz band (AWS–3)). For the AWS–1 bands, the Commission defined a ''small business'' as an entity with average annual gross revenues for the preceding three years not exceeding $40 million, and a ''very small business'' as an entity with average annual gross revenues for the preceding three years not exceeding $15 million. For AWS–2 and AWS–3, although the Commission does not know for certain which entities are likely to apply for these frequencies, it notes that the AWS–1 bands are comparable to those used for cellular service and personal communications service. The Commission has not yet adopted size standards for the AWS–2 or AWS–3 bands but proposes to treat both AWS–2 and AWS–3 similarly to broadband PCS service and AWS–1 service due to the comparable capital requirements and other factors, such as issues involved in relocating incumbents and developing markets, technologies, and services.

145. *3650–3700 MHz band.* In March 2005, the Commission released a *Report and Order and Memorandum Opinion and Order* (70 FR 24712, May 11, 2005) that provides for nationwide, non-exclusive licensing of terrestrial operations, using contention-based technologies, in the 3650 MHz band (*i.e.,* 3650–3700 MHz). As of April 2010, more than 1,270 licenses have been granted and more than 7,433 sites have been registered. The Commission has not developed a definition of small entities applicable to 3650–3700 MHz band nationwide, non-exclusive licensees. However, the Commission estimates that the majority of these licensees are internet Access Service Providers (ISPs) and that most of those licensees are small businesses.

146. *Fixed Microwave Services.* Microwave services include common carrier, private-operational fixed, and broadcast auxiliary radio services. They also include the Local Multipoint Distribution Service (LMDS), the Digital Electronic Message Service (DEMS), and the 24 GHz Service, where licensees can choose between common carrier and non-common carrier status. At present, there are approximately 36,708 common carrier fixed licensees and 59,291 private operational-fixed licensees and broadcast auxiliary radio licensees in the microwave services. There are approximately 135 LMDS licensees, three DEMS licensees, and three 24 GHz licensees. The Commission has not yet defined a small business with respect to microwave services. The closest applicable SBA category is Wireless Telecommunications Carriers (except Satellite), and the appropriate size standard for this category under SBA rules is that such a business is small if it has 1,500 or fewer employees. For this industry, U.S. Census Bureau data for 2012 show that there were 967 firms that operated for the entire year. Of this total, 955 firms had fewer than 1,000 employees and 12 had employment of 1,000 employees or more. Thus, under this SBA category and the associated size standard, the Commission estimates that a majority of fixed microwave service licensees can be considered small.

147. The Commission does not have data specifying the number of these licensees that have more than 1,500 employees, and thus is unable at this time to estimate with greater precision the number of fixed microwave service licensees that would qualify as small business concerns under the SBA's small business size standard. Consequently, the Commission estimates that there are up to 36,708 common carrier fixed licensees and up to 59,291 private operational-fixed licensees and broadcast auxiliary radio licensees in the microwave services that may be small and may be affected by the

rules and policies adopted herein. The Commission notes, however, that the common carrier microwave fixed licensee category does include some large entities.

148. *Broadband Radio Service and Educational Broadband Service.* Broadband Radio Service systems, previously referred to as Multipoint Distribution Service (MDS) and Multichannel Multipoint Distribution Service (MMDS) systems and ''wireless cable,'' transmit video programming to subscribers and provide two-way high speed data operations using the microwave frequencies of the Broadband Radio Service (BRS) and Educational Broadband Service (EBS) (previously referred to as the Instructional Television Fixed Service (ITFS)). In connection with the 1996 BRS auction, the Commission established a small business size standard as an entity that had annual average gross revenues of no more than $40 million in the previous three calendar years. The BRS auctions resulted in 67 successful bidders obtaining licensing opportunities for 493 Basic Trading Areas (BTAs). Of the 67 auction winners, 61 met the definition of a small business. BRS also includes licensees of stations authorized prior to the auction. At this time, the Commission estimates that of the 61 small business BRS auction winners, 48 remain small business licensees. In addition to the 48 small businesses that hold BTA authorizations, there are approximately 392 incumbent BRS licensees that are considered small entities. After adding the number of small business auction licensees to the number of incumbent licensees not already counted, the Commission finds that there are currently approximately 440 BRS licensees that are defined as small businesses under either the SBA or the Commission's rules.

149. In 2009, the Commission conducted Auction 86, the sale of 78 licenses in the BRS areas. The Commission offered three levels of bidding credits: (1) A bidder with attributed average annual gross revenues that exceed $15 million and do not exceed $40 million for the preceding three years (small business) received a 15% discount on its winning bid; (2) a bidder with attributed average annual gross revenues that exceed $3 million and do not exceed $15 million for the preceding three years (very small business) received a 25% discount on its winning bid; and (3) a bidder with attributed average annual gross revenues that do not exceed $3 million for the preceding three years (entrepreneur) received a 35% discount on its winning bid. Auction 86 concluded in 2009 with the sale of 61 licenses. Of the ten winning bidders, two bidders that claimed small business status won 4 licenses; one bidder that claimed very small business status won three licenses; and two bidders that claimed entrepreneur status won six licenses.

150. In addition, the SBA's Cable Television Distribution Services small business size standard is applicable to EBS. There are presently 2,436 EBS licensees. All but 100 of these licenses are held by educational institutions. Educational institutions are included in this analysis as small entities. Thus, the Commission estimates that at least 2,336 licensees are small businesses. Since 2007, Cable Television Distribution Services have been defined within the broad economic census category of Wired Telecommunications Carriers; that category is defined as follows: ''This industry comprises establishments primarily engaged in operating and/or providing access to transmission facilities and infrastructure that they own and/or lease for the transmission of voice, data, text, sound, and video using wired telecommunications networks. Transmission facilities may be based on a single technology or a combination of technologies.'' The SBA has developed a small business size standard for this category, which is: All such firms having 1,500 or fewer employees. To gauge small business prevalence for these cable services the Commission must, however, use the most current census data that are based on the previous category of Cable and Other Program Distribution and its associated size standard: All such firms having $13.5 million or less in annual receipts. For this industry, U.S. Census data for 2012 show that there were 3,117 firms that operated that year. Of this total, 3,083 operated with fewer than 1,000 employees. Thus, the majority of these firms can be considered small.

5. Satellite Service Providers

151. *Satellite Telecommunications Providers.* This category comprises firms ''primarily engaged in providing telecommunications services to other establishments in the telecommunications and broadcasting industries by forwarding and receiving communications signals via a system of satellites or reselling satellite telecommunications.'' Satellite telecommunications service providers include satellite and earth station operators. The category has a small business size standard of $32.5 million or less in average annual receipts, under SBA rules. For this category, U.S. Census Bureau data for 2012 show that there were a total of 333 firms that operated for the entire year. Of this total, 299 firms had annual receipts of less than $25 million. Consequently, the Commission estimates that the majority of satellite telecommunications providers are small entities.

152. *All Other Telecommunications.* The ''All Other Telecommunications'' category is comprised of entities that are primarily engaged in providing specialized telecommunications services, such as satellite tracking, communications telemetry, and radar station operation. This industry also includes establishments primarily engaged in providing satellite terminal stations and associated facilities connected with one or more terrestrial systems and capable of transmitting telecommunications to, and receiving telecommunications from, satellite systems. Establishments providing internet services or voice over internet protocol (VoIP) services via client-supplied telecommunications connections are also included in this industry. The SBA has developed a small business size standard for ''All Other Telecommunications,'' which consists of all such firms with gross annual receipts of $32.5 million or less. For this category, U.S. Census Bureau data for 2012 show that there were 1,442 firms that operated for the entire year. Of these firms, a total of 1,400 had gross annual receipts of less than $25 million. Consequently, a majority of ''All Other Telecommunications'' firms potentially affected by the Commission's action can be considered small.

6. Cable Service Providers

153. Because section 706 of the Act requires the Commission to monitor the deployment of broadband using any technology, it anticipates that some broadband service providers may not provide telephone service. Accordingly, the Commission describes below other types of firms that may provide broadband services, including cable companies, MDS providers, and utilities, among others.

154. *Cable and Other Subscription Programming.* This industry comprises establishments primarily engaged in operating studios and facilities for the broadcasting of programs on a subscription or fee basis. The broadcast programming is typically narrowcast in nature (*e.g.,* limited format, such as news, sports, education, or youth-oriented). These establishments produce programming in their own facilities or acquire programming from external sources. The programming material is usually delivered to a third party, such

as cable systems or direct-to-home satellite systems, for transmission to viewers. The SBA size standard for this industry establishes as small, any company in this category which has annual receipts of $38.5 million or less. According to 2012 U.S. Census Bureau data, 367 firms operated for the entire year. Of that number, 319 operated with annual receipts of less than $25 million a year and 48 firms operated with annual receipts of $25 million or more. Based on this data, the Commission estimates that the majority of firms operating in this industry are small.

155. *Cable Companies and Systems (Rate Regulation).* The Commission has developed its own small business size standards for the purpose of cable rate regulation. Under the Commission's rules, a ''small cable company'' is one serving 400,000 or fewer subscribers nationwide. Industry data indicate that there are currently 4,600 active cable systems in the United States. Of this total, all but nine cable operators nationwide are small under the 400,000-subscriber size standard. In addition, under the Commission's rate regulation rules, a ''small system'' is a cable system serving 15,000 or fewer subscribers. Current Commission records show 4,600 cable systems nationwide. Of this total, 3,900 cable systems have fewer than 15,000 subscribers, and 700 systems have 15,000 or more subscribers, based on the same records. Thus, under this standard as well, the Commission estimates that most cable systems are small entities.

156. *Cable System Operators (Telecom Act Standard).* The Communications Act of 1934, as amended, also contains a size standard for small cable system operators, which is ''a cable operator that, directly or through an affiliate, serves in the aggregate fewer than 1% of all subscribers in the United States and is not affiliated with any entity or entities whose gross annual revenues in the aggregate exceed $250,000,000.'' There are approximately 52,403,705 cable video subscribers in the United States today. Accordingly, an operator serving fewer than 524,037 subscribers shall be deemed a small operator if its annual revenues, when combined with the total annual revenues of all its affiliates, do not exceed $250 million in the aggregate. Based on available data, the Commission finds that all but nine incumbent cable operators are small entities under this size standard. The Commission notes that it neither requests nor collects information on whether cable system operators are affiliated with entities whose gross annual revenues exceed $250 million. Although it seems certain that some of these cable system operators are affiliated with entities whose gross annual revenues exceed $250 million, the Commission is unable at this time to estimate with greater precision the number of cable system operators that would qualify as small cable operators under the definition in the Communications Act.

7. All Other Telecommunications

157. *Electric Power Generators, Transmitters, and Distributors.* This U.S. industry is comprised of establishments that are primarily engaged in providing specialized telecommunications services, such as satellite tracking, communications telemetry, and radar station operation. This industry also includes entities primarily engaged in providing satellite terminal stations and associated facilities connected with one or more terrestrial systems and capable of transmitting telecommunications to, and receiving telecommunications from, satellite systems. Entities providing internet services or voice over internet protocol (VoIP) services via client-supplied telecommunications connections are also included in this industry. The closest applicable SBA category is ''All Other Telecommunications''. The SBA's small business size standard for ''All Other Telecommunications,'' consists of all such firms with gross annual receipts of $32.5 million or less. For this category, U.S. Census data for 2012 show that there were 1,442 firms that operated for the entire year. Of these firms, a total of 1,400 had gross annual receipts of less than $25 million. Consequently, the Commission estimates that under this category and the associated size standard the majority of these firms can be considered small entities.

D. Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements for Small Entities

158. The potential modifications proposed in the *Third FNPRM,* if adopted, would impose some new reporting, recordkeeping, or other compliance requirements on some small entities. Specifically, in addition to information adopted in the *Second Report and Order,* the Commission proposes that providers of broadband internet access service submit latency information (for fixed providers), backhaul speed and technology for each base station (for fixed wireless providers), and details of their propagation models (for mobile providers). All providers of broadband internet access service would be required to provide a certification from a qualified engineer that the information provided in their biannual Digital Opportunity Data Collection Collections filings are true and correct. They also would be able to challenge the broadband coverage maps, providers' availability data, or data in the Fabric.

159. In addition, as a means of improving the accuracy and reliability of broadband internet access service data, the Commission proposes a number of methods to verify the information in the providers' filings, including a challenge process and receiving verified data from third parties and governmental mapping entities. The Commission also seeks comment on how to implement provider coverage map verification and enhancement tools for mobile services, including on-the-ground data, infrastructure data, and a challenge process. The adoption of any of these verification processes could subject small entities and other providers to additional submission, recordkeeping, and compliance requirements.

160. In addition, since the Broadband DATA Act grants fixed broadband internet access service providers the ability to submit availability data using a list of addresses or locations, the Commission seeks comment on how to implement a location-based reporting requirement for small entities and other providers. The Commission also seeks comment on whether to impose penalties for providers that file materially inaccurate or incomplete data related to availability or quality of broadband internet access service. The Commission also asks about the scope and timing of filing corrected data when it is determined that a provider's Digital Opportunity Data Collection information is inaccurate or incomplete. If adopted, any of these requirements could impose additional reporting, recordkeeping, or other compliance obligations on small entities.

161. The issues raised for consideration and comment in the *Third FNPRM* may require small entities to hire attorneys, engineers, consultants, or other professionals. At this time, however, the Commission cannot quantify the cost of compliance with any potential rule changes and compliance obligations for small entities that may result from the *Third FNPRM.* The Commission expects its requests for information on potential burdens on small entities associated with matters raised in the *Third FNPRM* will provide it with information to assist with its evaluation of the cost of compliance on small entities of any reporting,

recordkeeping, or other compliance requirements the Commission adopts.

E. Federal Rules That May Duplicate, Overlap, or Conflict With the Proposed Rules

162. None.

List of Subjects in 47 CFR Part 1

Broadband, Broadband Mapping, Communications, Internet, Reporting and recordkeeping requirements, Satellites, Radio, Telecommunications.

Federal Communications Commission.

Marlene Dortch,

Secretary.

Proposed Rules

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR part 1 as follows:

PART 1—PRACTICE AND PROCEDURE

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

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

■ 2. Amend § 1.7006 by adding paragraph (c) to read as follows:

§ 1.7006 Data verification.

* * * * *

(c) *Challenge process.* Consumers; State, local, and Tribal governmental entities; and other entities or individuals may submit coverage data in the Digital Opportunity Data Collection portal to challenge the accuracy at a location of the coverage maps; any information submitted by a provider regarding the availability of broadband internet access service; or the Fabric.

(1) Challengers must provide in their submissions:

(i) Name and contact information (*e.g.,* address, phone number, email);

(ii) The street address or geographic coordinates (latitude/longitude) of the location(s) at which broadband internet access service coverage is being challenged;

(iii) Name of provider being challenged;

(iv) Category of dispute, selected from pre-established options on the portal;

(v) For customers or potential customers challenging availability or the coverage maps, evidence and details of a request for service (or attempted request for service), including the date, method, and content of the request and details of the response from the provider, while for non-customers challenging availability or the coverage maps, evidence showing no availability at the disputed location (*e.g.,* screen shot, emails). For consumers seeking to challenge mobile broadband coverage map data, information regarding the available mobile broadband service;

(vi) For challengers disputing locations in the Broadband Location Fabric, details and evidence about the disputed location;

(vii) For customer or potential customer availability or coverage map challengers, a representation that the challenger resides or does business at the location of the dispute or is authorized to request service there. For consumers seeking to challenge mobile broadband coverage map data, a representation that the challenger is a subscriber of the provider who is the subject of the challenge;

(viii) A certification from an individual or an authorized officer or signatory of a challenger that the person examined the information contained in the challenge and that, to the best of the person's actual knowledge, information, and belief, all statements of fact contained in the challenge are true and correct; and

(ix) For consumers disputing mobile broadband throughput speeds, speed test evidence. For governmental and other entities disputing mobile broadband throughput speeds, speed test measurement data showing measured throughput speeds in the area they wish to challenge. Governmental and other entities must conduct speed tests using a device certified by the service provider that is the subject of the challenge as compatible with its service and must conduct speed tests outdoors and between the hours of 6:00 a.m. and 12:00 a.m. (midnight) local time. Governmental and other entities must also substantiate speed test data by the certification of a qualified engineer or official.

(2) The online portal shall alert a provider if there has been a challenge submitted against it.

(3) For availability and coverage map challenges, within 30 days of receiving an alert, a provider shall reply in the portal by:

(i) Accepting the allegation(s) raised by the challenger, in which case the provider shall submit a correction for the challenged location in the online portal within 30 days of its portal response; or

(ii) Denying the allegation(s) raised by the challenger, in which the case the provider shall, within 60 days after providing notice of its rejection in the portal:

(A) Provide evidence to the challenger that the provider serves (or could serve) the challenged location. For consumer challenges involving the delivered speeds associated with a mobile broadband service, provide evidence that the provider has evaluated the speed of its service at the location of the dispute and determined that the delivered speeds of the service match the speeds indicated on the provider's coverage map. For governmental and other entity challenges involving the delivered speeds associated with a mobile broadband service, provide comprehensive on-the-ground data, or a statistically valid and sufficient sample of such data to verify coverage maps in the challenged area;

(B) Indicate in the online portal that such communication to the challenger was made; and

(C) Attempt to resolve the dispute with the challenger.

(4) Failure to respond to the challenger within the applicable timeframes shall result in a default finding against the provider, resulting in mandatory corrections to the provider's Digital Opportunity Data Collection information as requested by the challenger. Providers shall submit any such corrections within 30 days of the missed reply deadline or the Commission will make the corrections on its own and incorporate such change into the coverage maps or Broadband Location Fabric.

(5) Once a provider submits its response, the location shall be identified on the coverage maps as ''in dispute/pending resolution.''

(6) If the parties are unable to reach consensus within 60 days after submission of the provider's reply in the portal, then the Commission will review the evidence and make a determination, based on a preponderance of the evidence standard with the burden of proof on the challenger, either:

(i) In favor of the challenger, in which case the provider shall update its Digital Opportunity Data Collection information within 30 days of the decision; or

(ii) In favor of the provider, in which case the location will no longer be subject to the ''in dispute/pending resolution'' designation on the coverage maps.

(7) For challenges to the Fabric, the Commission shall resolve such challenges within 60 days of receiving the filing.

(8) The provider shall retain for its records, for at least six months after the challenge dispute is resolved, any evidence showing that it actually serves (or could serve) the location being challenged, as well as documentation regarding its communication with the challenger.

(9) Government entities (State, local, Tribal) may file challenges in bulk, but each challenge must contain the requirements set forth in paragraph (c)(1) of this section.

(10) The Commission shall make public information about the location that is the subject of the challenge (including the street address and/or coordinates (latitude and longitude)), the name of the provider, and any relevant details concerning the basis for the challenge.

■ 3. Amend § 1.7009 by adding a sentence at the end of paragraph (a) and adding paragraph (b) to read as follows:

§ 1.7009 Enforcement.

(a) * * * Such action may lead to enforcement action and/or penalties as set forth in the Communications Act and other applicable laws.

(b) Failure to make the Digital Opportunity Data Collection filing in accordance with this subpart may lead to enforcement action pursuant to the Communications Act of 1934, as amended, and any other applicable law.

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