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FEDERAL REGISTER

Vol. 85 Friday,

No. 206 October 23, 2020

Pages 67427–67630

OFFICE OF THE FEDERAL REGISTER

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DEPARTMENT OF AGRICULTURE

Rural Utilities Service

7 CFR Part 1719

RIN 0572–AC45

Rural Energy Savings Program

AGENCY: Rural Utilities Service, USDA.

ACTION: Final rule and response to comments.

SUMMARY: The Rural Utilities Service (RUS), a Rural Development agency of the United States Department of Agriculture (USDA), is confirming the final rule published in the **Federal Register** on April 2, 2020 to establish the Rural Energy Savings Program (RESP) as authorized by Section 6407 of the Farm Security and Rural Investment Act of 2002, as amended. This document also provides the Agency an opportunity to acknowledge public comments received on the final rule.

DATES: The final rule published April 2, 2020 at 85 FR 18413 is confirmed.

FOR FURTHER INFORMATION CONTACT: Robert Coates, Rural Utilities Service, Electric Program, Rural Development, United States Department of Agriculture, 1400 Independence Avenue SW, STOP 1568, Room 5165–S, Washington, DC 20250; Telephone: (202) 260–5415; Email *Robert.Coates@usda.gov.*

SUPPLEMENTARY INFORMATION: The Rural Utilities Service published the RESP final rule to assist rural families and small businesses achieve cost savings by providing loans to qualified consumers through eligible entities to implement durable cost-effective energy efficiency measures pursuant to 7 U.S.C. 8107a(a) of the RESP authorizing statute. The Secretary may use this funding to allow eligible entities to offer energy efficiency loans to customers in any part of their service territory in accordance to 7 CFR part 1719. The Agency encourages applications that will support recommendations made in the Rural Prosperity Task Force report (see *www.usda.gov/ruralprosperity*) to help improve life in rural America, to consider projects that provide measurable results in helping rural communities build robust and sustainable economies through strategic investments in infrastructure, partnerships and innovation. Key strategies include: Achieving e-Connectivity for rural America, developing the rural economy, harnessing technological innovation, supporting a rural workforce, and improving quality of life.

Summary of Comments and Responses

RUS invited comments on the final rule published on April 2, 2020 in the **Federal Register** (85 FR 18413) and received three comments. Two comments were received were from business organizations; Fleet Development and Energy Trust. One comment was received from an individual, Mr. Inri Gonzalez. The comments and Agency's responses are summarized as follows:

Issue 1: One individual and one organization expressed support for the Program as published on April 2, 2020 in the **Federal Register**.

Agency Response: The Agency appreciates the input from the two respondents that support the final rule.

Issue 2: Two commenters provide energy efficiency services in their state, including services to multi-family dwellings and manufactured homes, and more specifically the replacement of substandard manufactured housing units. One commenter wrote that ''One recommendation we offer is to re-consider the allowable payback period of both the RESP loan to the eligible borrower and the loan from the borrower to the qualified consumer. Often utility infrastructure, energy efficiency and renewable energy projects are major long-term capital investments. It is not uncommon for a project of any scale to meet its return on investment in the 12–20-year range and then deliver energy savings for the next 10–20 years. We believe this financial reality may have been partly responsible for the historic under use of the program. Energy efficiency and renewable energy projects deliver their primary energy savings in the out years and are essentially break-even projects in the first years. A debt amortization period of only 10-years can leave a significant gap from Year 10 on.'' The commenter suggested a potential solution would be to allow the eligible borrower to request repayment schedules that fit the needs of the project for both repayment to RESP and the qualified consumer repayment to the re-lender. The other commenter states that their company invested in manufactured home replacement projects in Oregon. ''It has been our experience that the higher monthly payments associated with a 10-year loan term for higher cost measures such as manufactured homes, can constitute a significant obstacle for low- and moderate-income Oregonians—many of whom live in rural communities. The manufactured home replacement pilot program which they successfully operate utilizes a 20-year customer loan term. Should RUS find it feasible to do so, the agency should consider whether extending the Qualified consumer loan term to 20 years would result in more uptake by rural utility customers and more effectively advance RUS ability to deploy these funds to the benefit of rural Americans.''

Agency Response—The current 10-year maturity on loans to qualified consumers is a statutory requirement provided in the Rural Energy Savings Program enabling statute, see 7 U.S.C. 8107a(d)(1)(B). An amendment to that program feature will require Congressional action.

The RUS appreciates the interest of the commenters in the RESP and thanks them for their submissions.

Chad Rupe,

Administrator, Rural Utilities Service.

[FR Doc. 2020–21772 Filed 10–22–20; 8:45 am]

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FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Part 363

RIN 3064–AF63

Applicability of Annual Independent Audits and Reporting Requirements for Fiscal Years Ending in 2021

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Interim final rule and request for comment.

SUMMARY: In light of recent disruptions in economic conditions caused by the coronavirus disease 2019 (COVID–19) and strains in U.S. financial markets, some insured depository institutions (IDIs) have experienced increases to their consolidated total assets as a result of large cash inflows resulting from participation in the Paycheck Protection Program (PPP), the Money Market Mutual Fund Liquidity Facility (MMLF), the Paycheck Protection Program Liquidity Facility (PPPLF), and the effects of other government stimulus efforts. Since these inflows may be temporary, but are significant and unpredictable, the FDIC is issuing an interim final rule (IFR) that will allow IDIs to determine the applicability of part 363 of the FDIC's regulations, Annual Independent Audits and Reporting Requirements, for fiscal years ending in 2021 based on the lesser of their consolidated total assets as of December 31, 2019, or consolidated total assets as of the beginning of their fiscal years ending 2021. Notwithstanding any temporary relief provided by this IFR, an IDI would continue to be subject to any otherwise applicable statutory and regulatory audit and reporting requirements. The IFR also reserves the authority to require an IDI to comply with one or more requirements of part 363 if the FDIC determines that asset growth was related to a merger or acquisition.

DATES: The interim final rule is effective October 23, 2020 through December 31, 2021, unless extended by the FDIC. Comments on the interim final rule must be received no later than November 23, 2020.

ADDRESSES: You may submit comments, identified by RIN 3064–AF63, by any of the following methods:

- *Agency Website: https://www.fdic.gov/regulations/laws/federal.* Follow instructions for submitting comments on the Agency website.
- *Email: Comments@FDIC.gov.* Include ''RIN 3064–AF63'' on the subject line of the message.
- *Mail:* Robert E. Feldman, Executive Secretary, Attention: Comments/RIN 3064–AF63, Federal Deposit Insurance Corporation, 550 17th Street NW, Washington, DC 20429.
- *Hand Delivery/Courier:* Comments may be hand-delivered to the guard station at the rear of the 550 17th Street building (located on F Street) on business days between 7 a.m. and 5 p.m. All comments received must include the agency name (FDIC) and RIN 3064-AF63, and will be posted without change to *https://www.fdic.gov/regulations/laws/federal,* including any personal information provided.

FOR FURTHER INFORMATION CONTACT: Harrison E. Greene, Jr., Assistant Chief Accountant, (202) 898–8905, *hgreene@fdic.gov;* Shannon M. Beattie, Section Chief and Deputy Chief Accountant, (202) 898–3952, *sbeattie@fdic.gov;* John Rieger, Chief Accountant, (202) 898–3602, *jrieger@fdic.gov;* Mark G. Flanigan, Senior Counsel, (202) 898–7426, *mflanigan@fdic.gov;* Joyce M. Raidle, Counsel, (202) 898–6763, *jraidle@fdic.gov;* and Merritt Pardini, Counsel, (202) 898–6680, *mpardini@fdic.gov,* Legal Division, Federal Deposit Insurance Corporation, 550 17th Street NW, Washington, DC 20429. For the hearing impaired only, Telecommunication Device for the Deaf (TDD), (800) 925–4618.

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I. Background

A. Selected Government Responses Related to the Pandemic

Recent events have significantly and adversely impacted the global economy and financial markets. The spread of COVID–19 has slowed economic activity in many countries, including the United States. Sudden disruptions in financial markets placed increasing liquidity pressure on money market mutual funds (MMFs) and raised the cost of credit for most borrowers. MMFs faced redemption requests from clients with immediate cash needs and potentially the need to sell a significant number of assets to meet these redemption requests, which further increased market pressures. In order to prevent the disruption in the money markets from destabilizing the financial system, on March 18, 2020, the Board of Governors of the Federal Reserve System (Board of Governors), with approval of the Secretary of the Treasury, authorized the Federal Reserve Bank of Boston (FRBB) to establish the MMLF pursuant to section 13(3) of the Federal Reserve Act.[1] Under the MMLF, the FRBB is extending nonrecourse loans to eligible borrowers to purchase assets from MMFs. Assets purchased from MMFs are posted as collateral to the FRBB. Eligible borrowers under the MMLF include IDIs. Eligible collateral under the MMLF includes U.S. Treasuries and fully guaranteed agency securities, securities issued by government-sponsored enterprises, and certain types of commercial paper. The MMLF is scheduled to terminate on December 31, 2020, unless extended by the Board of Governors.[2]

Small businesses also face severe liquidity constraints and a collapse in revenue streams, as millions of Americans were ordered to stay home, severely reducing their ability to engage in normal commerce. Many small businesses were forced to close temporarily or furlough employees. Continued access to financing will be crucial for small businesses to weather economic disruptions caused by COVID–19 and, ultimately, to help restore economic activity.

In recognition of the exigent circumstances facing small businesses, Congress created the PPP as part of the Coronavirus Aid, Relief, and Economic Security Act (CARES Act).[3] PPP loans are fully guaranteed as to principal and accrued interest by the Small Business Administration (SBA), the amount of each being determined at the time the guarantee is exercised. As a general matter, SBA guarantees are backed by the full faith and credit of the U.S. Government. PPP loans also afford borrowers forgiveness up to the principal amount of the PPP loan if the loan proceeds are used for certain eligible expenses. The SBA reimburses PPP lenders for any amount of a PPP loan that is forgiven. PPP lenders are not held liable for any representations made by PPP borrowers in connection with a borrower's request for PPP loan forgiveness.[4] On June 5, 2020, the

[1] 12 U.S.C. 343(3).

[2] *See* Federal Reserve Board announces an extension through December 31 of its lending facilities that were scheduled to expire on or around September 30 (*https://www.federalreserve.gov/newsevents/pressreleases/monetary20200728a.htm).*

[3] Public Law 116–136 (Mar. 27, 2020).

[4] Under the PPP, eligible borrowers generally include businesses with fewer than 500 employees or that are otherwise considered by the SBA to be small, including individuals operating sole proprietorships or acting as independent contractors, certain franchisees, nonprofit corporations, veterans' organizations, and Tribal businesses. The loan amount under the PPP would

Paycheck Protection Program Flexibility Act of 2020 (PPP Flexibility Act) was signed into law, amending key provisions of the CARES Act, including provisions related to loan maturity, deferral of loan payments, and loan forgiveness.[5] Among other changes, the amendments increase from two to five years the maturity of PPP loans that are approved by the SBA on or after June 5, 2020, and provide greater flexibility for borrowers to qualify for loan forgiveness.

In order to provide liquidity to small business lenders and the broader credit markets, and to help stabilize the financial system, on April 8, 2020, the Board of Governors, with approval of the Secretary of the Treasury, authorized each of the Federal Reserve Banks to extend credit under the PPPLF pursuant to Section 13(3) of the Federal Reserve Act.[6] Under the PPPLF, the Federal Reserve Banks are extending nonrecourse loans to institutions that are eligible to make PPP loans, including IDIs. Under the PPPLF, only PPP loans that are guaranteed by the SBA with respect to both principal and interest and that are originated by an eligible institution may be pledged as collateral to the Federal Reserve Banks (loans pledged to the PPPLF). The maturity date of the extension of credit under the PPPLF [7] equals the maturity date of the PPP loans pledged to secure the extension of credit.[8] No new extensions of credit will be made under the PPPLF after December 31, 2020, unless extended by the Board of Governors and the Department of the Treasury.

The FDIC, Board of Governors, and Comptroller of the Currency adopted interim final rules on March 23, 2020, and April 13, 2020, respectively, to allow banking organizations to neutralize the regulatory capital effects of purchasing assets under the MMLF program and loans pledged to the PPPLF.[9] Consistent with Section 1102 of the CARES Act, the April 2020 interim final rule also required banking organizations to apply a zero percent risk weight to PPP loans originated by the banking organization under the PPP for purposes of the banking organization's risk-based capital requirements. On June 26, 2020, the FDIC adopted a rule that mitigates the deposit insurance assessment effects of participating in the PPP, PPPLF and MMLF.[10] Among other changes, the final rule provides an offset to an IDI's total assessment amount for the increase in its assessment base attributable to participation in the PPP and MMLF. The FDIC remains committed to considering additional, targeted adjustments to mitigate to the greatest extent possible unintended consequences resulting from pandemic-related stimulus actions.

B. Section 36 of the Federal Deposit Insurance Act (FDI Act) and Part 363 of the FDIC Regulations

Section 36 of the FDI Act (section 36) was added by the Federal Deposit Insurance Corporation Improvement Act of 1991 and imposes annual audits and reporting requirements on IDIs that meet certain asset thresholds.[11] The purpose of section 36 is to facilitate early identification of needed improvements in financial management at IDIs. Section 36 grants the FDIC discretion to set the asset size threshold for compliance with these statutory requirements, but mandates a minimum threshold of $150 million in consolidated total assets. Part 363 of the FDIC's regulations implements section 36.[12] Currently, an IDI becomes subject to the annual independent audits and reporting requirements of part 363 with respect to any fiscal year in which its consolidated total assets as of the beginning of such fiscal year are $500 million or more.[13] Additionally, an IDI with consolidated total assets of $1 billion or more as of the beginning of any fiscal year must provide management's assessment of, and the independent public accountant's report, on the effectiveness of internal control over financial reporting (ICFR).[14]

Part 363 also includes requirements related to audit committees based on consolidated total assets. More specifically, each IDI with consolidated total assets of $500 million or more but less than $1 billion at the beginning of its fiscal year must establish an independent audit committee of its board of directors, the members of which must be outside directors, a majority of whom must be independent of management of the IDI.[15] Each IDI with consolidated total assets of $1 billion or more at the beginning of its fiscal year must establish an independent audit committee of its board of directors, the members of which must be outside directors who are independent of management of the IDI.[16] Audit committees of IDIs with consolidated total assets of $3 billion or more as of the beginning of their fiscal year are required to include members with banking or related financial management expertise, have access to their own outside counsel, and not include any large customers of the institution.[17]

The determination of whether an IDI is subject to the annual independent audit and reporting requirements of part 363, including certain additional requirements based on asset size, is based on its consolidated total assets as of the beginning of its fiscal year.[18] For example, an IDI whose fiscal year begins on January 1, 2020, and ends on December 31, 2020, would determine whether it met the base asset threshold for compliance with part 363 as well as the other asset thresholds set forth in part 363 based upon its consolidated total assets of December 31, 2019. As another example, an IDI whose fiscal year begins on July 1, 2020, and ends on

be limited to the lesser of $10 million and 250 percent of a borrower's average monthly payroll costs. For more information on the Paycheck Protection Program, *see https://www.sba.gov/funding-programs/loans/coronavirus-relief-options/paycheck-protection-program-ppp.*

[5] Public Law 116–142 (June 5, 2020). The SBA subsequently issued an interim final rule revising the SBA's interim final rule implementing sections 1102 and 1106 of the CARES Act temporarily adding the Paycheck Protection Program to the SBA's 7(a) Loan Program published on April 15, 2020. *See* 85 FR 20811 (Apr. 15, 2020) and 85 FR 36308 (June 16, 2020).

[6] 12 U.S.C. 343(3). On April 30, 2020, the facility was renamed the Paycheck Protection Program Liquidity Facility, from Paycheck Protection Program Lending Facility. *See* Periodic Report: Update on Outstanding Lending Facilities Authorized by the Board under Section 13(3) of the Federal Reserve Act May 15, 2020, Board of Governors of the Federal Reserve System (*https://www.federalreserve.gov/publications/files/mlf-msnlf-mself-and-ppplf-5-15-20.pdf*).

[7] The maturity date of the extension of credit under the PPPLF will be accelerated if the underlying PPP loan goes into default and the eligible borrower sells the PPP Loan to the SBA to realize the SBA guarantee. The maturity date of the extension of credit under the PPPLF also will be accelerated to the extent of any PPP loan forgiveness reimbursement received by the eligible borrower from the SBA.

[8] Under the SBA's interim final rule, a lender may request that the SBA purchase the expected forgiveness amount of a PPP loan or pool of PPP loans at the end of the covered period. *See* Interim Final Rule ''Business Loan Program Temporary Changes; Paycheck Protection Program,'' 85 FR 20811, 20816 (Apr. 15, 2020) and 85 FR 36308 (June 16, 2020).

[9] *See* 85 FR 16232 (Mar. 23, 2020) and 85 FR 20387 (Apr. 13, 2020). These rules were finalized on September 29, 2020. *See https://www.fdic.gov/news/board/2020/2020-09-15-notice-sum-b-fr.pdf.*

[10] *See* 85 FR 38282 (June 26, 2020).

[11] 12 U.S.C. 1831m.

[12] 12 CFR 363.

[13] 12 CFR 363.1(a).

[14] 12 CFR 363.2(b)(3) and 12 CFR 363.3(b).

[15] 12 CFR 363.5(a)(2).

[16] 12 CFR 363.5(a)(1).

[17] 12 CFR 363.5(b).

[18] For measuring total assets, Guideline 1 to part 363 provides that an IDI should use the total assets reported on its most recent Report of Condition (Call Report), the date of which coincides with the end of its preceding fiscal year. If its fiscal year ends on a date other than the end of a calendar quarter, it should use the Call Report for the quarter end immediately preceding the end of its fiscal year.

June 30, 2021, would determine whether it met the base asset threshold for compliance with part 363 as well as the other asset thresholds set forth in part 363 based upon its consolidated total assets of June 30, 2020.

C. Effects of Government Response Programs on IDI Growth

Participation in the PPP, PPPLF, or MMLF programs, and effects of other stimulus programs, have caused certain IDIs to experience a temporary increase in their consolidated total assets and thus become subject to part 363 based on certain asset size thresholds set forth within part 363. While some of these IDIs may have reached these thresholds through organic growth or other means, it is likely that others would not have reached these thresholds but for the effects of the government programs and other types of stimulus. For example, an IDI that receives funding under the PPPLF would increase its consolidated total assets (equal to the amount of PPP loans pledged to the Federal Reserve Banks), and increase its liabilities by the same amount. An IDI that obtains additional funding, such as additional deposits or secured borrowings, to make PPP loans would increase its total liabilities and consolidated total assets by that amount of funding.[19] Similarly, an IDI that participates in the MMLF would increase its consolidated total assets by the amount of assets purchased from MMFs under the MMLF and increase its liabilities by the same amount. Moreover, some institutions reported general, and likely temporary, increases in deposits due to inflows from PPP proceeds, deposits of funds made in connection with other CARES Act-related programs, and general shifts of liquid funds to safety.

Absent the regulatory relief proposed in this IFR, some IDIs that participate in these programs, or have otherwise been affected by volatility in cash flows related to the pandemic, will be forced to incur additional compliance and related expenses. These expenses include engaging independent auditors, performing assessments of ICFR, reviewing and filing reports, and modifying the makeup of their boards of directors in order to comply with the requirements of part 363.

II. The Interim Final Rule

Under the IFR, the FDIC seeks to negate the cost and burden effects of potentially temporary asset growth associated with pandemic-related programs and similar impacts. The IFR accomplishes this by allowing IDIs to determine the applicability of part 363 of the FDIC's regulations for fiscal years ending in 2021 based on the lesser of the IDI's (a) consolidated total assets as of December 31, 2019, or (b) consolidated total assets as of the beginning of their fiscal years ending in 2021. For example, an IDI with a fiscal year beginning July 1, 2020, and ending June 30, 2021, would normally determine part 363 compliance requirements as of its fiscal year ended June 30, 2020. Under the IFR, an IDI experiencing growth would instead use its consolidated total assets as of December 31, 2019, for purposes of determining its compliance requirements with part 363. In this example, if the IDI's consolidated total assets were less than $500 million as of December 31, 2019, it would not become subject to part 363 for its fiscal year beginning July 1, 2020 and ending June 30, 2021, even if its total consolidated total assets were $500 million or more as of June 30, 2020.

Based on consolidated total assets as of December 31, 2019, and June 30, 2020, this proposal would, as further discussed below, potentially apply to approximately 290 IDIs:

- 156 IDIs based on the number of IDIs that had consolidated total assets of $500 million or more as of December 31, 2019, compared to the number of IDIs that had consolidated total assets of $500 million or more as of June 30, 2020;
- 107 IDIs based on the number of IDIs that had consolidated total assets of $1 billion or more as of December 31, 2019, compared to the number of IDIs that had consolidated total assets of $1 billion or more as of June 30, 2020; and
- 27 IDIs based on the number of IDIs that had consolidated total assets of $3 billion or more as of December 31, 2019, compared to the number of IDIs that had consolidated total assets of $3 billion or more as of June 30, 2020.

The FDIC recognizes the benefits of the part 363 requirements and that some IDIs may have experienced organic or other growth that would have resulted in them reaching the thresholds regardless of the impacts of pandemic-related programs and associated effects. However, the FDIC is balancing the risk that some IDIs will not become subject to part 363 requirements based on their consolidated total assets as of their actual fiscal year ends in 2020 with the operational simplicity of ''freezing'' the date to determine the applicability of the regulation for all IDIs experiencing growth based on their consolidated total assets as of December 31, 2019. The FDIC has determined that such targeted and time-limited relief from application of the part 363 requirements is necessary and appropriate, in order to ease the compliance and expense burden on such institutions during this crucial period for the financial services industry.

Notwithstanding the temporary relief provided by this IFR, IDIs remain subject to any audit and reporting requirements applicable under other laws and regulations. Also, the FDIC reserves the authority to require an IDI to comply with one or more requirements under part 363 if the FDIC determines that asset growth was related to a merger or acquisition. Additionally, staff notes that approximately 54 percent of IDIs (IDIs with less than $500 million in consolidated total assets) that are not subject to part 363 have audits performed by independent public accountants.[20]

Sections 36(d) and (f) of the FDI Act obligate the FDIC to consult with the other Federal banking agencies in implementing these provisions of the FDI Act, and the FDIC has performed the required consultation.

III. Expected Effects

Under part 363 of the FDIC's regulations, each IDI with consolidated total assets of $500 million or more as of the beginning of a fiscal year must, among other things, have its financial statements audited by an independent public accountant, prepare a management report describing certain aspects of its internal control framework and its compliance with laws and regulations, and have an audit committee that oversees the work of the independent public accountant. Part 363 also contains a number of more detailed and specific requirements that are triggered at asset sizes of $1 billion and $3 billion, regarding management reporting, responsibilities of the independent public accountant, and the responsibilities and composition of the audit committee. Part 363 also describes the conditions under which these requirements may be satisfied at the holding company level.

Broadly speaking, by granting temporary relief from the audit and reporting requirements of part 363, the IFR is likely to support participation in the PPP, PPPLF, and MMLF programs by IDIs, which could benefit customers and U.S. economic activity. More specifically, the IFR does this by

[19] An IDI that relies on existing funding, including deposits already at the institution, to make PPP loans would not increase its total liabilities or total assets.

[20] Call Report Data, March 31, 2020. The level of audit work performed on an institution is reported in the March Call Report each year and can be found on line M.1 in the Memorandum to Schedule RC.

determining the applicability of the regulation for all IDIs based on the lesser of their (a) consolidated total assets as of December 31, 2019, or (b) consolidated total assets as of the beginning of their fiscal years ending in 2021, in order to ameliorate potential increases in compliance costs for IDIs as a result of their participation in the PPP, PPPLF, and MMLF. Under the IFR, IDIs that cross the $500 million, $1 billion, or $3 billion asset thresholds just described during fiscal years ending in 2021 will avoid the costs of complying with part 363 that they otherwise would have incurred as a result of crossing those thresholds. IDIs that already exceeded those thresholds at year-end 2019, however, must continue to comply with the associated part 363 requirements.

The IFR thus will only affect those entities that cross one or more of the part 363 thresholds after year-end 2019, and while the temporary relief the IFR provides is in effect. It is difficult to estimate how many IDIs will be directly affected by the IFR because the FDIC does not know how many banks with a fiscal year ending after June 30 will increase assets above one of the thresholds in Part 363 between June 30 and the end of the year. Nonetheless, this rule is expected to relieve IDIs from incurring additional expenses if they experience an increase in consolidated total asset levels that could cause the IDI to become newly subject to certain part 363 requirements.

The following analysis utilizes Consolidated Reports of Condition and Income (Call Report) data to assess changes in consolidated total assets between December 31, 2019, and June 30, 2020, for IDIs in order to identify IDIs that are likely to be directly affected by the IFR. Specifically, the analysis determines whether the change in consolidated total assets for an IDI between December 31, 2019, and June 30, 2020, might entail a change in compliance requirements for part 363 absent the interim final rule, assuming that the asset level at the end of the six-month period is representative of the ''beginning of the fiscal year'' period criteria for determining applicability of part 363, or its various elements.

The various thresholds included in part 363 and the potential effects of the temporary freeze in IDIs' total consolidated assets for determining compliance with the regulation's audit and reporting requirements are examined in the following section.

Threshold for Compliance With Part 363

Part 363 applies to any IDI with respect to any fiscal year in which its consolidated total assets as of the beginning of such fiscal year are $500 million or more. As of December 31, 2019, there were 5,177 IDIs, of which 1,453 IDIs were above the part 363 base threshold, which is $500 million or more in consolidated total assets.[21] As of June 30, 2020, this number had increased to 1,609 IDIs.[22] Therefore, assuming that the asset level as of June 30, 2020, would be representative of the ''beginning of the fiscal year'' period criteria for determining applicability of part 363 absent the IFR, 156 institutions would be likely to avoid costs associated with complying with this aspect of the rule.

According to §§ 363.2(b)(3) and 363.3(b), IDIs with consolidated total assets of $1 billion or more as of the beginning of their fiscal year are required to include an assessment by management of, and a report of the independent public accountant on, the effectiveness of internal control structures and procedures in their part 363 annual report. As of December 31, 2019, 796 IDIs were above the consolidated total asset threshold of $1 billion or more.[23] As of June 30, 2020, this number had increased to 903 IDIs.[24] Therefore, assuming that the asset level as of June 30, 2020 would be representative of the ''beginning of the fiscal year'' period criteria for determining the requirements of §§ 363.2(b) and 363.3(b), absent the IFR, 107 institutions would be likely to avoid costs associated with complying with this aspect of the rule.

According to § 363.5(b), IDIs with total assets of more than $3 billion as of the beginning of their fiscal year are required to have audit committee members with banking or related financial management expertise, who have access to their own outside counsel, and are not large customers of the institution. As of December 31, 2019, 315 IDIs were above the § 363.5(b) consolidated total asset threshold of more than $3 billion.[25] As of June 30, 2020, this number had increased to 342 IDIs.[26] Therefore, assuming that the asset level as of June 30, 2020, would be representative of the ''beginning of the fiscal year'' period criteria for determining the audit committee member requirements of § 363.5(b), absent the IFR, 27 institutions would be likely to avoid costs associated with complying with this aspect of the rule.

Summary

The IFR would not affect compliance obligations for IDIs that are bound by part 363 as of December 31, 2019. The number of entities that will avoid costs because of the IFR is likely to differ from the numbers suggested by this analysis because consolidated total asset levels are likely to continue to change throughout the remainder of calendar year 2020 and because compliance costs are likely to depend in part on IDIs' eligibility for part 363 compliance at the holding company level.[27] It is difficult to estimate regulatory compliance cost savings as a result of the IFR because such costs depend on the individual characteristics of institutions, the extent of their current audit and reporting activities, and the extent to which they avail themselves of this temporary reduction in compliance requirements, among other things.

Finally, the FDIC believes that the temporary relief provided by the IFR is unlikely to substantively affect the safety and soundness of affected IDIs because it only grants short-term temporary relief and IDIs would continue to be subject to any otherwise applicable statutory and regulatory audit and reporting requirements. The FDIC also maintains a number of other regulatory and supervisory tools to oversee the safety and soundness of IDIs.

IV. Alternatives Considered

The FDIC has considered alternatives to the rule, but believes the IFR represents the most appropriate option for covered institutions. The FDIC considered the status quo alternative of maintaining part 363 in its current form, but believes that the challenges for IDIs associated with the COVID–19 pandemic, and costs to comply with the rule for IDIs with temporary asset growth, necessitate targeted and time-limited relief from the application of part 363 requirements. Finally, and as previously discussed, the temporary relief granted to certain IDIs by the IFR, is unlikely to negatively affect the safety and soundness of IDIs. Therefore, the FDIC believes it is appropriate to grant IDIs this temporary relief.

V. Administrative Law Matters

A. Administrative Procedure Act

The FDIC is issuing the interim final rule without prior notice and the

[21] Call Report Data, December 2019.

[22] Call Report Data, June 2020.

[23] Call Report Data, December 2019.

[24] Call Report Data, June 2020.

[25] Call Report Data, December 2019.

[26] Call Report Data, June 2020.

[27] Regulations regarding the compliance by subsidiaries of holding companies are set forth in 12 CFR 363.1(b).

opportunity for public comment and the delayed effective date ordinarily prescribed by the Administrative Procedure Act (APA).[28]

Pursuant to section 553(b)(B) of the APA, general notice and the opportunity for public comment are not required with respect to a rulemaking when an ''agency for good cause finds (and incorporates the finding and a brief statement of reasons therefor in the rules issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest.'' [29] The FDIC believes that the public interest is best served by implementing the interim final rule immediately upon publication in the **Federal Register**.

As discussed above, the spread of COVID–19 has slowed economic activity in many countries, including the United States. Specifically, the disruptions in financial markets have caused depository institutions to receive inflows of deposits—contributing to the increase of deposits at Federal Reserve Banks—and to hold significant amounts of Treasuries. Because the interim final rule will mitigate a potential additional compliance burden and expense for financial institutions participating in Federal government programs intended to ease financial disruptions, the FDIC finds there is good cause consistent with the public interest to issue the rule without advance notice and comment.

The APA also requires a 30-day delayed effective date, except for (1) substantive rules, which grant or recognize an exemption or relieve a restriction; (2) interpretative rules and statements of policy; or (3) as otherwise provided by the agency for good cause.[30] Because the interim final rule will provide a temporary exemption and relief to affected IDI, the interim final rule is exempt from the APA's delayed effective date requirement.[31] While the FDIC believes that there is good cause to issue this interim final rule without advance notice and comment and with an immediate effective date, the FDIC is interested in the views of the public and request comment on all aspects of the interim final rule.

B. Congressional Review Act

For purposes of Congressional Review Act, the OMB makes a determination as to whether a final rule constitutes a ''major'' rule.[32] If a rule is deemed a ''major rule'' by the Office of Management and Budget (OMB), the Congressional Review Act generally provides that the rule may not take effect until at least 60 days following its publication.[33] The Congressional Review Act defines a ''major rule'' as any rule that the Administrator of the Office of Information and Regulatory Affairs of the OMB finds has resulted in or is likely to result in (A) an annual effect on the economy of $100,000,000 or more; (B) a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies or geographic regions, or (C) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States–based enterprises to compete with foreign-based enterprises in domestic and export markets.[34] For the same reasons set forth above, the FDIC is adopting the interim final rule without the delayed effective date generally prescribed under the Congressional Review Act. The delayed effective date required by the Congressional Review Act does not apply to any rule for which an agency for good cause finds (and incorporates the finding and a brief statement of reasons therefor in the rule issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest.[35] In light of current market uncertainty and the need for IDIs to prepare an audit plan in advance of the beginning of their fiscal years, the FDIC believes that delaying the effective date would be contrary to the public interest. As required by the Congressional Review Act, the FDIC will submit the final rule and other appropriate reports to Congress and the Government Accountability Office for review.

C. Paperwork Reduction Act

In accordance with the requirements of the Paperwork Reduction Act of 1995 (PRA), the FDIC may not conduct or sponsor, and a respondent is not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number. The FDIC has reviewed this interim final rule and determined that it would not introduce any new or revise any collection of information pursuant to the PRA. Therefore, no submissions will be made to OMB for review.

D. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) [36] requires an agency to consider whether the rules it proposes will have a significant economic impact on a substantial number of small entities.[37] The RFA applies only to rules for which an agency publishes a general notice of proposed rulemaking pursuant to 5 U.S.C. 553(b). As discussed previously, consistent with section 553(b)(B) of the APA, the FDIC has determined for good cause that general notice and opportunity for public comment is unnecessary, and therefore the FDIC is not issuing a notice of proposed rulemaking. Accordingly, the RFA's requirements relating to initial and final regulatory flexibility analysis do not apply. Nevertheless, the FDIC seeks comment on whether, and the extent to which, the interim final rule would affect a significant number of small entities.

E. Riegle Community Development and Regulatory Improvement Act of 1994

Pursuant to section 302(a) of the Riegle Community Development and Regulatory Improvement Act (RCDRIA),[38] in determining the effective date and administrative compliance requirements for new regulations that impose additional reporting, disclosure, or other requirements on IDIs, each Federal banking agency must consider, consistent with the principle of safety and soundness and the public interest, any administrative burdens that such regulations would place on depository institutions, including small depository institutions, and customers of depository institutions, as well as the benefits of such regulations. In addition, section 302(b) of RCDRIA requires new regulations and amendments to regulations that impose additional reporting, disclosures, or other new requirements on IDIs generally to take effect on the first day of a calendar quarter that begins on or after the date on which the regulations are published in final form, with certain exceptions, including for good cause.[39]

For the reasons described above, the FDIC finds that good cause exists under section 302 of RCDRIA to publish this interim final rule with an immediate effective date. As such, the final rule

[28] 5 U.S.C. 553.

[29] 5 U.S.C. 553(b)(B).

[30] 5 U.S.C. 553(d).

[31] 5 U.S.C. 553(d)(1).

[32] 5 U.S.C. 801 *et seq.*

[33] 5 U.S.C. 801(a)(3).

[34] 5 U.S.C. 804(2).

[35] 5 U.S.C. 808.

[36] 5 U.S.C. 601 *et seq.*

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

[38] 12 U.S.C. 4802(a).

[39] 12 U.S.C. 4802.

will be effective immediately upon publication in the **Federal Register**. Nevertheless, the FDIC seeks comment on RCDRIA.

F. Use of Plain Language

Section 722 of the Gramm-Leach Bliley Act [40] requires the Federal banking agencies to use plain language in all proposed and final rules published after January 1, 2000. The FDIC has sought to present the interim final rule in a simple and straightforward manner. The FDIC invites comments on whether there are additional steps it could take to make the rule easier to understand. For example:

- Has the FDIC organized the material to suit your needs? If not, how could this material be better organized?
- Are the requirements in the regulation clearly stated? If not, how could the regulation be more clearly stated?
- Does the regulation contain language or jargon that is not clear? If so, which language requires clarification?
- Would a different format (grouping and order of sections, use of headings, paragraphing) make the regulation easier to understand? If so, what changes to the format would make the regulation easier to understand? What else could we do to make the regulation easier to understand?

List of Subjects in 12 CFR Part 363

Accounting, Administrative practice and procedure, Banks, banking, Reporting and recordkeeping requirements.

Authority and Issuance

For the reasons stated in the preamble, the FDIC amends part 363 of chapter 1 of title 12, Code of Federal Regulations, as follows:

PART 363—ANNUAL INDEPENDENT AUDITS AND REPORTING REQUIREMENTS

■ 1. The authority citation for part 363 is revised to read as follows:

Authority: 12 U.S.C. 1819, 1831m.

■ 2. Revise § 363.1(a) to read as follows:

§ 363.1 Scope and definitions.

(a) *Applicability.* (1) This part applies to any insured depository institution with respect to any fiscal year in which its consolidated total assets as of the beginning of such fiscal year are $500 million or more. Notwithstanding the foregoing and for all requirements in this part, with respect to any fiscal year ending in 2021, an insured depository institution's consolidated total assets shall be determined based on the lesser of (a) an insured depository institution's consolidated total assets as of December 31, 2019, or (b) an insured depository institution's consolidated total assets as of the beginning of its fiscal year ending in 2021. The requirements specified in this part are in addition to any other statutory and regulatory requirements otherwise applicable to an insured depository institution.

(2) Until December 31, 2021, the FDIC reserves the authority to require an insured depository institution to comply with one or more requirements under this part if the FDIC determines that asset growth was related to a merger or acquisition.

* * * * *

Federal Deposit Insurance Corporation.

By order of the Board of Directors.

Dated at Washington, DC, on October 20, 2020.

James P. Sheesley,

Assistant Executive Secretary.

[FR Doc. 2020–23630 Filed 10–21–20; 4:15 pm]

BILLING CODE 6714–01–P

[40] 12 U.S.C. 4809.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. FAA–2020–0934; Special Conditions No. 25–775–SC]

Special Conditions: Archeion Holdings, LLC, Boeing Model No. 737–300, –400, –700, –800, –8, and –9 Series Airplanes; Electronic-System Security Protection From Unauthorized External Access

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions; request for comments.

SUMMARY: These special conditions are issued for Boeing Model 737–300, –400, –700, –800, –8, and –9 series airplanes. These airplanes, as modified by Archeion Holdings, LLC (Archeion), will have a novel or unusual design feature when compared to the state of technology envisioned in the airworthiness standards for transport-category airplanes. This design feature is a digital systems architecture for the installation of a system with wireless network and hosted application functionality that allows access from external sources to the airplane's internal electronic components. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature. These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

DATES: This action is effective on Archeion on October 23, 2020. Send comments on or before December 7, 2020.

ADDRESSES: Send comments identified by Docket No. FAA–2020–0934 using any of the following methods:

- *Federal eRegulations Portal:* Go to *http://www.regulations.gov/* and follow the online instructions for sending your comments electronically.
- *Mail:* Send comments to Docket Operations, M–30, U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE, Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- *Fax:* Fax comments to Docket Operations at 202–493–2251.

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

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

FOR FURTHER INFORMATION CONTACT: Varun Khanna, Airplane and Flight Crew Interface Section, AIR–671, Transport Standards Branch, Policy and Innovation Division, Aircraft Certification Service, Federal Aviation Administration, 2200 South 216th Street, Des Moines, Washington 98198;

telephone and fax 206–231–3159; email *Varun.Khanna@faa.gov.*

SUPPLEMENTARY INFORMATION: The substance of these special conditions has been published in the **Federal Register** for public comment in several prior instances with no substantive comments received. Therefore, the FAA finds, pursuant to 14 CFR 11.38(b), that new comments are unlikely, and notice and comment prior to this publication are unnecessary.

Comments Invited

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

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

Background

On March 25, 2020, Archeion applied for a change to Type Certificate No. A16WE for the installation of an Avionica avWiFi system with wireless network and hosted application functionality in Boeing Model 737–300, –400, –700, –800, –8, and –9 series airplanes. These airplanes, which are currently approved under Type Certificate No. A16WE, are twin-engine, transport-category airplanes, with a maximum takeoff weight between 138,500 and 194,690 pounds, and a maximum passenger capacity of 220 passengers.

Type Certification Basis

Under the provisions of title 14, Code of Federal Regulations (14 CFR) 21.101, Archeion must show that the Boeing Model 737–300, –400, –700, –800, –8, and –9 series airplanes, as changed, continue to meet the applicable provisions of the regulations listed in Type Certificate No. A16WE, or the applicable regulations in effect on the date of application for the change, except for earlier amendments as agreed upon by the FAA.

If the Administrator finds that the applicable airworthiness regulations (*e.g.,* 14 CFR part 25) do not contain adequate or appropriate safety standards for the Boeing Model 737–300, –400, –700, –800, –8, and –9 series airplanes because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.16.

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

In addition to the applicable airworthiness regulations and special conditions, the Boeing Model 737 series airplane must comply with the fuel-vent and exhaust-emission requirements of 14 CFR part 34, and the noise-certification requirements of 14 CFR part 36.

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

Novel or Unusual Design Feature

The Boeing Model 737–300, –400, –700, –800, –8, and –9 series airplanes will incorporate the following novel or unusual design feature:

A digital systems architecture for the installation of a system with wireless network and hosted application functionality that allows access from external sources to the airplane's internal electronic components.

Discussion

The digital systems architecture for the installation of an Avionica avWiFi system with wireless network and hosted application functionality on these Boeing model 737 airplanes is a novel or unusual design feature for transport-category airplanes because it is composed of several connected networks. This proposed network architecture is used for a diverse set of airplane functions, including:

- Flight-safety related control and navigation systems
- airline business and administrative support
- passenger entertainment, and
- access by systems external to the airplane.

The airplane-control domain and airline information-services domain of these networks perform functions required for the safe operation and maintenance of the airplane. Previously, these domains had very limited connectivity with external network sources. This network architecture creates a potential for unauthorized persons to access the airplane-control domain and airline information-services domain from sources external to the airplane, and presents security vulnerabilities related to the introduction of computer viruses and worms, user errors, and intentional sabotage of airplane electronic assets (networks, systems, and databases) critical to the safety and maintenance of the airplane.

The existing FAA regulations did not anticipate these networked airplane system architectures. Furthermore, these regulations and the current guidance material do not address potential security vulnerabilities, which could be exploited by unauthorized access to airplane networks, data buses, and servers. Therefore, these special conditions ensure that the security (*i.e.,* confidentiality, integrity, and availability) of airplane systems will not be compromised by unauthorized wired or wireless electronic connections. This includes ensuring that the security of the airplane's systems is not compromised during maintenance of the airplane's electronic systems. These special conditions also require the applicant to provide appropriate instructions to the operator to maintain all electronic-system safeguards that have been implemented as part of the original network design so that this feature does not allow or reintroduce security threats.

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

Applicability

As discussed above, these special conditions are applicable to Boeing Model 737–300, –400, –700, –800, –8, and –9 series airplanes as modified by Archeion. Should Archeion apply at a later date for a supplemental type certificate to modify any other model included on Type Certificate No. A16WE to incorporate the same novel or unusual design feature, these special conditions would apply to that model as well.

Conclusion

This action affects only a certain novel or unusual design feature on Boeing Model 737–300, –400, –700, –800, –8, and –9 series airplanes as modified by Archeion. It is not a rule of general applicability and affects only the applicant.

List of Subjects in 14 CFR Part 25

Aircraft, Aviation safety, Reporting and recordkeeping requirements.

Authority Citation

The authority citation for these special conditions is as follows:

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

The Special Conditions

Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued as part of the type certification basis for Boeing Model 737–300, –400, –700, –800, –8, and –9 series airplanes as modified by Archeion Holdings, LLC, for airplane electronic-system security protection from unauthorized external access.

1. The applicant must ensure airplane electronic-system security protection from access by unauthorized sources external to the airplane, including those possibly caused by maintenance activity.

2. The applicant must ensure that electronic-system security threats are identified and assessed, and that effective electronic-system security protection strategies are implemented to protect the airplane from all adverse impacts on safety, functionality, and continued airworthiness.

3. The applicant must establish appropriate procedures to allow the operator to ensure that continued airworthiness of the airplane is maintained, including all post-type-certification modifications that may have an impact on the approved electronic-system security safeguards.

Issued in Des Moines, Washington, on October 5, 2020.

James E. Wilborn,

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

[FR Doc. 2020–22356 Filed 10–22–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. FAA–2020–0933; Special Conditions No. 25–774–SC]

Special Conditions: Archeion Holdings, LLC, Boeing Model No. 737–300, –400, –700, –800, –8, and –9 Series Airplanes; Electronic-System Security Protection From Unauthorized Internal Access

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions; request for comments.

SUMMARY: These special conditions are issued for Boeing Model 737–300, –400, –700, –800, –8, and –9 series airplanes. These airplanes, as modified by Archeion Holdings, LLC (Archeion), will have a novel or unusual design feature when compared to the state of technology envisioned in the airworthiness standards for transport category airplanes. This design feature is a digital systems architecture for the installation of a system with wireless network and hosted application functionality that allows access, from sources internal to the airplane, to the airplane's internal electronic components. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature. These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

DATES: This action is effective on Archeion on October 23, 2020. Send comments on or before December 7, 2020.

ADDRESSES: Send comments identified by Docket No. FAA–2020–0933 using any of the following methods:

- *Federal eRegulations Portal:* Go to *http://www.regulations.gov/* and follow the online instructions for sending your comments electronically.
- *Mail:* Send comments to Docket Operations, M–30, U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE, Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- *Fax:* Fax comments to Docket Operations at 202–493–2251.

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

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

FOR FURTHER INFORMATION CONTACT: Varun Khanna, Airplane and Flight Crew Interface Section, AIR–671, Transport Standards Branch, Policy and Innovation Division, Aircraft Certification Service, Federal Aviation Administration, 2200 South 216th Street, Des Moines, Washington 98198; telephone and fax 206–231–3159; email *Varun.Khanna@faa.gov.*

SUPPLEMENTARY INFORMATION: The substance of these special conditions has been published in the **Federal Register** for public comment in several prior instances with no substantive comments received. Therefore, the FAA finds, pursuant to 14 CFR 11.38(b), that new comments are unlikely and public notice and comment prior to this publication are unnecessary.

Comments Invited

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

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

Background

On March 25, 2020, Archeion applied for a change to Type Certificate No. A16WE for the installation of an Avionica avWIFI system with wireless network and hosted application functionality in Boeing Model 737–300, –400, –700, –800, –8, and –9 series airplanes. These airplanes, currently approved under Type Certificate No. A16WE, are twin-engine, transport category airplanes, with a maximum takeoff weight between 138,500 and 194,690 pounds, and a maximum passenger capacity of 220 persons.

Type Certification Basis

Under the provisions of title 14, Code of Federal Regulations (14 CFR) 21.101, Archeion must show that the Boeing Model 737–300, –400, –700, –800, –8, and –9 series airplanes, as changed, continue to meet the applicable provisions of the regulations listed in Type Certificate No. A16WE or the applicable regulations in effect on the date of application for the change,

except for earlier amendments as agreed upon by the FAA.

If the Administrator finds that the applicable airworthiness regulations (*e.g.,* 14 CFR part 25) do not contain adequate or appropriate safety standards for the Boeing Model 7737–300, –400, –700, –800, –8, and –9 series airplanes because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.16.

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

In addition to the applicable airworthiness regulations and special conditions, the Boeing Model 737 series airplane must comply with the fuel vent and exhaust emission requirements of 14 CFR part 34 and the noise certification requirements of 14 CFR part 36.

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

Novel or Unusual Design Feature

The Boeing Model 737–300, –400, –700, –800, –8, and –9 series airplanes will incorporate the following novel or unusual design feature:

A digital systems architecture for the installation of a system with wireless network and hosted application functionality that allows access, from sources internal to the airplane, to the airplane's internal electronic components.

Discussion

The digital systems architecture for the installation of an Avionica avWiFi system with wireless network and hosted application functionality on these Boeing Model 737 airplanes is a novel or unusual design feature for transport category airplanes because it is composed of several connected networks. This proposed network architecture is used for a diverse set of airplane functions, including:

- Flight-safety related control and navigation systems,
- airline business and administrative support, and
- passenger entertainment.

The airplane control domain and airline information-services domain of these networks perform functions required for the safe operation and maintenance of the airplane. Previously, these domains had very limited connectivity with other network sources. This network architecture creates a potential for unauthorized persons to access the aircraft control domain and airline information-services domain from sources internal to the airplane, and presents security vulnerabilities related to the introduction of computer viruses and worms, user errors, and intentional sabotage of airplane electronic assets (networks, systems, and databases) critical to the safety and maintenance of the airplane.

The existing FAA regulations did not anticipate these networked airplane system architectures. Furthermore, these regulations and the current guidance material do not address potential security vulnerabilities, which could be exploited by unauthorized access to airplane networks, data buses, and servers. Therefore, these special conditions ensure that the security (*i.e.,* confidentiality, integrity, and availability) of airplane systems will not be compromised by unauthorized wired or wireless electronic connections from within the airplane. These special conditions also require the applicant to provide appropriate instructions to the operator to maintain all electronic-system safeguards that have been implemented as part of the original network design so that this feature does not allow or reintroduce security threats.

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

Applicability

As discussed above, these special conditions are applicable to Boeing Model 737–300, –400, –700, –800, –8, and –9 series airplanes. Should Archeion apply at a later date for a supplemental type certificate to modify any other model included on Type Certificate No. A16WE to incorporate the same novel or unusual design feature, these special conditions would apply to that model as well.

Conclusion

This action affects only a certain novel or unusual design feature on Boeing Model 737–300, –400, –700, –800, –8, and –9 series airplanes. It is not a rule of general applicability and affects only the applicant.

List of Subjects in 14 CFR Part 25

Aircraft, Aviation safety, Reporting and recordkeeping requirements.

Authority Citation

The authority citation for these special conditions is as follows:

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

The Special Conditions

Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued as part of the type certification basis for Boeing Model 737–300, –400, –700, –800, –8, and –9 series airplanes, as modified by Archeion Holdings, LLC, for airplane electronic-system security protection from unauthorized internal access.

1. The applicant must ensure that the design provides isolation from, or airplane electronic-system security protection against, access by unauthorized sources internal to the airplane. The design must prevent inadvertent and malicious changes to, and all adverse impacts upon, airplane equipment, systems, networks, or other assets required for safe flight and operations.

2. The applicant must establish appropriate procedures to allow the operator to ensure that continued airworthiness of the aircraft is maintained, including all post type certification modifications that may have an impact on the approved electronic-system security safeguards.

Issued in Des Moines, Washington, on October 5, 2020.

James E. Wilborn,

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

[FR Doc. 2020–22357 Filed 10–22–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. FAA–2020–0927; Special Conditions No. 25–776–SC]

Special Conditions: Chicago Jet Group, Dassault Aviation Model Falcon 900 Airplane; Rechargeable Lithium Batteries

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions; request for comments.

SUMMARY: These special conditions are issued for the Dassault Aviation (Dassault) Model Falcon 900 airplane. This airplane, as modified by Chicago Jet Group, will have a novel or unusual design feature when compared to the state of technology envisioned in the airworthiness standards for transport category airplanes. This design feature is Midcontinent Instrument TS835 Standby Batteries that contain rechargeable lithium batteries. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature. These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

DATES: This action is effective on Chicago Jet Group on October 23, 2020. Send comments on or before December 7, 2020.

ADDRESSES: Send comments identified by Docket No. FAA–2020–0927 using any of the following methods:

- *Federal eRegulations Portal:* Go to *http://www.regulations.gov/* and follow the online instructions for sending your comments electronically.
- *Mail:* Send comments to Docket Operations, M–30, U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE, Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- *Fax:* Fax comments to Docket Operations at 202–493–2251.

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

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

FOR FURTHER INFORMATION CONTACT: Nazih Khaouly, Airplane & Flight Crew Interface Section, AIR–671, Transport Standards Branch, Policy and Innovation Division, Aircraft Certification Service, Federal Aviation Administration, 2200 South 216th Street, Des Moines, Washington 98198; telephone and fax 206–231–3160; email *nazih.khaouly@faa.gov.*

SUPPLEMENTARY INFORMATION: The substance of these special conditions has been published in the **Federal Register** for public comment in several prior instances with no substantive comments received. Therefore, the FAA has determined that prior public notice and comment are unnecessary, and finds that, for the same reason, good cause exists for adopting these special conditions upon publication in the **Federal Register**.

Comments Invited

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

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

Background

On April 27, 2020, Chicago Jet Group applied for a supplemental type certificate to install, in the Dassault Model Falcon 900 airplane, Midcontinent Instrument TS835 Standby Batteries that contain rechargeable lithium batteries. The Dassault Model Falcon 900 airplane is a three-engine, transport category business jet, with capacity for 19 passengers, and a maximum takeoff weight of 45,500 lbs.

Type Certification Basis

Under the provisions of title 14, Code of Federal Regulations (14 CFR) 21.101, Chicago Jet Group must show that the Dassault Model Falcon 900 airplane, as changed, continues to meet the applicable provisions of the regulations listed in Type Certificate No. A46EU or the applicable regulations in effect on the date of application for the change, except for earlier amendments as agreed upon by the FAA.

If the Administrator finds that the applicable airworthiness regulations (*e.g.,* 14 CFR part 25) do not contain adequate or appropriate safety standards for the Dassault Model Falcon 900 airplane because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.16.

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

In addition to the applicable airworthiness regulations and special conditions, the Dassault Model Falcon 900 airplane must comply with the fuel vent and exhaust emission requirements of 14 CFR part 34, and the noise certification requirements of 14 CFR part 36.

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

Novel or Unusual Design Features

The Dassault Model Falcon 900 airplane will incorporate the following novel or unusual design features:

Midcontinent Instrument TS835 Standby Batteries that contain rechargeable lithium batteries.

Discussion

Rechargeable lithium batteries are considered to be a novel or unusual design feature in transport category airplanes, with respect to the requirements in § 25.1353. This type of battery has certain failure, operational, and maintenance characteristics that differ significantly from those of the nickel-cadmium and lead-acid rechargeable batteries currently approved for installation on transport category airplanes. These batteries introduce higher energy levels into airplane systems through new chemical compositions in various battery-cell sizes and construction. Interconnection of these cells in battery packs introduces failure modes that require unique design considerations, such as provisions for thermal management.

Known uses of rechargeable and non-rechargeable lithium batteries on airplanes include:

- Flightdeck and avionics systems such as displays, global positioning systems, cockpit voice recorders, flight data recorders, underwater-locator-beacons, navigation computers,

integrated avionics computers, satellite network/communication systems, communication management units, and remote monitor electronic line replaceable units;

• Cabin safety, entertainment and communications equipment including emergency locator transmitters, life rafts, escape slides, seat belt air bags, cabin management systems, Ethernet switches, routers and media servers, wireless systems, internet/in-flight entertainment systems, satellite televisions, remotes and handsets; and

• Systems in cargo areas including door controls, sensors, video surveillance equipment and security systems.

Special Condition 1 requires that each individual cell within a battery be designed to maintain safe temperatures and pressures. Special Condition 2 addresses these same issues but for the entire battery. Special Condition 2 requires that the battery be designed to prevent propagation of a thermal event, such as self-sustained, uncontrolled increases in temperature or pressure from one cell to adjacent cells.

Special Conditions 1 and 2 are intended to ensure that the cells and battery are designed to eliminate the potential for uncontrollable failures. However, a certain number of failures will occur due to various factors beyond the control of the designer. Therefore, other special conditions are intended to protect the airplane and its occupants if failure occurs.

Special Conditions 3, 7, and 8 are self-explanatory, and the FAA does not provide further explanation for them at this time.

Special Condition 4 clarifies that the flammable-fluid fire-protection requirements of § 25.863 apply to rechargeable lithium battery installations. Section 25.863 is applicable to areas of the airplane that could be exposed to flammable fluid leakage from airplane systems. Rechargeable lithium batteries contain electrolyte that is a flammable fluid.

Special Condition 5 requires each rechargeable lithium battery installation to not damage surrounding structure or adjacent systems, equipment, or electrical wiring from corrosive fluids or gases that may escape in such a way as to cause a major or more severe failure condition. Special Condition 6 requires each rechargeable lithium battery installation to have provisions to prevent any hazardous effect on airplane structure or systems caused by the maximum amount of heat it can generate due to any failure of it or its individual cells. The means of meeting special conditions 5 and 6 may be the same, but they are independent requirements addressing different hazards. Special Condition 5 addresses corrosive fluids and gases, whereas special condition 6 addresses heat.

Special Condition 9 requires rechargeable lithium batteries to have ''automatic'' means, for charge rate and disconnect, due to the fast-acting nature of lithium battery chemical reactions. Manual intervention would not be timely or effective in mitigating the hazards associated with these batteries.

These special conditions apply to all rechargeable lithium battery installations in lieu of § 25.1353(b)(1) through (4) at Amendment 25–123 or § 25.1353(c)(1) through (4) at earlier amendments. Those regulations remain in effect for other battery installations.

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

Applicability

As discussed above, these special conditions are applicable to the Dassault Model Falcon 900 airplane. Should Chicago Jet Group apply at a later date for a supplemental type certificate to modify any other model included on Type Certificate No. A46EU to incorporate the same novel or unusual design feature, these special conditions would apply to that model as well.

Conclusion

This action affects only a certain novel or unusual design feature on one model of airplane, as modified by Chicago Jet Group. It is not a rule of general applicability and affects only the applicant who applied to the FAA for approval of this feature on the airplane.

List of Subjects in 14 CFR Part 25

Aircraft, Aviation safety, Reporting and recordkeeping requirements.

Authority Citation

The authority citation for these special conditions is as follows:

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

The Special Conditions

Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued as part of the type certification basis for Dassault Model Falcon 900 airplanes, as modified by Chicago Jet Group.

In lieu of § 25.1353(b)(1) through (b)(4) at amendment 25–123 or § 25.1353(c)(1) through (c)(4) at earlier amendments, each rechargeable lithium battery installation must:

1. Be designed to maintain safe cell temperatures and pressures under all foreseeable operating conditions to prevent fire and explosion.

2. Be designed to prevent the occurrence of self-sustaining, uncontrollable increases in temperature or pressure, and automatically control the charge rate of each cell to protect against adverse operating conditions, such as cell imbalance, back charging, overcharging and overheating.

3. Not emit explosive or toxic gases, either in normal operation or as a result of its failure, that may accumulate in hazardous quantities within the airplane.

4. Meet the requirements of § 25.863.

5. Not damage surrounding structure or adjacent systems, equipment, or electrical wiring from corrosive fluids or gases that may escape in such a way as to cause a major or more-severe failure condition.

6. Have provisions to prevent any hazardous effect on airplane structure or systems caused by the maximum amount of heat it can generate due to any failure of it or its individual cells.

7. Have a failure sensing and warning system to alert the flightcrew if its failure affects safe operation of the airplane.

8. Have a monitoring and warning feature that alerts the flightcrew when its charge state falls below acceptable levels if its function is required for safe operation of the airplane.

9. Have a means to automatically disconnect from its charging source in the event of an over-temperature condition, cell failure, or battery failure.

Note: A battery system consists of the battery, battery charger, and any protective monitoring and alerting circuitry or hardware inside or outside of the battery. It also includes vents (where necessary) and packaging. For the purpose of these special conditions, a battery and the battery system is referred to as a battery.

Issued in Des Moines, Washington, on October 7, 2020.

James E. Wilborn,

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

[FR Doc. 2020–22618 Filed 10–22–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. FAA–2019–0329, Special Conditions No. 25–760–SC]

Special Conditions: The Boeing Company Model 777–9 Series Airplane; Interior Design To Facilitate Searches Above Passenger Cabin High Wall Suites

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions; correction.

SUMMARY: The FAA is correcting an error that appeared in the **Federal Register** on March 5, 2020, for Special Conditions No. 25–760–SC, Docket No. FAA–2019–0329. In that document, the final special conditions text is incorrect and this document now posts the correct text.

DATES: This correction is effective on October 23, 2020.

FOR FURTHER INFORMATION CONTACT: Shannon Lennon, Airframe and Cabin Safety Section, AIR–675, Transport Standards Branch, Policy and Innovation Division, Aircraft Certification Service, Federal Aviation Administration, 2200 South 216th Street, Des Moines, Washington 98198; telephone and fax 206–231–3209; email *shannon.lennon@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

On February 14, 2020, the FAA issued Special Conditions No. 25–760–SC, under Docket No. FAA–2019–0329. Those special conditions were published in the **Federal Register** on March 5, 2020, (85 FR 12864). Those special conditions pertain to passenger cabins with high wall suites (HWS) for The Boeing Company Model 777–9 series airplane, which is a derivative of the Model 777–300ER airplane currently approved under Type Certificate No. T00001SE.

A special condition paragraph to that document published with incorrect text in condition No. 1. As published, the first special conditions paragraph stated that there should be no hazards to a person performing a physical search above the high wall suites (*e.g.,* no hot surfaces, no sharp edges, and no corners). There are no substantive changes to the document as it is apparent that a corner is inherently not a hazard in and of itself. However, a sharp corner could be. It is evident that the text should have included corner as modified by sharp not just corner itself; otherwise all corners would be considered hazardous. Therefore, the text should have read: ''The area above each HWS must be designed such that there should be no hazards to a person performing a physical search above the HWS (*e.g.,* no hot surfaces, no sharp edges or corners)'' from the beginning.

Correction

In Special Conditions No. 25–760–SC, published in the **Federal Register** on March 5, 2020, (85 FR 12864), FR Doc. 2020–03474, on page 12865, in the second column, correct the first special conditions paragraph to read as follows:

1. The area above each HWS must be designed such that there should be no hazards to a person performing a physical search above the HWS (*e.g.,* no hot surfaces, no sharp edges or corners).

Issued in Des Moines, Washington, on October 7, 2020.

James E. Wilborn,

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

[FR Doc. 2020–22567 Filed 10–22–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2020–0512; Airspace Docket No. 20–AGL–10]

RIN 2120–AA66

Establishment of Area Navigation (RNAV) Routes T–301 and T–305; Northcentral United States

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes area navigation (RNAV) routes T–301 and T–305 in the northcentral United States. The new RNAV routes expand the availability of RNAV routing in support of transitioning the National Airspace System (NAS) from ground-based to satellite-based navigation. Additionally, a portion of the new RNAV routes provide enroute structure where VHF Omnidirectional Range (VOR) Federal airway segments were removed due to the Cape Girardeau, MO, VOR being decommissioned in support of the FAA's VOR Minimum Operational Network (MON) program.

DATES: Effective date 0901 UTC, December 31, 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 7400.11E, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at *https://www.faa.gov/air_traffic/publications/.* For further information, you can contact the 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: 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 for Docket No. FAA–2020–0512 in the **Federal Register** (85 FR 36172; June 15, 2020), establishing T–301 and T–305 to expand the availability of RNAV routing in support of transitioning the NAS from ground-based to satellite-based navigation. Additionally, portions of the new RNAV routes provide enroute structure where VHF Omnidirectional Range (VOR) Federal airway segments were removed due to the Cape

Girardeau, MO, VOR being decommissioned in support of the FAA's VOR Minimum Operational Network (MON) program. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal. No substantive comments were received.

United States RNAV T-routes are published in paragraph 6011 of FAA Order 7400.11E dated July 21, 2020, and effective September 15, 2020, which is incorporated by reference in 14 CFR 71.1. The RNAV T-routes listed in this document will be subsequently published in the Order.

Availability and Summary of Documents for Incorporation by Reference

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

The Rule

The FAA is amending title 14 Code of Federal Regulations (14 CFR) part 71 to establish RNAV routes T–301 and T–305. The new T-routes are described below.

T–301: T–301 is a new RNAV route that extends between the Cape Girardeau, MO, DME and the Peoria, IL, VORTAC. This T-route provides enroute routing in place of the recently removed V–313 airway segment between the Cape Girardeau, MO, DME and the Centralia, IL, VORTAC; routing adjacent to VOR Federal airway V–67 between the Centralia, IL, VORTAC and the Spinner, IL, VORTAC; and routing over VOR Federal airway V–129 between the Spinner, IL, VORTAC and the Peoria, IL, VORTAC.

T–305: T–305 is a new RNAV route that extends between the Cape Girardeau, MO, DME and the JIBKA, IN, waypoint. This T-route provides enroute routing adjacent to and slightly beyond the recently removed VOR Federal airway V–125 between the Cape Girardeau, MO, DME and the NIKEL fix; routing to transition northeastward to the TYMME, IL, waypoint (new) located near the Vandalia, IL, VORTAC; and routing adjacent to VOR Federal airway V–14 between the Vandalia, IL, VORTAC and the Terra Haute, IN, VORTAC to the JIBKA, IN, waypoint located approximately one nautical mile northwest of the Terra Haute VORTAC.

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 establishing RNAV routes T–301 and T305, to expand the availability of RNAV routing in support of transitioning the NAS from ground-based to satellite-based navigation, 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 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, is amended as follows:

Paragraph 6011 United States Area Navigation Routes.

* * * * *

* * * * *

T–301 Cape Girardeau, MO (CGI) to Peoria, IL (PIA) [New]

Cape Girardeau, MO (CGI)	DME	(Lat. 37°13′39.14″ N, long. 089°34′20.68″ W)
Centralia, IL (ENL)	VORTAC	(Lat. 38°25′12.00″ N, long. 089°09′32.39″ W)
TYMME, IL	WP	(Lat. 39°05′38.35″ N, long. 089°09′43.71″ W)
Spinner, IL (SPI)	VORTAC	(Lat. 39°50′23.04″ N, long. 089°40′39.85″ W)
Peoria, IL (PIA)	VORTAC	(Lat. 40°40′48.25″ N, long. 089°47′33.91″ W)

* * * * *

T–305 Cape Girardeau, MO (CGI) to JIBKA, IN [New]

Cape Girardeau, MO (CGI)	DME	(Lat. 37°13′39.14″ N, long. 089°34′20.68″ W)
AMART, IL	WP	(Lat. 38°11′06.83″ N, long. 089°47′24.15″ W)
TYMME, IL	WP	(Lat. 39°05′38.35″ N, long. 089°09′43.71″ W)
DELCO, IL	WP	(Lat. 39°21′22.57″ N, long. 087°54′39.56″ W)

JIBKA, IN	WP	(Lat. 39°30′08.93″ N, long. 087°16′26.74″ W)

* * * * *

Issued in Washington, DC, on October 14, 2020.

Scott M. Rosenbloom,

Acting Manager, Rules and Regulations Group.

[FR Doc. 2020–23081 Filed 10–22–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2020–0660; Airspace Docket No. 20–AEA–12]

RIN 2120–AA66

Amendment of Class E Airspace; Petersburg, WV

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends Class E airspace extending upward from 700 feet above the surface at Grant County Airport, Petersburg, WV, due to the decommissioning of the Kessel Very High Frequency Omnidirectional Range/Distance Measuring Equipment (VOR/DME) and cancellation of associated approaches. Controlled airspace is necessary for the safety and management of instrument flight rules (IFR) operations in the area. This action also updates the airport's geographic coordinates.

DATES: Effective 0901 UTC, December 31, 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 7400.11E, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at *http://www.faa.gov/air_traffic/publications/.* For further information, you can contact the Airspace Policy Group, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; Telephone: (202) 267–8783. The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of FAA Order 7400.11E at NARA, email *fedreg.legal@nara.gov* or go to *https://www.archives.gov/federal-register/cfr/ibr-locations.html.*

FOR FURTHER INFORMATION CONTACT: John Fornito, Operations Support Group, Eastern Service Center, Federal Aviation Administration, 1701 Columbia Ave., College Park, GA 30337; telephone (404) 305–6364.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rule regarding aviation safety is found in title 49 of the United States Code. Subtitle I, section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in subtitle VII, part A, subpart I, section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it amends Class E airspace at Grant County Airport, Petersburg, WV, to support IFR operations in the area.

History

The FAA published a notice of prosed rulemaking in the **Federal Register** (85 FR 47321, August 5, 2020) for Docket No. FAA–2020–0660 to amend Class E airspace extending upward from 700 feet above the surface at Grant County Airport, Petersburg, WV, from a 6.3-mile radius to a 14.2-mile radius. In addition, the FAA proposed to update the geographic coordinates of the airport to coincide with the FAA's aeronautical database.

Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

Class E airspace designations are published in Paragraph 6005, of FAA Order 7400.11E, dated July 21, 2020, and effective September 15, 2020, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document will be published subsequently in the Order.

Availability and Summary of Documents for Incorporation by Reference

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

The Rule

This amendment to title 14 Code of Federal Regulations (14 CFR) part 71 amends Class E airspace extending upward from 700 feet above the surface at Grant County Airport, Petersburg, WV, by eliminating two extensions, and increasing the radius from 6.3 miles to 14.2 miles. In addition, the FAA updates the geographic coordinates of the airport to coincide with the FAA's aeronautical database. These changes are necessary for continued safety and management of IFR operations in the area.

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 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 an air navigation, it is certified that this rule, when promulgated, does not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1F, ''Environmental Impacts: Policies and Procedures,'' paragraph 5–6.5a. This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant preparation of an environmental assessment.

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

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

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

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

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, effective September 15, 2020, is amended as follows:

Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.

* * * * *

AEA WV E5 Petersburg, WV [Amended]

Grant County Airport, WV
(Lat. 38°59′42″ N, long. 79°08′45″ W)

That airspace extending upward from 700 feet above the surface within a 14.2-mile radius of Grant County Airport.

Issued in College Park, Georgia, on October 13, 2020.

Andreese C. Davis,

Manager, Airspace & Procedures Team South, Eastern Service Center, Air Traffic Organization.

[FR Doc. 2020–23028 Filed 10–22–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2020–0135; Airspace Docket No. 19–ANM–17]

RIN 2120–AA66

Amendment of Air Traffic Service (ATS) Route V–187 Due to the Decommissioning of the McChord, WA, VOR

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends the domestic VHF Omnidirectional Range (VOR) Federal airway V–187 in the western United States. The FAA is taking this action due to the decommissioning of the McChord, WA, VOR portion of the VOR/Tactical Air Navigation (VORTAC) navigation aid (NAVAID), which provides navigation guidance for portions of the affected Air Traffic Service (ATS) route. The McChord, WA, VOR is being decommissioned due to ongoing maintenance problems.

DATES: Effective date 0901 UTC, February 25, 2021. The Director of the Federal Register approves this incorporation by reference action under title 1 Code of Federal Regulations part 51, subject to the annual revision of FAA Order 7400.11 and publication of conforming amendments.

ADDRESSES: FAA Order 7400.11E, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at *https://www.faa.gov/air_traffic/publications/.* For further information, you can contact the 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: Christopher McMullin, 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 air traffic service route structure in the National Airspace System as necessary to preserve the safe and efficient flow of air traffic.

History

The FAA published a notice of proposed rulemaking for Docket No. FAA–2020–0135 in the **Federal Register** (85 FR 13079; March 6, 2020) amending VOR Federal airway V–187. 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) of FAA Order 7400.11E dated July 21, 2020, and effective September 15, 2020, which is incorporated by reference in 14 CFR 71.1. The VOR Federal airway listed in this document will be subsequently published in the Order.

Availability and Summary of Documents for Incorporation by Reference

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

The Rule

The FAA is amending Title 14 Code of Federal Regulations (14 CFR) part 71 by modifying VOR Federal airway V–187. The ATS route action is described below.

V–187: V–187 extends between the Socorrow, NM, VORTAC, to the Astoria, OR, VOR. V–187 is amended on the segment between the intersection of Yakima 331° and Ellensburg 274° radials and the Olympia, WA, VOR. The amendment will stop at THICK intersection (INT Yakima, WA, 331° and Ellensburg, WA, 274° radials) and then resume at the Olympia, WA, VOR. The unaffected portion of the existing route will remain as charted. 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 proposed 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 airspace action of amending VOR Federal airway V–187 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).

The Amendment

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

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

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

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

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, is amended as follows:

Paragraph 6010(a) Domestic VOR Federal Airways.

* * * * *

V–187 [Amended]

From Socorrow, NM; via INT Socorrow 015° and Albuquerque, NM, 160° radials: Albuquerque, Rattlesnake, NM; 50 miles, 62 miles, 115 MSL, Grand Junction, CO; 75 miles, 50 miles, 112 MSL, Rock Springs, WY; 20 miles, 37 miles, 95 MSL, INT Rock Springs 026° and Riverton, WY, 180° radials; Riverton; Boysen Reservoir, WY; 9 miles, 78 miles, 105 MSL, Billings, MT; INT Billings 317° and Great Falls, MT, 122° radials; Great Falls; Missoula, MT; Nez Perce, ID; Pasco, WA; INT Pasco 321° and Ellensburg, WA, 107° radials; Ellensburg; INT Yakima 331° and Ellensburg 274° radials. From Olympia; to Astoria, OR.

* * * * *

Issued in Washington, DC, on October 14, 2020.

Scott M. Rosenbloom,

Acting Manager, Rules and Regulations Group.

[FR Doc. 2020–23083 Filed 10–22–20; 8:45 am]

BILLING CODE 4910–13–P

AGENCY FOR INTERNATIONAL DEVELOPMENT

22 CFR Part 228

RIN 0412–AB02

Procurement of Certain Essential Medical Supplies To Address the COVID–19 Pandemic

AGENCY: Agency for International Development.

ACTION: Temporary final rule.

SUMMARY: The United States Agency for International Development (USAID) is issuing a Temporary Final Rule (TFR) amending *our regulations* to allow USAID to waive ''Source and Nationality'' rules to provide for increased flexibility, targeting, and speed of procurement of Essential Medical Supplies (EMS) required to address the COVID–19 pandemic worldwide.

DATES: *Effective date:* This rule is effective October 23, 2020 through April 30, 2021.

ADDRESSES: You may review the docket by searching for Docket ID [AID–2020–0004], via the Federal eRulemaking Portal: *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Natalie J. Freeman (or designee), Attorney Advisor, Office of the General Counsel, USAID, 1300 Pennsylvania Ave. NW, Washington, DC 20523, *GCFEDREGMailbox@usaid.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

A. The Current COVID–19 Pandemic in the United States

Coronavirus Disease 2019 (COVID–19) is a highly communicable infectious disease caused by Severe Acute Respiratory Syndrome Coronavirus 2 (SARS–CoV–2). On January 30, 2020, the Director-General of the World Health Organization (WHO) declared the outbreak of COVID–19 a Public Health Emergency of International Concern under the International Health Regulations. On January 31, 2020, the HHS Secretary declared COVID–19 a Public Health Emergency under Section 319 of the Public Health Service (PHS) Act. *42 U.S.C. 247d.* On March 11, 2020, the WHO declared the COVID–19 outbreak a pandemic. On March 13, 2020, the President issued a declaration of a national emergency under Sections 201 and 301 of the National Emergencies Act, *50 U.S.C. 1601–1651,* and consistent with Section 1135 of the Social Security Act, *42 U.S.C. 1320b–5. See Proclamation on Declaring a National Emergency Concerning the Novel Coronavirus Disease (COVID–19) Outbreak.*

On March 13, 2020, the President also declared a nationwide emergency under Section 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, *42 U.S.C. 5121–5207* (the ''Stafford Act''), authorizing FEMA to provide assistance for emergency protective measures to respond to the COVID–19 pandemic. Under the Stafford Act, FEMA may direct USAID, through a Mission Assignment, to use its authorities and resources to meet domestic needs, including making available any EMS to FEMA.

As of May 21, 2020, there were over 1.5 million confirmed cases of COVID–19 in the United States, resulting in over 93,000 deaths due to the disease, with new cases and fatalities being reported daily. Worldwide, there have been over 5 million confirmed cases, resulting in over 328,000 deaths. Presently, there is no vaccine that can prevent infection with COVID–19, nor is there currently any FDA-approved post-exposure prophylaxis for people who may have been exposed to COVID–19. Treatment is limited to supportive (or palliative) care for patients who need it. Clinical management for hospitalized patients with COVID–19 is focused on supportive care for complications, including supplemental oxygen and

advanced organ support for respiratory failure, septic shock, and multi-organ failure.

B. USAID's Response to COVID–19

USAID is responding to the COVID–19 pandemic with decisive action at home and abroad. Our priorities in the response are to protect the safety and health security of our global workforce, ensure that we can continue our life-saving mission across the world, and support partner countries in their response to COVID–19.

USAID, together with the Department of State, launched the Strategy for Supplemental Funding to Prevent, Prepare for, and Respond to Coronavirus Abroad. Under Pillar 2 of this Strategy, USAID addresses three components—the emergency health response, strengthening health security capacities in affected countries, and helping to rebuild health systems as part of addressing the second order health effects of the pandemic. As of April 24, the USAID Bureau for Global Health (GH), in response to the pandemic, obligated $99 million from the Emergency Reserve Fund for Infectious Disease Outbreaks, and another approximately $90 million of the total $435 million Global Health Programs COVID–19 supplemental. GH programming has focused on the following technical areas: Risk communication and community engagement; surveillance, rapid response teams, and contact tracing; port of entry; infection prevention and control; laboratory systems; case management; and response operations and coordination. The provision of commodities is critical for the laboratory systems, case management, and infection prevention and control components. Under Pillar 3 of the Strategy, USAID will prevent, prepare for, and respond to COVID–19 in existing complex emergency responses and address potential humanitarian consequences of the pandemic. Further, under Pillar 4 of the Strategy, USAID will prepare for, mitigate and address second order economic, civilian security, stabilization, and governance effects of COVID–19. The provision of commodities will be components of these activities. In total, USAID estimates that approximately $137 million may be used for providing Essential Medical Supplies for overseas use.

C. Authorities

USAID is issuing this temporary final rule as part of its response to the COVID–19 pandemic. The Administrative Procedure Act (''APA'') generally requires an agency to publish a notice of proposed rulemaking in the **Federal Register** and provide an opportunity for public comment. This requirement does not apply, however, if the agency ''for good cause finds . . . that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest.'' *5 U.S.C. 553(b)(3)(B).* The APA also generally requires that an agency publish an adopted rule in the **Federal Register** at least 30 days before it becomes effective. This requirement does not apply, however, if the agency finds good cause for making the rule effective sooner. *Section 553(d)(3).*

The rates of COVID–19 infections and the number of deaths caused by COVID–19 are significantly increasing on a daily basis worldwide. The demand for EMS is increasing worldwide given the rising number of infections. Second and possibly third waves are expected according to the medical experts. The courts have recognized that concern for public safety can constitute good cause to bypass notice and comment procedures. (See, *Jifry* v. *F.A.A.*, 370 F.3d 1174, 1179–80 (D.C. Cir. 2004).) The courts have further found that immediate threats to human life and physical security typically constitute an important enough interest to justify use of the good cause exception. (See, *Hawaii Helicopter Operators Ass'n* v. *Federal Aviation Administration*, 51 F.3d 212 (9th Cir. 1995).) This rule is intended to help protect the public from this immediate health threat by providing USAID increased flexibility, targeting, and speed of procurement of EMS required to address the COVID–19 pandemic worldwide. Given the temporary nature of this rule, its narrow application to EMS, and the significant and immediate threat to public health and safety in the United States and worldwide, the Agency finds that this emergency is sufficiently compelling to constitute good cause to forgo notice and comment. It would be contrary to the interest of public health and contrary to our national security and foreign policy interests to delay this rule.

The rule is issued accordance with section 604 of the Foreign Assistance Act (FAA) of 1961, as amended, *22 U.S.C. 2354.*

Under the authority of the FAA and the APA, USAID issues this temporary final rule.

II. Provisions of Temporary Final Rule

USAID is working directly with governments, multilateral organizations, NGOs, the private sector, and other organizations responding on the ground to combat this dangerous pathogen. This includes working with front-line workers to slow the spread, care for those affected by, and equip local communities with the tools needed to fight back against COVID–19. Pandemics know no borders, and therefore international cooperation is vital. We will not successfully defeat this pandemic threat, and avoid a second or third wave, unless we fight it around the world. That is why our approach must include the necessary tools and resources to protect the safety and interests of Americans and ensure the United States continues to lead on the global response. The United States industry is uniquely positioned to produce EMS to support the achievement of COVID–19 domestic and international objectives. USAID's primary reliance on these sources ensures the availability of these critical supplies to assist countries affected by COVID–19. This temporary final rule allows flexibility to ensure those in need around the world will have access to lifesaving EMS to address COVID–19 when and where they need it. The measures described in this rule are being issued on a temporary basis from October 23, 2020 through April 30, 2021.

Current regulations authorize the following:

22 CFR 228.03(a) authorizes purchases from Geographic Code 937, which is defined as the United States, the cooperating/recipient country, and developing countries other than advanced developing countries, and excluding prohibited sources.

It further allows for certain purchases from Geographic Code 935, which is defined as any area or country except prohibited countries, based on additional statutory authority or otherwise approved via a waiver in accordance with Subpart D. *Section 228.03(b).*

For purchases under Support for Economic and Democratic Development of the Independent States of the Former Soviet Union, *§ 228.03(c),* the authorized principal geographic codes are Code 937 and Code 110 (New Independent States).

Under the current provisions of 22 CFR part 228, USAID only has the authority to expand the authorized geographic scope under the waiver provisions. The temporary final rule allows USAID to prioritize the purchase of EMS: From the United States only, from the cooperating/recipient country, from the geographic region to avoid diverting supplies in short supply in the United States, or from a nearby country. ''Nearby country'' means any bordering country or any country that is in the same geographical region as the country receiving assistance, as defined by the Department of State's regional system

(*i.e., Africa; East Asia and Pacific; Europe and Eurasia; Near East; South and Central Asia; Western Hemisphere*). However, if, as determined by USAID on a case-by-case basis, EMS is unavailable from the United States, the cooperating/recipient country, and a nearby country; or is unavailable in sufficient, reasonable, and available quantities, or sufficient and reasonable quality that is fit for the intended purpose, procurement from Code 935 is authorized.

III. Temporary Changes to 22 CFR Part 228

The below changes will remain in effect until October 23, 2020 through April 30, 2021.

22 CFR 228.11 is being amended to require implementing partners to receive approval from USAID before purchasing EMS. This will allow USAID to issue a waiver for the purchase of EMS from the United States only, from the cooperating/recipient country, from specific geographic region, or from a nearby country.

22 CFR 228.30 is being amended to add subsection (e) which allows waivers to geographic areas necessary for the purchase of EMS to address the COVID–19 pandemic. For example, it authorizes purchases from the United States only, or from nearby countries that may not be included in Geographic Code 937. It also authorizes purchases from the cooperating/recipient country or from certain geographic areas when there are shortages in the United States. The Agency plans to issue a waiver to prioritize geographic areas for the purchase of EMS to address the COVID–19 pandemic.

IV. Regulatory Considerations and Determinations

A. Executive Orders 12866 and 13563

Executive Orders *12866* and *13563* direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). *Executive Order 13563* emphasizes the importance of quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting flexibility. Section 3(f) of *Executive Order 12866* defines a ''significant regulatory action'' as an action that is likely to result in a regulation (1) having an annual effect on the economy of $100 million or more in any one year, or adversely and materially affecting a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities (also referred to as ''economically significant''); (2) creating a serious inconsistency or otherwise interfering with an action taken or planned by another agency; (3) materially altering the budgetary effects of entitlement grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) raising novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

This rule change narrowly applies to EMS purchased to address the COVID–19 pandemic. The estimated amount of funding potentially affected is approximately $137 million. Buying from the United States only would positively affect the United States economy and help development of our manufacturing capacity to respond to future crises. USAID's foreign assistance mandate is unchanged. This rule has been designated a ''significant regulatory action,'' but not ''economically significant,'' under Section 3(f) of *Executive Order 12866.* This rule has been reviewed by the Office of Management and Budget.

B. 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).

C. Regulatory Flexibility Act

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), *5 U.S.C. 601–612,* USAID has considered the economic effect of the Temporary Final Rule and has certified that its provisions would not have a significant economic effect on a substantial number of small entities.

D. Paperwork Reduction Act

There is no reporting or documentation or other information collection requirements under the Final Rule that require analysis under the Paperwork Reduction Act. *44 U.S.C. 3501–3583.*

List of Subjects in 22 CFR Part 228

Government procurement.

For the reasons discussed in the preamble, USAID amends 22 CFR part 228 as set forth below:

PART 228—RULES FOR PROCUREMENT OF COMMODITIES AND SERVICES FINANCED BY USAID

■ 1. The authority citation for 22 CFR part 228 continues to read as follows:

Authority: Sec. 621, Pub. L. 87–195, 75 Stat. 445 (22 U.S.C. 2381), as amended, E.O. 12163, Sept. 29, 1979, 44 FR 56673: 3 CFR 1979 Comp., p. 435.

■ 2. Revise § 228.01 to read as follows:

§ 228.01 Definitions.

Essential medical supplies means personal protective equipment, medical products and equipment, pharmaceuticals, and other medical countermeasures needed to address the COVID–19 pandemic, which are in short supply, as identified in the ''Notice of Designation of Scarce Materials or Threatened Materials Subject to COVID–19 Hoarding Prevention Measures'' issued by the Department of Health and Human Services (HHS) on March 25, 2020, as updated. USAID may designate additional materials as ''emergency medical supplies'' if deemed necessary and will publish notice of these additional materials in the **Federal Register**.

■ 3. Revise § 228.11 to read as follows:

§ 228.11 Source of commodities.

The source of all commodities financed with Federal program funds appropriated under the Foreign Assistance Act of 1961, as amended, shall be Code 937 (unless Code 935 or 110 are designated in the implementing instrument), except for essential medical supplies purchased to address the COVID–19 pandemic, the source of which must be approved by USAID prior to purchase unless otherwise directed by USAID. Procurements of agricultural commodities, motor vehicles, and pharmaceuticals must also comply with the special procurement rules in § 228.19. Recipients and contractors are prohibited from engaging suppliers of commodities in an authorized country to import commodities from a country outside of the authorized principal geographic codes for the purposes of circumventing the requirements of this rule. Any violation of this prohibition will result in the disallowance by USAID of the cost of the procurement of the subject commodity.

■ 4. Revise § 228.30 to read as follows:

§ 228.30 General.

USAID may waive the rules contained in subparts A, B, and C of this part (except for prohibited sources as defined in § 228.01, and §§ 228.21 and 228.22), in order to accomplish project

or program objectives. Except for paragraph (e) of this section, for any waivers authorized, the principal geographic code shall be Code 935, any area or country but excluding prohibited sources. All waivers must be in writing, and where applicable, are limited to the term established by the waiver. All waiver decisions will be made solely on the basis of the following criteria:

(a) Waivers to permit procurement outside of Code 937 or 110 must be based on a case by case determination that:

(1) The provision of assistance requires commodities or services of the type that are not produced in and available for purchase in Code 937 or 110;

(2) It is important to permit procurement from a country not specified in Code 937 or 110 to meet unforeseen circumstance; or

(3) To promote efficiency in the use of United States foreign assistance resources, including to avoid impairment of foreign assistance objectives.

(b) Case by case waivers under paragraph (a) of this section may be made on the basis of a commodity or service type or category, rather than processing repeat, individual waivers for an identical or substantially similar commodity or service. Such waivers may be approved on a regional, country, or program basis. For purposes of paragraph (a)(1) of this section, ''produced in and available for purchase in'' shall have the same meaning as the definition of ''available for purchase'' in § 228.01. A waiver under paragraph (a)(1) of this section may also be based on the fact that a commodity is not available for purchase in Code 937 or 110 in sufficient, reasonable, and available quantities or sufficient and reasonable quality that is fit for the intended purpose.

(c) A waiver to authorize procurement from outside the United States of agricultural commodities, motor vehicles, and pharmaceuticals must meet the requirements of § 228.19.

(d) Any individual transaction not exceeding $25,000 (excluding essential medical supplies purchased to address the COVID–19 pandemic), excluding those covered by special procurement rules in § 228.19, and excluding procurements from prohibited sources) does not require a waiver and is hereby authorized.

(e) For purchases of essential medical supplies to address the COVID–19 pandemic, waivers shall be authorized to the United States only, to the cooperating/recipient country, and/or to a nearby country. Nearby country means any bordering country or any country that is in the same geographical region as the country receiving assistance, as defined by the Department of State's regional system. If, as determined by USAID on a case by case basis, essential medical supplies are unavailable from the United States, the cooperating/recipient country, and a nearby country, or are unavailable in sufficient, reasonable, and available quantities or sufficient and reasonable quality that is fit for the intended purpose, procurement from Code 935 is authorized.

Suk J. Jin,

Deputy General Counsel, U.S. Agency for International Development.

[FR Doc. 2020–16475 Filed 10–22–20; 8:45 am]

BILLING CODE 6116–02–P

DEPARTMENT OF JUSTICE

Office of the Attorney General

28 CFR Part 0

AG Order No. 4877–2020

AGENCY: Department of Justice.

ACTION: Final rule.

SUMMARY: This final rule authorizes the Assistant Attorney General in charge of the Criminal Division to perform the functions of the ''Designated Authority'' under executive agreements on access to data by foreign governments that either designate the Attorney General or the Department of Justice (the ''Department'') as such authority or authorize the Attorney General to specify a Designated Authority, and for which the Attorney General has designated the Criminal Division as such authority. It also authorizes the Assistant Attorney General to further delegate that authority to officials in the Criminal Division, including officials in the Office of International Affairs (''OIA'').

DATES: *Effective:* October 23, 2020.

FOR FURTHER INFORMATION CONTACT: Vaughn Ary, Director, Office of International Affairs, Criminal Division, U.S. Department of Justice, Washington, DC 20005; Telephone (202) 514–0000.

SUPPLEMENTARY INFORMATION: Congress authorized the United States to enter into executive agreements with foreign governments under which the parties afford each other reciprocal rights of access to data covered by such agreements in response to qualifying, lawful orders. *See* Clarifying Lawful Overseas Use of Data Act, Public Law 115–141, Div. V, Section 105(a) (March 23, 2018), 18 U.S.C. 2523 (''CLOUD Act''). The first such executive agreement was concluded between the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland. *See* Agreement between the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland on Access to Electronic Data for the Purpose of Countering Serious Crime (October 3, 2019), available at *https://www.justice.gov/dag/cloudact* (the ''U.S.–U.K. Agreement''). The U.S.–U.K. Agreement provides that a ''Designated Authority'' for each country shall perform certain, specified functions necessary to implement the agreement. As applied to the United States, ''Designated Authority'' is defined under the agreement as ''the governmental entity designated . . . by the Attorney General. *Id.* at Article 1.8. To address the requirements of this executive agreement, the Attorney General has designated the Criminal Division as the ''Designated Authority'' in a **Federal Register** notice published concurrently with this rule. The final rule authorizes the Assistant Attorney General in charge of the Criminal Division to exercise the responsibilities of the Designated Authority and provides that the Assistant Attorney General may further delegate those responsibilities to officials within the Criminal Division, including officials in OIA. OIA serves as the Central Authority for the United States with respect to requests for information, evidence and other assistance received from and made to foreign authorities under mutual legal assistance treaties, multilateral conventions, and executive agreements regarding legal assistance in criminal matters. *See* 28 CFR 0.64–1 (authorizing the Assistant Attorney General in charge of the Criminal Division to re-delegate the duties of the ''Central Authority'' to certain officials in OIA). Thus, OIA already carries out responsibilities similar to those of a Designated Authority under executive agreements negotiated pursuant to 18 U.S.C. 2523.

To address future agreements of this nature, this final rule applies to any executive agreement under 18 U.S.C. 2523 that either designates the Attorney General or the Department of Justice as the Designated Authority or authorizes the Attorney General to designate a Designated Authority, and for which the Attorney General has designated the Criminal Division as such authority.

Administrative Procedure Act—5 U.S.C. 553

This rule is a rule of agency organization and relates to a matter relating to agency management and is therefore exempt from the requirements of prior notice and comment and a 30-day delay in the effective date. *See* 5 U.S.C. 553(a)(2), 553(b)(3)(A), 553(d).

Regulatory Flexibility Act

The Attorney General, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed this regulation and by approving it certifies that this regulation will not have a significant economic impact on a substantial number of small entities because it pertains to personnel and administrative matters affecting the Department. Further, a Regulatory Flexibility Analysis is not required to be prepared for this final rule because the Department was not required to publish a general notice of proposed rulemaking for this matter. 5 U.S.C. 604(a).

Executive Orders 12866, 13563, and 13771—Regulatory Review

This action has been drafted and reviewed in accordance with section 1(b) of Executive Order 12866, ''Regulatory Planning and Review,'' and section 1(b) of Executive Order 13563, ''Improving Regulation and Regulatory Review.'' This rule is limited to agency organization, management, and personnel as described in section 3(d)(3) of Executive Order 12866 and, therefore, is not a ''regulation'' or ''rule'' as defined by the order. Accordingly, this action has not been reviewed by the Office of Management and Budget.

This rule is not subject to the requirements of Executive Order 13771, ''Reducing Regulation and Controlling Regulatory Costs,'' because it is not a significant regulatory action under Executive Order 12866, and because it is ''related to agency organization, management, or personal'' and thus not a ''rule'' under section 4(b) of Executive Order 13771.

Executive Order 13132—Federalism

This rule will not have substantial direct effects on the States, on the relationship between the national government and the States, or on distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 13132, it is determined that this rule does not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement.

Executive Order 12988—Civil Justice Reform

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

Unfunded Mandates Reform Act of 1955

This rule will not result in the expenditure by State, local and tribal governments, in the aggregate, or by the private sector of $100,000,000 or more in any one year (adjusted annually for inflation), and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

Congressional Review Act

This action pertains to agency management, personnel, and organization and does not substantially affect the rights or obligations of non-agency parties and, accordingly, is not a ''rule'' as that term is used by the Congressional Review Act, 5 U.S.C. 804(3)(B), (C). Therefore, the reporting requirement of 5 U.S.C. 801 does not apply.

List of Subjects in 28 CFR Part 0

International Agreements, Treaties.

Accordingly, by virtue of the authority vested in me as Attorney General, including 5 U.S.C. 301 and 28 U.S.C. 509 and 510, part 0 of title 28 of the Code of Federal Regulations is amended as follows:

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

■ 1. The authority citation for part 0 continues to read as follows:

Authority: 5 U.S.C. 301; 28 U.S.C. 509, 510, 515–519.

■ 2. Section 0.64–6 is added to subpart K to read as follows:

§ 0.64–6 Designated Authority under executive agreements on access to data by foreign governments.

The Assistant Attorney General in charge of the Criminal Division shall have the authority and perform the functions of the ''Designated Authority'' (or like designation) under executive agreements between the United States of America and other countries regarding access to data by foreign governments, negotiated pursuant to the authority in 18 U.S.C. 2523. This delegation applies to executive agreements that either designate the Attorney General or the Department of Justice as the Designated Authority or authorize the Attorney General to designate a Designated Authority, and for which the Attorney General has designated the Criminal Division as such authority. The Assistant Attorney General in charge of the Criminal Division is authorized to delegate this authority to the Deputy Assistant Attorneys General in the Criminal Division, and to the Director, the Deputy Directors and Associate Directors of the Office of International Affairs.

Dated: October 19, 2020.

William P. Barr,

Attorney General.

[FR Doc. 2020–23561 Filed 10–20–20; 4:15 pm]

BILLING CODE 4410–14–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 9 and 64

[CG Docket Nos. 03–123 and 10–51; PS Docket Nos. 18–261 and 17–239; GN Docket No. 11–117; FCC 19–39, FCC 19–76 and FCC 20–7; FRS 17091]

Improving Video Relay Service and Direct Video Calling; Implementing Kari's Law and Section 506 of RAY BAUM'S Act; Inquiry Concerning 911 Access, Routing and Location in Enterprise Communications Systems; Amending the Definition of Interconnected VoIP Service; Video Relay Service Call Handling

AGENCY: Federal Communications Commission.

ACTION: Final rule; announcement of effective and compliance dates.

SUMMARY: In this document, the Commission announces that the Office of Management and Budget (OMB) has approved, for a period of three years, the information collection associated with rules adopted in the Commission's documents *Structure and Practices of the Video Relay Service Program, et. al,* Report and Orders, FCC 19–39 and FCC 20–7; and *Implementing Kari's Law and Section 506 of RAY BAUM'S Act, et. al,* Report and Order, FCC 19–76, (*Orders*) and that the associated new or modified rules are now required. This document is consistent with the *Orders,* which stated that the Commission would publish a document in the **Federal Register** announcing the effective and compliance dates of those rules.

DATES:

Effective date: The rule is effective October 23, 2020. The amendments to §§ 64.611, 64.613, and 64.615, published at 84 FR 26364, June 6, 2019, and §§ 64.604 and 64.606, published at

85 FR 27309, May 8, 2020, are effective October 23, 2020.

Compliance date: Compliance with §§ 9.14(d)(2)(ii)–(iii), 9.14(d)(2)(v), 9.14(d)(4), 9.14(e)(2)(ii), 9.14(e)(2)(iv), and 9.14(e)(4), published at 84 FR 66716, December 5, 2019, is required as of January 6, 2021, for fixed services, and January 6, 2022, for non-fixed services.

FOR FURTHER INFORMATION CONTACT: Michael Scott, Disability Rights Office, Consumer and Governmental Affairs Bureau, at (202) 418–1264, or email: *Michael.Scott@fcc.gov;* or Thomas Eng, Electronics Engineer, Policy and Licensing Division, Public Safety and Homeland Security Bureau, at (202) 418–0019, or email: *Thomas.Eng@fcc.gov.*

SUPPLEMENTARY INFORMATION: This document announces that, on August 31, 2020, OMB approved, for a period of three years, the information collection requirements contained in the Commission's *Orders,* FCC 19–39, published at 84 FR 26364, June 6, 2019; FCC 19–76, published at 84 FR 66716, December 5, 2019; and FCC 20–7, published at 85 FR 27309, May 8, 2020. The OMB Control Number is 3060–1089. The Commission publishes this notice as an announcement of the effective and compliance dates of the rules. If you have any comments on the burden estimates listed below, or how the Commission can improve the collections and reduce any burdens caused thereby, please contact Cathy Williams, Federal Communications Commission, Room 1–C823, 445 12th Street SW, Washington, DC 20554. Please include the OMB Control Number, 3060–1089, in your correspondence. The Commission will also accept your comments via the internet if you send them to *PRA@fcc.gov.*

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

This document also removes § 9.14(f) of the Commission's rules, which advised that compliance with §§ 9.14(d)(2)(ii)–(iii), 9.14(d)(2)(v), 9.14(d)(4), 9.14(e)(2)(ii), 9.14(e)(2)(iv), and 9.14(e)(4), respectively, was not required until OMB approval of the information collection and recordkeeping requirements was obtained.

Synopsis

As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3507), the FCC is notifying the public that it received OMB approval on August 31, 2020, for the information collection requirements contained in the Commission's rules at §§ 9.14(d)(2)(ii)–(iii), 9.14(d)(2)(v), 9.14(d)(4), 9.14(e)(2)(ii), 9.14(e)(2)(iv), 9.14(e)(4), 64.604, 64.606, 64.611, 64.613, and 64.615.

Under 5 CFR 1320, an agency may not conduct or sponsor a collection of information unless it displays a current, valid OMB Control Number.

No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act that does not display a current, valid OMB Control Number. The OMB Control Number is 3060–1089.

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

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

OMB Control Number: 3060–1089.

OMB Approval Date: August 31, 2020.

OMB Expiration Date: August 31, 2023.

Title: Structure and Practices of the Video Relay Service Program; Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, CG Docket Nos. 10–51 & 03–123.

Form Number: N/A.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for-profit entities; Individuals or households; Not-for-profit institutions; State, Local or Tribal Government.

Number of Respondents and Responses: 202,021 respondents; 1,846,406 responses.

Estimated Time per Response: .05 hours (3 minutes) to 300 hours.

Frequency of Response: Annual, monthly, on occasion, on-going, one-time, and quarterly reporting requirements; Recordkeeping requirement; and Third-Party Disclosure requirements.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for the collection is contained in section 225 of the Communications Act, 47 U.S.C. 225. The law was enacted on July 26, 1990, as Title IV of the Americans with Disabilities Act of 1990 (ADA), Public Law 101–336, 104 Stat. 327, 366–69, and amended by the Twenty-First Century Communications and Video Accessibility Act of 2010, Public Law 111–260, §103(a), 124 Stat. 2751, 2755 (2010) (CVAA); Public Law 111–265 (technical amendments to CVAA).

Total Annual Burden: 329,582 hours.

Total Annual Cost: $261,000.

Nature and Extent of Confidentiality: Confidentiality is an issue to the extent that individuals and households provide personally identifiable information, which is covered under the FCC's updated system of records notice (SORN), FCC/CGB–4, ''Internet-based Telecommunications Relay Service-User Registration Database (ITRS–URD).'' As required by the Privacy Act, 5 U.S.C. 552a, the Commission also published a SORN, FCC/CGB–4 ''Internet-based Telecommunications Relay Service-User Registration Database (ITRS–URD),'' in the **Federal Register** on February 9, 2015 (80 FR 6963) which became effective on March 23, 2015.

Privacy Impact Assessment: This information collection affects individuals or households. As required by the Office of Management and Budget Memorandum M–03–22 (September 26, 2003), the FCC is in the process of completing the Privacy Impact Assessment.

Needs and Uses: The telecommunications relay service (TRS) program enables access to the nation's telephone network by persons with hearing and speech disabilities. In 1991, as required by the Americans with Disabilities Act and codified at 47 U.S.C. 225, the Commission adopted rules governing the TRS program and procedures for each state TRS program to apply for initial Commission certification and renewal of Commission certification of each state program. *Telecommunications Services for Individuals with Hearing and Speech Disabilities, and the Americans with Disabilities Act of 1990,* Report and Order and Request for Comments, document FCC 91–213, published at 56 FR 36729, August 1, 1991 (*1991 TRS Implementation Order*).

Between 2008 and 2011, to integrate internet-based TRS into the North American Numbering plan and facilitate interoperability, universal calling, and 911 emergency services, the Commission adopted rules in three separate orders related to the telephone numbering system and enhanced 911 (E911) services for users of two forms of internet-based TRS: Video Relay Service (VRS) and Internet Protocol Relay service (IP Relay). *See* document FCC 08–151, *Report and Order and Further Notice of Proposed Rulemaking,* published at 73 FR 41286, July 18, 2008

(First Numbering Order); document FCC 08–275, *Second Report and Order and Order on Reconsideration,* published at 73 FR 79683, December 30, 2008 *(Second Numbering Order*); and document FCC 11–123, *Report and Order,* published at 76 FR 59551, September 27, 2011 *(iTRS Toll Free Order*).

The rules adopted in these three orders have information collection requirements that include requiring VRS and IP Relay providers to: Register each user who selects the provider as his or her default provider, including obtaining a self-certification from each user; verify the accuracy of each user's information; provision and maintain their registered users' routing information to the TRS Numbering Directory; place their users' Registered Location and certain callback information in Automatic Location Information (ALI) databases across the country and provide a means for their users to update their Registered Locations; include advisories on their websites and in any promotional materials addressing numbering and E911 services for VRS or IP Relay; verify in the TRS Numbering Directory whether each dial-around user is registered with another provider; and if they provide equipment to a consumer, make available to other VRS providers enough information about that equipment to enable another VRS provider selected as the consumer's default provider to perform all of the functions of a default provider.

On July 28, 2011, the Commission released *Structure and Practices of the Video Relay Service Program,* document FCC 11–118, published at 76 FR 47469, August 5, 2011, and at 76 FR 47476, August 5, 2011 (*VRS Certification Order*), adopting final and interim rules—designed to help prevent waste, fraud, and abuse, and ensure quality service, in the provision of internet-based forms of Telecommunications Relay Services (iTRS). On October 17, 2011, the Commission released *Structure and Practices of the Video Relay Service Program,* Memorandum Opinion and Order, Order, and Further Notice of Proposed Rulemaking, document FCC 11–155, published at 76 FR 67070, October 31, 2011 (*VRS Certification Reconsideration Order*), modifying two aspects of information collection requirements contained in the *VRS Certification Order.* On June 10, 2013, the Commission made permanent the interim rule adopted in the *VRS Certification Order. Structure and Practices of the Video Relay Service Program; Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities,* Report and Order and Further Notice of Proposed Rulemaking, document FCC 13–82, published at 78 FR 40582, July 5, 2013 (*2013 VRS Reform Order*).

The *VRS Certification Order* as modified by the *VRS Certification Reconsideration* and, as applicable, made permanent by the *2013 VRS Reform Order,* amended the Commission's process for certifying internet-based TRS (iTRS) providers as eligible for payment from the Interstate TRS Fund (Fund) for their provision of iTRS to ensure that iTRS providers receiving certification are qualified to provide iTRS in compliance with the Commission's rules and to eliminate waste, fraud and abuse through improved oversight of such providers. They contain information collection requirements including: Submission of detailed information in an application for certification that shows the applicant's ability to comply with the Commission's rules; submission of annual reports that include updates to the provider's information on file with the Commission or a certification that there are no changes to the information; requirements for a senior executive of an applicant for iTRS certification or an iTRS provider, when submitting an annual compliance report, to certify under penalty of perjury that all information required under the Commission's rules and orders has been provided and all statements of fact, as well as all documentation contained in the submission, are true, accurate, and complete; requirements for VRS providers to obtain prior authorization from the Commission for planned interruptions of service, to report to the Commission unforeseen interruptions of service, and to provide notification of temporary service outages, including updates, to consumers on their websites; and requirements for iTRS providers that will no longer be providing service to give their customers at least 30-days notice.

In the *2013 VRS Reform Order,* the Commission also adopted further measures to improve the structure, efficiency, and quality of the video relay service (VRS) program, reducing the noted inefficiencies in the program, as well as reducing the risk of waste, fraud, and abuse, and ensuring that the program makes full use of advances in commercially-available technology. The Commission required reporting of unauthorized and unnecessary use of VRS; established a central telecommunications relay services (TRS) user registration database (TRS–URD) for VRS, which incorporates a centralized eligibility verification requirement to ensure accurate registration and verification of users, as well as per-call validation, to achieve more effective prevention of waste, fraud, and abuse; established procedures to prevent unauthorized changes of a user's default TRS provider; and established procedures to protect TRS users' customer proprietary network information (CPNI) from disclosure.

On March 23, 2017, the Commission released *Structure and Practices of the Video Relay Services Program et al.,* FCC 17–26, published at 82 FR 17754, April 13, 2017, (*2017 VRS Improvements Order*), which among other things, allows VRS providers to assign TRS Numbering Directory 10-digit telephone numbers to hearing individuals for the limited purpose of making point-to-point video calls, and gives VRS providers the option to participate in an at-home call handling pilot program, subject to certain limitations, as well as recordkeeping and reporting requirements.

On May 15, 2019, the Commission released *Structure and Practices of the Video Relay Service Program; Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities,* FCC 19–39, published at 84 FR 26364, June 6, 2019 (*2019 VRS Program Management Order*). The Commission further improved the structure, efficiency, and quality of the VRS program, reduced the risk of waste, fraud, and abuse, and ensured that the program makes full use of advances in commercially-available technology. These improvements include information collection requirements, including: The establishment of procedures to register enterprise and public videophones to the TRS–URD; and permitting Qualified Direct Video Calling (DVC) Entities to access the TRS Numbering Directory and establishing an application procedure to authorize such access, including rules governing DVC entities and entry of information in the TRS Numbering Directory and the TRS–URD.

On August 2, 2019, the Commission released *Implementing Kari's Law and Section 506 of RAY BAUM'S Act; Inquiry Concerning 911 Access, Routing, and Location in Enterprise Communications Systems; Amending the Definition of Interconnected VoIP Service in Section 9.3 of the Commission's Rules,* FCC 19–76, published at 84 FR 66716, December 5, 2019 (*MLTS 911 and Dispatchable Location Order*). The Commission amended its rules to ensure that the

dispatchable location is conveyed to a Public Safety Answering Point (PSAP) with a 911 call, regardless of the technological platform used. Based on the directive in section 506 of RAY BAUM'S Act, the Commission adopted dispatchable location requirements that in effect modified the existing information collection requirements applicable to VRS, IP Relay, and covered IP CTS by improving the options for providing accurate location information to PSAPs as part of 911 calls.

Fixed internet-based TRS devices must provide automated dispatchable location. For non-fixed devices, when dispatchable location is not technically feasible, internet-based TRS providers may fall back to Registered Location or provide alternative location information. As a last resort, internet-based providers may route calls to Emergency Relay Calling Centers after making a good faith effort to obtain location data from all available alternative location sources. Dispatchable location means a location delivered to the PSAP with a 911 call that consists of the validated street address of the calling party, plus additional information such as suite, apartment or similar information necessary to adequately identify the location of the calling party. Automated dispatchable location means automatic generation of dispatchable location. Alternative location information is location information (which may be coordinate-based) sufficient to identify the caller's civic address and approximate in-building location, including floor level, in large buildings.

On January 31, 2020, the Commission released *Structure and Practices of the Video Relay Service Program; Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities,* FCC 20–7, published at 85 FR 27309, May 8, 2020 (*VRS At-Home Call Handling Order*). The Commission amended its rules to convert the VRS at-home call handling pilot program into a permanent one, thereby allowing CAs to work from home. To ensure user privacy and call confidentiality and to help prevent waste, fraud, and abuse, the modified information collections include requirements for VRS providers to apply for certification to allow their communications assistants to handle calls while working at home; monitoring and oversight requirements; and reporting requirements.

List of Subjects

47 CFR Part 9

Communications; Communications common carriers, Communications equipment, Reporting and recordkeeping requirements, Satellites, Security measures, Telecommunications, Telephone.

47 CFR Part 64

Individuals with disabilities, Telecommunications, Telecommunications relay services.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR part 9 as follows:

PART 9—911 REQUIREMENTS

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

Authority: 47 U.S.C. 151–154, 152(a), 155(c), 157, 160, 201, 202, 208, 210, 214, 218, 219, 222, 225, 251(e), 255, 301, 302, 303, 307, 308, 309, 310, 316, 319, 332, 403, 405, 605, 610, 615, 615 note, 615a, 615b, 615c, 615a–1, 616, 620, 621, 623, 623 note, 721, and 1471, unless otherwise noted.

§ 9.14 [Amended]

■ 2. Amend § 9.14 by removing paragraph (f).

[FR Doc. 2020–21316 Filed 10–22–20; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 64

[WC Docket No. 12–375, FCC 20–111; FRS 17047]

Rates for Interstate Inmate Calling Services

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In this document, the Commission continues to comprehensively reform inmate calling services rates and charges to ensure just and reasonable rates for interstate and international inmate calling services. In response to a directive from the United States Court of Appeals for the District of Columbia Circuit, the Commission determined that, except in limited circumstances, it is impractical to separate out the intrastate and intrastate components of ancillary service charges imposed in connection with inmate calling services. For the limited circumstances in which the components may be distinguished, inmate service providers are subject to the Commission's ancillary service charge rules, which constrain providers to only five specific types of ancillary service charges and related fee caps. The Commission also reinstated its rule prohibiting providers from marking up mandatory taxes or fees and adopted rule changes in response to the D.C. Circuit that clarify that the Commission's inmate calling service rate and fee cap rules apply only to interstate and international inmate calling services.

DATES: The rules adopted in this document take effect on November 23, 2020.

ADDRESSES: Federal Communications Commission, 445 12th Street SW, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Amy Goodman, Pricing Policy Division of the Wireline Competition Bureau, at (202) 418–1549 or via email at *Amy.Goodman@fcc.gov.*

SUPPLEMENTARY INFORMATION: This is a final rule summary of the Commission's Report and Order, released August X, 2020. A full-text version of this document can be obtained from the following internet address: *https://docs.fcc.gov/public/attachments/FCC-20-111A1.pdf.*

Synopsis

I. Introduction

1. The Communications Act divides jurisdiction for regulating communications services, including inmate calling services, between the Commission and the states. Specifically, the Act empowers the Commission to regulate interstate communications services and preserves for the states jurisdiction over intrastate communications services. Because the Commission has not always respected this division, the U.S. Court of Appeals for the District of Columbia Circuit has twice remanded the agency's efforts to address rates and charges for inmate calling services.

2. Today, the Commission responds to the court's remands and takes action to comprehensively reform inmate calling services rates and charges. First, the Commission addresses the D.C. Circuit's directive that it consider whether ancillary service charges—separate fees that are not included in the per-minute rates assessed for individual inmate calling services calls—can be segregated into interstate and intrastate components for the purpose of excluding the intrastate components

from the reach of its rules. The Commission finds that ancillary service charges generally cannot be practically segregated between the interstate and intrastate jurisdictions except in the limited number of cases where, at the time a charge is imposed and the consumer accepts the charge, the call to which the service is ancillary is a clearly intrastate-only call. As a result, inmate calling services providers are generally prohibited from imposing any ancillary service charges other than those permitted by the Commission's rules and providers are generally prohibited from imposing charges in excess of the Commission's applicable ancillary service fee caps.

3. The Commission believes that its actions today will ensure that rates and charges for interstate and international inmate calling services are just and reasonable as required by section 201(b) of the Act and thereby enable incarcerated individuals and their loved ones to maintain critical connections. At the same time, given that the vast majority of calls made by incarcerated individuals are intrastate calls, the Commission urges its state partners to take action to address the egregiously high intrastate inmate calling services rates across the country.

II. Background

4. Access to affordable communications services is critical for all Americans, including incarcerated members of our society. Studies have long shown that incarcerated individuals who have regular contact with family members are more likely to succeed after release and have lower recidivism rates. Unlike virtually every other American, however, incarcerated people and the individuals they call have no choice in their telephone service provider. Instead, their only option is typically an inmate calling services provider chosen by the correctional facility that, once chosen, operates as a monopolist. Absent effective regulation, rates for inmate calling services calls can be unjustly and unreasonably high and thereby impede the ability of incarcerated individuals and their loved ones to maintain vital connections.

5. Statutory Background. The Communications Act of 1934, as amended (the Act) establishes a system of regulatory authority that divides power over interstate, intrastate, and international communications services between the Commission and the states. More specifically, section 2(a) of the Act empowers the Commission to regulate ''interstate and foreign communication by wire or radio'' as provided by the Act. This regulatory authority includes ensuring that ''[a]ll charges, practices, classifications, and regulations for and in connection with'' interstate or international communications services are ''just and reasonable'' in accordance with section 201(b) of the Act. Section 201(b) also provides that ''[t]he Commission may prescribe such rules and regulations as may be necessary in the public interest to carry out'' these provisions.

6. Section 2(b) of the Act preserves for the states jurisdiction over ''charges, classifications, practices, services, facilities, or regulations for or in connection with intrastate communication service.'' The Commission is thus '' 'generally forbidden from entering the field of intrastate communication service, which remains the province of the states.' '' Stated differently, section 2(b) ''erects a presumption against the Commission's assertion of regulatory authority over intrastate communications.''

7. Although the Telecommunications Act of 1996 ''chang[ed] the FCC's authority with respect to some intrastate activities,'' ''the strictures of [section 2(b)] remain in force.'' That is, ''[i]nosfar as Congress has remained silent . . . , [section 2(b)] continues to function.'' Thus, while section 276 of the Act specifically directs the Commission to ensure that payphone service providers, including inmate calling services providers, ''are fairly compensated for each and every completed intrastate and interstate call using their payphone,'' that provision does not authorize the Commission to regulate intrastate rates. Nor does section 276 give the Commission the authority to determine ''just and reasonable'' rates.

8. Prior Commission Actions. The Commission has taken repeated action to address inmate calling services rates and charges. In the 2012 ICS Notice, the Commission sought comment on whether to establish rate caps for interstate inmate calling services calls. In the *2013 ICS Order,* the Commission established interim interstate rate caps for debit and prepaid calls as well as collect calls and required all inmate calling services providers to submit data (hereinafter, the First Mandatory Data Collection) on their underlying costs so that the agency could develop a permanent rate structure. In the *2014 ICS Notice,* the Commission sought comment on reforming charges for services ancillary to the provision of inmate calling services and on establishing rate caps for both interstate and intrastate inmate calling services calls. In the *2015 ICS Order,* the Commission attempted to adopt a comprehensive framework for interstate and intrastate inmate calling services. More specifically, the Commission adopted limits on ancillary service charges; set rate caps for interstate and intrastate inmate calling services calls; extended the interim interstate rate caps it adopted in 2013 to intrastate calls pending the effectiveness of the new rate caps; and sought comment on whether and how to reform rates for international inmate calling services calls. The Commission also addressed inmate calling services providers' ability to recover mandatory applicable pass-through taxes and regulatory fees. Additionally, the Commission adopted a Second Mandatory Data Collection to enable it to identify trends in the market and adopt further reform, and it required inmate calling services providers to annually report information on their operations, including their current interstate, intrastate, and international rates and their current ancillary service charge amounts. In the *2016 ICS Reconsideration Order,* the Commission increased its rate caps to account for certain correctional facility costs related to the provision of inmate calling services.

9. The Commission's attempts to reform inmate calling services rates and charges have a long history in the courts and have not always been well received. In January 2014, in response to inmate calling services providers' petitions for review of the *2013 ICS Order,* the D.C. Circuit stayed the application of certain portions of that Order but allowed the Commission's interim rate caps to remain in effect. Later that year, the court held the petitions for review in abeyance while the Commission proceeded to set permanent rates. In March 2016, in response to inmate calling services providers' petitions for review of the *2015 ICS Order,* the D.C. Circuit stayed the application of that Order's rate caps and ancillary service charge cap for single-call services while the appeal was pending. Later that month, the court stayed the application of the Commission's interim rate caps to intrastate inmate calling services. In November 2016, the court stayed the *2016 ICS Reconsideration Order* pending the outcome of the challenge to the *2015 ICS Order.* In 2017, in *GTL* v. *FCC,* the D.C. Circuit vacated the rate caps in the *2015 ICS Order,* finding that the Commission lacked the statutory authority to regulate intrastate rates and that the methodology used to set the caps was arbitrary and capricious. The court remanded for further proceedings with respect to certain rate cap issues;

remanded the ancillary service charge caps in that Order; and vacated one of the annual reporting requirements in that Order.

10. Because this procedural history is somewhat complicated, the Commission provides background on the relevant issues in turn below.

11. Ancillary Service Charges. Ancillary service charges are fees that inmate calling services providers assess on inmate calling service consumers that are not included in the per-minute rates assessed for individual calls. In the *2015 ICS Order,* in light of the continued growth in the number and dollar amount of ancillary service charges, and the fact that such charges inflate the effective price that consumers pay for inmate calling services, the Commission adopted reforms to limit such charges. The Commission established five types of permissible ancillary service charges, which are defined as follows: (1) Fees for Single-Call and Related Services—billing arrangements whereby an incarcerated person's collect calls are billed through a third party on a per-call basis, where the called party does not have an account with the inmate calling services provider or does not want to establish an account; (2) Automated Payment Fees—credit card payment, debit card payment, and bill processing fees, including fees for payments made by interactive voice response, web, or kiosk; (3) Third-Party Financial Transaction Fees—the exact fees, with no markup, that inmate calling services providers are charged by third parties to transfer money or process financial transactions to facilitate a consumer's ability to make account payments via a third party; (4) Live Agent Fees—fees associated with the optional use of a live operator to complete inmate calling services transactions; and (5) Paper Bill/Statement Fees—fees associated with providing customers of inmate calling services an optional paper billing statement. The Commission then capped the amount of each of these charges and prohibited inmate calling services providers from assessing any other ancillary service charges. The D.C. Circuit stayed the rule setting the ancillary service charge cap for single-call services on March 7, 2016, before the rest of the ancillary service charge caps were to go into effect. Therefore, the ancillary service charge cap for single-call services never became effective.

12. In the *2015 ICS Order,* the Commission applied these caps to all services ancillary to inmate calling services, regardless of whether the underlying service was interstate or intrastate. In particular, the Commission held that ''section 276 of the Act authorizes the Commission to regulate charges for intrastate ancillary services.'' On review, the D.C. Circuit held that ''the Order's imposition of ancillary fee caps in connection with interstate calls is justified'' given the Commission's ''plenary authority to regulate interstate rates under § 201(b), including 'practices . . . for and in connection with' interstate calls.'' The court held, however, that just as the Commission lacks authority to regulate intrastate rates pursuant to section 276, the Commission likewise ''had no authority to impose ancillary fee caps with respect to intrastate calls.'' Because the court could not ''discern from the record whether ancillary fees can be segregated between interstate and intrastate calls,'' it remanded the issue ''to allow the Commission to determine whether it can segregate [the ancillary fee] caps on interstate calls (which are permissible) and the [ancillary fee] caps on intrastate calls (which are impermissible).''

13. Mandatory Pass-Through Taxes and Fees. In the *2015 ICS Order,* the Commission found record evidence that inmate calling services providers were charging end users fees under the guise of taxes. The Commission therefore held that such providers ''are permitted to recover mandatory-applicable pass-through taxes and regulatory fees, but without any additional mark-up or fees.'' To implement this determination, the Commission added rules governing an ''Authorized Fee'' and a ''Mandatory Tax or Mandatory Fee.'' The rule regarding authorized fees included language precluding markups in the absence of specific governmental authorization. The rule regarding mandatory taxes or fees, however, contained no parallel language. To correct this oversight, the Commission amended the rule in the *2016 ICS Reconsideration Order* to specify: ''A Mandatory Tax or Fee that is passed through to a Consumer may not include a markup, unless the markup is specifically authorized by a federal, state, or local statute, rule, or regulation.''

14. On review, the D.C. Circuit vacated the *2016 ICS Reconsideration Order* ''insofar as it purport[ed] to set rate caps on inmate calling service'' and remanded ''the remaining provisions'' of that Order to the Commission ''for further consideration . . . in light of the disposition of this case and other related cases.'' As a result, the Commission's rule governing Mandatory Taxes or Mandatory Fees was vacated to the extent that it ''purport[ed] to set rate caps.''

15. Rate Caps. In the *2013 ICS Order,* in light of record evidence that rates for inmate calling services calls greatly exceeded the reasonable costs of providing service, the Commission adopted interim interstate rate caps of $0.21 per minute for debit and prepaid calls and $0.25 per minute for collect calls. In the *2015 ICS Order,* in light of ''egregiously high'' rates for intrastate inmate calling services calls, the Commission relied on section 276 and section 201(b) of the Act to adopt rate caps for both intrastate and interstate inmate calling services calls. The Commission set tiered rate caps of $0.11 per minute for prisons; $0.14 per minute for jails with average daily populations of 1,000 or more; $0.16 per minute for jails with average daily populations of 350 to 999; and $0.22 per minute for jails having average daily populations of less than 350. The Commission calculated these rate caps using industry-wide average costs and stated that this approach would allow providers to ''recover average costs at each and every tier.'' Additionally, the Commission held that site commissions—payments made by inmate calling services providers to correctional facilities or state authorities that are often required to win the contract for provision of service to a given facility—were not costs reasonably related to the provision of inmate calling services. The Commission therefore excluded site commission payments from the cost data used to set the rate caps.

16. On reconsideration in 2016, the Commission increased the rate caps for both interstate and intrastate inmate calling services to expressly account for correctional facility costs that are directly and reasonably related to the provision of inmate calling services. The Commission set the revised rate caps at $0.13 per minute for prisons; $0.19 per minute for jails with average daily populations of 1,000 or more; $0.21 per minute for jails with average daily populations of 350 to 999; and $0.31 per minute for jails with average daily populations of less than 350.

17. On review, the D.C. Circuit in *GTL* v. *FCC* vacated the rate caps adopted in the *2015 ICS Order.* First, the court held that the Commission lacked the statutory authority to cap intrastate inmate calling services rates. The court explained that the Commission's authority over intrastate calls is, except as otherwise provided by Congress, limited by section 2(b) of the Act and nothing in section 276 of the Act overcomes this limitation. In particular, section 276 ''merely directs the Commission to 'ensure that all [inmate

calling services] providers are fairly compensated' for their inter- and intrastate calls,'' and it ''is not a 'general grant of jurisdiction' over intrastate ratemaking.''

18. Second, the D.C. Circuit held that the ''Commission's categorial exclusion of site commissions from the calculus used to set [inmate calling services] rate caps defie[d] reasoned decisionmaking because site commissions obviously are costs of doing business incurred by [inmate calling services] providers.'' The court directed the Commission to ''assess on remand which portions of site commissions might be directly related to inmate calling services and therefore legitimate, and which are not.'' The court did not reach inmate calling services providers' remaining arguments ''that the exclusion of site commissions denies [them] fair compensation under [section] 276 and violates the Takings Clause of the Constitution because it forces providers to provide services below cost,'' and it stated that the Commission should address these issues on remand once it revisits the exclusion of site commissions.

19. Third, the D.C. Circuit held that the Commission's use of industry-wide averages in setting rate caps was arbitrary and capricious because it lacked justification in the record and was not supported by reasoned decisionmaking. More specifically, the court found the Commission's use of a weighted average per-minute cost to be ''patently unreasonable'' given that such an approach made calls with above-average costs unprofitable and thus did ''not fulfill the mandate of [section] 276 that 'each and every' '' call be fairly compensated. Additionally, the court found that the *2015 ICS Order* ''advances an efficiency argument—that the larger providers can become profitable under the rate caps if they operate more efficiently—based on data from the two smallest firms,'' which ''represent less than one percent of the industry,'' and that the Order did not account for conflicting record data. The court therefore vacated this portion of the *2015 ICS Order* and remanded to the Commission for further proceedings.

20. Also in 2017, in *Securus* v. *FCC,* the D.C. Circuit ordered the *2016 ICS Reconsideration Order* ''summarily vacated insofar as it purports to set rate caps on inmate calling service'' because the revised rate caps in that Order were ''premised on the same legal framework and mathematical methodology'' rejected by the court in *GTL* v. *FCC.* The court remanded ''the remaining provisions'' of that Order to the Commission ''for further consideration . . . in light of the disposition of this case and other related cases.'' As a result of the D.C. Circuit's decisions in *GTL* and *Securus,* the interim rate caps that the Commission adopted in 2013 ($0.21 per minute for debit/prepaid calls and $0.25 per minute for collect calls) are in effect for interstate inmate calling services calls.

21. More Recent Developments. In the *2015 ICS Order,* the Commission directed that the Second Mandatory Data Collection be conducted two years from publication of Office of Management and Budget (OMB) approval of the information collection. The Commission received such approval in January 2017 and publication occurred on March 1, 2017. Accordingly, on March 1, 2019, inmate calling services providers submitted their responses to the Second Mandatory Data Collection. The Commission's Wireline Competition Bureau (Bureau) and Office of Economics and Analytics (OEA) undertook a comprehensive analysis of the Second Mandatory Data Collection responses and conducted multiple follow-up discussions with inmate calling services providers to supplement and clarify their responses.

22. In February 2020, the Bureau issued a public notice seeking to refresh the record on ancillary service charges in light of the D.C. Circuit's remand in *GTL* v. *FCC.* The Bureau sought comment on, among other issues, (1) whether each permitted inmate calling services ancillary service charge may be segregated between interstate and intrastate calls and, if so, how; (2) how the Commission should proceed in the event any permitted ancillary service is ''jurisdictionally mixed'' and cannot be segregated between interstate and intrastate calls; and (3) any steps the Commission should take to ensure that providers of interstate inmate calling services do not circumvent or frustrate the Commission's ancillary service charge rules.

23. In April 2020, inmate calling services providers submitted data pursuant to the Commission's annual reporting requirements and they did so using a revised annual reporting form and accompanying instructions. First, the Bureau made minor revisions to the form and instructions in light of the D.C. Circuit's vacatur of the Commission's annual reporting requirement for video visitation services offered by inmate calling services providers. The *GTL* court held that the video visitation services reporting requirement adopted in the *2015 ICS Order* was ''too attenuated to the Commission's statutory authority to justify this requirement.'' Accordingly, the Bureau eliminated questions regarding video visitation from the annual reporting form.

24. Second, the Bureau made additional revisions to the annual reporting form and instructions based on its experience in analyzing past annual reports and based on formal and informal input from inmate calling services providers, thereby making the annual reports easier to understand and analyze. Bureau and OEA staff used the April 2020 annual report responses to supplement their understanding of the Second Mandatory Data Collection responses.

25. Commission staff also analyzed the intrastate rate data submitted as part of inmate calling services providers' most recent annual reports. Staff's analysis reveals that the vast majority of inmate calls—roughly 80%—are reported to be intrastate and that inmate calling services providers are charging egregiously high intrastate rates across the country. Intrastate rates for debit or prepaid calls substantially exceed interstate rates in 45 states, with 33 states allowing rates that are at least double the Commission's cap and 27 states allowing excessive ''first-minute'' charges up to 26 times that of the first minute of an interstate call. Indeed, while interstate rates for the first minute and all subsequent minutes may not exceed $0.25, inmate calling services providers' first-minute charges for intrastate calls may range from $1.65 to $6.50. For example, one provider reported the first-minute intrastate rate of $5.341 and the additional per-minute intrastate rate of $1.391 in Arkansas while reporting the per-minute interstate rate of $0.21 for the same correctional facility. Similarly, another provider reported the first-minute intrastate rate of $6.50 and the additional per-minute intrastate rate of $1.25 in Michigan while reporting the per-minute interstate rate of $0.25 for the same correctional facility. Further, Commission staff identified instances in which a 15-minute intrastate debit or prepaid call costs as much as $24.80—almost seven times more than the maximum $3.15 that an interstate call of the same duration would cost.

III. Report and Order on Remand

26. In this Report and Order on Remand (Remand Order), the Commission responds to the D.C. Circuit's directive in *GTL* v. *FCC* that the Commission determine whether ancillary service charges can be segregated between interstate and intrastate inmate telephone service calls. The Commission also amends its rule regarding mandatory pass-through

taxes and fees in light of the court's vacatur and remand in *Securus* v. *FCC.* Additionally, the Commission revises certain of its other inmate calling services rules to comport with the D.C. Circuit's decisions in those cases.

A. Ancillary Service Charges

27. The Commission finds that ancillary service charges generally cannot be practically segregated between the interstate and intrastate jurisdiction except in the limited number of cases where, at the time a charge is imposed and the consumer accepts the charge, the call to which the service is ancillary is a clearly intrastate-only call. The record strongly supports this determination. As such, providers are generally prohibited from imposing any ancillary service charges in connection with inmate calling services other than those specified in the Commission's rules and providers are generally prohibited from imposing charges in excess of the Commission's applicable ancillary service fee caps.

1. The Extent of the Commission's Authority

28. In creating a dual federal-state regulatory regime to govern interstate and intrastate communications services in sections 1 and 2(b) of the Act, Congress ''attempt[ed] to divide the world of telephone regulation neatly into two separate components.'' However, ''since most aspects of the communications field have overlapping interstate and intrastate components, these two sections do not create a simple division.'' Decades of precedent reconciling these statutory provisions recognizes that the Commission may regulate services having both interstate and intrastate components, referred to as ''jurisdictionally mixed'' services, where it is impossible or impracticable to separate out their interstate and intrastate components.

29. Courts have recognized that as ''a basic underpinning of our federal system . . . state regulation will be displaced to the extent that it stands as an obstacle to the accomplishment and execution of the full purposes and objectives of Congress.'' Thus, although the Commission is ''generally forbidden from entering the field of intrastate communication service,'' courts have interpreted the Act and the Supremacy Clause of the U.S. Constitution to allow federal regulation of the intrastate portion of jurisdictionally mixed services in spite of section 2(b) where: ''(1) the matter to be regulated has both interstate and intrastate aspects; (2) FCC preemption [regulation] is necessary to protect a valid federal regulatory objective; and (3) state regulation would 'negate[ ] the exercise by the FCC of its own lawful authority' because regulation of the interstate aspects of the matter cannot be 'unbundled' from regulation of the intrastate aspects.'' When all three criteria are met, the Commission may regulate the jurisdictionally mixed service falling within the ''impossibility exception'' as jurisdictionally interstate.

30. Stated differently, where the Commission has jurisdiction under section 201(b) of the Act to regulate rates, charges, and practices of interstate communications services, the impossibility exception extends that authority to the intrastate portion of jurisdictionally mixed services ''where it is impossible or impractical to separate the service's intrastate from interstate components'' and state regulation of the intrastate component would interfere with valid federal rules applicable to the interstate component. As the *Vonage Order* made clear, ''we need not demonstrate absolute future impossibility to justify federal preemption here. The Commission need only show that interstate and intrastate aspects of a regulated service or facility are inseverable as a practical matter in light of prevailing technological and economic conditions.''

31. The Bureau's public notice seeking to refresh the record sought comment on how the Commission should proceed in the event a permitted ancillary service is ''jurisdictionally mixed'' and cannot be segregated between interstate and intrastate calls. No commenter disputed the Commission's authority to regulate jurisdictionally mixed ancillary services charges that cannot be segregated. Where a consumer of inmate calling services would incur an ancillary service charge in connection with inmate telephone service and the charge is not clearly and entirely applicable to intrastate calling, the Commission applies the impossibility exception criteria to determine whether that ancillary service charge should be subject to its authority and rules. The Commission rejects one federal District Court's suggestion that *GTL* v. *FCC* held that the Commission may not cap ancillary fees ''except to the extent those for interstate calls 'can be segregated' from intrastate calls.'' As Pay Tel points out, the District Court did ''not engage in the relevant preemption analysis—indeed not once [did] the decision even mention the term 'mixed jurisdiction.' '' And no party argues that *Mojica* v. *Securus* provides the appropriate reading of *GTL* v. *FCC.* Given the long history of Supreme Court and federal appellate court precedent on jurisdictionally mixed services and the specific language of the D.C. Circuit in *GTL* v. *FCC* (which remanded the issue of ''whether ancillary fees can be segregated between interstate and intrastate calls'' to the Commission ''for further consideration''), the Commission finds that the D.C. Circuit did not instruct the Commission on how it should proceed if it were impossible or impracticable to segregate some ancillary fees but instead left that question open for the Commission to resolve in the first instance.

2. Applying the Commission's Authority to Particular Ancillary Services

32. Single-Call Service (and Related Service) Fees. Where no prepaid or debit inmate calling services account has been established, an incarcerated individual can make individual collect calls to family members or others. Third parties assess fees on a per-call basis to bill the called family member or other party for such calls. In 2015, the Commission adopted rules that would preclude inmate calling services providers from charging more than the exact fee the third-party charges for these transactions, with no markup.

33. Because single-call service is associated with a specific call, the Commission finds that the ancillary service can be jurisdictionally determined based on the classification—interstate or intrastate—of the underlying call. Single-call service (and related service) associated with an interstate call is subject to the Commission's ancillary service charge rules. Single-call service (and related service) associated with an intrastate call is beyond the reach of the Commission's regulations. In the *2015 ICS Order,* the Commission held that ''for single call and related services, we permit ICS providers to charge the amount of the third-party financial transaction (with no markup) added to a per-minute rate no higher than the applicable rate cap.'' However, the D.C. Circuit stayed section 64.6020(b)(2) before that rule took effect. The D.C. Circuit in *GTL* remanded the ''imposition of ancillary fee caps'' in the *2015 ICS Order* without specifically addressing the effect of that remand on the single-call service rule or dissolving the court's earlier stay of that rule. The ''no-mark-up'' portion of the single-call service rule never became effective. Because the D.C. Circuit remanded section 64.6020(b)(2) without vacating, finding fault, or otherwise addressing the no-markup clause, the Commission reinstates section 64.6020(b)(2) today for the same reasons it adopted this

prohibition in 2015. Nothing in the record of this proceeding since that time suggests the Commission should refrain from doing so, and hence it has good cause to reinstate section 64.6020(b)(2) without further notice and comment.

34. Automated Payment Fees. Automated payments fund prepaid or debit accounts that can be used to pay for inmate calling services. Inmate calling services consumers typically make these payments to fund their accounts to pay for future calls to family or other loved ones and any associated ancillary services charge fees. These payments occur through multiple methods or types of transactions including ''credit card payment, debit card payment, and bill processing fees, including fees for payments by interactive voice response[ ], web, or kiosk.'' They are also made to pay inmate calling service bills for calls that have already been made. The Commission limits these fees to a maximum of ''$3.00 per use,'' based on its prior finding that a $3.00 cap would ''more than ensure[ ] that ICS providers [could] recoup the costs of offering these services.''

35. Because a prepaid or debit account can generally be used to make both interstate and intrastate calls, automated payment fees are generally jurisdictionally mixed and subject to the Commission's ancillary service charge rules. For example, accounts that allow the dialing of any mobile telephone number (such as one assigned by a mobile wireless provider or a nomadic interconnected voice over internet Protocol (VoIP) provider) are inherently jurisdictionally mixed because the called party need not be located in the same state as the incarcerated individual at the time of a call. This is true even if the called party's residence, as commenters point out, is in the same state as the correctional facility. And it is true even if the area code and NXX prefix of the called party's telephone number are associated with the state of the correctional facility. Similarly, if the account only allows a certain number of non-mobile numbers to be called, such an account is jurisdictionally mixed if any one of those numbers is assigned to a fixed location in a different state. The Commission uses a fixed landline telephone number in its example here but recognizes that fixed wireless technology may also have the same ''fixed'' location characteristics as fixed wireline service and thus the same jurisdictional analysis would apply. Indeed, accounts where an incarcerated individual may make a call to any telephone number or add a telephone number to the list of authorized numbers (even if that telephone number must go through a screening process before it is authorized) may be inherently jurisdictionally mixed. Because automated payments typically are made to fund accounts before calls are completed or fees are incurred, the record suggests that it may be impractical, if not impossible, to connect these payments to any specific subsequent calls made. When automated payments cannot be segregated by jurisdiction, they are subject to the Commission's ancillary service charge rules.

36. The Commission recognizes, however, that automated payments are sometimes made to pay inmate calling service bills after calls have already been made. In that circumstance, an inmate calling services provider could potentially confirm that not one call with an outstanding balance was made that crossed state lines and thus that the service charge would be ancillary only to intrastate inmate calling services. Because the Commission must respect the boundary on its jurisdiction drawn by Congress, it cannot impose its automated payment fee cap in such circumstances.

37. The Commission rejects Securus' claim that ''since the jurisdiction of any given payment transaction depends on the specific circumstances surrounding the transaction, Securus does not believe that the Commission can reach any conclusion regarding the application of these [Automated Payment Fee] caps as a generic matter.'' It is precisely because providers generally impose (and consumers are charged) these fees before it is possible to determine whether such payments are ancillary to interstate or intrastate calls that precedent dictates that the Commission find these automated payments to be jurisdictionally mixed—and thus application of the Commission's rule to all such transactions is necessary to protect interstate callers.

38. Third-Party Financial Transaction Fees. Consumers often make use of third parties, such as Western Union or MoneyGram, to transfer money or process financial transactions that enable these consumers to make payments to inmate calling services accounts. These third parties charge fees to inmate calling services providers, which the providers then pass on to consumers. The Commission's ancillary services charges rules limit the amount of third-party fees that an inmate calling services provider can pass on to consumers to the exact third-party fees, with no markup.

39. As with automated payments, because third-party financial transactions typically fund accounts before calls are placed or associated fees are incurred, it is generally impossible to know whether the fees will be applied to interstate calls, intrastate calls, or a mix of the two. Therefore, third-party financial transactions are generally jurisdictionally mixed and subject to the Commission's ancillary service charge rules in the same way as automated payments. The Commission declines in this Order to consider NCIC's suggestion that it further cap third-party processing fees. Setting aside whether the Commission would have the authority to prohibit an inmate calling services provider from passing along the costs itself incurs for conducting a service on a consumer's behalf, NCIC's suggestion is beyond the scope of the remand in this proceeding.

40. To the extent Securus suggests that third-party financial transactions ''raise no jurisdictional dispute,'' the Commission agrees so long as such a transaction is tied to a particular jurisdictionally identifiable call—which, as with automated payments, the Commission would expect would only occur if the fee is imposed after calls have been made. And such an inquiry would only matter where the inmate calling services provider can confirm that no call with an outstanding balance was interstate or international—otherwise, the only way to protect the interstate caller from unjust and unreasonable fees is to apply the Commission's ancillary service charge rules to the entire third-party financial transaction.

41. Live Agent Fees. Consumers may optionally use live operators to complete a range of inmate calling services-related tasks, including setting up an account, adding money to an account, or assisting with making a call. In practice, multiple transactions can be, and often are, made via a single live operator interaction, which the Commission caps at $5.95 per interaction, regardless of the number of tasks the live operator completes in a single session.

42. As with automated payments and third-party financial transactions, because live agents are often used to set up accounts or add money to accounts before any call is made, live agent services are generally jurisdictionally mixed and subject to the Commission's ancillary service charge rules. In contrast, to the extent a live agent is used to place a particular call, then that service can be jurisdictionally determined by the classification of the call, just as single-call services are. And

to the extent a live agent is used after calls have been made to, for example, pay a bill, then the Commission's ancillary service charge rules apply unless every call with an outstanding balance can be determined to be intrastate. Similarly, to the extent a live agent session is used to complete multiple tasks, the Commission finds that service is jurisdictionally mixed (and thus subject to its ancillary service charge rules) unless the inmate calling services provider can demonstrate that each action taken by the live agent was ancillary only to an intrastate telephone service.

43. The Commission rejects Securus' claim that because Live Agent fees are based on multiple different types of transactions, it cannot reach a conclusion as to whether or not the Commission's ancillary service charge rule applies. Again, the Commission can reach a conclusion here precisely because it has found that live agent services can, and do, involve both interstate and intrastate tasks within a single transaction session. As a result, failing to treat live agent services as generally jurisdictionally mixed would conflict with the federal law requiring these fees to be just and reasonable for all interstate callers.

44. Paper Bill Fees. Inmate calling services consumers have the option to obtain paper bills or statements reflecting all charges that occurred during a billing cycle, including those related to calls and ancillary service charges. The Commission has capped fees for paper bills at $2.00 per statement.

45. Because the creation of a paper bill occurs only after calls have been made, it may be possible to jurisdictionally segregate this service. Generally, the Commission would expect such bills to be jurisdictionally mixed as incarcerated people may make calls to those both in and outside of the state of the correctional facility—and thus subject to its ancillary service charge rules. However, if an inmate calling services provider can confirm that no call on the bill is interstate or international, then the paper bill service would only be ancillary to intrastate calls and beyond the reach of the Commission's rules.

3. Related Issues

46. Effect on State Regulation. As in prior cases, the Commission exercises its authority under the Supremacy Clause to preempt state regulation of jurisdictionally mixed services to the extent that such regulation conflicts with federal law. The Commission's rules apply to all ancillary service charges imposed for and in connection with interstate inmate calling services. To the extent those charges relate to accounts or transactions having interstate as well as intrastate components, the federal requirements will operate as ceilings limiting potential state action. To the extent a state allows or requires an inmate calling services provider to impose fees for ancillary services other than those permitted by the Commission's rules, or to charge fees higher than the caps imposed by the Commission's rules, that state law or requirement is preempted except where such ancillary services are provided only in connection with intrastate inmate calling services. In contrast, to the extent a state allows or requires an inmate calling services provider to impose fees lower than those contained in the Commission's rules, that state law or requirement is not preempted by the Commission's action here.

47. Attempts to Exploit the Dual Regulatory Environment and Evade the Commission's Rules. The Commission shares the concern of commenters that inmate calling services providers may undermine or negate its caps on ancillary service charges for interstate inmate calling services (and, in turn, its interstate rate caps) by departing from their current business practices and taking new steps to segregate interstate and intrastate activity. For example, commenters point out that providers may newly decide to create separate paper bills for intrastate and interstate services in order to evade the Commission's cap on paper bill fees. The Commission recognizes, in view of the D.C. Circuit's decision in *GTL,* that the Commission lacks authority to limit the fees providers assess for purely intrastate activity. But it is within the Commission's authority to ensure that fees for interstate activity are just and reasonable. And because providers have not historically distinguished between interstate and intrastate ancillary service charges, the Commission anticipates that the costs associated with providing jurisdictionally separate ancillary services, should providers seek to do so in the future, would often or always be ''common'' to both the interstate and intrastate service. It would frustrate the Commission's efforts to ensure that charges for interstate ancillary services are just and reasonable if providers could recover, through their interstate ancillary service charges, costs that should be allocated to a parallel intrastate ancillary service, or that providers have already recovered through their intrastate ancillary service charges.

48. To ensure that providers do not negate the effectiveness of the Commission's caps on interstate ancillary service charges in this manner, the Commission determines that if a provider takes new steps to segregate interstate and intrastate activity (for example, by providing separate paper bills for interstate and intrastate inmate calling services, and assessing separate ancillary service charges for those bills), the Commission will presumptively consider such actions as unjust and unreasonable practices that are prohibited under federal law. The Commission directs the Wireline Competition Bureau and the Enforcement Bureau to take appropriate action should they become aware of such actions. Any inmate calling services provider that takes such actions should be prepared to demonstrate to the Commission that its affected interstate ancillary service charges are just and reasonable, including that the affected charges do not recover jurisdictionally common costs that are already, or should properly be, recovered through the provider's corresponding intrastate ancillary service charges.

49. Relatedly, the Commission cautions providers that they are prohibited, either directly or indirectly, from imposing ancillary service charges falling outside the five categories of charges permissible under its rules, and that they are prohibited from collecting, directly or indirectly, amounts that exceed the ancillary service fee caps set forth in its rules. The Commission further cautions that it intends to exercise the full breadth of the agency's jurisdiction to curb attempts to evade its rate cap and ancillary service charge rules through arrangements with third parties. For example, one commenter has suggested that other providers may have entered into arrangements with a third party in connection with single-call service transactions whereby excessive one-time transaction fees associated with these calls are imposed, passed on without markup to the consumer of the inmate calling service, and then the revenue obtained from the consumer is shared by the service provider and the third party. Evidence of arrangements such as this that appear to result in the service provider indirectly marking up the third-party transaction fee in circumvention of the Commission's rules is subject to immediate referral to the Enforcement Bureau for investigation.

50. Similarly, inmate calling services providers are required to certify

annually that the information in their Annual Reports, including the information on their ancillary services fees, is ''true and accurate'' and that they are in compliance with the Commission's inmate calling services rules. The Commission will not hesitate to take action to ensure full compliance with its ancillary services fee caps and other inmate calling services rules. To that end, the Commission directs the Enforcement Bureau to issue an Enforcement Advisory, within 60 days of the effective date of this Order, reminding inmate calling services providers of their obligations under the Commission's rules, their duty of candor in connection with their interactions with the Commission, and the potential penalties for noncompliance.

51. Classifying Calls by Jurisdiction. There is significant debate within the record on whether it is possible for inmate calling services providers to classify the jurisdiction of certain calls and thus the jurisdiction of the services ancillary to such calls. On the one hand, GTL argues that the ''jurisdictional nature of calls themselves is easily classified as either interstate or intrastate based on the call's points of origin and termination,'' and Securus asserts that an inmate calling services provider knows the jurisdiction of a call because it is ''from a known originating telephone number to a single, known terminating number.'' On the other hand, Pay Tel argues that the Commission should generally treat inmate calling services as jurisdictionally mixed across the board because providers cannot practically and reliably determine the location of each called party.

52. This confusion calls for some clarification. First, the Commission reminds providers that the jurisdictional nature of a call depends on the physical location of the endpoints of the call and not on whether the area code or NXX prefix of the telephone number, or the billing address of the credit card associated with the account, are associated with a particular state. In other words, certain providers are incorrect to argue that comparing the incarcerated person's local access and transport area and phone number with the account holder's will let an inmate calling services provider identify whether a call or account is interstate or intrastate. Although that may be true for legacy wireline networks, more modern networks such as wireless networks and interconnected VoIP networks allow the portability of such numbers across state lines. And given the prevalence of such networks and the increasing reliance on mobile wireless and VoIP services, it would be unreasonable for an inmate calling services provider to rely on a telephone number alone to determine the location of a particular called party. Today, a phone number provides little indication of the physical location of a called party or a calling party. Telephone numbers have been readily ported between wireline providers, and between wireline and wireless service providers, since at least 2003. And VoIP providers have been porting numbers since at least 2008. Thus, a telephone number only identifies the state and rate center where the number was originally assigned, and not where it is currently assigned. Moreover, because a wireless telephone user may make or receive a call anywhere there is wireless reception, their phone number readily may not indicate their location. And the chance of a phone number being one that is used by a mobile phone is high: The telephone numbers used by mobile phones make up about half of all assigned telephone numbers. Second, the Commission disagrees with Pay Tel's argument that the location of a wireless caller is unknowable. As Securus points out, ''wireless carriers can determine the locations of their customers at the time of each call, so it is possible to establish the jurisdiction of each individual call.'' Third, the Commission recognizes that just because some provider can establish the location of a caller (and thus the jurisdiction of a call) does not mean that every inmate calling services provider can or does do so. As such the Commission agrees with Pay Tel that, to the extent an inmate calling services provider cannot definitively establish the jurisdiction of a call, it may and should treat the call as jurisdictionally mixed and thus subject to the Commission's ancillary service charge rules. Such treatment is necessary to carry out the requirement of the Communications Act that all interstate charges and practices be just and reasonable. Or to put it another way, any other treatment of jurisdictionally indeterminate calls would strip interstate callers of the protections guaranteed by federal law.

53. GTL and Securus take issue with the Commission's jurisdictional approach, arguing that it is inconsistent with Commission and provider practices for determining the jurisdictional nature of calls. These providers misread Commission precedent, however. While the Commission has allowed carriers to use proxies for determining the jurisdictional nature of calls in specific contexts, typically related to carrier-to-carrier matters or payment of fees owed, it has never adopted a general policy allowing the broad use of such proxies outside of specific facts and circumstances which are not applicable here. Indeed, the Commission has never applied proxies to telecommunications resellers generally, or inmate calling services providers specifically, with respect to assessing different interstate and intrastate rates and charges on their customers for those customers' interstate and intrastate telephone calls. Indeed, the examples that GTL and Securus provide relate specifically to carrier-to-carrier arrangements involving intercarrier compensation or applicable federal fees due between carriers and the Commission, not to using a proxy for charging a customer a higher or different rate than it would otherwise be subject to based on whether the customer's call is interstate or intrastate.

54. The Commission is also unpersuaded by the ''precedent'' cited by GTL and Securus. Much of what those parties cite is drawn from Notices of Proposed Rulemaking. Even insofar as those Notices include observations about historical industry practice as context for those requests for comment, the Notices do not establish actual Commission policy. Nor is the Commission persuaded by their citation of a 2002 Bureau-level Order resolving an interconnection arbitration. That Bureau decision involved baseball-style arbitration, and an arbitrator concluded that those parties could use NPA–NXX codes for purposes of determining whether calls were local or toll. That conclusion was a function of the limits of the carriers' respective proposals there—nothing in that case made the use of NPA–NXX codes applicable to the entire industry. Moreover, this 18 year-old decision did not involve carriers terminating calls to VoIP and mobile wireless telephone numbers, which is the Commission's concern here. The industry is very different today than it was in 2002 and the rules applicable to numbering resources have changed substantially, calling into question whether that arbitrator would have reached the same conclusion today with respect to reliance on NPA–NXX codes. In still other cases, GTL cites state commission decisions or an industry white paper, which likewise do not demonstrate Commission policy. Thus, these filings by GTL and Securus do not demonstrate any actual Commission policy for the industry from which the Commission would be departing here.

55. Independently, the Commission Notices and Bureau Order cited by GTL

and Securus involve materially different policy contexts. In particular, they generally involve scenarios where the Commission is seeking to ensure a reasonable aggregate outcome across a mass of transactions. This is the case under the telecommunications relay service (TRS) program, where a single entity—the Commission—is providing all of the compensation that providers receive from the interstate TRS Fund. To the extent that interstate vs. intrastate distinctions arise in that context, the Commission must ensure a reasonable approach across the aggregation of TRS calls handled by each provider rather than necessarily requiring jurisdictional accuracy on a call-by-call basis. This also is the case with intercarrier compensation, for example, where carriers exchange large volumes of calls and the jurisdictional status of any individual call is less important for intercarrier compensation purposes than ensuring that, in the aggregate, the payments carriers exchange reflect a reasonable accounting of the relative portion of that mass of calls that are interstate vs. intrastate. Furthermore, under the framework of sections 251 and 252 of the Act, Commission rules merely establish a default, with individual carriers free to negotiate alternative approaches. In that context, Congress thus anticipated that regulators generally would defer to industry-derived outcomes where they emerged. The situation here is quite different, however. Currently, charges for inmate calling services calls are imposed on a call-by-call basis. As a result, to ensure the rate caps serve their purpose of ensuring just and reasonable rates for interstate services, those protections must apply on a call-by-call basis. Even assuming *arguendo* that proxies could be identified that would yield an approximately accurate differentiation between interstate and intrastate traffic when viewed across the entire aggregation of a providers' calls, that would be cold comfort to the end-user consumers. Nor, in any case, does the record reveal proxies that would be reasonable even if it made sense to focus on aggregate outcomes. For example, the record does not reveal why proxies or the like that industry might have used in the context of traditional telephone calls would make sense in the inmate calling services context given potential differences in the types of calls that are placed, potential differences in frequency and duration of calls, or other possible considerations. At the same time, relying on proxies such as telephone numbers could be self-defeating, since consumers could purchase wireless phones from a different state (with a number from that state) and then place calls from within the same state as the inmate in order to gain the protections of the interstate inmate calling services rules. Such activities would impose their own costs and could lead to disparate application of the protections of the interstate inmate calling services rules based on the relative sophistication of the particular consumers receiving calls from inmates. The Commission finds all these concerns persuasive both in connection with its inmate calling services rate caps and in connection with its regulation of fees for ancillary services. Those consumers would lose the protection of the Commission's rate caps for particular calls that are, in fact, interstate calls because per-call regulation turned on proxies developed in the context of aggregations of calls with no guarantee—or necessarily even likelihood—of seeing offsetting benefits in the case of other inmate calling services calls they make or receive. Likewise, when it comes to fees for jurisdictionally mixed ancillary services, the Commission merely seeks to vindicate its statutory interests whenever interstate inmate calling services are implicated. Indeed, in the *Vonage Order* cited by GTL, the Commission responded to the difficulty in directly determining the jurisdiction of calls by broadly preempting the state's attempted regulation of the service at issue. Thus, although the Commission leaves providers free to follow state law where the associated effects can be limited to intrastate inmate calling services, the record here does not persuade it to neglect its interest when there is an effect on interstate services even if it falls below some (undefined) threshold.

56. Additionally, the end-to-end analysis that the Commission relies upon in this Order is the analysis that the Commission ''has traditionally used to the determine whether a call is within its interstate jurisdiction.'' The Commission has not extended to inmate calling services any of the jurisdictional proxies it has adopted for specific and limited purposes in other contexts, nor has it ever had any reason to suspect that inmate calling services providers were not appropriately complying with this most basic regulatory obligation of telecommunications services providers with respect to their customers—determining the proper jurisdiction of a call when charging its customers the correct and lawful rates for those calls using the end-to-end analysis. The Commission therefore disagrees with GTL and Securus that its approach is a departure from established precedent and imposes a ''burden'' on them.

57. For the same reasons, the Commission also disagrees with GTL and Securus that requiring inmate calling services providers to classify incarcerated people's calls as interstate or intrastate based on their end points constitutes a change in Commission policy requiring prior notice and an opportunity to comment. On the contrary, the Commission's approach simply clarifies the long-established standard that inmate calling services providers must apply in classifying calls for purposes of charging customers the appropriate rates and charges. And, in any event, the Bureau's public notice seeking to refresh the record on ancillary service charges in light of *GTL* v. *FCC* sought comment ''on how the Commission should proceed in the event any permitted ancillary service is 'jurisdictionally mixed' and cannot be segregated between interstate and intrastate call'' and defined jurisdictionally mixed services as ''[s]ervices that are capable of communications both between intrastate end points and between interstate end points.'' Since the permitted ancillary services include single-call services (*i.e.,* services related to a specific call), GTL and Securus received notice of, and a full opportunity to comment on, the jurisdictional status of inmate calling services calls.

58. Ancillary Service Charges Rule Revisions. The Commission revises its ancillary services charge rules consistent with its findings herein. These amendments reflect the D.C. Circuit's holding that the Commission lacks authority over intrastate inmate calling services as well as the Commission's actions exercising its authority to ensure just and reasonable rates under section 201(b) for ancillary services charges for and in connection with jurisdictionally mixed inmate calling services for which it is impossible or impracticable to segregate the interstate and intrastate components.

59. The Commission also changes section 64.6020(a)'s cross-reference to section 64.6000 to more precisely cross-reference section 64.6000(a). The Commission finds good cause to correct the cross-reference without notice and comment because this change is non-substantive. It is well established that the Commission need not seek comment on amendments to its rules designed ''to ensure consistency in terminology and cross references across various rules or to correct inadvertent failures to make

conforming changes when prior rule amendments occurred.'' In the absence of any indication of changed circumstances regarding the markup of Mandatory Taxes or Mandatory Fees, the Commission finds it unnecessary to seek additional comment on these matters.

B. Mandatory Pass-Through Taxes and Fees

60. As a result of the D.C. Circuit's decision in Securus, the rule amendments in the *2016 ICS Reconsideration Order* to include language precluding markups of a ''Mandatory Tax or Mandatory Fee'' in the absence of specific governmental authorization were vacated to the extent they capped rates. The Commission therefore amends its rules to reinstate the language added in the *2016 ICS Reconsideration Order* in response to the court's vacatur and remand. The Commission also adds language clarifying that this rule applies only in connection with interstate and international inmate calls. This amendment will ensure that end users will pay for ''the cost of the service they have chosen and any applicable taxes or fees, and nothing more'' for inmate calling services subject to the Commission's jurisdiction, thereby helping ensure that the charges imposed in connection with those services are just and reasonable.

61. The amendment is consistent with the Commission's prior intent regarding mandatory taxes or fees and the record previously developed in this proceeding. The Commission bases its reinstatement on the same record, and finds no basis to depart from its prior determination that adopting this rule best comports with its application of section 201(b). Further, this amendment harmonizes the rules regarding a ''Mandatory Tax or Mandatory Fee'' and an ''Authorized Fee'' to prohibit markups on either category of charges, thereby eliminating at least some potential confusion from the disparate definitions regarding whether inmate calling services providers may mark up such charges.

C. Revisions to Certain Inmate Calling Services Rules

62. Finally, the Commission revises certain of its rules governing inmate calling services to comport with the D.C. Circuit's decisions in *GTL* and *Securus.* First, the court vacated the rate caps that the Commission adopted in the *2015 ICS Order* and the *2016 ICS Reconsideration Order,* and the Commission thus eliminates section 64.6010, which contained those rate caps. Second, the *GTL* court vacated the reporting requirement the Commission had adopted for video visitation services. The Commission thus eliminates section 64.6060(a)(4), which contained that rule. Third, the *GTL* court found that the Commission lacks ratemaking authority over intrastate inmate calling services rates. The Commission thus revises sections 64.6000(b), 64.6000(n), 64.6030, 64.6050, 64.6070, 64.6080, 64.6090, and 64.6100 to reflect that these rules only apply to interstate and international inmate calling services. Fourth, the Commission revises section 64.6000(t) of its rules to change the reference to ''ICS'' therein to ''Inmate Calling Services.''

63. The Commission finds good cause to implement these revisions without notice and comment. The Administrative Procedure Act states that notice and comment procedures do not apply ''when the agency for good cause finds (and incorporates the finding and a brief statement of the reasons therefor in the rules issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest.'' With the exception of its change to section 64.6000(t), the Commission's revisions are non-discretionary changes to the Commission's rules necessary to effectuate the D.C. Circuit's decisions in *GTL* and *Securus.* Seeking notice and comment before implementing the D.C. Circuit's non-discretionary mandate would serve no purpose because commenters could not say anything during a notice and comment period that would change the D.C. Circuit's decision and the Commission does not have discretion to depart from the court's mandate.

64. The Commission also finds good cause to revise section 64.6000(t) without notice and comment because this change is non-substantive. The Commission need not seek comment on amendments to its rules designed ''to ensure consistency in terminology and cross references across various rules or to correct inadvertent failures to make conforming changes when prior rule amendments occurred.

IV. Procedural Matters

65. 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).

66. Congressional Review Act. The Commission has determined, and the Administrator of the Office of Information and Regulatory Affairs, Office of Management Budget concurs, that this rule is non-major under the Congressional Review Act, 5 U.S.C. 804(2). The Commission will send a copy of this Report and Order on Remand to Congress and the Government Accountability Office pursuant to 5 U.S.C. 801(a)(1)(A).

67. Supplemental Final Regulatory Flexibility Act Analysis. As required by the Regulatory Flexibility Act of 1980 (RFA), as amended, the Commission has prepared a Supplemental Final Regulatory Flexibility Analysis (FRFA) relating to this Report and Order on Remand. The FRFA is set forth below.

68. Paperwork Reduction Act. This Report and Order on Remand does not contain new or modified information collection requirements subject to the Paperwork Reduction Act of 1995 (PRA). In addition, therefore, it does not contain any new or modified information collection burden for small business concerns with fewer than 25 employees, pursuant to the Small Business Paperwork Relief Act of 2002 (SBPRA).

V. Supplemental Final Regulatory Flexibility Analysis

69. As required by the Regulatory Flexibility Act of 1980, as amended (RFA), an Initial Regulatory Flexibility Analysis (IRFA) was incorporated in the 2014 ICS Notice. The Commission sought written public comment on the proposals in that Notice, including comment on the IRFA. The Commission did not receive comments directed toward the IRFA. Thereafter, the Commission issued a Final Regulatory Flexibility Analysis (FRFA) conforming to the RFA. This Supplemental FRFA supplements that FRFA to reflect the actions taken in the Report and Order on Remand (Remand Order) and conforms to the RFA.

A. Need for, and Objectives of, the Order on Remand

70. The Remand Order adopts rules segregating ancillary service charges provided in connection with inmate calling services into interstate and intrastate components in response to a remand from the United States Court of Appeals for the District of Columbia Circuit (D.C. Circuit). It also amends the Commission's rule regarding mandatory pass-through taxes and fees in light of a second remand from the D.C. Circuit. Finally, it revises certain of the Commission's other inmate calling services rules to comport with the D.C. Circuit's decisions in those cases, and reinstates the Commission's rule

providing an ancillary service charge cap for single-call services.

B. Summary of Significant Issues Raised by Public Comments in Response to the IRFA

71. The Commission did not receive comments specifically addressing the rules and policies proposed in the IRFA.

C. Response to Comments by the Chief Counsel for Advocacy of the Small Business Administration

72. The Chief Counsel did not file any comments in response to the proposed rules in this proceeding.

D. Description and Estimate of the Number of Small Entities to Which Rules Will Apply

73. 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).

74. Small Businesses. Nationwide, there are a total of approximately 27.9 million small businesses, according to the SBA.

75. Wired Telecommunications Carriers. 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. According to Census Bureau data for 2007, there were 3,188 firms in this category, total, that operated for the entire year. Of this total, 3,144 firms had employment of 999 or fewer employees, and 44 firms had employment of 1,000 employees or more. Thus, under this size standard, the majority of firms can be considered small.

76. 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 size standard under SBA rules is for Wired Telecommunications Carriers. Under that size standard, such a business is small if it has 1,500 or fewer employees. According to Commission data, 1,307 carriers reported that they were incumbent local exchange service providers. Of these 1,307 carriers, an estimated 1,006 have 1,500 or fewer employees and 301 have more than 1,500 employees. Consequently, the Commission estimates that most providers of local exchange service are small entities that may be affected by the Commission's action.

77. Incumbent Local Exchange Carriers (incumbent LECs). Neither the Commission nor the SBA has developed a size standard for small businesses specifically applicable to incumbent local exchange services. The closest applicable size standard under SBA rules is for Wired Telecommunications Carriers. Under that size standard, such a business is small if it has 1,500 or fewer employees. According to Commission data, 1,307 carriers reported that they were incumbent local exchange service providers. Of these 1,307 carriers, an estimated 1,006 have 1,500 or fewer employees and 301 have more than 1,500 employees. Consequently, the Commission estimates that most providers of incumbent local exchange service are small businesses that may be affected by the Commission's action.

78. The Commission has included small incumbent LECs in this present RFA analysis. As noted above, a ''small business'' under the RFA is one that, inter alia, meets the pertinent small business size standard (*e.g.,* a telephone communications business having 1,500 or fewer employees), and ''is not dominant in its field of operation.'' The SBA's Office of Advocacy contends that, for RFA purposes, small incumbent LECs are not dominant in their field of operation because any such dominance is not ''national'' in scope. The Commission has therefore included small incumbent LECs in this RFA analysis, although it emphasizes that this RFA action has no effect on Commission analyses and determinations in other, non-RFA contexts.

79. 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 size standard under SBA rules is for the category Wired Telecommunications Carriers. Under that size standard, such a business is small if it has 1,500 or fewer employees. 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 and 186 have more than 1,500 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. In addition, 72 carriers have reported that they are Other Local Service Providers. Of the 72, 70 have 1,500 or fewer employees and two have more than 1,500 employees. Consequently, 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 that may be affected by the Commission's action.

80. Interexchange Carriers (IXCs). Neither the Commission nor the SBA has developed a size standard for small businesses specifically applicable to interexchange services. The closest applicable size standard under SBA rules is for Wired Telecommunications Carriers. Under that size standard, such a business is small if it has 1,500 or fewer employees. According to Commission data, 359 companies reported that their primary telecommunications service activity was the provision of interexchange services. Of these 359 companies, an estimated 317 have 1,500 or fewer employees and 42 have more than 1,500 employees. Consequently, the Commission estimates that the majority of interexchange service providers are small entities that may be affected by the Commission's action.

81. Local Resellers. The SBA has developed a small business size standard for the category of Telecommunications Resellers. Under that size standard, such a business is small if it has 1,500 or fewer employees. According to Commission data, 213 carriers have reported that they are engaged in the provision of local resale services. Of these, an estimated 211 have 1,500 or fewer employees and two have more than 1,500 employees. Consequently, the Commission estimates that the majority of local resellers are small entities that may be affected by the Commission's action.

82. Toll Resellers. The SBA has developed a small business size standard for the category of Telecommunications Resellers. Under that size standard, such a business is small if it has 1,500 or fewer employees. According to Commission data, 881 carriers have reported that they are engaged in the provision of toll resale services. Of these, an estimated 857

have 1,500 or fewer employees and 24 have more than 1,500 employees. Consequently, the Commission estimates that the majority of toll resellers are small entities that may be affected by the Commission's action.

83. Other Toll Carriers. Neither the Commission nor the SBA has developed a size standard 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. Under that size standard, such a business is small if it has 1,500 or fewer 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 and five have more than 1,500 employees. Consequently, the Commission estimates that most Other Toll Carriers are small entities that may be affected by the Commission's action.

84. Payphone Service Providers (PSPs). Neither the Commission nor the SBA has developed a small business size standard specifically for payphone services providers, a group that includes inmate calling services providers. The appropriate size standard under SBA rules is for the category Wired Telecommunications Carriers. Under that size standard, such a business is small if it has 1,500 or fewer employees. According to Commission data, 535 carriers have reported that they are engaged in the provision of payphone services. Of these, an estimated 531 have 1,500 or fewer employees and four have more than 1,500 employees. Consequently, the Commission estimates that the majority of payphone service providers are small entities that may be affected by the Commission's action.

E. Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements for Small Entities

85. Recordkeeping, Reporting, and Certification. The Order on Remand requires inmate calling services providers to properly identify whether ancillary services associated with inmate calling services are interstate, intrastate, or jurisdictionally mixed. To the extent those ancillary services are interstate or jurisdictionally mixed, the provider must comply with fee caps or limits previously adopted by the Commission. The Remand Order also requires inmate calling services providers to not mark up mandatory taxes or fees passed on to consumers of interstate or international inmate calling services, and places an ancillary service charge cap on single-call services.

F. Steps Taken To Minimize the Significant Economic Impact on Small Entities, and Significant Alternatives Considered

86. The RFA requires an agency to describe any significant, specifically small business, alternatives that it has considered in reaching its proposed 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 and reporting requirements under the rules for such 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 such small entities.''

87. The FRFA that the Commission previously issued in connection with the *2015 ICS Order* addressed in full the steps taken to minimize the economic impact or small entities and the significant alternatives considered.

G. Report to Congress

88. The Commission will send a copy of the Remand Order, including this Supplemental FRFA, in a report to be sent to Congress pursuant to the Small Business Regulatory Enforcement Fairness Act of 1996. In addition, the Commission will send a copy of the Remand Order, including this Supplemental FRFA, to the Chief Counsel for Advocacy of the Small Business Administration. A copy of the Remand Order and Supplemental FRFA (or summaries thereof) will also be published in the **Federal Register**.

VI. Ordering Clauses

89. Accordingly, *it is ordered* that, pursuant to the authority contained in sections 1, 2, 4(i)–(j), 201(b), 218, 220, 276, and 403 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 152, 154(i)–(j), 201(b), 218, 220, 276, and 403, this Report and Order on Remand *is adopted*.

90. *It is further ordered,* pursuant to the authority contained in sections 1, 2, 4(i)–(j), 201(b), 218, 220, 276, and 403 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 152, 154(i)–(j), 201(b), 218, 220, 276, and 403, that the amendments to the Commission's rules *are adopted,* effective 30 days after publication of a summary in the **Federal Register**.

91. *It is further ordered* that the Commission's Consumer and Governmental Affairs Bureau, Reference Information Center, *shall send* a copy of this Report and Order on Remand, including the Supplemental Final Regulatory Flexibility Analysis, to the Congress and the Government Accountability Office pursuant to the Congressional Review Act, see 5 U.S.C. 801(a)(1)(A).

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

List of Subjects in 47 CFR Part 64

Communications common carriers, Individuals with disabilities, Prisons, Reporting and recordkeeping requirements, Telecommunications, Telephone, Waivers.

Federal Communications Commission.

Marlene Dortch,

Secretary.

Final Rules

For the reasons set forth in the preamble, the Federal Communications Commission amends part 64, of title 47 of the Code of Federal Regulations as follows:

PART 64—MISCELLANEOUS RULES RELATING TO COMMON CARRIERS

■ 1. The authority citation for part 64 is revised to read as follows:

Authority: 47 U.S.C. 151, 152, 154, 201, 202, 217, 218, 220, 222, 225, 226, 227, 227b, 228, 251(a), 251(e), 254(k), 262, 276, 403(b)(2)(B), (c), 616, 620, 1401–1473, unless otherwise noted; Pub. L. 115–141, Div. P, sec. 503, 132 Stat. 348, 1091.

■ 2. Amend § 64.6000 by revising paragraphs (a), (b), (n), and (t) and by adding paragraph (u) to read as follows:

§ 64.6000 Definitions.

* * * * *

(a) *Ancillary Service Charge* means any charge Consumers may be assessed for, or in connection with, the interstate or international use of Inmate Calling Services that are not included in the per-minute charges assessed for such individual calls. Ancillary Service Charges that may be assessed are limited only to those listed in paragraphs (a)(1) through (5) of this section. All other Ancillary Service Charges are

prohibited. For purposes of this definition, ''interstate'' includes any Jurisdictionally Mixed Charge, as defined in paragraph (u) of this section.

* * * * *

(b) *Authorized Fee* means a government authorized, but discretionary, fee which a Provider must remit to a federal, state, or local government, and which a Provider is permitted, but not required, to pass through to Consumers for or in connection with interstate or international Inmate Calling Service. An Authorized Fee may not include a markup, unless the markup is specifically authorized by a federal, state, or local statute, rule, or regulation.

* * * * *

(n) *Mandatory Tax or Mandatory Fee* means a fee that a Provider is required to collect directly from consumers, and remit to federal, state, or local governments. A Mandatory Tax or Fee that is passed through to a consumer for, or in connection with, interstate or international Inmate Calling Services may not include a markup, unless the markup is specifically authorized by a federal, state, or local statute, rule, or regulation;

* * * * *

(t) *Site Commission* means any form of monetary payment, in-kind payment, gift, exchange of services or goods, fee, technology allowance, or product that a Provider of Inmate Calling Services or affiliate of a Provider of Inmate Calling Services may pay, give, donate, or otherwise provide to an entity that operates a correctional institution, an entity with which the Provider of Inmate Calling Services enters into an agreement to provide Inmate Calling Services, a governmental agency that oversees a correctional facility, the city, county, or state where a facility is located, or an agent of any such facility.

(u) *Jurisdictionally Mixed Charge* means any charge Consumers may be assessed for use of Inmate Calling Services that are not included in the per-minute charges assessed for individual calls and that are assessed for, or in connection with, uses of Inmate Calling Service to make such calls that have interstate or international components and intrastate components that are unable to be segregated at the time the charge is incurred.

§ 64.6010 [Removed and Reserved]

■ 3. Remove and reserve § 64.6010.

■ 4. Section 64.6020(a) is revised to read as follows:

§ 64.6020 Ancillary Service Charge.

(a) No Provider of interstate or international Inmate Calling Services shall charge an Ancillary Service Charge other than those permitted charges listed in § 64.6000(a).

* * * * *

■ 5. Section 64.6030 is revised to read as follows:

§ 64.6030 Inmate Calling Services interim rate cap.

No provider shall charge a rate for interstate Collect Calling in excess of $0.25 per minute, or a rate for interstate Debit Calling, Prepaid Calling, or Prepaid Collect Calling in excess of $0.21 per minute. These interim rate caps shall remain in effect until permanent rate caps are adopted and take effect.

■ 6. Section 64.6050 is revised to read as follows:

§ 64.6050 Billing-related call blocking.

No Provider shall prohibit or prevent completion of an interstate or international Collect Calling call or decline to establish or otherwise degrade interstate or international Collect Calling solely for the reason that it lacks a billing relationship with the called party's communications service provider, unless the Provider offers Debit Calling, Prepaid Calling, or Prepaid Collect Calling for interstate and international calls.

§ 64.6060 [Amended]

■ 7. In § 64.6060, remove and reserve paragraph (a)(4).

■ 8. Section 64.6070 is revised to read as follows:

§ 64.6070 Taxes and fees.

No Provider shall charge any taxes or fees to users of Inmate Calling Services for, or in connection with, interstate or international calls, other than those permitted under § 64.6020, and those defined as Mandatory Taxes, Mandatory Fees, or Authorized Fees.

■ 9. Section 64.6080 is revised to read as follows:

§ 64.6080 Per-Call or Per-Connection Charges.

No Provider shall impose a Per-Call or Per-Connection Charge on a Consumer for any interstate or international calls.

■ 10. Section 64.6090 is revised to read as follows:

§ 64.6090 Flat-Rate Calling.

No Provider shall offer Flat-Rate Calling for interstate or international Inmate Calling Services.

■ 11. Section 64.6100 is revised to read as follows:

§ 64.6100 Minimum and maximum Prepaid Calling account balances.

(a) No Provider shall institute a minimum balance requirement for a Consumer to use Debit or Prepaid Calling for interstate or international calls.

(b) No Provider shall prohibit a consumer from depositing at least $50 per transaction to fund a Debit or Prepaid Calling account that can be used for interstate or international calls.

[FR Doc. 2020–19951 Filed 10–22–20; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF VETERANS AFFAIRS

48 CFR Parts 841 and 842

RIN 2900–AQ38

VA Acquisition Regulation: Acquisition of Utility Services, and Contract Administration and Audit Services; Correction

AGENCY: Department of Veterans Affairs.

ACTION: Final rule; correction.

SUMMARY: On September 24, 2020, the Department of Veterans Affairs (VA) published a rule updating its VA Acquisition Regulation (VAAR) in phased increments. The changes seek to streamline and align the VAAR with the FAR and remove outdated and duplicative requirements and reduce burden on contractors. An error occurred in three amendatory instructions. This document corrects those errors.

DATES: This correction is effective October 26, 2020.

FOR FURTHER INFORMATION CONTACT: Mr. Rafael N. Taylor, Senior Procurement Analyst, Procurement Policy and Warrant Management Services, 003A2A, 425 I Street NW, Washington, DC 20001, (202) 382–2787. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On September 24, 2020, VA published a rule in the **Federal Register** (85 FR 60073) which contained errors in the description of the contents of subparts 841.2, 841.5, and 842.2.

Corrections

In FR Rule Doc. No. 2020–18172, appearing on page 60077 in the **Federal Register** of September 24, 2020, make the following corrections:

Subpart 841.2 [Corrected]

■ 1. On page 60077, in the first column, in subpart 841.2, correct instruction

number 14. to read as follows: ''Subpart 841.2, consisting of section 841.201, is removed and reserved.''

■ 2. On page 60077, in the first column, in subpart 841.5, under instruction number 15, correct section 841.501–70, Disputes—Utility contracts, to read as follows:

841.501–70 Disputes—Utility contracts.

The contracting officer shall insert the clause at 852.241–70, Disputes—Utility Contracts, in solicitations and contracts for utility services subject to the jurisdiction and regulation of a utility rate commission.

Subpart 842.2 [Corrected]

■ 3. On page 60077, in the second column, in subpart 842.2, correct instruction number 20. to read as follows: ''20. Subpart 842.2 is revised to read as follows:''

Dated: September 29, 2020.

Consuela Benjamin,

Regulations Development Coordinator, Office of Regulation Policy & Management, Office of the Secretary, Department of Veterans Affairs.

[FR Doc. 2020–21842 Filed 10–22–20; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 200221–0062]

RTID 0648–XA529

Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 in the Gulf of Alaska

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS is prohibiting directed fishing for pollock in Statistical Area 630 in the Gulf of Alaska (GOA). This action is necessary to prevent exceeding the D season allowance of the 2020 total allowable catch (TAC) of pollock for Statistical Area 630 in the GOA.

DATES: Effective 1200 hours, Alaska local time (A.l.t.), October 20, 2020, through 2400 hours, A.l.t., December 31, 2020.

FOR FURTHER INFORMATION CONTACT: Krista Milani, 907–581–2062.

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

The D season allowance of the 2020 TAC of pollock in Statistical Area 630 of the GOA is 9,248 metric tons (mt) as established by the final 2020 and 2021 harvest specifications for groundfish in the GOA (85 FR 13802, March 10, 2020).

In accordance with § 679.20(d)(1)(i), the Regional Administrator has determined that the D season allowance of the 2020 TAC of pollock in Statistical Area 630 of the GOA will soon be reached. Therefore, the Regional Administrator is establishing a directed fishing allowance of 8,948 mt and is setting aside the remaining 300 mt as bycatch to support other anticipated groundfish fisheries. In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that this directed fishing allowance has been reached. Consequently, NMFS is prohibiting directed fishing for pollock in Statistical Area 630 of the GOA.

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

Classification

NMFS issues this action pursuant to section 305(d) of the Magnuson-Stevens Act. This action is required by 50 CFR part 679, which was issued pursuant to section 304(b), and is exempt from review under Executive Order 12866.

Pursuant to 5 U.S.C. 553(b)(B), there is good cause to waive prior notice and an opportunity for public comment on this action, as notice and comment would be impracticable and contrary to the public interest, as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the closure of directed fishing for pollock in Statistical Area 630 of the GOA. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of October 19, 2020.

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

Dated: October 20, 2020.

Jennifer M. Wallace,

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

[FR Doc. 2020–23530 Filed 10–20–20; 4:15 pm]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 85, No. 206
Friday, October 23, 2020

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

DEPARTMENT OF ENERGY

10 CFR Parts 429 and 431

[EERE–2019–BT–CE–0015]

RIN 1904–AE34

Enforcement for Consumer Products and Commercial and Industrial Equipment

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

ACTION: Extension of public comment period; notice of public hearing.

SUMMARY: The U.S. Department of Energy (''DOE'') is extending the public comment period for the notice of proposed rulemaking (''NOPR'') by which DOE proposes to revise its existing enforcement regulations for certain consumer products and commercial and industrial equipment covered under the Energy Policy and Conservation Act of 1975, as amended. DOE published the NOPR in the **Federal Register** on August 31, 2020, establishing a public comment period that ends on October 30, 2020. In this document, DOE is extending the comment period to December 30, 2020 and announcing a public hearing on December 8, 2020.

DATES:

Comments: The comment period for the NOPR published on August 31, 2020 (85 FR 53691), is extended. DOE will accept comments, data, and information regarding the NOPR received no later than December 30, 2020.

Meeting: DOE will hold a webinar on Tuesday, December 8, 2020 from 12:00 p.m. to 4:00 p.m. EST. See ''Public Participation,'' for webinar registration information, participant instructions, and information about the capabilities available to webinar participants. If no participants register for the webinar, then it will be cancelled.

ADDRESSES: Interested persons are encouraged to submit comments using the Federal eRulemaking Portal at *http://www.regulations.gov.* Follow the instructions for submitting comments. Alternatively, interested persons may submit comments, identified by docket number EERE–2019–BT–CE–0015, by any of the following methods:

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

2. *Email: Enforcement2019CE@ee.doe.gov.* Include the docket number EERE–2019–BT–CE–0015 in the subject line of the message.

3. *Postal Mail:* Office of the Assistant General Counsel for Enforcement, U.S. Department of Energy, Mailstop GC–32, 1000 Independence Avenue SW, Washington, DC 20585–0121. Telephone: (202) 287–5997. If possible, please submit all items on a compact disc (CD), in which case it is not necessary to include printed copies.

4. *Hand Delivery/Courier:* Hand Delivery/Courier: Office of the Assistant General Counsel for Enforcement, U.S. Department of Energy, Mailstop GC–32, 1000 Independence Avenue SW, Washington, DC 20585–0121. Telephone: (202) 287–5997. 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.

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

The docket web page can be found at *https://www.regulations.gov/docket?D=EERE-2019-BT-CE-0015.* The docket web page contains instructions on how to access all documents, including public comments in the docket.

FOR FURTHER INFORMATION CONTACT: Ms. Smitha Vemuri, U.S. Department of Energy, Office of the General Counsel, GC–32, 1000 Independence Avenue SW, Washington, DC 20585–0121. Telephone: (202) 586–3421. Email: *smitha.vemuri@hq.doe.gov.*

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

SUPPLEMENTARY INFORMATION: On August 31, 2020, the U.S. Department of Energy (DOE) published a document in the **Federal Register** soliciting public comment on a NOPR, which proposes revisions to existing enforcement regulations for certain consumer products and commercial and industrial equipment covered under the Energy Policy and Conservation Act of 1975, as amended. 85 FR 53691. Comments were originally due by October 30, 2020. On September 24, 2020, DOE received a joint request from the Air-Conditioning, Heating, & Refrigeration Institute, Association of Home Appliance Manufacturers, National Electric Manufacturers Association, and AMCA International requesting a public hearing (see *https://beta.regulations.gov/comment/EERE-2019-BT-CE-0015-0002*). DOE has reviewed the request and considered the benefit to all stakeholders in providing an opportunity to engage in a public hearing with DOE. DOE also considered the benefit of providing additional time to review the NOPR and gather information/data that DOE is seeking. Accordingly, DOE extends the comment period until December 30, 2020. In addition, DOE will be holding a webinar on December 8, 2020.

Public Participation

DOE invites public participation in this process through participation in the webinar and submission of written comments and information. After the webinar and the closing of the comment period, DOE will consider all timely-submitted comments and additional information obtained from interested parties, as well as information obtained through further analyses.

Participation in the Webinar

The time and date of the webinar are listed in the **DATES** section at the beginning of this document. If no participants register for the webinar, then it will be cancelled.

Webinar registration information, participant instructions, and information about the capabilities available to webinar participants will be published on DOE's website: *https://*

cms.doe.gov/eere/buildings/public-meetings-and-comment-deadlines. Participants are responsible for ensuring their systems are compatible with the webinar software.

DOE encourages those who wish to participate in the webinar to obtain the NOPR from DOE's website and to be prepared to discuss its contents. Once again, a copy of the NOPR is available at: *https://www.regulations.gov/docket?D=EERE-2019-BT-CE-0015.*

Signing Authority

This document of the Department of Energy was signed on October 15, 2020, by Joseph J. DeSanctis, Deputy General Counsel for Litigation, Regulation, and Enforcement, 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 October 16, 2020.

Treena V. Garrett,

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

[FR Doc. 2020–23321 Filed 10–22–20; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2020–0917; Project Identifier MCAI–2020–00606–A]

RIN 2120–AA64

Airworthiness Directives; Pilatus Aircraft Ltd. Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for all Pilatus Aircraft Ltd. (Pilatus) Model PC–24 airplanes. This proposed AD was prompted by a report that electronic circuit breakers (ECBs) were found in a locked state after maintenance, but before flight. This proposed AD would require revising the airplane flight manual to incorporate a procedure to check for the ECB status. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by December 7, 2020.

ADDRESSES: You may send comments, using the procedures found in 14 CFR 11.43 and 11.45, by any of the following methods:

- *Federal eRulemaking Portal:* Go to *https://www.regulations.gov.* Follow the instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.
- *Hand Delivery:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this NPRM, contact PILATUS Aircraft Ltd., Customer Technical Support (MCC), P.O. Box 992, CH–6371 Stans, Switzerland; phone +41 (0)41 619 67 74; fax: +41 (0)41 619 67 73; email: *techsupport@pilatus-aircraft.com;* internet: *https://www.pilatus-aircraft.com.* You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 901 Locust Street, Kansas City, Missouri. For information on the availability of this material at the FAA, call (816) 329–4148.

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–2020–0917; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, any comments received, and other information. The street address for Docket Operations is listed above. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Doug Rudolph, Aerospace Engineer, FAA, General Aviation & Rotorcraft Section, International Validation Branch, 901 Locust Street, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4059; fax: (816) 329–4090; email: *doug.rudolph@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to participate in this rulemaking by submitting written comments, data, or views about this proposal. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. To ensure the docket does not contain duplicate comments, commenters should send only one copy of written comments, or if comments are filed electronically, commenters should submit only one time. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2020–0917; Project Identifier MCAI–2020–00606–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 received, without change, as well as a report summarizing each substantive public contact with FAA personnel concerning this proposed rulemaking. Before acting on this proposal, the FAA will consider all comments received by the closing date for comments. The FAA will consider comments filed after the comment period has closed if it is possible to do so without incurring expense or delay. The FAA may change this NPRM because of those comments.

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Doug Rudolph, Aerospace Engineer, FAA, General Aviation & Rotorcraft Section, International Validation Branch, 901 Locust Street, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4059; fax: (816) 329–4090; email: *doug.rudolph@faa.gov.* Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Discussion

The European Union Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA AD No. 2020–0096, dated April 29, 2020 (referred to after this as the mandatory continuing airworthiness information, or ''the MCAI''), to correct an unsafe condition for all Pilatus Model PC–24 airplanes. The MCAI states an occurrence was reported where some ECBs were found in a locked state after maintenance, but before flight. This situation caused the airplane to have a loss of equipment power before take-off and the pilot had no indication of this situation. This was caused by maintenance personnel turning off some or all of the ECBs through the cockpit multi-function display (MFD) prior to performing maintenance and then incorrectly or improperly resetting the ECBs when the maintenance is complete. Currently, there is no procedure in the airplane flight manual (AFM) to check whether the ECBs have been correctly set other than a step in the AFM ''Before Engine Start'' section that checks whether any ECBs are ''FAILED'' or ''TRIPPED.'' Pilatus has issued a temporary revision to the AFM to replace the ''Before Engine Start'' step to check for ECBs that are ''FAILED, TRIPPED or LOCKED.'' This added procedure will help ensure that there is indication to the pilot of the status of equipment power supply before take-off.

According to the MCAI, this condition, if not corrected, could lead to a loss of power supply to equipment, without indication to the flightcrew before take-off. To address this condition, the MCAI requires amending the AFM to include a temporary revision issued by Pilatus to provide operators with the necessary preflight check instructions.

You may examine the MCAI in the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0917.

Related Service Information Under 1 CFR Part 51

Pilatus has issued PC–24 (Pilatus) Temporary Revision No. 02371–016, dated November 1, 2019, to the PC–24 AFM. This service information contains a step to be added to the pilot preflight procedures to check the ECB status. 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

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

Proposed Requirements of This NPRM

This proposed AD would require revising the airplane flight manual to incorporate a pilot preflight procedure to check the ECB status.

Costs of Compliance

The FAA estimates that this proposed AD would affect 30 airplanes of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
1 work-hour × $85 per hour = $85	$0	$85	$2,550

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Pilatus Aircraft Ltd.: Docket No. FAA–2020–0917; Project Identifier MCAI–2020–00606–A.

(a) Comments Due Date

The FAA must receive comments by December 7, 2020.

(b) Affected ADs

None.

(c) Applicability

This airworthiness directive (AD) applies to Pilatus Aircraft Ltd. Model PC–24 airplanes, all serial numbers, certificated in any category.

(d) Subject

Air Transport Association (ATA) of America Code 24, Electrical Power.

(e) Reason

This AD was prompted by a report that electronic circuit breakers (ECBs) were found in a locked state after maintenance, but before flight. ECBs were turned off prior to maintenance and then not reset properly after maintenance was complete. The FAA is issuing this AD to prevent improperly set ECBs, which if not detected, could lead to loss of power supply to equipment without indication to the flightcrew before take-off.

(f) Compliance

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

(g) Revision of the Airplane Flight Manual (AFM)

Within 30 days after the effective date of this AD, revise Section 4 of the existing AFM for your airplane by replacing the information as specified in PC–24 (Pilatus) Temporary Revision No. 02371–016, dated November 1, 2019, to the Pilatus PC–24 AFM.

(h) 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: Doug Rudolph, Aerospace Engineer, FAA, General Aviation & Rotorcraft Section, International Validation Branch, 901 Locust Street, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4059; fax: (816) 329–4090; email: *doug.rudolph@faa.gov.* In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

(i) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) European Union Aviation Safety Agency AD No. 2020–0096, dated April 29, 2020, for related information. This MCAI may be found in the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0917.

(2) For more information about this AD, contact Doug Rudolph, Aerospace Engineer, FAA, General Aviation & Rotorcraft Section, International Validation Branch, 901 Locust Street, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4059; fax: (816) 329–4090; email: *doug.rudolph@faa.gov.*

(3) For service information identified in this AD, contact PILATUS Aircraft Ltd., Customer Technical Support (MCC), P.O. Box 992, CH–6371 Stans, Switzerland; phone +41 (0)41 619 67 74; fax: +41 (0)41 619 67 73; email: *techsupport@pilatus-aircraft.com;* internet: *https://www.pilatus-aircraft.com.* You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 901 Locust Street, Kansas City, Missouri. For information on the availability of this material at the FAA, call (816) 329–4148.

Issued on October 13, 2020.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2020–23301 Filed 10–22–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2020–0965; Project Identifier MCAI–2020–01068–T]

RIN 2120–AA64

Airworthiness Directives; Airbus SAS Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for all Airbus SAS Model A350–941 and –1041 airplanes. This proposed AD was prompted by a report that a welding quality issue has been identified in the gimbal joint of the air bleed duct located at each wing-to-pylon interface; the inner ring of a gimbal had deformed to an oval shape, which could lead to cracking caused by direct contact between metal parts. This proposed AD would require replacing affected bleed duct assemblies and bleed gimbals at the wing-to-pylon interface with a serviceable part, as specified in a European Union Aviation Safety Agency (EASA) AD, which will be incorporated by reference. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by December 7, 2020.

ADDRESSES: You may send comments, using the procedures found in 14 CFR 11.43 and 11.45, by any of the following methods:

- *Federal eRulemaking Portal:* Go to *https://www.regulations.gov.* Follow the instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.
- *Hand Delivery:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For the material that will be incorporated by reference (IBR) in this AD, contact the EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu;* internet *www.easa.europa.eu.* You may find this IBR material on the EASA website at *https://ad.easa.europa.eu.* You may view this IBR material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available in the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0965.

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–2020–0965; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, any comments received, and other information. The street address for Docket Operations is listed above. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Kathleen Arrigotti, Aerospace Engineer, Large Aircraft Section, International Validation Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3218; *Kathleen.Arrigotti@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2020–0965; Project Identifier MCAI–2020–01068–T'' at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this proposal because of those comments.

Except for Confidential Business Information (CBI) as described in the following paragraph, and other information as described in 14 CFR 11.35, the FAA will post all comments received, without change, to *regulations.gov*, including any personal information you provide. The agency will also post a report summarizing each substantive verbal contact received about this proposed AD.

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Kathleen Arrigotti, Aerospace Engineer, Large Aircraft Section, International Validation Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3218; *Kathleen.Arrigotti@faa.gov.* Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Discussion

The EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2020–0169R1, dated August 19, 2020 (''EASA AD 2020–0169R1'') (also referred to as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for all Airbus SAS Model A350–941 and –1041 airplanes. This proposed AD was prompted by a report that a welding quality issue has been identified in the gimbal joint of the air bleed duct located at each wing-to-pylon interface; the inner ring of a gimbal had deformed to an oval shape, which could lead to cracking caused by direct contact between metal parts. The FAA is proposing this AD to address this condition, which could lead to hot bleed air leakage in the pylon area, and possibly result in loss of the pneumatic system and exposure of the wing structure to high temperatures, and lead to reduced structural integrity of the airplane. See the MCAI for additional background information.

Related IBR Material Under 1 CFR Part 51

EASA AD 2020–0169R1 describes procedures for replacing affected bleed duct assemblies and bleed gimbals at the wing-to-pylon interface with serviceable parts. This material is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

FAA's Determination and Requirements of This Proposed AD

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

Proposed AD Requirements

This proposed AD would require accomplishing the actions specified in EASA AD 2020–0169R1 described previously, as incorporated by reference, except for any differences identified as exceptions in the regulatory text of this AD.

Explanation of Required Compliance Information

In the FAA's ongoing efforts to improve the efficiency of the AD process, the FAA initially worked with Airbus and EASA to develop a process to use certain EASA ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. The FAA has since coordinated with other manufacturers and civil aviation authorities (CAAs) to use this process. As a result, EASA AD 2020–0169R1 will be incorporated by reference in the FAA final rule. This proposed AD would, therefore, require compliance with EASA AD 2020–0169R1 in its entirety, through that incorporation, except for any differences identified as exceptions in the regulatory text of this proposed AD. Using common terms that are the same as the heading of a particular section in the EASA AD does not mean that operators need comply only with that section. For example, where the AD requirement refers to ''all required actions and compliance times,'' compliance with this AD requirement is not limited to the section titled ''Required Action(s) and Compliance Time(s)'' in the EASA AD. Service information specified in EASA AD 2020–0169R1 that is required for compliance with EASA AD 2020–0169R1 will be available on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0965 after the FAA final rule is published.

Costs of Compliance

The FAA estimates that this proposed AD affects 13 airplanes of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
25 work-hours × $85 per hour = $2,125	Up to $48,800	Up to $50,925	Up to $662,025.

Authority for This Rulemaking

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

The FAA is issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701: General requirements. Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds

necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Airbus SAS: Docket No. FAA–2020–0965; Project Identifier MCAI–2020–01068–T.

(a) Comments Due Date

The FAA must receive comments by December 7, 2020.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all Airbus SAS Model A350–941 and –1041 airplanes, certificated in any category.

(d) Subject

Air Transport Association (ATA) of America Code 36, Pneumatic.

(e) Reason

This AD was prompted by a report that a welding quality issue has been identified in the gimbal joint of the air bleed duct located at each wing-to-pylon interface; the inner ring of a gimbal had deformed to an oval shape, which could lead to cracking caused by direct contact between metal parts. The FAA is issuing this AD to address this condition, which could lead to hot bleed air leakage in the pylon area, and possibly result in loss of the pneumatic system and exposure of the wing structure to high temperatures, and lead to reduced structural integrity of the airplane.

(f) Compliance

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

(g) Requirements

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, European Union Aviation Safety Agency (EASA) AD 2020–0169R1, dated August 19, 2020 (''EASA AD 2020–0169R1'').

(h) Exceptions to EASA AD 2020–0169R1

(1) Where EASA AD 2020–0169R1 refers to its effective date, this AD requires using the effective date of this AD.

(2) The ''Remarks'' section of EASA AD 2020–0169R1 does not apply to this AD.

(i) No Reporting Requirement

Although the service information referenced in EASA AD 2020–0169R1 specifies to submit certain information to the manufacturer, this AD does not include that requirement.

(j) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, Large Aircraft Section, International Validation Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or responsible Flight Standards Office, as appropriate. If sending information directly to the Large Aircraft Section, International Validation Branch, send it to the attention of the person identified in paragraph (k)(2) of this AD. Information may be emailed to: *9-AVS-AIR-730-AMOC@faa.gov.* Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the responsible Flight Standards Office.

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain instructions from a manufacturer, the instructions must be accomplished using a method approved by the Manager, Large Aircraft Section, International Validation Branch, FAA; or EASA; or Airbus SAS's EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

(3) *Required for Compliance (RC):* For any service information referenced in EASA AD 2020–0169R1 that contains RC procedures and tests: Except as required by paragraph (j)(2) of this AD, RC procedures and tests must be done to comply with this AD; any procedures or tests that are not identified as RC are recommended. Those procedures and tests that are not identified as RC may be deviated from using accepted methods in accordance with the operator's maintenance or inspection program without obtaining approval of an AMOC, provided the procedures and tests identified as RC can be done and the airplane can be put back in an airworthy condition. Any substitutions or changes to procedures or tests identified as RC require approval of an AMOC.

(k) Related Information

(1) For information about EASA AD 2020–0169R1, contact the EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu;* internet *www.easa.europa.eu.* You may find this EASA AD on the EASA website at *https://ad.easa.europa.eu.* You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. This material may be found in the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0965.

(2) For more information about this AD, contact Kathleen Arrigotti, Aerospace Engineer, Large Aircraft Section, International Validation Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3218; *Kathleen.Arrigotti@faa.gov.*

Issued on October 15, 2020.

Gaetano A. Sciortino,

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

[FR Doc. 2020–23235 Filed 10–22–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF THE TREASURY

Alcohol and Tobacco Tax and Trade Bureau

27 CFR Part 9

[Docket No. TTB–2020–0011; Notice No.196]

RIN 1513–AC63

Proposed Establishment of the Goose Gap Viticultural Area

AGENCY: Alcohol and Tobacco Tax and Trade Bureau, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Alcohol and Tobacco Tax and Trade Bureau (TTB) proposes to establish the approximately 8,129-acre

''Goose Gap'' viticultural area in Benton County, Washington. The proposed viticultural area lies entirely within the established Yakima Valley and Columbia Valley viticultural areas. TTB designates viticultural areas to allow vintners to better describe the origin of their wines and to allow consumers to better identify wines they may purchase. TTB invites comments on this proposed addition to its regulations.

DATES: TTB must receive comments by December 22, 2020.

ADDRESSES: You may electronically submit comments to TTB on this proposal, and view copies of this document, its supporting materials, and any comments TTB receives on it within Docket No. TTB–2020–0011 as posted on *Regulations.gov* (*https://www.regulations.gov*), the Federal e-rulemaking portal. Please see the ''Public Participation'' section of this document below for full details on how to comment on this proposal via *Regulations.gov* or U.S. mail, and for full details on how to view or obtain copies of this document, its supporting materials, and any comments related to this proposal.

FOR FURTHER INFORMATION CONTACT: Karen A. Thornton, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, 1310 G Street NW, Box 12, Washington, DC 20005; phone 202–453–1039, ext. 175.

SUPPLEMENTARY INFORMATION:

Background on Viticultural Areas

TTB Authority

Section 105(e) of the Federal Alcohol Administration Act (FAA Act), 27 U.S.C. 205(e), authorizes the Secretary of the Treasury to prescribe regulations for the labeling of wine, distilled spirits, and malt beverages. The FAA Act provides that these regulations should, among other things, prohibit consumer deception and the use of misleading statements on labels and ensure that labels provide the consumer with adequate information as to the identity and quality of the product. The Alcohol and Tobacco Tax and Trade Bureau (TTB) administers the FAA Act pursuant to section 1111(d) of the Homeland Security Act of 2002, codified at 6 U.S.C. 531(d). The Secretary has delegated the functions and duties in the administration and enforcement of these provisions to the TTB Administrator through Treasury Order 120–01, dated December 10, 2013 (superseding Treasury Order 120–01, dated January 24, 2003).

Part 4 of the TTB regulations (27 CFR part 4) authorizes TTB to establish definitive viticultural areas and regulate the use of their names as appellations of origin on wine labels and in wine advertisements. Part 9 of the TTB regulations (27 CFR part 9) sets forth standards for the preparation and submission of petitions for the establishment or modification of American viticultural areas (AVAs) and lists the approved AVAs.

Definition

Section 4.25(e)(1)(i) of the TTB regulations (27 CFR 4.25(e)(1)(i)) defines a viticultural area for American wine as a delimited grape-growing region having distinguishing features, as described in part 9 of the regulations, and a name and a delineated boundary, as established in part 9 of the regulations. These designations allow vintners and consumers to attribute a given quality, reputation, or other characteristic of a wine made from grapes grown in an area to the wine's geographic origin. The establishment of AVAs allows vintners to describe more accurately the origin of their wines to consumers and helps consumers to identify wines they may purchase. Establishment of an AVA is neither an approval nor an endorsement by TTB of the wine produced in that area.

Requirements

Section 4.25(e)(2) of the TTB regulations (27 CFR 4.25(e)(2)) outlines the procedure for proposing an AVA and provides that any interested party may petition TTB to establish a grape-growing region as an AVA. Section 9.12 of the TTB regulations (27 CFR 9.12) prescribes the standards for petitions for the establishment or modification of AVAs. Petitions to establish an AVA must include the following:

- Evidence that the area within the proposed AVA boundary is nationally or locally known by the AVA name specified in the petition;
- An explanation of the basis for defining the boundary of the proposed AVA;
- A narrative description of the features of the proposed AVA that affect viticulture, such as climate, geology, soils, physical features, and elevation, that make the proposed AVA distinctive and distinguish it from adjacent areas outside the proposed AVA boundary;
- The appropriate United States Geological Survey (USGS) map(s) showing the location of the proposed AVA, with the boundary of the proposed AVA clearly drawn thereon;
- If the proposed AVA is to be established within, or overlapping, an existing AVA, an explanation that both identifies the attributes of the proposed AVA that are consistent with the existing AVA and explains how the proposed AVA is sufficiently distinct from the existing AVA and therefore appropriate for separate recognition; and
- A detailed narrative description of the proposed AVA boundary based on USGS map markings.

Goose Gap Petition

TTB received a petition from Alan Busacca, on behalf of the Goose Gap Wine Grower's Association, proposing the establishment of the ''Goose Gap'' AVA. The proposed Goose Gap AVA is located in Benton County, Washington, and lies entirely within the established Yakima Valley AVA (27 CFR 9.69) and Columbia Valley AVA (27 CFR 9.74). The proposed Goose Gap AVA contains approximately 8,129 acres and has 1 winery and 2 commercially-producing vineyards covering a total of more than 1,800 acres. The petition states that, in 2017, the two vineyards harvested more than 7,000 tons of grapes, and the winery produced about 50,000 cases of wine from those grapes.

According to the petition, the distinguishing features of the proposed Goose Gap AVA include its geology and soils. The petition also included information on the general climate of the region near the proposed AVA. However, the petition did not include any actual climate data from within the proposed Goose Gap AVA and instead provided climate data from the nearby established Red Mountain AVA (27 CFR 9.167), which the petition asserts has a similar climate. Because the petition did not include evidence from within the proposed AVA to support its climate claims, TTB is unable to determine that climate is a distinguishing feature of the proposed AVA. Therefore, this proposed rule does not include a discussion of the climate of the proposed AVA.[1] TTB invites public comments that include climate data from within the proposed AVA and the surrounding regions. The Bureau may determine climate to be a distinguishing feature of this proposed AVA if sufficient additional information is received. Unless otherwise noted, all information and data pertaining to the proposed AVA contained in this document are from the petition for the proposed Goose Gap AVA and its supporting exhibits.

Name Evidence

The proposed Goose Gap AVA takes its name from the geological feature known as ''Goose Gap,'' which is

[1] The climate data is included in Docket TTB–2020–0011 at *https://www.regulations.gov.*

located within the proposed AVA. Goose Gap is described as a slightly rolling ''saddle'' or ''gap'' of land situated between Goose Hill, which is also within the proposed AVA, and Candy Mountain and Badger Mountain, which are located to the east and southeast of the proposed AVA, respectively. The gap is labeled ''Goose Gap'' on U.S.G.S. quadrangle maps dating back to 1965, including the 1965 Badger Mountain quadrangle map and the 1978 Richland quadrangle map, both of which were included as exhibits to the petition. The gap is also labeled ''Goose Gap'' on the 2017 Badger Mountain quadrangle map used to create the boundary of the proposed AVA.

The petition states that the name ''Goose Gap'' has been used to describe the region of the proposed AVA in newspaper articles and other historical sources since at least 1904, when a reference appeared in the journal *Forest and Stream.* The 1904 article describes a goose hunting trip at ''Goose Gap, through which the geese fly in reaching the Horse Heaven feeding grounds after they leave the sand bars of the Columbia River.'' [2] A 1913 article in the *Kennewick Courier* newspaper mentions several local residents who participated ''in a goose hunt at 'Goose Gap' last Sunday.'' [3] A 1959 publication on the early history of Benton City, Washington, which is located near the proposed AVA, notes that ''[a]round the lower valley at Goose Gap up the canyon * * * the wild geese come to feed in great flocks at certain seasons of the year.'' [4]

The petition also included more recent examples to demonstrate that the region of the proposed AVA is currently referred to as ''Goose Gap.'' A road running through the proposed AVA is named Goose Gap Road. A local pawpaw fruit orchard is named Goose Gap Pawpaws. A 1972 draft environmental statement on the proposal to build Interstate 82, which runs through the proposed AVA, notes that a portion of the road will ''follow a passage * * * to Goose Gap at the northwest end of Badger Mountain.'' [5] A 2016 newspaper article about wine grape growing in Washington states, ''The Monson family started out in cattle and fruit before developing Goose Ridge Vineyards, and has turned a unique property in Goose Gap into 2,200 acres of wine grapes.'' [6] A review of Washington wines describes a 2016 rosé from Goose Ridge Vineyards, which is located within the proposed AVA, and mentions that the wine was made by ''Goose Gap winemaker Andrew Wilson.'' [7]

Several other references to ''Goose Gap'' are found in a 2015 plan for a project to develop water rights and drill deep irrigation wells for row crops, orchards, and vineyards on lands owned by the Washington State Department of Natural Resources (DNR) in the region of the proposed AVA. First, the development plan refers to the project as the ''DNR Red Mountain Goose Gap Project.'' [8] The plan states that ''DNR's Red Mountain Goose Gap Complex and associated leases represent one of DNR's larger agriculture projects with extensive acres of vineyard and orchard production and related infrastructure.'' [9] Finally, a map of the DNR land parcels affected by the project notes, ''Boundary between the Goose Gap and Red Mt. Parcels are separate [sic] by I–82.'' [10] TTB notes that Interstate 82 runs just inside the northern boundary of the proposed Goose Gap AVA and separates the proposed AVA from the established Red Mountain AVA.

Boundary Evidence

The proposed Goose Gap AVA encompasses Goose Gap and Goose Hill. The majority of the northern boundary is concurrent with the southern boundary of the established Red Mountain AVA and separates Goose Gap and Goose Hill from Red Mountain, which is a separate geographic feature. The northeastern boundary follows a series of highways and roads and is concurrent with the boundary of the established Candy Mountain AVA (27 CFR 9.272). This boundary separates the proposed Goose Gap AVA from Candy Mountain, which is also a separate geographic feature. The eastern boundary follows a series of roads and drainage lines to separate the proposed AVA from Badger Mountain. The southern and western boundaries follow a railroad track and the 600-foot elevation contour to separate the proposed AVA from Badger Coulee.

Distinguishing Features

The distinguishing features of the proposed Goose Gap AVA are its geology and soils.

Geology

The proposed Goose Gap AVA is comprised of two geographic features with similar viticultural conditions: Goose Gap and the adjoining Goose Hill. According to the petition, Goose Gap and Goose Hill together form part of a single folded and faulted block of the underlying Columbia River Basalt. Goose Gap is formed from a syncline, a down-folded arch in the bedrock that creates a saddle-like shape, whereas Goose Hill is formed from an anticline, an arch-like structure of basalt that was bent upwards to form a ridge and slopes.

The proposed AVA is part of a series of folded hills and valleys collectively known as the Yakima Fold Belt, which runs from the Beezley Hills in the north to the Horse Heaven Hills in the south. According to the petition, all of the ridges and hills in the region surrounding the proposed Goose Gap AVA have a northwest-southeast orientation, including Rattlesnake Ridge, Red Mountain, and Candy Mountain. However, Goose Hill has an east-west orientation, as does the adjoining Goose Gap. Furthermore, the south and southwest slopes within the proposed Goose Gap AVA are significantly steeper than the north and northeast slopes. As a result, vineyards in the proposed AVA are planted on the north and northeast slopes. According to the petition, the other hills and slopes in the Yakima Fold Belt, including the neighboring Red Mountain and Candy Mountain, have plantable south and southwest slopes, while the north and northeast slopes are too steep for vineyards.

The petition states that the unique slope aspect of the proposed Goose Gap AVA has an effect on viticulture. Vineyards on north- and northeast-facing slopes, such as those in the proposed AVA, receive less solar radiation than vineyards on south- and

[2] Portus Baxter, *Washington Geese,* Forest and Stream, Vol. 63, page 26 (1904). See Exhibit 1.10 of the petition.

[3] *Richland items,* Kennewick Courier, Nov. 18, 1913 at page 4. See Exhibit 1.12 of the petition.

[4] History Committee of the Community Development Program of Benton City, 1959, History of Benton City Washington 1853–1959, pages 6, 8–10, 19 (Benton City, Washington 1959). See Exhibit 1.15 of the petition.

[5] Oregon State Highway Division and Washington State Department of Highways. Draft Environmental Statement—Interstate 82/182 Prosser, Washington to Interstate 80N in Oregon, page 1–8 (1972). See Exhibit 1.16 of the petition.

[6] Kevin Cole, *Wine grapes continue to thrive,* Tri-City Herald, Oct. 20, 2016, at pages 8–9. See Exhibit 1.7 of the petition.

[7] Andy Perdue & Eric Degerman, *Northwest wine: Spring into action on the patio with Northwest rosé,* Tri-City Herald, May 20, 2017, *www.tri-cityherald.com/living/food-drink/wine/article149577139.html.* (Last accessed December 12, 2017). See Exhibit 1.8 of the petition.

[8] Washington Department of Natural Resources. Attachment 1—Determined Future Development Plan and Supporting Documentation—DNR Red Mountain Goose Gap Project. (2015). See Exhibit 1.4 of the petition.

[9] *Ibid* at page 1.

[10] Washington Department of Natural Resources. Attachment 1–1—Red Mountain/Goose Gap Complex History, page 6 (2015). See Exhibit 1.5 of the petition.

southwest-facing slopes. The petition further states that data from three vineyard locations within the proposed AVA show that the vineyards receive an average of 980,500 watt-hours per square meter per year. By contrast, data from three vineyard locations in the neighboring Red Mountain AVA, which are planted on south- and southwest-facing slopes, show that the vineyards receive an average of 1,025,867 watt-hours per square meter per year. The petition states that while a difference in solar radiation of 5 percent may seem small, it can affect how quickly grapes ripen. For example, Cabernet Sauvignon grapes grown in the proposed AVA typically ripen a week to nine days later than the same varietal of grapes grown in the Red Mountain AVA.

Soils

The proposed Goose Gap AVA has five main soil series: Warden, Shano, Kiona, Hezel, and Prosser. Together, these soil series comprise almost 95 percent of the soil within the proposed AVA. The most abundant soil is the Warden series, which makes up 65 percent of the proposed AVA. These soils consist of wind-blown loess over layered or stratified silts and fine sands from the ancient Missoula Floods. Warden soils have rooting depths of six feet or more with no hardpans or other root-restrictive layers, and as such, they are prized soils for vineyards. Kiona soils comprise about 9 percent of the proposed AVA and are formed in loess and rubble from fractured basalt. According to the petition, these soils are typically found on the south-facing slopes of the proposed AVA, which are in most cases too steep for vineyards.

Also within the proposed Goose Gap AVA are Shano and Hezel soils, which each make up about 7 percent of the soils of the proposed AVA. Shano soils are formed in deep wind-blown loess and are highly desirable for vineyards, in part because their low levels of organic matter prevent overly vigorous vine and leaf growth. Shano soils are also desirable for vineyards because their low natural soil moisture allows growers to control vine development via the timing and amount of water applied by drip irrigation during the growing season. Hezel soils are made of wind-blown sand over stratified Missoula Floods silts and sands. Finally, Prosser soils comprise about 5 percent of the soils in the proposed AVA. These soils formed in loess mixed with flood sediments that total only about 30 inches of soil thickness over basaltic bedrock. However, the underlying basalt is fractured and not plugged by a hardpan, so the soils remain well drained and are desirable for vineyards.

The petition states that the soils of the surrounding regions differ from those of the proposed Goose Gap AVA in both abundance and composition. The petition compared the soils of the prepared AVA to those of the Red Mountain AVA, to the northwest of the proposed AVA, the Yakima Valley AVA, which encompasses the proposed AVA, and the Horse Heaven Hills AVA (27 CFR 9.188), which is adjacent to the Yakima Valley AVA and to the southwest of the proposed AVA. Warden soils dominate the proposed AVA, yet they comprise only 46 percent of the soils in the Red Mountain AVA and approximately 25 percent of the soils in both the entire Yakima Valley AVA and the Horse Heaven Hills AVA. Scooteney soils make up approximately 11 percent of the soils of the Red Mountain AVA yet are completely absent in the proposed Goose Gap AVA, with which the Red Mountain AVA shares a boundary. Ritzville soils constitute almost 30 percent of the soils of the Horse Heaven Hills AVA, but they too are absent from the proposed AVA.

Summary of Distinguishing Features

In summary, the geology and soils of the proposed Goose Gap AVA distinguish it from the surrounding regions. Although the proposed Goose Gap AVA is underlain with the same Columbia River Basalt as most of eastern Washington, the basalt in the proposed AVA was folded in an entirely unique manner. As a result, Goose Hill and Goose Gap, the two adjoining features that comprise the proposed AVA, both have an east-west alignment and north-northeast facing plantable slopes. By contrast, all of the other slopes and hills that comprise the Yakima Fold Belt have a northwest-southeast alignment and south-southwest facing plantable slopes. Additionally, Warden soils comprise approximately 65 percent of the soils in the proposed AVA but make up significantly less of the soils in the Yakima Valley AVA, which encompasses the proposed AVA. Warden soils also comprise significantly less of the soils in the Red Mountain AVA to the immediate northwest of the proposed AVA and the Horse Heaven Hills AVA to the southwest of the proposed AVA. Several soil series common in the surrounding regions, including Scooteney and Ritzville, are completely absent from the proposed Goose Gap AVA.

Comparison of the Proposed Goose Gap AVA to the Existing Yakima Valley AVA

T.D. ATF–128, which published in the **Federal Register** on April 4, 1983 (48 FR 14374), established the Yakima Valley AVA. T.D. ATF–128 states that topography, climate, and soils distinguish the Yakima Valley AVA from the surrounding regions. The Yakima Valley AVA is bounded on the north and south by basaltic uplifts; on the east by Rattlesnake Mountain, Red Mountain, and Badger Mountain; and on the west by the foothills of the Cascade Mountains. The western portion of the AVA is described as a vast expanse of flat land, while the eastern portion is comprised of gently sloping land. The Yakima Valley AVA contains at least 13 different soil associations, the most common being the Warden-Shano Association and the Scooteney-Starbuck Association.

The proposed Goose Gap AVA is located in the southeastern portion of the Yakima Valley AVA and shares some of the same general features. For instance, both the proposed AVA and the established AVA rest on Columbia River Basalt and have soils that are a combination of glacial-flood and wind-borne soils, including the Warden soil series.

However, the proposed Goose Gap AVA has some characteristics that distinguish it from the Yakima Valley AVA. For example, the proposed Goose Gap AVA is unique among the hills of the Yakima Valley AVA in that it has an east-west alignment and a north-northeast plantable slope aspect. Additionally, although Warden and Shano soils occur in the Yakima Valley AVA, they comprise a larger percentage of the proposed Goose Gap AVA soils. By contrast, many vineyards in the Yakima Valley AVA are planted on the Scooteney-Starbuck soil association, but Scooteney soils are not found within the proposed AVA and Starbuck soils comprise less than 2 percent of the proposed AVA soils.

Comparison of the Proposed Goose Gap AVA to the Existing Columbia Valley AVA

The Columbia Valley AVA was established by T.D. ATF–190, which was published in the **Federal Register** on November 13, 1984 (49 FR 44897). The Columbia Valley AVA covers approximately over 11 million acres in Washington along the Columbia and Snake Rivers. According to T.D. ATF–190, the AVA is a large, treeless, broadly undulating basin with elevations that are generally below 2,000 feet. In general, the growing season within the

Columbia Valley AVA is over 150 days, and growing degree day accumulations are generally over 2,000.

The proposed Goose Gap AVA shares some of the same general characteristics as the Columbia Valley AVA. For example, elevations within the proposed AVA are below 2,000 feet. However, due to its much smaller size, the proposed AVA has more uniform characteristics than the large, multi-county Columbia Valley AVA. The proposed AVA encompasses a single folded and faulted block of Columbia River Basalt, characterized by the Goose Gap syncline and the adjoining Goose Hill anticline. The Columbia Valley AVA, by contrast, consists of multiple ridges, hills, and valleys within a single broad basin.

TTB Determination

TTB concludes that the petition to establish the 8,129-acre Goose Gap AVA merits consideration and public comment, as invited in this notice of proposed rulemaking.

Boundary Description

See the narrative description of the boundary of the petitioned-for AVA in the proposed regulatory text published at the end of this proposed rule.

Maps

The petitioner provided the required maps, and they are listed below in the proposed regulatory text. You may also view the proposed Goose Gap AVA boundary on the AVA Map Explorer on the TTB website, at *https://www.ttb.gov/wine/ava-map-explorer.*

Impact on Current Wine Labels

Part 4 of the TTB regulations prohibits any label reference on a wine that indicates or implies an origin other than the wine's true place of origin. For a wine to be labeled with an AVA name, at least 85 percent of the wine must be derived from grapes grown within the area represented by that name, and the wine must meet the other conditions listed in § 4.25(e)(3) of the TTB regulations (27 CFR 4.25(e)(3)). If the wine is not eligible for labeling with an AVA name and that name appears in the brand name, then the label is not in compliance and the bottler must change the brand name and obtain approval of a new label. Similarly, if the AVA name appears in another reference on the label in a misleading manner, the bottler would have to obtain approval of a new label. Different rules apply if a wine has a brand name containing an AVA name that was used as a brand name on a label approved before July 7, 1986. See § 4.39(i)(2) of the TTB regulations (27 CFR 4.39(i)(2)) for details.

If TTB establishes this proposed AVA, its name, ''Goose Gap,'' will be recognized as a name of viticultural significance under § 4.39(i)(3) of the TTB regulations (27 CFR 4.39(i)(3)). The text of the proposed regulation clarifies this point. Consequently, wine bottlers using the name ''Goose Gap'' in a brand name, including a trademark, or in another label reference as to the origin of the wine, would have to ensure that the product is eligible to use the AVA name as an appellation of origin if this proposed rule is adopted as a final rule.

The approval of the proposed Goose Gap AVA would not affect any existing AVA, and any bottlers using ''Yakima Valley'' or ''Columbia Valley'' as an appellation of origin or in a brand name for wines made from grapes grown within the Yakima Valley or Columbia Valley AVAs would not be affected by the establishment of this new AVA. The establishment of the proposed Goose Gap AVA would allow vintners to use ''Goose Gap,'' ''Yakima Valley,'' and ''Columbia Valley'' as appellations of origin for wines made from grapes grown within the proposed Goose Gap AVA if the wines meet the eligibility requirements for the appellation.

Public Participation

Comments Invited

TTB invites comments from interested members of the public on whether it should establish the proposed Goose Gap AVA. TTB is also interested in receiving comments on the sufficiency and accuracy of the name, boundary, soils, geology, and other required information submitted in support of the petition. In addition, given the proposed Goose Gap AVA's location within the existing Yakima Valley and Columbia Valley AVAs, TTB is interested in comments on whether the evidence submitted in the petition regarding the distinguishing features of the proposed AVA sufficiently differentiates it from the existing established AVAs. TTB is also interested in comments on whether the geographic features of the proposed AVA are so distinguishable from the surrounding Yakima Valley and Columbia Valley AVAs that the proposed Goose Gap AVA should no longer be part of either AVA. Please provide any available specific information in support of your comments.

Because of the potential impact of the establishment of the proposed Goose Gap AVA on wine labels that include the term ''Goose Gap'' as discussed above under Impact on Current Wine Labels, TTB is particularly interested in comments regarding whether there will be a conflict between the proposed AVA name and currently used brand names. If a commenter believes that a conflict will arise, the comment should describe the nature of that conflict, including any anticipated negative economic impact that approval of the proposed AVA will have on an existing viticultural enterprise. TTB is also interested in receiving suggestions for ways to avoid conflicts, for example, by adopting a modified or different name for the AVA.

Submitting Comments

You may submit comments on this document by using one of the following methods:

- *Federal e-Rulemaking Portal:* You may send comments via the online comment form posted with this document within Docket No. TTB–2020–0011 on ''*Regulations.gov*,'' the Federal e-rulemaking portal, at *https://www.regulations.gov.* A direct link to that docket is available under Notice No. 196 on the TTB website at *https://www.ttb.gov/wine/notices-of-proposed-rulemaking.* Supplemental files may be attached to comments submitted via *Regulations.gov.* For complete instructions on how to use *Regulations.gov,* visit the site and click on the ''Help'' tab.
- *U.S. Mail:* You may send comments via postal mail to the Director, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, 1310 G Street NW, Box 12, Washington, DC 20005.

Please submit your comments by the closing date shown above in this document. Your comments must reference Notice No. 196 and include your name and mailing address. Your comments also must be made in English, be legible, and be written in language acceptable for public disclosure. TTB does not acknowledge receipt of comments, and TTB considers all comments as originals.

In your comment, please clearly state if you are commenting for yourself or on behalf of an association, business, or other entity. If you are commenting on behalf of an entity, your comment must include the entity's name, as well as your name and position title. If you comment via *Regulations.gov,* please enter the entity's name in the ''Organization'' blank of the online comment form. If you comment via postal mail or hand delivery/courier, please submit your entity's comment on letterhead.

You may also write to the Administrator before the comment closing date to ask for a public hearing.

The Administrator reserves the right to determine whether to hold a public hearing.

Confidentiality

All submitted comments and attachments are part of the public record and subject to disclosure. Do not enclose any material in your comments that you consider to be confidential or inappropriate for public disclosure.

Public Disclosure

TTB will post, and you may view, copies of this document, selected supporting materials, and any online or mailed comments received about this proposal within Docket No. TTB–2020–0011 on the Federal e-rulemaking portal, *Regulations.gov,* at *https://www.regulations.gov.* A direct link to that docket is available on the TTB website at *https://www.ttb.gov/wine/notices-of-proposed-rulemaking* under Notice No. 196. You may also reach the relevant docket through the *Regulations.gov* search page at *https://www.regulations.gov.* For information on how to use *Regulations.gov,* click on the site's ''Help'' tab.

All posted comments will display the commenter's name, organization (if any), city, and State, and, in the case of mailed comments, all address information, including email addresses. TTB may omit voluminous attachments or material that the Bureau considers unsuitable for posting.

You may also obtain copies of this proposed rule, all related petitions, maps and other supporting materials, and any electronic or mailed comments that TTB receives about this proposal at 20 cents per 8.5 x 11-inch page. Please note that TTB is unable to provide copies of USGS maps or any similarly-sized documents that may be included as part of the AVA petition. Contact TTB's Regulations and Rulings Division by email using the web form at *https://www.ttb.gov/contact-rrd,* or by telephone at 202–453–1039, ext. 175, to request copies of comments or other materials.

Regulatory Flexibility Act

TTB certifies that this proposed regulation, if adopted, would not have a significant economic impact on a substantial number of small entities. The proposed regulation imposes no new reporting, recordkeeping, or other administrative requirement. Any benefit derived from the use of a viticultural area name would be the result of a proprietor's efforts and consumer acceptance of wines from that area. Therefore, no regulatory flexibility analysis is required.

Executive Order 12866

It has been determined that this proposed rule is not a significant regulatory action as defined by Executive Order 12866 of September 30, 1993. Therefore, no regulatory assessment is required.

Drafting Information

Karen A. Thornton of the Regulations and Rulings Division drafted this notice of proposed rulemaking.

List of Subjects in 27 CFR Part 9

Wine.

Proposed Regulatory Amendment

For the reasons discussed in the preamble, TTB proposes to amend title 27, chapter I, part 9, Code of Federal Regulations, as follows:

PART 9—AMERICAN VITICULTURAL AREAS

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

Authority: 27 U.S.C. 205.

Subpart C—Approved American Viticultural Areas

■ 2. Subpart C is amended by adding § 9._____ to read as follows:

§ 9._____ Goose Gap.

(a) *Name.* The name of the viticultural area described in this section is ''Goose Gap''. For purposes of part 4 of this chapter, ''Goose Gap'' is a term of viticultural significance.

(b) *Approved maps.* The 4 United States Geological Survey (USGS) 1:24,000 scale topographic maps used to determine the boundary of the Goose Gap viticultural area are titled:

(1) Benton City, WA, 2017;

(2) Richland, WA, 2017;

(3) Badger Mountain, WA, 2017; and

(4) Webber Canyon, WA, 2017.

(c) *Boundary.* The Goose Gap viticultural area is located in Benton County, Washington. The boundary of the Goose Gap viticultural area is as described below:

(1) The beginning point is on the Benton City map at the intersection of Sections 10, 11, 15, and 14, T9N/R27E. From the beginning point, proceed southwesterly in a straight line for approximately 250 feet to the 700-foot elevation contour in Section 15, T9N/R27E; then

(2) Proceed southwesterly along the 700-ft elevation contour to its westernmost point in Section 15, T9N/R27E; then

(3) Proceed southwesterly in a straight line to intersection of the 700-foot elevation contour and an unnamed intermittent stream in Section 16, T9N/R27E; then

(4) Proceed southwesterly along the unnamed intermittent stream to its intersection with the 600-foot elevation contour in Section 20, T9N/R27E; then

(5) Proceed south, then southwesterly along the 600-foot elevation contour, crossing onto the Webber Canyon map, for a total of approximately 3 miles to the intersection of the 600-foot elevation contour and the western boundary of Section 27, T9N/R27E; then

(6) Proceed south along the western boundary of Section 27 to its intersection with the railroad tracks; then

(7) Proceed southeasterly along the railroad tracks, crossing onto the Badger Mountain map, and continuing along the railroad tracks for a total of approximately 3 miles to the intersection of the railroad tracks with Dallas Road in Section 36, T9N/R27E; then

(8) Proceed east, then north along Dallas Road for approximately 2 miles to its intersection with Interstate 182 in Section 20, T9N/R28E; then

(9) Proceed west along Interstate 182 and onto the ramp to Interstate 82, and continue northwesterly along Interstate 82, crossing over the southwestern corner of the Richland map and onto the Benton City map, to the intersection of Interstate 82 and an intermittent stream in Section 13, T9N/R27E; then

(10) Proceed northwesterly along the intermittent stream to its intersection with E. Kennedy Road NE in Section 13, T9N/R27E; then

(11) Proceed north in a straight line to the northern boundary of Section 13, T9N/R27E; then

(12) Proceed westerly along the northern boundaries of Sections 13 and 14, returning to the beginning point.

Signed: August 26, 2020.

Mary G. Ryan,

Administrator.

Approved: September 24, 2020.

Timothy E. Skud,

Deputy Assistant Secretary (Tax, Trade, and Tariff Policy).

[FR Doc. 2020–22925 Filed 10–22–20; 8:45 am]

BILLING CODE 4810–31–P

DEPARTMENT OF THE TREASURY

Alcohol and Tobacco Tax and Trade Bureau

27 CFR Part 9

[Docket No. TTB–2020–0012; Notice No. 197]

RIN 1513–AC64

Proposed Establishment of the Lower Long Tom Viticultural Area

AGENCY: Alcohol and Tobacco Tax and Trade Bureau, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Alcohol and Tobacco Tax and Trade Bureau (TTB) proposes to establish the approximately 25,000-acre ''Lower Long Tom'' viticultural area in portions of Lane and Benton Counties in Oregon. The proposed viticultural area lies entirely within the existing Willamette Valley viticultural area. TTB designates viticultural areas to allow vintners to better describe the origin of their wines and to allow consumers to better identify wines they may purchase. TTB invites comments on this proposed addition to its regulations.

DATES: Comments must be received by December 22, 2020.

ADDRESSES: You may electronically submit comments to TTB on this proposal, and view copies of this document, its supporting materials, and any comments TTB receives on it within Docket No. TTB–2020–0012 as posted on *Regulations.gov* (*https://www.regulations.gov*), the Federal e-rulemaking portal. Please see the ''Public Participation'' section of this document below for full details on how to comment on this proposal via *Regulations.gov* or U.S. mail, and for full details on how to obtain copies of this document, its supporting materials, and any comments related to this proposal.

FOR FURTHER INFORMATION CONTACT: Karen A. Thornton, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, 1310 G Street NW, Box 12, Washington, DC 20005; phone 202–453–1039, ext. 175.

SUPPLEMENTARY INFORMATION:

Background on Viticultural Areas

TTB Authority

Section 105(e) of the Federal Alcohol Administration Act (FAA Act), 27 U.S.C. 205(e), authorizes the Secretary of the Treasury to prescribe regulations for the labeling of wine, distilled spirits, and malt beverages. The FAA Act provides that these regulations should, among other things, prohibit consumer deception and the use of misleading statements on labels and ensure that labels provide the consumer with adequate information as to the identity and quality of the product. The Alcohol and Tobacco Tax and Trade Bureau (TTB) administers the FAA Act pursuant to section 1111(d) of the Homeland Security Act of 2002, codified at 6 U.S.C. 531(d). The Secretary has delegated various authorities through Treasury Order 120–01, dated December 10, 2013 (superseding Treasury Order 120–01, dated January 24, 2003), to the TTB Administrator to perform the functions and duties in the administration and enforcement of these provisions.

Part 4 of the TTB regulations (27 CFR part 4) authorizes TTB to establish definitive viticultural areas and regulate the use of their names as appellations of origin on wine labels and in wine advertisements. Part 9 of the TTB regulations (27 CFR part 9) sets forth standards for the preparation and submission of petitions for the establishment or modification of American viticultural areas (AVAs) and lists the approved AVAs.

Definition

Section 4.25(e)(1)(i) of the TTB regulations (27 CFR 4.25(e)(1)(i)) defines a viticultural area for American wine as a delimited grape-growing region having distinguishing features, as described in part 9 of the regulations, and a name and a delineated boundary, as established in part 9 of the regulations. These designations allow vintners and consumers to attribute a given quality, reputation, or other characteristic of a wine made from grapes grown in an area to the wine's geographic origin. The establishment of AVAs allows vintners to describe more accurately the origin of their wines to consumers and helps consumers to identify wines they may purchase. Establishment of an AVA is neither an approval nor an endorsement by TTB of the wine produced in that area.

Requirements

Section 4.25(e)(2) of the TTB regulations (27 CFR 4.25(e)(2)) outlines the procedure for proposing an AVA and provides that any interested party may petition TTB to establish a grape-growing region as an AVA. Section 9.12 of the TTB regulations (27 CFR 9.12) prescribes the standards for petitions for the establishment or modification of AVAs. Petitions to establish an AVA must include the following:

- Evidence that the area within the proposed AVA boundary is nationally or locally known by the AVA name specified in the petition;
- An explanation of the basis for defining the boundary of the proposed AVA;
- A narrative description of the features of the proposed AVA affecting viticulture, such as climate, geology, soils, physical features, and elevation, that make the proposed AVA distinctive and distinguish it from adjacent areas outside the proposed AVA;
- The appropriate United States Geological Survey (USGS) map(s) showing the location of the proposed AVA, with the boundary of the proposed AVA clearly drawn thereon;
- If the proposed AVA is to be established within, or overlapping, an existing AVA, an explanation that both identifies the attributes of the proposed AVA that are consistent with the existing AVA and explains how the proposed AVA is sufficiently distinct from the existing AVA and therefore appropriate for separate recognition; and
- A detailed narrative description of the proposed AVA boundary based on USGS map markings.

Lower Long Tom Petition

TTB received a petition from Dieter Boehm, owner of High Pass Vineyard and Winery, proposing the establishment of the approximately 25,000-acre ''Lower Long Tom'' AVA in portions of Lane and Benton Counties in Oregon. The proposed Lower Long Tom AVA lies entirely within the established Willamette Valley AVA (27 CFR 9.90) and does not overlap any other existing or proposed AVA. Within the proposed AVA are 10 wineries and 22 commercially-producing vineyards that cover a total of approximately 492 acres.

The distinguishing features of the proposed Lower Long Tom AVA are its topography, soils, and climate. Unless otherwise noted, all information and data pertaining to the proposed AVA contained in this document are from the petition for the proposed Lower Long Tom AVA and its supporting exhibits.

Name Evidence

The proposed Lower Long Tom AVA takes its name from the Long Tom River, which runs along the eastern boundary of the proposed AVA. According to the petition, the origin of the river's name is uncertain, but it is likely a poor phonetical adaptation of the native name for the river, ''Lama Tum Buff.'' The petition included several examples of the use of ''Long Tom'' within the region of the proposed AVA, including the Long Tom Grange, an organization which serves farmers and their

communities in the region of the proposed AVA. The grange also organizes the Long Tom Country Trail, where ''visitors can discover the beauty and the bounty of the Long Tom River watershed.'' [1] The Long Tom Watershed Council [2] works to improve the water quality of the Long Tom River and its watershed, including the region within the proposed AVA.

The petitioner proposed the name ''Lower Long Tom'' to differentiate the region of the proposed AVA from the region closer to the headwaters of the Long Tom River. The ''lower'' portion of the river is defined as the portion that flows from Fern Ridge Lake to the Willamette River, as shown in a map in the book *Along the Long Tom River* which was included in the petition.[3] A 2016 public meeting notice from the Long Tom Watershed Council uses a similar definition of the lower portion of the river, stating that the council received funding to ''improve the function and habitat of the lower [sic] Long Tom River from the Fern Ridge Dam downstream to the Willamette River.'' [4]

Other reports from the Long Tom Watershed Council also use the term ''Lower Long Tom'' to refer to the region of the proposed AVA. For example, in its 2005 conservation strategy report, the Council states, ''Fluvial cutthroat trout migrate from the Willamette to streams in the lower Long Tom for spawning, juvenile rearing, and refuge.'' [5] Another example of name usage from the Council's website is a web page titled ''Lower Long Tom River Habitat Enhancement Project Homepage,'' [6] which describes watershed improvement projects in the Lower Long Tom region. One such project is described as ''Lower Long Tom Riparian Enhancement at Stroda's,'' [7] which involved planting native trees and removing invasive plant species at the Stroda Brothers' Farm. TTB notes that the address for Stroda Brother's Farm is within the proposed AVA.[8]

Other examples of the use of the term ''Lower Long Tom'' to describe the region of the proposed AVA are found in descriptions of the pioneer families along the river. For example, the book *Along the Long Tom River* also notes that early settlers to the area made their farms ''[i]n the Lower Long Tom area, downstream from the confluences of Spencer and Coyote Creeks * * *.'' [9]

Boundary Evidence

The proposed Lower Long Tom AVA is located in the southern portion of the existing Willamette Valley AVA, approximately 20 miles northwest of the city of Eugene, Oregon, and approximately the same distance south of the city of Corvallis, Oregon. The Long Tom River and its valley are adjacent to the eastern boundary of the proposed AVA. The northern boundary follows the Benton-Lane County line and a series of creeks to separate the proposed AVA from the flatter, lower elevations of the Willamette Valley. The eastern boundary of the proposed AVA primarily follows the 360-foot elevation contour to separate the rolling hills of the proposed AVA from the flatter river valley lands. The southern boundary follows a series of section lines to separate the proposed AVA from Fern Ridge Lake, which marks the southern limit of the portion of the Long Tom River referred to as the Lower Long Tom. The western boundary follows the 1,000-foot elevation contour to separate the proposed AVA from the higher, steeper elevations of the Coast Range.

Distinguishing Features

The distinguishing features of the proposed Lower Long Tom AVA are its topography, soils, and climate.

Topography

The topography of the proposed Lower Long Tom AVA is characterized by chains of rolling hills separated by west-east trending valleys that were cut by the tributaries of the Long Tom River. According to the petition, the ridges of the hills rise to approximately 1,000 feet in the western portion of the proposed AVA and descend to approximately 550 feet before dropping to the Willamette Valley floor, which is to the north and east of the proposed AVA. The majority of vineyards within the proposed AVA are planted at elevations between 450 and 650 feet. The steepest slope angles are about 45 percent, with the average slope angle being about 20 percent.

As previously stated, the high, rugged elevations of the Coast Range are to the west of the proposed AVA. To the north of the proposed AVA, the elevations descend to the floor of the Willamette Valley. To the immediate east of the proposed AVA is the lower, flatter valley of the Long Tom River. Farther east is the Willamette Valley floor. To the south of the proposed AVA are lower hills, the watershed of the upper Long Tom River, and Fern Ridge Lake.

Soils

The most common soils within the proposed Lower Long Tom AVA are Bellpine and Bellpine/Jory complex. Loess soils, which are common elsewhere in the Willamette Valley AVA, are not present in the proposed AVA. Bellpine soil is the most common soil in the Lane County portion of the proposed AVA. It is derived from decomposed sedimentary marine uplift over a sandstone or siltstone substrate and is described as a well-drained soil with a depth of 20–36 inches. According to the petition, the low water-holding capacity of Bellpine soils creates stress on the vines that fosters ripening of the fruit. The relatively shallow depth of the soil also forces roots deep into the substrate for nutrients and water. The petition states that when grapevine roots come into contact with the substrate, the nutrients and minerals in the substrate influence the tannin structure and ageability of the wines produced from those grapes. Moving north into the Benton County portion of the proposed AVA, the soils transition to the Bellpine/Jory complex. This soil combines sedimentary and volcanic components and has a slightly greater water-holding capacity and slightly greater depth than Bellpine soil. Other minor soils found throughout the proposed Lower Long Tom AVA include Dupee, Nekia, Willakenzie, and Hazelair soils.

To the north of the proposed AVA, the soils are predominately Jory soils. These soils are derived from volcanic sources and are deeper and more fertile than Bellpine or Bellpine/Jory complex soils. Jory soils also have a greater water-holding capacity than either of the primary soil types of the proposed Lower Long Tom AVA. To the east of the proposed AVA, the soils are described as deep alluvial river bottom soils with higher fertility levels and greater water-holding capacity than the soils of the proposed AVA. According to the petition, the higher fertility of alluvial soils can promote excessive vegetation growth in grapevines. The region to the south of the proposed AVA contains mostly Bellpine soils, like the proposed AVA, but without the Bellpine/Jory complex. To the west of the proposed AVA, the predominate soils are of the Witzel and Ritner series, which are both derived from

[1] Turner, David. *Along the Long Tom River* (Junction City, OR: Paw Print, 2017), page 112.

[2] *www.longtom.org.*

[3] Turner, *Along the Long Tom River,* page 3.

[4] *http://www.longtom.org/nov-29-publilc-meeting-lower-long-tom-river-habitat-improvement-plan.*

[5] *http://www.longtom.org/wp-content/uploads/2012/05/Conservation-Strategy-with-maps-goals.pdf,* page 5.

[6] *longtom.org/lowerlongtom/.*

[7] *longtom.org/lower-long-tom-riparian-enhancement-at-strodas.*

[8] *https://www.chamberofcommerce.com/monroe-or/pumpkin-patches/32703953-stroda-brothers-farm.*

[9] Turner, *Along the Long Tom River,* page 39.

decomposed igneous rocks and contain varying amounts of rocks and cobbles.

Climate

According to the petition, the proposed Lower Long Tom AVA's location east of the highest peaks of the Coast Range shields the proposed AVA from the marine air moving inland from the Pacific Ocean. The petition states that the high peaks, in particular Prairie Mountain, which rises over 3,000 feet, divert the cool marine air flowing inland from the Pacific Ocean away from the proposed AVA and into the regions to the north and south. Because the proposed AVA is sheltered from the marine air, nocturnal temperatures are warmer than they are in more exposed regions to the north and south of the proposed AVA. The petition states that Pinot Noir grapes are the most commonly grown grape varietal in the proposed AVA. Further, the petition claims that when grown in the proposed AVA, Pinot Noir grapes have a deeper color, an intensive berry flavor, and earthy notes that are not as pronounced in Pinot Noir grapes grown in the cooler surrounding regions outside of the proposed AVA.

The petition did not include temperature data from within the proposed AVA to support these claims. However, it did include data relating to harvest dates of Pinot Noir from vineyards within the proposed AVA and vineyards to the north and south. Harvest date information was not included for the regions to the east and west of the proposed AVA. The following tables summarize the harvest date information.

TABLE 1—HARVEST DATES OF PINOT NOIR

Vineyard (direction from proposed AVA)	Harvest year					5-year average
	2012	2013	2014	2015	2016	
Union School Vineyard (within)	Oct. 2	Sept. 19	Sept. 15	Sept. 13	Sept. 9	Sept. 20.
High Pass Vineyard (within)	Oct. 6	Oct. 4	Sept. 23	Sept. 18	Sept. 16	Sept. 26.
Walnut Ridge Vineyard (within)	Oct. 8	Oct. 3	Sept. 28	Sept. 14	Sept. 12	Sept. 25.
Benton Lane Vineyard (within)	Oct. 7	Sept. 16	Sept. 10	Sept. 1	Sept. 1	Sept. 18.
Pfeiffer Vineyard (within)	Oct. 2	Sept. 16	Sept. 16	Sept. 4	Sept. 2	Sept. 17.
King Estate Vineyard (south)	Oct. 8	Oct. 4	Sept. 23	Sept. 23	Sept. 17	Sept. 28.
Lavell Vineyards (south)	Oct. 9	Sept. 20	Sept. 22	Sept. 25	Sept. 14	Sept. 27.
Croft Vineyard (north)	Oct. 14	Oct. 4	Sept. 20	Sept. 24	Sept. 19	Oct. 2.
Elton Vineyard (north)	Oct. 4	Sept. 27	Sept. 23	Sept. 15	Sept. 19	Sept. 25.
Willamette Valley Estate Vineyard (north).	Oct. 10	Oct. 10	Oct. 5	Sept. 25	Sept. 21	Oct. 1.
Chapleton Hills Vineyard (north)	Oct. 11	Oct. 10	Sept. 20	Sept. 26	Oct. 2	Oct. 1.
Broadley Vineyards (north)	Oct. 9	Sept. 19	Sept. 16	Sept. 9	Sept. 13	Sept. 24.

TABLE 2—AVERAGE HARVEST DATES OF PINOT NOIR BY REGION

Region	Method 1 average [10]	Method 2 average [11]
Proposed AVA	Sept. 22	Sept. 20.
North	Sept. 28	Sept. 28.
South	Sept. 27	Sept. 26.

The five-year average harvest dates for the vineyard locations within the proposed Lower Long Tom AVA are earlier than the five-year average harvest dates for vineyards to the south of the proposed AVA. When comparing the five-year average harvest dates within the proposed AVA to the five-year average harvest dates north of the proposed AVA, two vineyard locations to the north have earlier harvest dates than one of the vineyards within the proposed AVA. However, when comparing the average harvest dates by region, the average harvest date within the proposed AVA is earlier than the average harvest date for the regions to the north and south, regardless of the method used to calculate the average harvest date. The harvest date data supports the petitioner's claim that growing season temperatures within the proposed AVA are generally warmer than the more marine-influenced temperatures of the regions to the north and south, and that such temperature variations lead harvests for Pinot Noir grapes grown within the proposed AVA to occur earlier than harvests for the same grape varietal grown within regions to the north and south of the proposed AVA.

Summary of Distinguishing Features

In summary, the topography, soils, and climate of the proposed Lower Long Tom AVA distinguish it from the surrounding regions. Within the proposed AVA, the topography consists of east-west trending valleys cut by tributaries of the Long Tom River and chains of rolling hills that are sheltered from the marine air that moves inland from the Pacific Ocean. The predominate soil series within the proposed AVA are Bellpine or Bellpine/Jory complex, which are described as thin soils derived from sedimentary marine uplift and marine uplift mixed with volcanic material. The soils have a low water-holding capacity. The proposed AVA has a warm growing season climate, as suggested by the early harvest dates for Pinot Noir.

The region to the north of the proposed AVA is characterized by the low, flat Willamette Valley floor. Soils are predominately of the Jory series, which are deep soils derived from volcanic sources. The soils have a greater water-holding capacity than the soils of the proposed AVA. Average harvest dates for vineyards in this region are later than harvest dates in the proposed AVA, suggesting a cooler growing season climate.

To the immediate east of the proposed AVA is the flat valley of the Long Tom

[10] According to the petition, Method 1 involved finding the halfway point between the earliest and latest harvest date for each region.

[11] According to the petition, Method 2 involved calculating the sum of positive deviations from the earliest harvest date divided by the number of locations and added to the earliest date.

River, while the valley of the Willamette River is farther to the east. Soils to the east of the proposed AVA are predominately deep alluvial soils with higher water-holding capacities. To the west of the proposed AVA are the high, rugged elevations of the Coast Range, including Prairie Mountain, which divert the cold marine air away from the proposed AVA. Soils are mostly of the Witzel and Ritner series.

To the south of the proposed AVA are the lower hills of the watershed of the upper Long Tom River, as well as Fern Ridge Lake. Because elevations to the south of the proposed AVA are lower, marine air is able to reach this area. As a result, the growing season climate is cooler and annual harvest dates are later than within the proposed AVA. Soils in this region are mostly Bellpine, similar to the soils of the proposed AVA, but without the Bellpine/Jory complex.

Comparison of the Proposed Lower Long Tom AVA to the Existing Willamette Valley AVA

T.D. ATF–162, which published in the **Federal Register** on December 1, 1983 (48 FR 54220), established the Willamette Valley AVA in northwest Oregon. The Willamette Valley AVA is described in T.D. ATF–162 as a broad alluvial plain surrounded by mountains. Most elevations within the AVA do not exceed 1,000 feet, which is generally considered to be the maximum elevation for reliable grape cultivation in the region. Soils are described as primarily silty loams and clay loams.

The proposed Lower Long Tom AVA is located in the northwestern portion of the Willamette Valley AVA and shares some broad characteristics with the established AVA. For example, Bellpine soil, which is the most common soil in the proposed AVA, is a silty clay loam. Elevations within the proposed AVA are also generally below 1,000 feet.

However, the proposed Lower Long Tom AVA is described as a chain of hills, compared to the broad, treeless plain that comprises most of the Willamette Valley AVA. Additionally, the proposed AVA's location east of Prairie Mountain creates a unique microclimate. Prairie Mountain diverts the cold marine air to the north and south of the proposed AVA, giving the proposed AVA an earlier average harvest date and warmer growing season temperatures than the less-sheltered regions of the Willamette Valley AVA.

TTB Determination

TTB concludes that the petition to establish the approximately 25,000-acre Lower Long Tom AVA merits consideration and public comment, as invited in this notice of proposed rulemaking.

Boundary Description

See the narrative description of the boundary of the petitioned-for AVA in the proposed regulatory text published at the end of this proposed rule.

Maps

The petitioner provided the required maps, and they are listed below in the proposed regulatory text. You may also view the proposed Lower Long Tom AVA boundary on the AVA Map Explorer on the TTB website, at *https://www.ttb.gov/wine/ava-map-explorer.*

Impact on Current Wine Labels

Part 4 of the TTB regulations prohibits any label reference on a wine that indicates or implies an origin other than the wine's true place of origin. For a wine to be labeled with an AVA name, at least 85 percent of the wine must be derived from grapes grown within the area represented by that name, and the wine must meet the other conditions listed in § 4.25(e)(3) of the TTB regulations (27 CFR 4.25(e)(3)). If the wine is not eligible for labeling with an AVA name and that name appears in the brand name, then the label is not in compliance and the bottler must change the brand name and obtain approval of a new label. Similarly, if the AVA name appears in another reference on the label in a misleading manner, the bottler would have to obtain approval of a new label. Different rules apply if a wine has a brand name containing an AVA name that was used as a brand name on a label approved before July 7, 1986. See § 4.39(i)(2) of the TTB regulations (27 CFR 4.39(i)(2)) for details.

If TTB establishes this proposed AVA, its name, ''Lower Long Tom,'' will be recognized as a name of viticultural significance under § 4.39(i)(3) of the TTB regulations (27 CFR 4.39(i)(3)). The text of the proposed regulation clarifies this point. Consequently, wine bottlers using the name ''Lower Long Tom'' in a brand name, including a trademark, or in another label reference as to the origin of the wine, would have to ensure that the product is eligible to use the AVA name as an appellation of origin if this proposed rule is adopted as a final rule. TTB is not proposing ''Long Tom,'' standing alone, as a term of viticultural significance if the proposed AVA is established because the term ''Long Tom'' is used to refer to the entire region along the Long Tom River and not just the lower portion of the river where the proposed AVA is located. Accordingly, the proposed part 9 regulatory text set forth in this document specifies only the full name ''Lower Long Tom'' as a term of viticultural significance for purposes of part 4 of the TTB regulations.

The approval of the proposed Lower Long Tom AVA would not affect any existing AVA, and it establishment would not affect any bottlers using ''Willamette Valley'' as an appellation of origin or in a brand name for wines made from grapes grown within the Lower Long Tom AVA. The establishment of the proposed Lower Long Tom AVA would allow vintners to use ''Lower Long Tom'' and ''Willamette Valley'' as appellations of origin for wines made from grapes grown within the proposed Lower Long Tom AVA, if the wines meet the eligibility requirements for the appellation.

Public Participation

Comments Invited

TTB invites comments from interested members of the public on whether it should establish the proposed Lower Long Tom AVA. TTB is also interested in receiving comments on the sufficiency and accuracy of the name, boundary, soils, climate, topography, and other required information submitted in support of the petition. In addition, given the proposed Lower Long Tom AVA's location within the existing Willamette Valley AVA, TTB is interested in comments on whether the evidence submitted in the petition regarding the distinguishing features of the proposed AVA sufficiently differentiates it from the existing Willamette Valley AVA. TTB is also interested in comments on whether the geographic features of the proposed AVA are so distinguishable from the surrounding Willamette Valley AVA that the proposed Lower Long Tom AVA should no longer be part of that AVA. Please provide any available specific information in support of your comments.

Because of the potential impact of the establishment of the proposed Lower Long Tom AVA on wine labels that include the term ''Lower Long Tom'' as discussed above under Impact on Current Wine Labels, TTB is particularly interested in comments regarding whether there will be a conflict between the proposed AVA name and currently used brand names. If a commenter believes that a conflict will arise, the comment should describe the nature of that conflict, including any anticipated negative economic impact that approval of the proposed AVA will have on an existing viticultural enterprise. TTB is also interested in receiving suggestions for ways to avoid

conflicts, for example, by adopting a modified or different name for the proposed AVA.

Submitting Comments

You may submit comments on this document by using one of the following methods:

- *Federal e-Rulemaking Portal:* You may send comments via the online comment form posted with this document within Docket No. TTB–2020–0012 as posted on ''*Regulations.gov*,'' the Federal e-rulemaking portal, at *https://www.regulations.gov.* A direct link to that docket is available under Notice No. 197 on the TTB website at *https://www.ttb.gov/wine/notices-of-proposed-rulemaking.* Supplemental files may be attached to comments submitted via *Regulations.gov.* For complete instructions on how to use *Regulations.gov,* visit the site and click on the ''Help'' tab at the top of the page.
- *U.S. Mail:* You may send comments via postal mail to the Director, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, 1310 G Street NW, Box 12, Washington, DC 20005.

Please submit your comments by the closing date shown above in this document. Your comments must reference Notice No. 197 and include your name and mailing address. Your comments also must be made in English, be legible, and be written in language acceptable for public disclosure. TTB does not acknowledge receipt of comments, and TTB considers all comments as originals.

In your comment, please clearly state if you are commenting for yourself or on behalf of an association, business, or other entity. If you are commenting on behalf of an entity, your comment must include the entity's name, as well as your name and position title. If you comment via *Regulations.gov*, please enter the entity's name in the ''Organization'' blank of the online comment form. If you comment via postal mail or hand delivery/courier, please submit your entity's comment on letterhead.

You may also write to the Administrator before the comment closing date to ask for a public hearing. The Administrator reserves the right to determine whether to hold a public hearing.

Confidentiality

All submitted comments and attachments are part of the public record and subject to disclosure. Do not enclose any material in your comments that you consider to be confidential or inappropriate for public disclosure.

Public Disclosure

TTB will post, and you may view, copies of this document, selected supporting materials, and any online or mailed comments received about this proposal within Docket No. TTB–2020–0012 on the Federal e-rulemaking portal, *Regulations.gov*, at *https://www.regulations.gov.* A direct link to that docket is available on the TTB website at *https://www.ttb.gov/wine/notices-of-proposed-rulemaking* under Notice No.197. You may also reach the relevant docket through the *Regulations.gov* search page at *https://www.regulations.gov.* For information on how to use *Regulations.gov,* click on the site's ''Help'' tab.

All posted comments will display the commenter's name, organization (if any), city, and State, and, in the case of mailed comments, all address information, including email addresses. TTB may omit voluminous attachments or material that the Bureau considers unsuitable for posting.

You may also obtain copies of this proposed rule, all related petitions, maps and other supporting materials, and any electronic or mailed comments that TTB receives about this proposal at 20 cents per 8.5 x 11-inch page. Please note that TTB is unable to provide copies of USGS maps or any similarly-sized documents that may be included as part of the AVA petition. Contact TTB's Regulations and Rulings Division by email using the web form at *https://www.ttb.gov/contact-rrd,* or by telephone at 202–453–1039, ext. 175, to request copies of comments or other materials.

Regulatory Flexibility Act

TTB certifies that this proposed regulation, if adopted, would not have a significant economic impact on a substantial number of small entities. The proposed regulation imposes no new reporting, recordkeeping, or other administrative requirement. Any benefit derived from the use of a viticultural area name would be the result of a proprietor's efforts and consumer acceptance of wines from that area. Therefore, no regulatory flexibility analysis is required.

Executive Order 12866

It has been determined that this proposed rule is not a significant regulatory action as defined by Executive Order 12866 of September 30, 1993. Therefore, no regulatory assessment is required.

Drafting Information

Karen A. Thornton of the Regulations and Rulings Division drafted this notice of proposed rulemaking.

List of Subjects in 27 CFR Part 9

Wine.

Proposed Regulatory Amendment

For the reasons discussed in the preamble, TTB proposes to amend title 27, chapter I, part 9, Code of Federal Regulations, as follows:

PART 9—AMERICAN VITICULTURAL AREAS

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

Authority: 27 U.S.C. 205.

Subpart C—Approved American Viticultural Areas

■ 2. Subpart C is amended by adding § 9._____ to read as follows:

§ 9._____ Lower Long Tom.

(a) *Name.* The name of the viticultural area described in this section is ''Lower Long Tom''. For purposes of part 4 of this chapter, ''Lower Long Tom'' is a term of viticultural significance.

(b) *Approved maps.* The four United States Geological Survey (USGS) 1:24,000 scale topographic maps used to determine the boundary of the Lower Long Tom viticultural area are titled:

(1) Cheshire, Oregon, 1984;

(2) Horton, Oregon, 1984;

(3) Glenbrook, Oregon, 1984; and

(4) Monroe, Oregon, 1991.

(c) *Boundary.* The Lower Long Tom viticultural area is located in Benton and Lane Counties, in Oregon. The boundary of the Lower Long Tom viticultural area is as described below:

(1) The beginning point is on the Cheshire map at the intersection of Franklin Road and the 360-foot elevation contour in Section 43, T16S/R5W. From the beginning point, proceed west on Franklin Road to its intersection with Territorial Road (known locally as Territorial Highway); then

(2) Proceed southwesterly along Territorial Highway to its intersection with an unnamed, unimproved road north of Butler Road in Section 44, T16S/R5W; then

(3) Proceed west in a straight line to the western boundary of Section 29, T16S/R5W; then

(4) Proceed north along the western boundary of Section 29 to the southern boundary of Section 57, T16S/R5W; then

(5) Proceed northwest in a straight line to the right angle in the western

boundary of Section 57, T16S/R5W; then

(6) Proceed west in a straight line, crossing through Sections 58 and 38, to the intersection of Sections 23, 24, 25, and 26, T16S/R6W; then

(7) Proceed north along the western boundary of Section 24 to the first intersection with the 800-foot elevation contour; then

(8) Proceed northerly, then northwesterly along the 800-foot elevation contour, crossing onto the Horton map, to the intersection of the 800-foot elevation contour and an unnamed, unimproved road with a marked 782-foot elevation point in Section 10, T16S/R6W; then

(9) Proceed west in a straight line to the 1,000-foot elevation contour; then

(10) Proceed northerly along the 1,000-foot elevation contour, crossing onto the Glenbrook map, to the elevation contour's third intersection with the Lane-Benton County line in Section 10, T15S/R6W; then

(11) Proceed east along the Lane-Benton County line, crossing onto the Monroe map, to the R6W/R5W range line; then

(12) Proceed north along the R6W/R5W range line to its intersection with Cherry Creek Road; then

(13) Proceed northeasterly along Cherry Creek Road to its intersection with Shafer Creek along the T14S/T15S township line; then

(14) Proceed northeasterly along Shafer Creek to its intersection with the 300-foot elevation contour; then

(15) Proceed easterly along the 300-foot elevation contour, crossing Territorial Highway, to the intersection of the elevation contour with the marked old railroad grade in Section 33/T14S/R5W; then

(16) Proceed south along the old railroad grade to its intersection with the southern boundary of Section 9, T15S/R5W; then

(17) Proceed west along the southern boundary of Section 9 to its intersection with Territorial Highway; then

(18) Proceed south along Territorial Highway to its intersection with the 360-foot elevation contour in Section 16; T15S/R5W; then

(19) Proceed southwesterly along the 360-foot elevation contour, crossing Ferguson Creek, and continuing generally southeasterly along the elevation contour, crossing onto the Cheshire map and crossing over Owens Creek and Jones Creek, to the point where the elevation contour crosses Bear Creek and turns north in Section 52; T16S/R5W; then

(20) Continue northeasterly along the 360-foot elevation contour to the point where it turns south in the town of Cheshire; then

(21) Continue south along the 360-foot elevation contour and return to the beginning point.

Signed:

Mary G. Ryan,

Administrator.

Approved:

Timothy E. Skud,

Deputy Assistant Secretary (Tax, Trade, and Tariff Policy).

[FR Doc. 2020–22603 Filed 10–22–20; 8:45 am]

BILLING CODE 4810–31–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 64

[WC Docket No. 12–375, FCC 20–111; FRS 17046]

Rates for Interstate Inmate Calling Services

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: In this document, the Commission continues to comprehensively reform inmate calling services rates to ensure just and reasonable rates for interstate and international inmate calling services. Specifically, the Commission proposes to lower the current interstate rate caps to $0.14 per minute for debit, prepaid, and collect calls from prisons and $0.16 per minute for debit, prepaid, and collect calls from jails. The Commission also proposes to cap rates for international inmate calling services, which remain uncapped today. The Commission proposes a waiver process that would allow providers to seek relief from its rules at the facility or contract level if they can demonstrate that they are unable to recover their legitimate inmate calling services-related costs at that facility or for that contract. Finally, the Commission invites comment on whether the Commission should require the providers to submit additional data, and if so, how; on how the Commission's regulation of interstate and international inmate calling services should evolve in light of marketplace developments and innovations, including alternative rate structures; and on the needs of incarcerated people with hearing or speech disabilities.

DATES: Comments are due November 23, 2020. Reply Comments are due December 22, 2020.

ADDRESSES: Federal Communications Commission, 445 12th Street SW, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Minsoo Kim, Pricing Policy Division of the Wireline Competition Bureau, at (202) 418–1739 or via email at *Minsoo.Kim@fcc.gov.*

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Fourth Further Notice of Proposed Rulemaking, FCC 20–111, released August 7, 2020. This summary is based on the public redacted version of the document, the full text of which can be obtained from the following internet address: *https://docs.fcc.gov/public/attachments/FCC-20-111A1.pdf.*

I. Introduction

1. The Communications Act divides jurisdiction for regulating communications services, including inmate calling services, between the Commission and the states. Specifically, the Act empowers the Commission to regulate interstate communications services and preserves for the states jurisdiction over intrastate communications services. Because the Commission has not always respected this division, the U.S. Court of Appeals for the District of Columbia Circuit has twice remanded the agency's efforts to address rates and charges for inmate calling services.

2. The Commission proposes rate reform of the inmate calling services within its jurisdiction. As a result of the D.C. Circuit's decisions, the interim interstate rate caps of $0.21 per minute for debit and prepaid calls and $0.25 per minute for collect calls that the Commission adopted in 2013 remain in effect today. Based on extensive analysis of the most recent cost data submitted by inmate calling services providers, the Commission proposes to lower its interstate rate caps to $0.14 per minute for debit, prepaid, and collect calls from prisons and $0.16 per minute for debit, prepaid, and collect calls from jails. In so doing, the Commission uses a methodology that addresses the flaws underlying the Commission's 2015 and 2016 rate caps and that is consistent with the mandate in section 276 of the Act that inmate calling services providers be fairly compensated for each and every completed interstate call. Additionally, the Commission proposes to cap rates for international inmate calling services, which remain uncapped today.

3. The Commission believes that its actions today will ensure that rates and charges for interstate and international inmate calling services are just and

reasonable as required by section 201(b) of the Act and thereby enable incarcerated individuals and their loved ones to maintain critical connections. At the same time, given that the vast majority of calls made by incarcerated individuals are intrastate calls, the Commission urges its state partners to take action to address the egregiously high intrastate inmate calling services rates across the country.

II. Background

4. Access to affordable communications services is critical for all Americans, including incarcerated members of its society. Studies have long shown that incarcerated individuals who have regular contact with family members are more likely to succeed after release and have lower recidivism rates. Unlike virtually every other American, however, incarcerated people and the individuals they call have no choice in their telephone service provider. Instead, their only option is typically an inmate calling services provider chosen by the correctional facility that, once chosen, operates as a monopolist. Absent effective regulation, rates for inmate calling services calls can be unjustly and unreasonably high and thereby impede the ability of incarcerated individuals and their loved ones to maintain vital connections.

5. Statutory Background. The Communications Act of 1934, as amended (the Act) establishes a system of regulatory authority that divides power over interstate, intrastate, and international communications services between the Commission and the states. More specifically, section 2(a) of the Act empowers the Commission to regulate ''interstate and foreign communication by wire or radio'' as provided by the Act. This regulatory authority includes ensuring that ''[a]ll charges, practices, classifications, and regulations for and in connection with'' interstate or international communications services are ''just and reasonable'' in accordance with section 201(b) of the Act. Section 201(b) also provides that ''[t]he Commission may prescribe such rules and regulations as may be necessary in the public interest to carry out'' these provisions.

6. Section 2(b) of the Act preserves for the states jurisdiction over ''charges, classifications, practices, services, facilities, or regulations for or in connection with intrastate communication service.'' The Commission is thus '' 'generally forbidden from entering the field of intrastate communication service, which remains the province of the states.' '' Stated differently, section 2(b) ''erects a presumption against the Commission's assertion of regulatory authority over intrastate communications.''

7. Although the Telecommunications Act of 1996 ''chang[ed] the FCC's authority with respect to some intrastate activities,'' ''the strictures of [section 2(b)] remain in force.'' That is, ''[i]nosfar as Congress has remained silent . . . , [section 2(b)] continues to function.'' Thus, while section 276 of the Act specifically directs the Commission to ensure that payphone service providers, including inmate calling services providers, ''are fairly compensated for each and every completed intrastate and interstate call using their payphone,'' that provision does not authorize the Commission to regulate intrastate rates. Nor does section 276 give the Commission the authority to determine ''just and reasonable'' rates.

8. Prior Commission Actions. The Commission has taken repeated action to address inmate calling services rates and charges. In the *2012 ICS Notice,* the Commission sought comment on whether to establish rate caps for interstate inmate calling services calls. In the *2013 ICS Order,* the Commission established interim interstate rate caps for debit and prepaid calls as well as collect calls and required all inmate calling services providers to submit data (hereinafter, the First Mandatory Data Collection) on their underlying costs so that the agency could develop a permanent rate structure. In the *2014 ICS Notice,* the Commission sought comment on reforming charges for services ancillary to the provision of inmate calling services and on establishing rate caps for both interstate and intrastate inmate calling services calls. In the *2015 ICS Order,* the Commission attempted to adopt a comprehensive framework for interstate and intrastate inmate calling services. More specifically, the Commission adopted limits on ancillary service charges; set rate caps for interstate and intrastate inmate calling services calls; extended the interim interstate rate caps it adopted in 2013 to intrastate calls pending the effectiveness of the new rate caps; and sought comment on whether and how to reform rates for international inmate calling services calls. The Commission also addressed inmate calling services providers' ability to recover mandatory applicable pass-through taxes and regulatory fees. Additionally, the Commission adopted a Second Mandatory Data Collection to enable it to identify trends in the market and adopt further reform, and it required inmate calling services providers to annually report information on their operations, including their current interstate, intrastate, and international rates and their current ancillary service charge amounts. In the *2016 ICS Reconsideration Order,* the Commission increased its rate caps to account for certain correctional facility costs related to the provision of inmate calling services.

9. The Commission's attempts to reform inmate calling services rates and charges have a long history in the courts and have not always been well received. In January 2014, in response to inmate calling services providers' petitions for review of the *2013 ICS Order,* the D.C. Circuit stayed the application of certain portions of that *Order* but allowed the Commission's interim rate caps to remain in effect. Later that year, the court held the petitions for review in abeyance while the Commission proceeded to set permanent rates. In March 2016, in response to inmate calling services providers' petitions for review of the *2015 ICS Order,* the D.C. Circuit stayed the application of that *Order*'s rate caps and ancillary service charge cap for single-call services while the appeal was pending. Later that month, the court stayed the application of the Commission's interim rate caps to intrastate inmate calling services. In November 2016, the court stayed the *2016 ICS Reconsideration Order* pending the outcome of the challenge to the *2015 ICS Order.* In 2017, in *GTL* v. *FCC,* the D.C. Circuit vacated the rate caps in the *2015 ICS Order,* finding that the Commission lacked the statutory authority to regulate intrastate rates and that the methodology used to set the caps was arbitrary and capricious. The court remanded for further proceedings with respect to certain rate cap issues; remanded the ancillary service charge caps in that *Order;* and vacated one of the annual reporting requirements in that *Order.*

10. Because this procedural history is somewhat complicated, the Commission provides background on the relevant issues in turn below.

11. Ancillary Service Charges. Ancillary service charges are fees that inmate calling services providers assess on inmate calling service consumers that are not included in the per-minute rates assessed for individual calls. In the *2015 ICS Order,* in light of the continued growth in the number and dollar amount of ancillary service charges, and the fact that such charges inflate the effective price that consumers pay for inmate calling services, the Commission adopted reforms to limit such charges. The Commission established five types of

permissible ancillary service charges, which are defined as follows: (1) Fees for Single-Call and Related Services—billing arrangements whereby an incarcerated person's collect calls are billed through a third party on a per-call basis, where the called party does not have an account with the inmate calling services provider or does not want to establish an account; (2) Automated Payment Fees—credit card payment, debit card payment, and bill processing fees, including fees for payments made by interactive voice response, web, or kiosk; (3) Third-Party Financial Transaction Fees—the exact fees, with no markup, that inmate calling services providers are charged by third parties to transfer money or process financial transactions to facilitate a consumer's ability to make account payments via a third party; (4) Live Agent Fees—fees associated with the optional use of a live operator to complete inmate calling services transactions; and (5) Paper Bill/Statement Fees—fees associated with providing customers of inmate calling services an optional paper billing statement. The Commission then capped the amount of each of these charges and prohibited inmate calling services providers from assessing any other ancillary service charges. The D.C. Circuit stayed the rule setting the ancillary service charge cap for single-call services on March 7, 2016, before the rest of the ancillary service charge caps were to go into effect. Therefore, the ancillary service charge cap for single-call services never became effective.

12. In the *2015 ICS Order,* the Commission applied these caps to all services ancillary to inmate calling services, regardless of whether the underlying service was interstate or intrastate. In particular, the Commission held that ''section 276 of the Act authorizes the Commission to regulate charges for intrastate ancillary services.'' On review, the D.C. Circuit held that ''the *Order*'s imposition of ancillary fee caps in connection with *interstate* calls is justified'' given the Commission's ''plenary authority to regulate interstate rates under § 201(b), including 'practices . . . for and in connection with' interstate calls.'' The court held, however, that just as the Commission lacks authority to regulate intrastate rates pursuant to section 276, the Commission likewise ''had no authority to impose ancillary fee caps with respect to intrastate calls.'' Because the court could not ''discern from the record whether ancillary fees can be segregated between interstate and intrastate calls,'' it remanded the issue ''to allow the Commission to determine whether it can segregate [the ancillary fee] caps on interstate calls (which are permissible) and the [ancillary fee] caps on intrastate calls (which are impermissible).''

13. Mandatory Pass-Through Taxes and Fees. In the *2015 ICS Order,* the Commission found record evidence that inmate calling services providers were charging end users fees under the guise of taxes. The Commission therefore held that such providers ''are permitted to recover mandatory-applicable pass-through taxes and regulatory fees, *but without any additional mark-up or fees.*'' To implement this determination, the Commission added rules governing an ''Authorized Fee'' and a ''Mandatory Tax or Mandatory Fee.'' The rule regarding authorized fees included language precluding markups in the absence of specific governmental authorization. The rule regarding mandatory taxes or fees, however, contained no parallel language. To correct this oversight, the Commission amended the rule in the *2016 ICS Reconsideration Order* to specify: ''A Mandatory Tax or Fee that is passed through to a Consumer may not include a markup, unless the markup is specifically authorized by a federal, state, or local statute, rule, or regulation.''

14. On review, the D.C. Circuit vacated the *2016 ICS Reconsideration Order* ''insofar as it purport[ed] to set rate caps on inmate calling service'' and remanded ''the remaining provisions'' of that *Order* to the Commission ''for further consideration . . . in light of the disposition of this case and other related cases.'' As a result, the Commission's rule governing Mandatory Taxes or Mandatory Fees was vacated to the extent that it ''purport[ed] to set rate caps.''

15. Rate Caps. In the *2013 ICS Order,* in light of record evidence that rates for inmate calling services calls greatly exceeded the reasonable costs of providing service, the Commission adopted interim interstate rate caps of $0.21 per minute for debit and prepaid calls and $0.25 per minute for collect calls. In the *2015 ICS Order,* in light of ''egregiously high'' rates for intrastate inmate calling services calls, the Commission relied on section 276 and section 201(b) of the Act to adopt rate caps for both intrastate and interstate inmate calling services calls. The Commission set tiered rate caps of $0.11 per minute for prisons; $0.14 per minute for jails with average daily populations of 1,000 or more; $0.16 per minute for jails with average daily populations of 350 to 999; and $0.22 per minute for jails having average daily populations of less than 350. The Commission calculated these rate caps using industry- wide average costs and stated that this approach would allow providers to ''recover average costs at each and every tier.'' Additionally, the Commission held that site commissions—payments made by inmate calling services providers to correctional facilities or state authorities that are often required to win the contract for provision of service to a given facility—were not costs reasonably related to the provision of inmate calling services. The Commission therefore excluded site commission payments from the cost data used to set the rate caps.

16. On reconsideration in 2016, the Commission increased the rate caps for both interstate and intrastate inmate calling services to expressly account for correctional facility costs that are directly and reasonably related to the provision of inmate calling services. The Commission set the revised rate caps at $0.13 per minute for prisons; $0.19 per minute for jails with average daily populations of 1,000 or more; $0.21 per minute for jails with average daily populations of 350 to 999; and $0.31 per minute for jails with average daily populations of less than 350.

17. On review, the D.C. Circuit in *GTL* v. *FCC* vacated the rate caps adopted in the *2015 ICS Order.* First, the court held that the Commission lacked the statutory authority to cap intrastate inmate calling services rates. The court explained that the Commission's authority over intrastate calls is, except as otherwise provided by Congress, limited by section 2(b) of the Act and nothing in section 276 of the Act overcomes this limitation. In particular, section 276 ''merely directs the Commission to 'ensure that all [inmate calling services] providers are fairly compensated' for their inter- and intrastate calls,'' and it ''is not a 'general grant of jurisdiction' over intrastate ratemaking.''

18. Second, the D.C. Circuit held that the ''Commission's categorial exclusion of site commissions from the calculus used to set [inmate calling services] rate caps defie[d] reasoned decisionmaking because site commissions obviously are costs of doing business incurred by [inmate calling services] providers.'' The court directed the Commission to ''assess on remand which portions of site commissions might be directly related to inmate calling services and therefore legitimate, and which are not.'' The court did not reach inmate calling services providers' remaining arguments ''that the exclusion of site commissions denies [them] fair compensation under

[section] 276 and violates the Takings Clause of the Constitution because it forces providers to provide services below cost,'' and it stated that the Commission should address these issues on remand once it revisits the exclusion of site commissions.

19. Third, the D.C. Circuit held that the Commission's use of industry-wide averages in setting rate caps was arbitrary and capricious because it lacked justification in the record and was not supported by reasoned decisionmaking. More specifically, the court found the Commission's use of a weighted average per-minute cost to be ''patently unreasonable'' given that such an approach made calls with above-average costs unprofitable and thus did ''not fulfill the mandate of [section] 276 that 'each and every' '' call be fairly compensated. Additionally, the court found that the *2015 ICS Order* ''advances an efficiency argument—that the larger providers can become profitable under the rate caps if they operate more efficiently—based on data from the two smallest firms,'' which ''represent less than one percent of the industry,'' and that the *Order* did not account for conflicting record data. The court therefore vacated this portion of the *2015 ICS Order* and remanded to the Commission for further proceedings.

20. Also in 2017, in *Securus* v. *FCC,* the D.C. Circuit ordered the *2016 ICS Reconsideration Order* ''summarily vacated insofar as it purports to set rate caps on inmate calling service'' because the revised rate caps in that *Order* were ''premised on the same legal framework and mathematical methodology'' rejected by the court in *GTL* v. *FCC.* The court remanded ''the remaining provisions'' of that *Order* to the Commission ''for further consideration . . . in light of the disposition of this case and other related cases.'' As a result of the D.C. Circuit's decisions in *GTL* and *Securus,* the interim rate caps that the Commission adopted in 2013 ($0.21 per minute for debit/prepaid calls and $0.25 per minute for collect calls) are in effect for interstate inmate calling services calls.

21. More Recent Developments. In the *2015 ICS Order,* the Commission directed that the Second Mandatory Data Collection be conducted two years from publication of Office of Management and Budget (OMB) approval of the information collection. The Commission received such approval in January 2017 and publication occurred on March 1, 2017. Accordingly, on March 1, 2019, inmate calling services providers submitted their responses to the Second Mandatory Data Collection. The Commission's Wireline Competition Bureau (Bureau) and Office of Economics and Analytics (OEA) undertook a comprehensive analysis of the Second Mandatory Data Collection responses and conducted multiple follow-up discussions with inmate calling services providers to supplement and clarify their responses.

22. In February 2020, the Bureau issued a public notice seeking to refresh the record on ancillary service charges in light of the D.C. Circuit's remand in *GTL* v. *FCC.* The Bureau sought comment on, among other issues, (1) whether each permitted inmate calling services ancillary service charge may be segregated between interstate and intrastate calls and, if so, how; (2) how the Commission should proceed in the event any permitted ancillary service is ''jurisdictionally mixed'' and cannot be segregated between interstate and intrastate calls; and (3) any steps the Commission should take to ensure that providers of interstate inmate calling services do not circumvent or frustrate the Commission's ancillary service charge rules.

23. In April 2020, inmate calling services providers submitted data pursuant to the Commission's annual reporting requirements and they did so using a revised annual reporting form and accompanying instructions. First, the Bureau made minor revisions to the form and instructions in light of the D.C. Circuit's vacatur of the Commission's annual reporting requirement for video visitation services offered by inmate calling services providers. The *GTL* court held that the video visitation services reporting requirement adopted in the *2015 ICS Order* was ''too attenuated to the Commission's statutory authority to justify this requirement.'' Accordingly, the Bureau eliminated questions regarding video visitation from the annual reporting reform.

24. Second, the Bureau made additional revisions to the annual reporting form and instructions based on its experience in analyzing past annual reports and based on formal and informal input from inmate calling services providers, thereby making the annual reports easier to understand and analyze. Bureau and OEA staff used the April 2020 annual report responses to supplement their understanding of the Second Mandatory Data Collection responses.

25. Commission staff also analyzed the intrastate rate data submitted as part of inmate calling services providers' most recent annual reports. Staff's analysis reveals that the vast majority of inmate calls—roughly 80%—are reported to be intrastate and that inmate calling services providers are charging egregiously high intrastate rates across the country. Intrastate rates for debit or prepaid calls substantially exceed interstate rates in 45 states, with 33 states allowing rates that are at least double the Commission's cap and 27 states allowing excessive ''first-minute'' charges up to *26 times* that of the first minute of an interstate call. Indeed, while interstate rates for the first minute and all subsequent minutes may not exceed $0.25, inmate calling services providers' first-minute charges for intrastate calls may range from $1.65 to $6.50. For example, one provider reported the first-minute intrastate rate of $5.341 and the additional per-minute intrastate rate of $1.391 in Arkansas while reporting the per-minute interstate rate of $0.21 for the same correctional facility. Similarly, another provider reported the first-minute intrastate rate of $6.50 and the additional per-minute intrastate rate of $1.25 in Michigan while reporting the per-minute interstate rate of $0.25 for the same correctional facility. Further, Commission staff identified instances in which a 15-minute intrastate debit or prepaid call costs as much as $24.80—almost seven times more than the maximum $3.15 that an interstate call of the same duration would cost.

III. Fourth Further Notice of Proposed Rulemaking

26. As a result of the D.C. Circuit's decisions in *GTL* and *Securus,* the interim interstate rate caps that the Commission adopted in the *2013 ICS Order*—$0.21 per minute for debit and prepaid calls and $0.25 per minute for collect calls—remain in effect today. Based on extensive analysis by Commission staff of the most recent cost data submitted by inmate calling services providers, the Commission proposes comprehensive rate reform of the inmate calling services within its jurisdiction.

27. First, the Commission proposes to lower its rate caps for interstate inmate calling services to $0.14 per minute for debit, prepaid, and collect calls from prisons and $0.16 per minute for debit, prepaid, and collect from jails. In so doing, the Commission accounts for reasonable correctional facility costs, consistent with the court's opinion in *GTL,* and the Commission accounts for the fair compensation mandate of section 276 of the Act. The Commission further proposes to find that the benefits of its interstate rate cap proposal far exceed the costs.

28. Second, the Commission proposes to cap rates for international inmate

calling services, which remain uncapped today. Specifically, the Commission proposes to adopt a rate cap formula that permits a provider to charge an international inmate calling services rate up to the sum of the provider's per-minute interstate rate cap for that correctional facility *plus* the amount that the provider must pay its underlying international service provider for that call on a per-minute basis. The Commission believes these proposals will ensure that the rates that incarcerated individuals and their loved ones pay for interstate and international inmate calling services are just and reasonable as required by section 201(b) of the Act.

29. The Commission seeks comment on its proposals, including their impact on small businesses, and the Commission seeks comment on any alternative proposals.

A. Proposing New Interstate Rate Caps

30. The Commission proposes to adopt permanent rate caps for interstate inmate calling services of $0.14 per minute for debit, prepaid, and collect calls from prisons and $0.16 per minute for such calls from jails. These rate caps would apply to all calls that a provider identifies as interstate and to calls that the provider cannot definitively identify as intrastate.

31. The proposed rates are based on its analyses of detailed cost data submitted by inmate calling services providers in their Second Mandatory Data Collection responses. These data demonstrate that the proposed rates, in conjunction with the fees permitted for ancillary services, will generally allow providers to recover their costs, including their overheads, and reimburse correctional facilities for any costs that they incur that are directly related to the provision of inmate calling services. The Commission defines ''overheads'' as the difference between the costs inmate calling services providers assigned to their contracts and their total inmate calling services costs. The Commission establishes its proposed rate caps based on (1) its calculated mean contract costs per paid minute to provide inmate calling services as reported by providers plus one standard deviation; and (2) an allowance for recovery of correctional facility costs directly related to the provision of inmate calling services observed in that data. ''Contract costs per paid minute'' refers to the sum of a contract's direct costs and allocated overheads divided by the number of paid minutes of use reported for that contract. The Commission calculates the mean of this value across all contracts for each facility type and use those averages in determining its proposed rate caps. The Commission's proposed rate cap methodology and its impact on providers' ability to recover their costs differ materially from the methodology and impact that were before the D.C. Circuit in *GTL* v. *FCC.* The Commission seeks comment on each aspect of its proposed rate cap methodology and on whether it will result in interstate inmate calling services rates that are just and reasonable as required by the Communications Act.

32. Uniform Caps for Prepaid/Debit and Collection Calls. The Commission proposes to adopt identical interstate rate caps for prepaid/debit and collect calls based on the absence of any data demonstrating a material difference in the costs of providing these different types of calls. For convenience, the Commission refers herein to prepaid and debit calls collectively as prepaid/debit calls. While each of these call types is separately defined in the Commission's rules, 47 CFR 64.6000(g) and (p), each involves a form of advanced payment for inmate telephone calls as distinguished from collect calls for which payment is sought from the called party at the time that the inmate call is placed. What is more, collect calling is no longer a popular method of inmate calling, and data show that the number of collect calls is small and has been declining relative to prepaid or debit calls. In 2014, collect call minutes represented 4.9% of all paid call minutes. In 2018, the share of collect calls in all paid call minutes had fallen to 2.2%. These findings are based on staff analysis of the data received in the Second Mandatory Data Collection. The Commission seeks comment on current trends for collect calling, and on its proposal to adopt a single rate cap for prepaid/debit and collect calls made from the same facilities and on the overall data upon which the Commission bases its proposal. Are there cost differences between collect and prepaid/debit calls that providers failed to identify in response to its data collection? If so, commenters should submit additional data on this point into the record. The Commission also seeks comment on whether attempting to distinguish between the costs of providing prepaid/debit calls and collect calls is necessary (or administratively efficient) given that collect calls appear to be a disappearing service.

33. The Commission do notes one apparent difference between collect and prepaid/debit calls: Specifically, collect calls are more likely to be initiated through the use of a live operator. The Commission tentatively does not believe, however, that this difference merits different rates because inmate calling service providers are already permitted to charge a separate fee if an incarcerated individual makes use of a live operator to place an interstate collect call. This additional ancillary service charge is on top of the per-minute rate for the interstate collect call. Are there nevertheless reasons to maintain different interstate rate caps for collect versus prepaid/debit calling? If so, commenters should explain these reasons in detail.

34. Different Caps for Prisons and Jails. The Commission proposes to distinguish between two distinct facility types, proposing a rate cap for jails that is $0.02 per minute higher than the rate cap the Commission proposes for prisons. This $0.02 per-minute differential reflects the Commission's analysis of the cost data, which shows greater variations from mean costs for jails than prisons (and therefore a greater standard deviation from the mean for jail than prisons). This two-tier rate structure departs from the four-tier rate structure the Commission adopted in the *2015 ICS Order,* which established a rate cap for prisons as well as three different rate caps for jails, based on the jails' average daily populations. As discussed in greater detail in an Appendix, staff analysis of the data submitted by the providers indicates that the average daily population for jails does not meaningfully influence per-minute costs. The analysis similarly indicates that per-minute costs are not materially influenced by other characteristics of the facilities being examined. The Commission seeks comment on this analysis.

35. The Commission seeks comment on its proposal to adopt a single rate cap for prisons and a single rate cap for jails. Are there differences in the costs of serving different types of prisons or jails that are not apparent from the data submitted in response to the Second Mandatory Data Collection? If so, commenters should provide additional analysis or data establishing those differences and explain how the Commission should take them into account in setting interstate rate caps for different types of facilities.

36. Cost Recovery at the Contract Level. The Second Mandatory Data Collection responses make clear that inmate calling services providers seek to recover their costs at the contract, rather than facility, level. The providers therefore do not typically keep, and have not submitted, data that would capture cost differences among facilities

of differing sizes under the same contract. In these circumstances, the Commission proposes to set interstate rate caps based on its analysis of costs at the contract level. The Commission invites comment on this approach.

37. Effective Date for New Interstate Rate Caps. The Commission proposes that its new rate caps take effect 90 days after notice of them is published in the **Federal Register**. This is the same transition timeframe that the Commission adopted when providers first became subject to the current interim caps, and the record in this proceeding indicates that implementation occurred without difficulty. The Commission seeks comment on this view and on its proposal. Any commenter favoring a shorter or longer transition period should provide a detailed explanation of precisely what steps providers and correctional facilities must take before they can implement new rate caps for interstate inmate calling services and how much time they anticipate it will take to accomplish each of those steps.

1. Methodology

38. Calculating Mean Contract Costs per Paid Minute. The Commission's rate cap methodology begins with the calculation of mean contract costs per paid minute in the provision of inmate calling services. This calculation is based on data for the most recent year (2018) submitted in providers' Second Mandatory Data Collection responses, as supplemented and clarified in the record via follow-up discussions with each provider. While the Second Mandatory Data Collection collected data for 2014 to 2018, the Commission relies on data from 2018 because it is likely to be most representative of the current situation. Although the Commission requested data for each facility a provider serves, including information such as the average daily inmate population, the number of calls annually, the number of annual call minutes, and the cost of serving that facility, in many instances providers reported data only at the contract level. The cost data include both (1) costs that may be directly attributed to the provider's inmate calling services operations and, in many instances, to a given inmate calling services contract; and (2) costs, such as general corporate overheads, that cannot be directly attributed to a particular facility or even, in some cases, a particular line of business.

39. The collected data are subject to certain limitations based on differences in recordkeeping practices among the respondent providers. For example, many providers assess their inmate calling services operations on a contract-by-contract basis, although many contracts include multiple correctional facilities. Based on staff analysis of the data, CenturyLink treated the Wisconsin DOC contract similarly, and GTL treated many, and perhaps all, of its multifacility contracts similarly. These providers therefore reported information—and the Commission analyzed that information—on a contract, rather than a facility, basis. The Commission seeks comment on this approach, in the absence of information provided about the costs incurred on a facility-by-facility basis.

40. The Second Mandatory Data Collection sought information about costs in several steps. A filer must first identify which of its and its corporate affiliates' total costs are directly attributable to inmate calling services and which are directly attributable to other operations. The filer must then allocate the remainder of the inmate calling services provider's and its affiliates' total costs (*i.e.,* the costs identified as indirect costs or overhead) between inmate calling services and the affiliate groups' other operations. The filer may then choose to allocate some or all of these costs to its particular inmate calling services contracts or even to a given facility. The Commission notes that some providers interpreted different steps in different ways. The Commission seeks comment on each aspect of the submitted data and invite parties to submit their own analyses consistent with the terms of the *Protective Order* in this proceeding. Are there other issues regarding the data that the Commission should consider? Are there other types of data the Commission could seek to more fully capture industry costs beyond the detailed and comprehensive data the Commission has already collected and which providers claim reflects the level of granular cost data they keep? The Commission invites parties to submit alternative proposals for us to consider in further evaluating the Second Mandatory Data Collection responses. To the extent that commenters believe the Commission should collect additional data, the Commission seeks comment on the likelihood that inmate calling services providers would be able to provide the requested data, and, if so, at what cost and in what timeframe.

41. The Second Mandatory Data Collection did not require providers to allocate costs that are not directly associated with a specific contract among their different contracts. The Commission therefore needs to perform such an allocation. The Commission proposes to use the reported minutes of use associated with each contract to perform that allocation. The Commission seeks comment on this allocation method, including whether reported minutes of use provides a reasonable allocator. Would a different allocator better capture how costs are caused, and if so, why? Are there systematic differences in costs or systematic differences in the way costs are calculated that the Commission should consider in its analysis?

42. In developing its Second Mandatory Data Collection response, one provider, GTL, allocated indirect costs between its inmate calling services operations and its other operations based on the percentages of total company revenue each operation generated. GTL and certain other providers also used relative revenues to allocate their indirect costs among contracts. The Commission has long disclaimed this allocation methodology because it fails to provide a reliable method for determining the costs of providing inmate calling services given that ''revenues measure only the ability of an activity to bear costs, and not the amount of resources used by the activity.'' One way of viewing the problem of using revenues as a cost allocation key is to consider two identical services that have different prices. A revenue cost allocation key would allocate costs to the two services differently even though, by definition, they have the exact same costs. Consider allocating costs between the interstate and intrastate jurisdiction based on revenues. The record shows no reason to think that intrastate costs should be any higher than interstate costs. However, because intrastate calls have higher prices and earn higher revenues per minute, such a mechanism would imply intrastate costs are significantly higher than interstate costs. A related problem is that using revenues to allocate costs is somewhat circular—because the whole point of allocating costs is to help determine what revenues need to be to cover those costs. Thus, a revenue-based allocator tends to ''lock in'' the historical pricing decisions of providers rather than drive rates toward actual costs. The Commission instead considered several other means of allocating costs: Call minutes, call numbers, contracts, and facilities, and determined call minutes to be the most reasonable. The Commission invites comment on these observations and this allocator, and ask parties to suggest alternative ways to more appropriately allocate costs for

rate-making purposes that would provide more reliable results.

43. Calculating Interstate Rate Caps for Prisons and Jails. The Commission next calculates proposed interstate rate caps for both prisons and jails. Those proposed caps equal the mean contract costs per minute for all reporting providers, plus one standard deviation, plus an additional $0.02 for correctional facility costs. Its calculations use total industry costs, both interstate and intrastate, because the available data do not suggest that there are any differences between the costs of providing interstate and intrastate inmate calling services. Nor do such data suggest a method for separating reported costs between the intrastate and interstate jurisdictions that might capture such differences, if any. Finally, providers do not assert any such differences. The Commission seeks comment on these views.

44. The Commission's analysis of the cost data shows greater variations from mean costs for jails than for prisons, and its proposed rate caps reflect these standard deviations. The Commission examined whether various characteristics, such as location or size, would reveal additional, meaningful differences in costs that would justify separate rate caps for different groups of contracts. The Commission found the main predictors of both costs per minute and high-cost contracts were the provider's identity and the state where the facilities subject to a particular contract are located. The Commission also found that facility type (whether the contracts covered prisons or jails) was a less strong predictor of costs per minute and high-cost contracts. By contrast, other variables such as facility size (measured by average daily population) and rurality, or combinations of such variables provided negligible predictive value. The Commission seeks comment on this analysis and on whether the Commission nevertheless should set interstate rate caps on a more granular basis. The Commission invites parties to suggest alternative approaches. Any commenter proposing an alternative approach should submit an explanation of how the data support such an approach, as well as a discussion of the administrative feasibility of the proposed alternative.

45. The Commission believes its proposed rate caps will permit cost recovery for interstate inmate calling services and the Commission seeks comment on this view. The Commission specifically invites comment on whether its proposed interstate rate caps would allow providers to recover their costs of providing interstate inmate calling services, including their direct costs of providing interstate inmate calling services under each of their contracts and correctional facility costs directly related to the provision of inmate calling services, while making reasonable contributions to providers' indirect costs that are associated with inmate calling services.

46. The Commission's calculations show a limited number of contracts where providers' reported costs plus its allocation of overhead exceed the revenues that the proposed interstate rate caps would generate: Specifically, in only two out of 131 prison contracts, and 114 out of 2,804 jail contracts. The Commission notes that the inmate calling services providers' reported costs exclude site commission payments, although they do report information on site commission payments. The Commission has determined previously that some portion of these site commission payments do reflect legitimate costs that correctional facilities incur that are reasonably related to the provision of inmate calling services. Based on its analysis, the Commission's proposed rate caps include a $0.02 per minute allowance for these correctional facility costs. If revenues that are currently generated from certain ancillary services, such as automated payment fees and paper billing and statement fees, are included, only 42 jail contracts fail to recover costs under the Commission's allocation of overheads. Over half of these 42 jail contracts belong to a single provider, but account for a small portion of that provider's broad contract portfolio. Based on staff analysis of these 42 jail contracts, approximately [REDACTED]. In addition, the Commission does not include revenues earned from live operator fees because those data were not collected, even though the costs of live operators were collected and are included in its analysis. The Commission seeks comment on this approach and on whether the Commission should exclude both the costs of, and revenues from, live operator interactions from its analysis.

47. In *GTL* v. *FCC,* the Court found the Commission's reliance on industry average costs unreasonable because even if any cost component of site commissions were disregarded, the proposed caps were ''below average costs documented by numerous ICS providers and would deny cost recovery for a substantial percentage of all inmate calls.'' Unlike that result, however, the Commission proposes a methodology that begins with an industry mean cost, increases that mean by a standard deviation, and then adds an additional amount—$0.02 per minute—to account for correctional facility costs. The revenues from the proposed rate caps would enable the vast majority of providers to recover at least their reported costs, leaving only 1.5% (or 42/2,804) of all jail contracts with reported average costs above what the proposed interstate rate caps would recover (and the Commission seeks comment below on potentially waiving its caps in these extraordinary cases).

48. As discussed in an Appendix, the Commission assigned costs to contracts based on relative minutes of use. For robustness, the Commission also takes the data at face value and analyzes its proposed caps against those data. In that scenario, only one prison contract and 32 jail contracts would fail to recover reported direct costs based on the Commission's analysis. And only one prison contract or 0.8% (1/131) of prison contracts and 21 or 0.7% (21/2,804) of jail contracts would fail to recover their reported direct costs after accounting for certain ancillary service fees. The Commission seeks comment on this analysis. The Commission also asks whether it would be appropriate to set rates based on the costs of the vast majority of providers (for example, all but the one or two providers with the highest average costs per minute), in order to incent providers with above average costs to be more efficient. While the court in *GTL* rejected an efficiency argument advanced by the Commission, its concern in that case was that the ''average rates'' relied on cost data from firms representing only a small fraction of the industry and were not sufficiently supported by the record. The approach the Commission proposes here, however, is based on the costs of a majority of providers and is consistent with the record.

49. The presence of a number of prisons and jails with rates below the proposed interstate rate caps is further evidence that leads the Commission to conclude that its proposed caps will broadly allow cost recovery. The Commission has identified nearly 800 prisons in 35 states that have set their interstate debit, prepaid, and collect inmate calling service rates at levels below its proposed cap of $0.14. These include prisons in locations as diverse as Alabama, California, New Jersey, New Mexico, West Virginia, and Wyoming. Similarly, nearly 200 jails in 35 states set all of their interstate debit, prepaid, and collect inmate calling service rates at levels below the Commission's proposed caps. Confirming the Commission's analysis

of the cost data, facility size also does not seem to matter in these cases. The Commission seeks comment on whether these data suggest that its proposed interstate rate caps should be lowered even further notwithstanding the fact that its proposed rates reflect what the providers have most recently reported as their inmate calling services costs. Is this evidence that some providers have indeed reported costs in excess of their actual costs?

50. The Commission notes that its rate cap calculations do not account for revenues earned from certain ancillary services, even though the costs of these services, which were not independently collected, are included in reported inmate calling services costs. The Commission invites comment on whether the Commission should adjust the proposed interstate rate caps to address ancillary services. For example, should the Commission exclude the costs from these services from its calculations? The Commission notes that while revenues from such services are small or do not exist for many contracts, in other cases, they are significant. For example, the contract mean of automated payment and paper bill/statement revenues per paid minute of use is approximately $0.05. This is calculated by taking the mean of the quotient of revenues from automated payment and paper bill and statement fees and paid minutes of use for each contract. The Commission seeks comment on how the Commission should take these revenue sources into account in setting interstate rate caps. Should the Commission reduce its proposed interstate caps by $0.05 across the board or would this distort providers' pricing decisions, especially in the case of contracts where automated payment and paper bill/statement fees are small or zero? Should the Commission instead impose an interstate revenue cap and let providers decide how to raise those revenues? Or would that type of discretion lead to rates that are hard to police in practice? What alternative mechanisms could be applied to ensure that a provider's total revenue from interstate inmate calling services and related ancillary services allows the provider an opportunity to recover its costs of providing those services without subjecting incarcerated people and those they call to unreasonably high interstate rates?

51. The Commission also asks whether there is any other source of revenue from inmate calling services that the Commission should consider in its analysis. For example, in the *2015 ICS Further Notice,* the Commission expressed concern regarding alleged revenue sharing arrangements between inmate calling services providers and financial companies. Some commenters argue that certain inmate calling services providers have entered into revenue-sharing arrangements with third-party processing companies such as Western Union and MoneyGram where a third-party processing company shares its revenues generated from processing transactions for an inmate calling services provider' customers. In contrast to typical third-party processing companies such as Western Union and MoneyGram, Pay Tel argues that affiliates of an inmate calling services provider should not be treated as third parties in applying the Commission rules as the affiliated processing company's revenues will end up in the same bucket as the affiliated inmate calling services provider's revenues. Commenters further argue that the shared revenue is an additional source of profits for these inmate calling services providers. One commenter suggests that certain providers have effectively created a third-party entity with whom those providers share revenue that is passed through to consumers in the form of a third-party fee for single-call services. Marking up third-party fees, whether directly or indirectly, is prohibited under the Commission's rules. The Commission seeks any evidence that providers are using kickbacks or other means to indirectly mark up such fees. What is the best way for us to detect these types of practices? Should we, for example, require providers to include in their Annual Reports detailed information on all sources of revenue in connection with their inmate calling services operations and, if so, what specific additional data should the Commission require providers to submit? The Commission also invites comment on how the Commission should account for any revenue that providers receive from such arrangements in its rate cap calculations. For example, should the Commission reduce the amount that a provider may recover through per-minute rates and ancillary fees by the amount it receives from sharing arrangements with third parties? The Commission seeks comment on any additional modifications to the language in its current ancillary services rules that may be necessary to clarify what providers are permitted and not permitted to do with respect to ancillary services charges.

2. Necessary Adjustments to Data

52. The interstate rate caps the Commission proposes reflect certain adjustments to some provider data to correct for anomalies that would improperly skew its results and lead to unreasonably high interstate rate caps vis-à-vis rate caps that approximate the true costs of providing inmate calling service. The Commission seeks comment on these adjustments. Specifically, to calculate the return component of its costs, GTL uses what it refers to as the ''invested capital of GTL.'' That value equals the amount GTL's current owners paid in 2011 to purchase the company from its prior owners plus the amounts GTL paid for subsequent acquisitions. In December 2011, American Securities purchased GTL from Goldman Sachs Capital Partners and Veritas Capital Fund Management LLC for $1 billion, including a $50 million contingencies bonus. That purchase price significantly exceeded the $345 million that Goldman Sachs and Veritas had paid to purchase GTL in February 2011. Those amounts as a matter of basic financial theory reflect GTL's estimate of the future profit streams the company would generate as an ongoing concern in the provision of inmate calling services and the other services GTL provides incarcerated people. Consequently, these prices include any expected market rents embodied in those profit streams. ''Market rents'' refers to the stream of profits that a company expects to earn that it would not otherwise earn if faced with effective competitive market constraints. Use of GTL's invested capital as a basis for a regulated cost-based rate is inconsistent with the well-established principle that the purchase prices of companies that possess market power ''are not a reliable or reasonable basis for ratemaking.''

53. The Commission proposes to reduce the costs reported by GTL by 10% in order to reduce or eliminate the distortion caused by the Commission's estimate of the market rents reflected in GTL's reported costs and to use those reduced costs in calculating its interstate rate caps for inmate calling services. The Commission adjusts its proposed interstate rate caps to reflect its reasoned estimate of the market rents captured in GTL's reported costs. As explained more fully in an Appendix, the Commission estimates those market rents by analyzing GTL's goodwill, as reported on its balance sheet. GTL's goodwill reflects the unamortized portion of excess purchase price and, presumably, market rents. This excess purchase price includes the value remaining after accounting for fair market values for tangible and intangible assets (excluding goodwill)

and liabilities at the time of acquisition. The Commission computes the share of GTL's net assets that its goodwill represents, and then further reduce this computed share to represent only the portion that corresponds with capital costs. The Commission invites comment on this approach. Do commenters believe it overstates, or understates, the market rents included in GTL's cost calculations? Would another adjustment method yield more accurate results? Would it be better to refrain from any adjustment to account for this apparent overstatement of GTL's costs? If so, why?

54. The Commission recognizes that additional measures may be needed to eliminate what appear to be other significant overstatements in the inmate calling services costs reported by GTL. Indeed, the Commission's analysis of the cost data from all providers makes clear that GTL's reported costs are likely significantly overstated—both vis-à-vis other providers and in absolute terms. First, the Commission's analysis shows that GTL's reported costs are substantially greater than the industry average, an anomalous result given that the Commission would expect GTL—as the largest provider in the inmate calling services market—to benefit from economies of scale and scope. The Commission notes that ICSolutions and CenturyLink have just filed section 214 transfer of control applications with the Commission whereby ICSolutions would acquire control of all of CenturyLink's inmate calling services business, except for the Texas Department of Corrections contract which CenturyLink subcontracts with Securus. GTL's reported share of the total costs reported by all providers of inmate calling services is roughly 1.5 times greater than its reported share of the industry's minutes of use. Indeed, GTL's per paid minute contract costs are higher than those of all but two of the other providers. This data is difficult to reconcile with GTL's scale and scope, and apparent efficiency, which suggest that GTL's per-minute costs should be lower than other provider's costs. Scale economies arise when certain upfront costs, such as inmate calling services platform costs, can be shared over increasing volumes of service. Consistent with this, GTL, in its 2018 Description and Justification, reports [REDACTED]% of its assets to be intellectual property. The costs of developing and maintaining such assets are generally not related to extension of supply of call minutes, and so as call minutes increase, the per minute share of these costs decline. Economies of scope arise when certain upfront costs, such as a payment platform, can be shared over increasing numbers of services, such as inmate calling services, commissary services, and tablet access and internet access. This again applies to GTL. While GTL may not face full competitive pressure when it bids to supply inmate calling services, it is the largest provider in the industry. This suggests it is a reasonably effective competitor, which in turn suggests it is not a high cost provider, and therefore, its reported costs are likely significantly overstated. Second, even after a 10% reduction, GTL is still an outlier among the larger providers, having a materially higher share of reported costs than minutes and with reported costs still substantially above the industry average. While the reduction lowers GTL's average costs from [REDACTED] per minute, GTL's average costs remain [REDACTED] above the industry average per minute cost. Upon reducing GTL's costs by the proposed percentage, the industry average per minute cost falls from $0.089 to $0.084. Third, the highest per minute rates charged on many, including some large GTL contracts, are materially less than the Commission's estimate of the contract's per paid minute costs.

55. While some of this imbalance stems from GTL's inflated asset valuations, other aspects of GTL's Second Mandatory Data Collection response suggest that the company's costing methodology systematically overstated its inmate calling services costs. For example, the Second Mandatory Data Collection required all providers to identify their direct costs (*i.e.,* those costs that are completely attributable to a specific service, such as inmate calling services). GTL ignored this instruction and instead identified as direct inmate calling services costs only those costs ''that could be directly attributable to a particular correctional facility contract.'' This failure to comply with the instructions resulted in GTL incorrectly reporting as indirect inmate calling services costs its ''expenses for originating, switching, transporting, and terminating ICS calls'' and ''costs associated with security features relating to the provision of ICS,'' among other costs that appear to be completely attributable to and thus properly identifiable as direct costs of inmate calling services. The net result of this failure is that GTL's only reported direct inmate calling services cost is its ''bad debt expense.''

56. Viewed in isolation, GTL's noncompliance with the instructions could have merely shifted its inmate calling services costs from one contract to another, a result that would have no impact on GTL's total reported costs for inmate calling services. GTL's Second Mandatory Data Collection response, however, leaves open the possibility that the company also failed to properly identify the direct costs of its non-inmate calling services operations. In that case, then GTL's method of identifying its indirect inmate calling services cost—''multiplying its total indirect costs by a percentage received from ICS divided by its total revenue''—almost certainly overstated its inmate calling services costs. Indeed, allocating total company costs based on revenue is particularly inappropriate for a company, like GTL, that is not only expanding beyond a core business—inmate calling services—by investing in other lines of business, but that also reaps revenues from egregiously high intrastate rates that serve to increase the amount of indirect costs allocated to inmate calling services reported under this methodology.

57. In light of the impact that overstatements of this magnitude by one of the market's largest providers may have on its analysis, the Bureau has directed GTL to provide additional information regarding its operations, costs, revenues, and cost allocation procedures. The information GTL files in response to this directive will be available to commenters, subject to the *Protective Order* in this proceeding. How should the Commission properly value GTL's assets in a manner that excludes all market rents? How should the Commission properly identify the direct costs of GTLs' inmate calling services and other operations? How should the Commission allocate GTL's indirect costs using methods that reflect how those costs are incurred? The Commission asks parties to address all aspects of GTL's responsive submission that may affect its ability to meaningfully evaluate GTL's cost data and methodology. The Commission also asks how the Commission should use the information in that submission in setting interstate rate caps for inmate calling services.

58. It also appears that other providers, notably Securus, may have also overstated their inmate calling services costs, although likely not to the same degree as GTL. The Commission invites each provider to reexamine its costing methodology in light of this *Further Notice* and to address in detail in its comments whether that methodology properly identifies and allocates its inmate calling services costs. Providers should also update their Second Mandatory Data Collection responses to correct any discrepancies.

To the extent that providers do not do so, should the Commission discount their reported costs and, if so, to what extent? Or should the Commission instead require them to provide additional information regarding their operations, costs, revenues, and cost allocation procedures so that the Commission can meaningfully evaluate their cost data and methodologies?

3. Accounting for Correctional Facilities Costs

59. The Commission's proposed interstate rate caps of $0.14 per minute for prisons and $0.16 per minute for jails include $0.02 per minute to account for the costs correctional facilities incur that are directly related to the provision of inmate calling services and that represent a legitimate cost for which providers of inmate calling services may have to compensate facilities. This $0.02 per-minute allowance reflects its analysis of data submitted in response to the Second Mandatory Data Collection. The Second Mandatory Data Collection indicates that payments in excess of $0.02 per minute would exceed the costs correctional facilities incur in the provision of inmate calling services. Nevertheless, the Commission recognizes that for contracts covering only smaller jails, the facility costs at these particular facilities may exceed $0.02 per minute. The Commission therefore considers adopting higher allowances for correctional facility costs for such contracts if the record in response to this *Further Notice* supports such allowances. The Commission invites comment on these proposals.

60. Background. Site commissions are payments that inmate calling services providers make to correctional facilities. They have two components. They compensate correctional facilities for the costs they reasonably incur in the provision of inmate calling services, and they compensate those facilities for the transfer of their market power over inmate calling services to the inmate calling services provider. That market power is created by incarcerated people's inability to choose an inmate calling services provider other than the provider the correctional facility selects, effectively creating a monopoly for inmate calling services within a prison or jail. This dynamic produces site commission payments that exceed correctional facilities' costs. The responses to the Second Mandatory Data Collection show that inmate calling services providers paid [REDACTED] in site commissions which amounts to [REDACTED] of total inmate calling services-related revenues in 2018. The record in previous proceedings and the First Mandatory Data Collection also showed high site commission payments. In the *2013 ICS Order,* the record showed that site commission payments are often based on a percentage of revenues, which could range from 20% to 88%. Data from the First Mandatory Data Collection showed that site commissions for at least one contract had reached as much as 96% of gross revenues.

61. Allowing inmate calling services providers to treat all their site commission payments as ''costs'' would almost inevitably result in unjust and unreasonably high rates for incarcerated individuals and their loved ones to stay connected. Prior to 2016, the Commission viewed these payments solely as an apportionment of profits between providers and facility owners even though it recognized some portion of them may be attributable to legitimate facility costs. In the *2016 ICS Reconsideration Order,* however, the Commission recognized that ''some facilities likely incur costs that are directly related to the provision of ICS,'' and determined that ''it is reasonable for those facilities to expect ICS providers to compensate them for those costs . . . [as] a legitimate cost of ICS that should be accounted for in [the] rate cap calculations.'' The Commission therefore increased the rate caps it had adopted in 2015 to allow for the recovery of the facilities' legitimate costs. Because the qualitative record before it indicated that those per-minute costs increased as facilities' inmate populations decreased, the Commission varied its allowance for site commission payments based on correctional facilities' average daily populations. The rate caps for prepaid/debit inmate calling services calls were increased to ''$0.31 per minute for jails with an average daily population (ADP) below 350, $0.21 per minute for jails with an ADP between 350 and 999, $0.19 per minute for jails with an ADP of 1,000 or more, and $0.13 per minute for prisons.'' The Commission also increased the rate caps for collect calls by a commensurate amount. The Commission based these adjustment factors on comments and information provided in the record at that time but did not base its adjustments on an analysis of provider-submitted data as the Commission does herein.

62. In 2017, the D.C. Circuit held that the ''wholesale exclusion of site commission payments from the FCC's cost calculus'' in the *2015 ICS Order* was ''devoid of reasoned decision-making and thus arbitrary and capricious.'' The court therefore vacated the Commission's decision to exclude site commission payments from its cost calculus and remanded the matter to the Commission for further consideration.

63. Allowance for Reasonable Correctional Facility Costs. Consistent with the D.C. Circuit's opinion in *GTL* v. *FCC,* 250 the Commission proposes to include an allowance for site commission payments in the interstate rate caps to the extent those payments represent legitimate correctional facility costs that are directly related to the provision of inmate calling services. The $0.02 per minute that the Commission proposes reflects its analysis of the costs correctional facilities incur that are directly related to providing inmate calling services and that the facilities recover from inmate calling services providers as reflected by comparing provider cost data for facilities with and without site commission requirements. This analysis treats any costs associated with site commission payments as correctional facility costs, and not inmate calling services provider costs. The Commission requests comment on this analysis, which is discussed in more detail in an Appendix. Does it properly capture the costs that providers should reasonably be expected to pay correctional facilities to cover the costs those facilities reasonably incur in connection with interstate inmate calling services? If not, how should the Commission adjust its analysis? Should we, for example, vary the allowance for reasonable correctional facility costs based on a facility's average daily population, annual minutes of use, or other measure of expected calling volume? The Commission asks correctional facilities to provide detailed information concerning the specific costs they incur in connection with the provision of interstate inmate calling services, to the extent those costs are not already reflected in providers' costs, and why those costs should be considered directly related to the provision of inmate calling services. The Commission also seeks alternative analyses that explain whether a $0.02 per-minute allowance would properly cover those correctional facility costs that are legitimately related to inmate calling services. The Commission similarly seeks comment on whether the Commission should reduce the allowance for prisons to $0.01 based on the analysis reflecting the differential of providers' costs with and without a site commission obligation for prison facilities.

64. The Commission also invites comment on whether a $0.02 per minute allowance would be adequate to cover the costs that smaller jails incur in

connection with the provision of interstate inmate calling services. The Commission asks that parties seeking a higher allowance in this situation document in detail the specific costs smaller jails reasonably incur in the provision of interstate inmate calling services. The Commission also seeks comment on whether there is any other category of contracts or correctional facilities for which a $0.02 per-minute allowance may be inadequate.

65. In *GTL* v. *FCC,* the D.C. Circuit directed that the Commission address on remand the issue of whether ''the exclusion of site commissions . . . violates the Takings Clause of the Constitution because it forces providers to provide services below cost.'' The Commission does not believe that there are any potential taking concerns arising from its rate cap proposals. The Commission has not received any post-remand comments addressing the takings issue with respect to adopting permanent interstate rate caps. The Commission did, however, receive a single comment from an inmate calling services provider in response to the Worth Rises Request that inmate calling services providers offer ''unlimited free service'' during COVID–19 in the event ICS providers did not sign the Chairman's Keep America Connected Pledge. The ''takings'' reference in that response, however, pertained to a request that providers offer service with no compensation, unlike the actions proposed herein where the Commission proposes just and reasonable rate caps that include recovery for facility provider costs, based on providers' reported costs. Inmate calling services providers' payment of site commissions is consistent with agreements between other types of payphone providers and property owners. Because ''many of the payphone locations are controlled by owners that can limit the entry of competing payphones,'' the property owners ''attempt to limit entry to increase the profitability of payphones and then demand at least a share of the profits in the form of a location rent.'' The Commission has acknowledged that, as a result of the dynamic between payphone operators and property owners, the Commission would ''not expect to see money-losing payphones[.]'' Because site commissions are part of voluntary, negotiated agreements between inmate calling services providers and the correctional facilities they serve, the Commission similarly dies not expect inmate calling services providers to be forced to provide services at a loss, provided that the rate caps allow them to recover their actual costs plus a reasonable opportunity for profit. Here, the Commission's proposed rate caps include an allowance of $0.02 per minute, as indicated above, to account for correctional facility costs included in reasonable site commissions; thus they reflect the actual costs of providing service as reported by providers in the record, plus a reasonable opportunity for profit. Because the Commission's proposed rate caps allow the correctional facility and the inmate calling services provider to recover all of their costs that are reasonably related to the provision of inmate calling services plus a reasonable opportunity for profit, there is no concern that the proposed rate caps violate the Takings Clause. The Commission seeks comment on these views.

66. The Public Interest Advocates assert that, in *GTL* v. *FCC,* the D.C. Circuit ''did not consider several important factors in the FCC's decision-making, including decades of consistent competition policy excluding locational monopoly payments from rates . . . and repeated FCC decisions to preempt state and local rules or contract provisions that the FCC finds are anti-competitive . . . .'' To ensure a complete record, the Commission seeks comment on this view. Notwithstanding the Commission's decision in 2016 recognizing that some portion of site commissions reflect legitimate facility costs related to the provision of inmate calling services, the Commission seeks comment on whether including an allowance for correctional facility costs in its rate caps will have adverse competitive effects that the Commission should consider. If so, what are those effects?

67. The Commission seeks comment on what types of correctional facility costs should properly be recovered through the rates that consumers pay for inmate calling services. Commenters are encouraged to provide detailed responses, describing with specificity which types of correctional facility costs they contend should, or should not be, recovered through those rates. The Commission asks, in particular, whether correctional facilities' security and surveillance costs in connection with inmate calling services should be recovered through inmate calling services rates. As the Public Interest Advocates point out, correctional facilities do not pass on the costs of other types of security measures, such as scrutinizing mail, to incarcerated people or their families. Given this, to what extent, if at all, should security and surveillance costs be recovered through inmate calling services rates, particularly in light of the D.C. Circuit's decision in *GTL* v. *FCC*?

4. Waiver Process for Outliers

68. The Commission proposes to adopt a waiver process that permits inmate calling services providers to seek waivers on a facility-by-facility or contract basis if the rate caps adopted by the Commission pursuant to this *Further Notice* would prevent the provider from recovering the costs of providing interstate inmate calling services at that facility or at the facilities covered by that contract. The Commission seeks comment on this proposal. Since first adopting interstate rate caps in the *2013 ICS Order,* the Commission has permitted an inmate calling services provider to file a petition for waiver if it believed it could not recover its costs under the Commission-adopted rate caps. The Commission has required that, for ''substantive and administrative reasons, waiver petitions would be evaluated at the holding company level.'' The Commission proposes to revise the waiver process so that it must be evaluated at a facility or contract level. The Commission seeks further comment on administering the waiver process to address cost recovery on a facility or contract basis. In particular, are there ways to decrease the administrative burdens of processing such requests on a facility or contract basis?

69. The Commission proposes that a provider seeking a waiver of its interstate rate caps must demonstrate, through the submission of reliable, accurate, and transparent cost, demand, and revenue data, including data on any ancillary services it provides, that it will be unable to recover its costs for each facility or contract for which a waiver is sought. At a minimum, the Commission proposes that a provider seeking such a waiver be required to submit, among other information: (a) The providers' total company costs, including the original costs of the assets it uses to provide inmate calling services at the facility or under the contract; (b) the provider's methods for identifying its direct costs and for allocating its indirect costs among its various operations, contracts, and facilities; (c) the revenue the provider receives from interstate inmate calling services, including the portion of any permissible ancillary services fees attributable to interstate inmate calling services at the contract and facility level; (d) an unredacted copy of the contract with the correctional facilities and any amendments to such contract; and (e) a copy of the initial request for proposals

and bid response. The Commission seeks comment on these proposed requirements. Is there additional information available on a contract or facility level that the Commission should require providers to submit besides the information, documents, and data the Commission has proposed?

70. The Commission also proposes to require that the provider explain why circumstances associated with that facility or contract differ from other similar facilities it serves, and from other facilities within the same contract, if applicable. Finally, the Commission proposes to require a company officer with knowledge of the underlying information to attest to the accuracy of all of the information the provider submits in support of its waiver request. The Commission seeks comment on these proposals.

71. Consistent with its past waiver process for inmate calling services, the Commission proposes to direct the Bureau to rule on such petitions for waiver, and to seek any additional information as needed. The Commission also proposes to direct the Bureau to endeavor to complete its review of any such petitions within 90 days of the provider's submission of all information necessary to justify such a waiver, although the Bureau may extend this timeframe for good cause. The Commission proposes that, if a provider carries its burden of demonstrating that its rate caps are insufficient to cover the costs it incurs to serve a particular facility, the Bureau would waive the otherwise applicable rate cap and allow the provider to charge a rate sufficient to allow the provider an opportunity to recover its costs of providing interstate inmate calling services at that facility. The Commission seeks comment on this proposed approach and on the proposed remedies. The Commission also seeks comment on whether there are alternative procedures that would more efficiently facilitate the effective operation of the waiver process.

5. Consistency With Section 276 of the Act

72. Section 276(b)(1)(A) of the Act requires that the Commission ''ensure that all payphone service providers are fairly compensated for each and every completed intrastate and interstate call.'' In this *Further Notice,* the Commission proposes to adopt rules that satisfy this statutory mandate by setting rate caps for interstate calls that generate sufficient revenue for such calls (including any ancillary fees attributable to those calls) that (1) allow the provider to recover from those calls the direct costs of that call and (2) reasonably contribute to the provider's indirect costs related to inmate calling services. This approach would recognize that inmate calling services contracts typically apply to multiple facilities and that inmate calling services providers do not expect each call to make the same contribution toward indirect costs. The Commission invites comment on this proposal.

73. In the *2015 ICS Order,* the Commission set tiered rate caps, applicable to both interstate and intrastate inmate calling services using industry-wide average costs derived from inmate calling services providers' responses to the First Mandatory Data Collection. In *GTL* v. *FCC,* the D.C. Circuit rejected as ''patently unreasonable'' the Commission's ''averaging calculus'' in setting the 2015 rate caps. The court explained that the Commission erred in setting rate caps using industry average costs, because calls with above-average costs would be ''unprofitable,'' in contravention of the ''mandate of § 276 that 'each and every' inter- and intrastate call be fairly compensated.''

74. The Commission finds that its proposed rules are consistent with *GTL* v. *FCC* in this regard. Though the D.C. Circuit found that the Commission's averaging calculus did not comport with the fair compensation mandate under section 276, this finding does not mean that each and every completed call must make the same contribution to a provider's indirect costs. Instead, compensation is fair if each call ''recovers at least its incremental costs, and no one service recovers more than its stand-alone cost.'' The Commission's proposed rate methodology, as detailed in an Appendix, is consistent with this approach. As the Commission recognized in the *2002 ICS Order,* the ''lion's share of payphone costs are those that are 'shared' or 'common' to all services,'' and there are ''no logical or economic rules that assign these common costs to 'each and every call.' '' As a result ''a wide range of compensation amounts may be considered 'fair.' '' The Commission seeks comment on this view. Is compensation ''fair'' if inmate calling services providers can recover their direct costs for a given call and receive a reasonable contribution to their indirect costs? Why or why not? Can inmate calling services providers assign indirect or common costs for each and every call? If so, how? Commenters arguing that indirect costs can be assigned to each call must provide data regarding how that assignment can be done and a justification for why a given allocation is reasonable.

75. The Commission has estimated that more than 99% of existing contracts for both prisons and jails would recover their reported costs at its proposed rates, even accepting all the providers' costs submissions at face value with no adjustments. To the extent that the Commission's proposed rates would make it impossible in the unusual case where a contract was not able to recover its costs, providers may avail themselves of the Commission's waiver process. Moreover, the record in this proceeding strongly suggests that inmate calling services providers do not, in fact, expect that each call or even facility will make a contribution to their indirect costs. This is evidenced most acutely by the fact that providers largely fail to even record their costs on anything less than a contract basis, often where multiple facilities exist under one contract. For example, CenturyLink reports its inmate calling services cost data ''by correctional system,'' explaining that ''each facility within that correction[al] system reflects the costs developed for serving that contract.'' This evidence suggests that CenturyLink bids for contracts covering multiple facilities within a single correctional system, offering service at a single rate for all of those facilities, even though they may have different costs. Thus, the company does not expect to make the same profit from each facility or expect each call to contribute equally to CenturyLink's indirect costs. Similarly, Securus explains that its ''accounting systems track costs as a company, and not on a customer or facility level'' but that ''facility-specific costs are taken from a separate data base used to track profits and losses for each site.'' And the assertion that Securus tracks costs ''as a company'' rather than on a customer or facility level strongly suggests that Securus, like other providers, bids for contracts, rather than specific facilities, with the idea that the company will profit from the contract as a whole but will not make the same amount from each facility or each call. It also appears that inmate calling services providers bid on contracts covering multiple facilities and offer a single interstate rate for calls from those facilities even though the provider may incur different costs to serve various facilities covered by a single contract. Do commenters agree? What factors do providers of inmate calling services consider in bidding on contracts, particularly contracts covering more than one facility? The Commission seeks comment on this issue and on whether commenters agree that its proposed rate caps would meet the fair

compensation standard of section 276 of the Act.

6. Cost-Benefit Analysis

76. The Commission proposes to find that, independent of its statutory obligation, the benefits of its interstate rate cap proposal (reducing its current caps on interstate inmate calling rates to $0.14 per minute for prisons and $0.16 per minute for jails) exceeds the costs at least five-fold. Specifically, the Commission expects an increase in interstate inmate call volumes elicited by lowered rates would conservatively generate approximately $7 million in direct benefits due to expanded call volumes, primarily to the benefit of incarcerated people, their families, and friends. The Commission also expects resulting expanded call volumes to reduce recidivism, which will in turn reduce prison operating costs, foster care costs, and crime. The Commission estimates these secondary benefits to well-exceed $23 million. The Commission estimates the one-time cost of implementing the interstate rate cap changes to be $6 million. The Commission seeks comment on these estimates.

77. Expected Benefits of Expanded Call Volumes. To estimate the benefits of its proposed lower rates the Commission estimates how many call minutes are currently made at prices above those rates, the price decline on those call minutes that moving to its rates would imply, and the responsiveness of demand to a change in price. The Commission estimates, in 2018, approximately 592 million interstate prepaid and debit minutes and 3.3 million interstate collect minutes were made to or from prison individuals incarcerated in prisons at rates above its proposed caps, and approximately 453 million interstate prepaid and debit minutes and 2 million interstate collect minutes were made to and from individuals incarcerated in jails at rates above its proposed caps. The Commission used rate information from the 2019 Annual Reports and interstate minutes from the Second Mandatory Data Collection. These estimates are calculated as the difference between total interstate minutes in each category and the equivalent interstate minutes from nine states—Alaska, Delaware, Hawaii, Maryland, New Mexico, Texas, Vermont, Washington, and West Virginia—where either the rates of some important contracts are below the caps the Commission proposes, or all of the rates are below the caps the Commission proposes. These estimates likely understate the number of interstate minutes with rates that exceed the proposed caps because the Commission excludes from its calculations many contracts which have rates in excess of its proposed rates, even if in some cases the Commission includes those relatively rare contracts with rates below its proposed rates. The Commission estimates prices for those call minutes decline by half of the difference between its current caps and its proposed caps. Its current interim rate caps are $0.21 for debit and prepaid calls and $0.25 for collect calls. Its proposed rates imply the following price declines from these rates: For prison debit and prepaid calls, 33% (= ($0.21 − $0.14)/$0.21); for prison collect calls, 44% (= ($0.25 − $0.14)/$0.25); for jail debit and prepaid calls, 24% (= ($0.21 − $0.16)/$0.21); and for prison collect calls, 36% (= ($0.25 − $0.16)/$0.25). To allow for contracts with rates below the current caps, the Commission assumes inmate calling services rates fall only one-half the difference between the existing rate caps and the proposed caps. Finally, the Commission estimates, relying on a price elasticity of demand at the lower end of those estimated for interstate calling, a price elasticity of demand at the lower end of those estimated for interstate calling: That for each percentage point drop in rates, inmate calling services demand will increase by 0.2%. The Commission assumes a price elasticity of −0.2. This estimate comes from the most recent data available to us and is conservative relative to most other estimates the Commission reviewed. On the one hand, this is likely an understatement because on average incarcerated individuals and their families and friends have lower incomes than the general population. On the other hand, inmates may not be fully able to respond to lower prices given limits on making calls. For example, call lengths are often limited to 15 or 20 minutes (based on staff analysis of the Second Mandatory Data Collection). Under these assumptions, the Commission estimates annual benefits of approximately $1 million, or a present value over ten years of approximately $7 million. The present value of a 10-year annuity of $1 million at a 7% discount rate is approximately $7 million. The Office of Management and Budget recommends using discount rates of 7% and 3%. Erring on the side of understatement, the Commission uses the 7% rate. Additionally, even at current demand levels, the Commission estimates the cost savings to incarcerated individuals, their families, and friends, from lower calling rates alone, to be $32 million per year or $225 million in present value terms over 10 years. The Commission notes this benefit is not a ''net'' benefit, however, given that it is offset for purposes of its analysis by the loss of the inmate calling service industry of $218 million in revenues in present value terms over 10 years.

78. The Commission also expects greater call volumes to reduce recidivism, generating further benefits well in excess of $23 million. It is well established that family-to-incarcerated individual contact reduces recidivism. Although the Commission does not know exactly how much increased telephone contact would reduce recidivism among incarcerated individuals, savings of more than $3 million per year, or more than $20 million over 10 years in present value terms, would result if only 100 fewer individuals were incarcerated due to recidivism each year. Approximately $33,274 per year would be saved for every case of recidivism avoided, or $3.3 million per year for 100 cases avoided. The average annual cost of incarceration for federal inmates was a comparable $34,704 in Fiscal Year 2016. One hundred fewer cases of recidivism in each year would represent approximately 0.02% of those released from prison each year, a negligible decline in the recidivism rate. To allow for releases to continue to exceed admissions, the calculation assumes that 500,000 persons are released every year. In 2018, approximately 600,000 persons were admitted to prison. The present value of a ten-year annuity of $3.3 million at a discount rate of 7% is approximately $23.2 million. Other savings would also be realized, for example, through reduced crime, and fewer children being placed in foster homes. The potential scale of fiscal saving—in addition to the immense social benefits—is suggested by the fact that administrative and maintenance costs incurred by state and local governments average $25,782 per foster placement. The Commission seeks comment on these expected societal cost reductions.

79. Costs of Reducing Rates for Interstate Inmate Calling Services Calls. The costs of reducing rates for interstate inmate calling services calls are likely to be modest for providers, estimated at approximately $6 million. Including the Federal Bureau of Prisons and Immigration and Customs Enforcement, approximately 3,000 inmate calling services contracts would need to be revised if the Commission were to adopt its proposed rules, and a smaller number of administrative documents

may need to be filed to incorporate lower interstate rates. The Commission estimates that these changes would require approximately 25 hours of work per contract. The Commission uses a $70 per hour labor cost to implement billing system changes, adjust contracts, and to make any necessary website changes. The Commission uses an hourly wage for this work of $42. (The Commission examined several potential wage costs. For example, in 2019, the median hourly wage for computer programmers was $41.61, and for accountants and auditors, it was $34.40. The Commission chose the higher of these. This rate does not include non-wage compensation. To capture this, the Commission marks up wage compensation by 46%. In March 2020, hourly wages for the civilian workforce averaged $25.91, and hourly benefits averaged $11.82 yielding a 46% markup on wages. The result is an hourly rate of $61.32 (= $42 × 1.46), which the Commission rounds up to $70. The estimated cost of these actions is $5,139,750 (= 2,937 (number of contracts) * 25 (hours of work per contract) * $70 per hour), which the Commission rounds up to $6 million to be conservative. The Commission seeks comment on this estimate of costs.

80. The Commission also recognizes that lowering per-minute rates could result in lower investment because a substantial proportion of industry costs do not vary with minutes carried, but must be covered. The Commission does not expect, however, reduced investment to be a significant concern, however, given its findings that the proposed rates would more than recover efficient total costs of operation. The Commission seeks comment on this view.

81. Summary of Benefits and Costs. On net, the Commission estimates that the actions the Commission proposes today would result in benefits which far exceed their costs. While the Commission identifies a range of benefits, for the purposes of a cost benefit analysis, the Commission only quantifies the direct benefits from some of these. Looking out only ten years, the conservative estimate of these benefits alone is approximately $30 million in present value terms. The Commission expects other substantial benefits due to reduced recidivism. By contrast, the Commission conservatively estimates the high side of costs of its actions to be approximately $6 million. The Commission seeks comment on ways to improve these estimates, including how to quantify any indirect or secondary benefits the Commission unable to quantify here, as well as on any additional costs and benefits of its proposed actions that the Commission has not considered.

B. Proposing International Rate Caps

82. The Commission proposes to establish a rate cap formula that inmate calling services providers must use in setting the maximum permissible per-minute rates for international inmate calling services. The Commission seeks comment on its proposal to cap international inmate calling service rates. In the *2015 ICS Further Notice,* the Commission sought specific comment on whether and how to reform rates for international inmate calling services, including on extending its domestic inmate calling service rate caps to international inmate calling service calls. The Commission has also collected international inmate calling service rate and cost data from inmate calling services providers, including in annual reports and the Second Mandatory Data Collection.

83. There is no question that the Commission has authority to adopt rate caps for international inmate calling services pursuant to section 201(b) of the Act. Moreover, while the record on the need for international inmate calling service reform is mixed, the Commission's most recent data reflecting international calling rates for many inmate service providers convinces the Commission such reform is needed. Some commenters have urged the Commission to regulate international inmate calling services rates, arguing that the Commission has the authority and obligation to ensure just and reasonable rates. Another party has claimed that international calling is such a small percentage of inmate calling that it need not be regulated.

84. Calculating International Rate Caps. The Commission proposes to adopt a rate cap formula for international inmate calling services calls that permits a provider to charge a rate up to the sum of the inmate calling services provider's per-minute interstate rate cap for that correctional facility plus the amount that the provider must pay its underlying international service provider for that call on a per-minute basis (without a markup). This allowance for international transmission capability would exclude any amount that is rebated to, or otherwise shared with, the inmate calling services provider. The Commission seeks comment on this proposal. Its proposal is designed to enable the provider to recover the full costs of the international telephone service it is essentially reselling to the inmate calling services consumer, plus the cost it incurs to make that service available to persons incarcerated in that facility. As a result, the Commission believes this international rate cap would be just and reasonable under section 201(b) of the Act and would enable inmate calling services providers to account for the widely varying costs and associated international rates they are charged by their wholesale suppliers of international calling capability. The Commission seeks comment on this view.

85. The Commission believes its proposal has the benefit of simplicity and ease of administrability. It would allow inmate calling services providers to recover the additional costs they incur to resell international calling services, yet should result in substantial reductions in international calling rates for incarcerated individuals and their families based on what many providers report for certain international calling rates in their latest Annual Reports. Additionally, it would account for the varied international rates identified by some commenters, and enable providers to charge higher international calling services rates than charged for domestic calls to the extent international settlement rates and foreign termination rates make the costs to transport and terminate international calls higher than those for domestic calls. The Commission seeks comment on this proposed approach. Would capping international rates in this way ensure that incarcerated individuals and their families and other loved ones do not pay unreasonably high international rates? Why or why not? Would it address the concerns of GTL and Pay Tel that imposing a single rate cap would be difficult because international calling rates vary based on factors including the location called or the type of call? Are there other factors besides the costs incurred by inmate calling services providers in paying their underlying facilities-based or wholesale international services providers that the Commission should consider in formulating international rate caps? If so, what are those factors and how could the Commission account for them in determining appropriate rate caps?

86. The record contains a wealth of information regarding international inmate calling services rates. CenturyLink suggests that ''[t]he cost to terminate residential or business international calls is often many times greater than the cost to terminate calls in the United States, even for frequently called countries like Canada and Mexico.'' CenturyLink also explains that ''simple network and termination costs—ignoring other prison-specific

costs related to such things as security, billing and consumer services—to many African and East European countries can be $0.25 per minute or greater.'' According to some commenters, international rates are exceedingly high in some correctional facilities, some as high as $45 for a 15-minute call. Another commenter cites rates of $0.75 per minute, or $11.25 for a 15-minute international call, at a facility in California. These data compare with a total permissible rate of $6.90 or $7.50 for a 15-minute debit/prepaid or collect call, respectively, under the Commission's interim interstate rate caps ($3.15 or $3.75) plus the $0.25 per minute that CenturyLink's suggests are the costs for some international calls ($3.75). The Commission believes its proposal addresses the differences in international inmate calling services costs even without more specific information about each individual cost component of any specific international inmate calling services call. Do commenters agree? If not, why not, and what data should the Commission rely on instead to establish international rate caps?

87. The Commission disagrees with commenters that suggest that because international inmate calling services calls represent such a small percentage of all inmate calls that the Commission should not consider establishing rate caps. In 2018, international call minutes represented 0.195% of all calling minutes.'' From 2014 to 2018, international calling in prisons did not exceed 0.5% of total annual minutes of use, while for jails, international calling never exceeded 0.4% of total minutes of use. But the Commission is unable to determine from the record, however, whether these small percentages result from the needs of the incarcerated population or excessively high rates for international inmate calling services calls. For example, one provider reports international calling rates as high as $8.58 per minute for debit calls, yet other providers report far lower international rates (but still more than two to five times higher than interstate rate caps) for debit calls to that same country. GTL failed to provide in its most recent Annual Report the international rate it charges to call each country, and instead provides only the highest rate charged for an international call at each facility it serves without identifying the country to which that rate applies. When the Commission compares that GTL international rate to the highest international rate that other providers charge to serve any country, and assuming that highest rate is to the same country GTL charges $8.58 to serve (for example, CenturyLink's highest international rate to any country is $1.00 per minute; NCIC's highest is $1.50; Pay Tel's highest is $0.95; Prodigy's highest rate is $0.50 and ICSolutions's highest is $1.00), the Commission finds it difficult to believe such massive disparities in rates to the same foreign country are really attributable to cost differentials. What is more, just because international calls from correctional facilities may represent a small overall percentage of inmate calls does not mean incarcerated individuals and their loved ones reliant upon international telephone calls to stay in touch are not entitled to the same just and reasonable protections afforded domestic callers under the Act. This is especially the case when loved ones residing in foreign locations may be unable to take advantage of in-person visitation.

88. Alternative Proposals. The Commission seeks comment on alternative proposals for establishing an international rate cap. The Commission invites commenters to propose specific alternative methodologies and associated rate caps for international calls that ensure that incarcerated individuals and their families pay just and reasonable rates for international inmate calling services while inmate calling providers receive fair compensation.

89. Waiver Process for Outliers. In the event that its proposed international rate cap would prevent a provider from recovering the costs of providing international inmate calling services at a facility or facilities covered by a particular contract, the Commission proposes to adopt a waiver process similar to that discussed above for its proposed interstate rate caps. The Commission seeks comment on this proposal.

90. Consistency with Section 276 of the Act. The Commission proposes to find that its international rate cap proposals are consistent with section 276 of the Act's ''fair compensation'' provisions for the same reasons the Commission proposes to find its interstate rate cap proposals to be consistent with section 276. The Commission seeks comment on this proposal.

C. Other Issues

91. Ancillary Service Fee Caps. The Commission seeks comment on whether its ancillary services fee caps should be lowered or otherwise modified. What data should the Commission collect or rely upon in making such a determination? If the Commission were to revise its ancillary service fee caps, how frequently should the Commission revise those caps? Additionally, should the Commission limit the third-party transaction fees that providers may pass through to consumers and, if so, what should those limits be?

92. Additional Data Collection. Pursuant to its annual reporting requirements, inmate calling services providers must submit data on their operations, including their current rates as well as their current ancillary service charge amounts. To ensure that providers' interstate and international rates as well as their ancillary service charges for inmate calling services are just and reasonable, the Commission invites comment on whether the Commission should require providers to submit additional data—including cost data—in the future and, if so, what data the Commission should collect. Should the Commission use the Second Mandatory Data Collection as the starting point in designing any additional data collection? If so, how should the Commission modify that collection to ensure that the Commission has sufficient information to meaningfully evaluate providers' reported cost data and methodology? Or should the Commission follow a different approach, such as that used in the First Mandatory Data Collection? If the Commission were to adopt a new data collection, the Commission seeks comment on whether the Commission should require providers to update their responses to that data collection periodically. What would be the relative benefits and burdens of a periodic data collection versus another one-time data collection? If the Commission were to require a periodic collection, how frequently should the Commission collect the relevant data? For example, would a biennial or triennial collection covering multiple years better balance those benefits and burdens than an annual collection?

93. The Commission also seeks comment on how the Commission can ensure that inmate calling services providers submit accurate data to the Commission. The Public Interest Advocates express concern that ''some providers, such as GTL, appear to submit inflated data to the Commission with impunity.'' It is imperative that inmate calling services providers proceed in good faith and with absolute candor in their interactions with the Commission. The Commission's rules already require providers to certify annually that the information in their Annual Reports is ''true and accurate'' and that they are in compliance with the Commission's inmate calling services

rules. The certifying senior executive must have ''first-hand knowledge of the accuracy and completeness of the information provided'' in the provider's Annual Report and also ''acknowledge that failure to comply with the [Commission's inmate calling services rules] may result in civil or criminal prosecution.'' Should any subsequent data collection contain a similar certification requirement? While the Commission takes this opportunity to again remind inmate calling services providers of their duty to provide complete and accurate information in required reports and responses, the Commission seeks comment on additional measures the Commission can take. Additionally, the Commission seeks comment on how the Commission can ensure that providers update their filings if they discover any material error or misrepresentation in their reported data and responses. Finally, the Commission seeks comment on whether there are any other methods of obtaining accurate cost data upon which to base just and reasonable rates that does not require reliance on service providers' self-reported cost data. The Commission asks commenters to provide a detailed explanation of how any such data may otherwise be obtained.

94. Marketplace Developments. The Commission invites comment on how its regulation of interstate and international inmate calling services should evolve in light of marketplace developments to better accommodate the needs of incarcerated people while ensuring that providers are reasonably compensated for providing inmate calling services. The Commission's rules restrict providers to charging consumers on a per-minute basis, an approach that evolved from the need of payphone operators to collect payment from each of their transient users. The Commission invites comment on whether the Commission should change its rules to recognize industry innovations, such as emerging pay models where local jails pay for calls in a manner ''more similar to the modern marketplace'' and thus seek contracts on a per-line rather than a per-minute basis. For example, some jurisdictions are paying for the costs of calling just as they pay for other utilities such as electricity and water. The Public Interest Advocates state that when New York City negotiated a contract that was not billed on a per-minute rate, the overall cost of telephone service decreased substantially, from $10 million annually to approximately $2.5 million annually, while call volume increased 40 percent. Would such contracts reduce the amounts incarcerated people and their loved ones pay to stay connected? Are there other innovations that the Commission should consider in revising its inmate calling services rules?

95. Similarly, the Commission invites comment on how overall fees and per-minute rates for inmate calling services affect consumers and on whether alternative rate structures would reduce total consumer costs. The Public Interest Advocates assert that inmate services providers pressure correctional facilities to sign contracts that allow the providers to provide additional items or services such as tablets and video calling in addition to inmate calling services. The Commission invites comment on the prevalence of this type of ''bundling'' practice and on the effects these types of practices may have on rates and fees for inmate calling services.

96. Disability Access. The Commission seeks comment on the needs of incarcerated people with disabilities, including the types of Telecommunications Relay Services access technologies that these individuals require. Section 225 of the Act requires every common carrier that provides voice services to offer access to Telecommunications Relay Service within their service areas. Currently, the Commission requires two forms of Telecommunications Relay Services: TTY-based Telecommunications Relay Services and speech-to-speech services. Thus, all common carriers must make available or ensure the availability of these types of Telecommunications Relay Services. The Commission reminds inmate calling services providers of their obligations to ensure the availability and provision of these forms of Telecommunications Relay Services. Although the Commission currently requires these two types of Telecommunications Relay Services, the Commission recognizes that newer forms of these services, such as internet Protocol Captioned Telephone Service, Video Relay Service, and Real-Time Text, have come to the market in part as a result of ''ongoing technology transitions from circuit switched to IP-based networks.'' In 2016, the Commission amended its rules to permit wireless carriers to support Real-Time Text in lieu of TTY technology. To further its mandate to ensure the availability of Telecommunications Relay Services, the Commission seeks comment broadly on the needs of incarcerated people with hearing or speech disabilities. Do these individuals have adequate access to Telecommunications Relay Services? Considering technological developments, what forms of Telecommunications Relay Services should inmate calling services providers make available, and what can the Commission do to facilitate that?

IV. Procedural Matters

97. Filing of Comments and Replies. Pursuant to sections 1.415 and 1.419 of the Commission's rules, 47 CFR 1.415, 1.419, interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. Comments may be filed using the Commission's Electronic Comment Filing System. *See* FCC, *Electronic Filing of Documents in Rulemaking Proceedings,* 63 FR 24121 (May 1, 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.*

98. Comments and reply comments must include a short and concise summary of the substantive arguments raised in the pleading. Comments and reply comments must also comply with section 1.49 and all other applicable sections of the Commission's rules. The Commission directs all interested

parties to include the name of the filing party and the date of the filing on each page of their comments and reply comments. All parties are encouraged to use a table of contents, regardless of the length of their submission. The Commission also strongly encourages parties to track the organization set forth in the *Fourth Further Notice of Proposed Rulemaking* in order to facilitate its internal review process.

99. 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).

100. Ex Parte Presentations. The proceeding that this *Fourth Further Notice of Proposed Rulemaking* initiates shall be treated as a ''permit-but-disclose'' proceeding in accordance with the Commission's *ex parte* rules. Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies).

101. 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 section 1.1206(b) of the Commission's rules. Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

102. Initial Regulatory Flexibility Act Analysis. 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 small entities by the policies and rules proposed in this *Fourth Further Notice of Proposed Rulemaking* (*Fourth Further Notice*). The IRFA is set forth below. The Commission requests written public comments on this IRFA. Comments must be identified as responses to the IRFA and must be filed by the deadlines for comments provided on the first page of the *Fourth Further Notice.* The Commission will send a copy of the *Fourth Further Notice,* including this IRFA, to the Chief Counsel for Advocacy of the Small Business Administration (SBA). In addition, the *Fourth Further Notice* and the IRFA (or summaries thereof) will be published in the **Federal Register**.

103. Initial Paperwork Reduction Act Analysis. This *Fourth Further Notice of Proposed Rulemaking* may propose new or modified information collections subject to the PRA requirements. If the Commission adopts any new or modified information collection requirements, they will be submitted to OMB for review under section 3507(d) of the PRA. The Commission, as part of its continuing effort to reduce paperwork burdens, will be inviting OMB, the general public, and other federal agencies to comment on any new or modified information collection requirements contained in this *Fourth Further Notice of Proposed Rulemaking,* as required by the Paperwork Reduction Act of 1995, Public Law 104–13. In addition, pursuant to the Small Business Paperwork Relief Act of 2002, the Commission seeks specific comment on how the Commission might ''further reduce the information collection burden for small business concerns with fewer than 25 employees.''

V. Initial Regulatory Flexibility Analysis

104–105. 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 small entities by the policies and rules proposed in this Fourth Further Notice of Proposed Rulemaking (*Further Notice*). The Commission requests written public comments on this IRFA. Comments must be identified as responses to the IRFA and must be filed by the deadlines for comments provided on the first page of this *Further Notice.* The Commission will send a copy of the *Further Notice,* including this IRFA, to the Chief Counsel for Advocacy of the Small Business Administration (SBA). In addition, the *Further Notice* and the IRFA (or summaries thereof) will be published in the **Federal Register**.

A. Need for, and Objectives of, the Proposed Rules

105. In this *Further Notice,* the Commission seeks comment on its proposal to address the broken inmate calling services marketplace. The Commission proposes to reduce rate caps from the current interim rate caps to $0.14 per minute for all interstate inmate calling services calls from prisons and to $0.16 per minute for all interstate inmate calling services from jails. This rate cap reduction is designed to ensure that inmate calling services providers will have the opportunity to recover their costs—including their indirect costs—of providing interstate inmate calling services. Additionally, the proposed interstate rate caps include an allowance for the recovery of correctional facility costs that are legitimately related to the provision of inmate calling services. The Commission anticipates that its actions will have long-term and meaningful impacts on incarcerated individuals and their families while promoting competition in the inmate calling services marketplace.

106. The Commission also proposes to cap inmate calling services rates for international calls on a facility basis. The Commission's proposal to adopt a rate cap formula that permits a provider to charge an international inmate calling services rate up to the sum of the provider's per-minute interstate rate cap for the inmate's facility plus the amount that the provider must pay its underlying international service provider for that call on a per minute basis has the benefits of simplicity and ease of administration. It would allow inmate calling services providers to recover the additional costs they incur to resell international calling services, yet should result in substantial reductions in international calling rates for incarcerated individuals and their families.

B. Legal Basis

107. The legal basis for any action that may be taken pursuant to the *Fourth Further Notice* is contained in sections 1, 2, 4(i)–(j), 201(b), 218, 220, 276, and 403 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 152, 154(i)–(j), 201(b), 218, 220, 276, and 403.

C. Description and Estimate of the Number of Small Entities To Which the Proposed Rules Will Apply

108. 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 rule revisions, 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 SBA.

109. 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 30.7 million businesses.

110. 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.'' The Internal Revenue Service (IRS) uses a revenue benchmark of $50,000 or less to delineate its annual electronic filing requirements for small exempt organizations. Nationwide, for tax year 2018, there were approximately 571,709 small exempt organizations in the U.S. reporting revenues of $50,000 or less according to the registration and tax data for exempt organizations available from the IRS.

111. 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 2017 Census of Governments indicate that there were 90,075 local governmental jurisdictions consisting of general purpose governments and special purpose governments in the United States. Of this number there were 36,931 general purpose governments (county, municipal and town or township) with populations of less than 50,000 and 12,040 special purpose governments—independent school districts with enrollment populations of less than 50,000. Accordingly, based on the 2017 U.S. Census of Governments data, the Commission estimates that at least 48,971 entities fall into the category of ''small governmental jurisdictions.''

112. 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.

113. 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. U.S. Census Bureau data for 2012 show that there were 3,117 firms that operated for the entire year. Of that 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.

114. 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. U.S. Census Bureau data for 2012 indicate that 3,117 firms operated the entire 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, one thousand three hundred and seven (1,307) Incumbent Local Exchange Carriers 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.

115. The Commission has included small incumbent LECs in this present RFA analysis. As noted above, a ''small business'' under the RFA is one that, *inter alia,* meets the pertinent small business size standard (*e.g.,* a telephone communications business having 1,500 or fewer employees), and ''is not dominant in its field'' of operation. The SBA's Office of Advocacy contents that, for RFA purposes, small incumbent LECs are not dominant in their field of operation because any such dominance is not ''national'' in scope.

116. 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, as defined above. Under that size standard, such a business is small if it has 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. 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.

117. Interexchange Carriers (IXCs). Neither the Commission nor the SBA has developed a small business size standard specifically for Interexchange Carriers. The closest applicable NAICS Code category is Wired Telecommunications Carriers. The applicable size standard under SBA rules is that 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 for the entire year. Of that number, 3,083 operated with fewer than 1,000 employees. According to 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.

118. Local Resellers. The SBA has developed a small business size standard for the category of Telecommunications Resellers. The Telecommunications Resellers industry comprises establishments engaged in purchasing access and network capacity from owners and operators of telecommunications networks and reselling wired and wireless telecommunications services (except satellite) to businesses and households. Establishments in this industry resell telecommunications; they do not operate transmission facilities and infrastructure. Mobile virtual network operators (MVNOs) are included in this industry. Under that size standard, such a business is small if it has 1,500 or fewer employees. Census data for 2012 show that 1,341 firms provided resale services during that year. Of that number, all operated with fewer than 1,000 employees. Thus, under this category and the associated small business size standard, the majority of these resellers can be considered small entities.

119. Toll Resellers. The SBA has developed a small business size standard for the category of Telecommunications Resellers. Under that size standard, such a business is small if it has 1,500 or fewer employees. According to Commission data, 881 carriers have reported that they are engaged in the provisions of toll resale services. Of this total, an estimated 857 have 1,500 or fewer employees and 24 have more than 1,500 employees. Consequently, the Commission estimates that the majority of toll resellers are small entities that may be affected by its action.

120. Other Toll Carriers. Neither the Commission nor the SBA has developed a size standard 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 NAICS code is for Wired Telecommunications Carriers. The applicable size standard under SBA rules is that such a business is small if it has 1,500 or fewer employees. According to Commission data, 284 companies reported that their primary telecommunications service activity was the provision of other toll carriage. Of this total, an estimated 279 have 1,500 or fewer employees and five have more than 1,500 employees. Consequently, the Commission estimates that most Other Toll Carriers are small entities that may be affected by the Commission's action.

121. Payphone Service Providers (PSPs). Neither the Commission nor the SBA has developed a small business size standard specifically for payphone services providers, a group that includes inmate calling services providers. The appropriate size standard under SBA rules is for the category Wired Telecommunications Carriers. Under that size standard, such a business is small if it has 1,500 or fewer employees. According to Commission data, 535 carriers have reported that they are engaged in the provision of payphone services. Of this total, an estimated 531 have 1,500 or fewer employees and four have more than 1,500 employees. Consequently, the Commission estimates that the majority of payphone service providers are small entities that may be affected by its action.

122. All Other Telecommunications. The ''All Other Telecommunications'' category is comprised of establishments 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 annual receipts of $35 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 those firms, a total of 1,400 had annual receipts less than $25 million and 15 firms had annual receipts of $25 million to $49,999,999. Thus, the Commission estimates that the majority of ''All Other Telecommunications'' firms potentially affected by its action can be considered small.

D. Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements for Small Entities

123. Whereas the current interim rate caps differentiated between prepaid and debit calls and collect calls, the Commission proposes to adopt identical interstate rate caps for prepaid, debit, and collect calls. These proposed rates differentiate between facility types, proposing a rate cap for jails that is $0.02 per minute higher than the rate cap the Commission proposes for prisons. The Commission also proposes to adopt, for the first time, rate caps for international inmate calling services calls. The Commission recognizes that these proposed changes to the rate cap structure will likely require providers to make adjustments to their billing systems. The Commission proposes a 90-day transition period to alleviate any burden on providers associated with this change and to allow providers sufficient time to make the necessary changes.

E. Steps Taken To Minimize the Significant Economic Impact on Small Entities and Significant Alternatives Considered

124. The RFA requires an agency to describe any significant alternatives that it has considered in reaching its proposed 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 and reporting requirements under the rules for such 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 such small entities. The Commission expects to consider all of these factors when the Commission receives substantive comment from the public and potentially affected entities.

125. The Commission's proposed rate caps differentiate between prisons and jails to account for differences in costs incurred by inmate calling services providers servicing these different facility types. The Commission believes the proposed rate caps will ensure that inmate calling services providers serving jails, which may be smaller, higher-cost facilities, and larger prisons, which often benefit from economies of scale, can both recover their legitimate inmate calling services-related costs. To further ease the burdens on providers serving smaller jails, the Commission proposes to adopt higher allowances for correctional facility costs for inmate calling services providers serving smaller jails if the record supports such allowances. The Commission's proposed rate caps also include $0.02 allowance for costs correctional facilities incur that are directly related to the provision of inmate calling services and that represent a legitimate cost for which providers of inmate calling services may have to compensate facilities. The Commission recognizes that for contracts covering only smaller jails, the facility costs at these particular facilities may exceed $0.02 per minute, and seeks comment on whether the rate caps should adopt higher allowances for correctional facility costs for such contracts.

126. The Commission recognizes that it cannot foreclose the possibility that in certain limited instances, the proposed rate caps may not be sufficient for certain providers to recover their legitimate costs for providing inmate calling services. To minimize the burden on providers, the Commission proposes a waiver process that allows providers to seek relief from its rules at the facility or contract level if they can demonstrate that they are unable to recover their legitimate inmate calling services-related costs at that facility or for that contract. If the provider demonstrates that its higher costs at the facility or contract level are legitimately related to the provision of inmate calling services, the Commission proposes to raise each applicable rate cap to a level that enables the provider to recover the costs of providing inmate calling services at that facility. The Commission seeks comment on this proposed waiver process, and on whether the same waiver process should be employed with respect to the proposed international rate caps.

127. Given the significant reduction in interstate inmate calling services rates proposed by the Commission, some providers may need to re-negotiate their existing contracts with correctional facilities. To provide inmate calling services providers adequate time to make necessary adjustments to their contracts, and to mitigate any other burdens that may result from implementing the proposed interstate and international rate caps, the Commission proposes to allow a 90-day transition period for the proposed rate caps to take effect. The Commission seeks comment on the length of this transition period and whether it will afford inmate calling services providers and correctional facilities sufficient time to implement the proposed rate caps.

128. The Commission expects to consider the economic impact on small entities, as identified in comments filed in response to the *Further Notice* and this IRFA, in reaching its final conclusions and promulgating rules in this proceeding. Specifically, the Commission will conduct a cost-benefit analysis as part of this proceeding and consider the public benefits of any such requirements it might adopt to ensure that they outweigh any impact on small business.

F. Federal Rules That May Duplicate, Overlap, or Conflict With the Proposed Rules

129. None

VI. Ordering Clauses

131. Accordingly, *it is ordered* that, pursuant to the authority contained in sections 1, 2, 4(i)–(j), 201(b), 218, 220, 276, and 403 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 152, 154(i)–(j), 201(b), 218, 220, 276, and 403, this *Report and Order on Remand* and this *Fourth Further Notice of Proposed Rulemaking are adopted.*

132. *It is further ordered* that, pursuant to applicable procedures set forth in Sections 1.415 and 1.419 of the Commission's Rules, 47 CFR 1.415, 1.419, interested parties may file comments on this *Fourth Further Notice of Proposed Rulemaking* on or before 30 days after publication of a summary of this *Fourth Further Notice of Proposed Rulemaking* in the **Federal Register** and reply comments on or before 60 days after publication of a summary of this *Fourth Further Notice of Proposed Rulemaking* in the **Federal Register**.

133. *It is further ordered* that the Commission's Consumer and Governmental Affairs Bureau, Reference Information Center, *shall send* a copy of this *Report and Order on Remand and Fourth Further Notice of Proposed Rulemaking,* including the Initial and Supplemental Final Regulatory Flexibility Analysis, to the Congress and the Government Accountability Office pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A).

134. *It is further ordered* that the Commission's Consumer and Governmental Affairs Bureau, Reference Information Center, *shall send* a copy of this *Report and Order on Remand and Fourth Further Notice of Proposed Rulemaking,* including the Initial Regulatory Flexibility Analysis and the Supplemental Final Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

List of Subjects in 47 CFR Part 64

Communications common carriers, Individuals with disabilities, Prisons, Reporting and recordkeeping requirements, Telecommunications, Telephone, Waivers.

Federal Communications Commission.

Marlene Dortch,

Secretary, Federal Communications Commission.

Proposed Rules

For the reasons set forth above, the Federal Communications Commission proposes to amend part 64, of Title 47 of the Code of Federal Regulations as follows:

PART 64—MISCELLANEOUS RULES RELATING TO COMMON CARRIERS

■ 1. The authority citation for part 64 is revised to read as follows:

Authority: 47 U.S.C. 151, 152, 154, 201, 202, 217, 218, 220, 222, 225, 226, 227, 227b, 228, 251(a), 251(e), 254(k), 262, 276, 403(b)(2)(B), (c), 616, 620, 1401–1473, unless otherwise noted; Pub. L. 115–141, Div. P, sec. 503, 132 Stat. 348, 1091.

■ 2. Section 64.6010 is revised to read as follows:

§ 64.6010 Interstate and International Inmate Calling Services rate caps.

(a) No Provider shall charge, in any Jail it serves, a per-minute rate for interstate Debit Calling, Prepaid Calling, or Prepaid Collect Calling in excess of $0.16.

(b) No Provider shall charge, in any Prison it serves, a per-minute rate for interstate Debit Calling, Prepaid Calling, or Prepaid Collect Calling in excess of $0.14.

(c) No Provider shall charge, in any Prison or Jail it serves, a per-minute rate for International Calls in excess of the applicable interstate rate set forth in paragraphs (a) and (b) of this section plus the amount that the provider must

pay its underlying international service provider for that call on a per-minute basis.

Note: The following Appendices will not appear in the Code of Federal Regulations.

Appendix A

Analysis of Responses to the Second Mandatory Data Collection

1. In response to the Second Mandatory Data Collection, 13 providers of inmate calling services submitted data to the Commission (*see* Table 1). The collected data included information on numerous characteristics of the providers' contracts, such as:

- Whether the contract was for a prison or a jail;
- The average daily inmate population (average daily population) of all the facilities covered by the contract;
- The total number of calls made annually under the contract, broken out by paid and unpaid, with paid calls further broken out by debit, prepaid, and collect;
- Total call minutes; call minutes broken out by paid and unpaid; interstate, intrastate, and international; and prepaid, debit, and collect calls;
- Inmate calling services revenues, broken out by prepaid, debit, and collect;
- Automated payment revenues and paper bill or statement revenues, earned under the contract (live operator revenues were not collected);
- Site commissions paid to facility operators under the contract; and
- Each provider's inmate calling services costs in total, exclusive of site commissions.

2. Inmate calling services costs are for inmate calling services only, and thus do not include costs for lines of business such as video visitation services, or fees passed through to callers, such as credit card processing fees. While providers generally reported at least some inmate calling services costs at the level of the contract, and more rarely at the level of the facility, each did this differently. In this Appendix, the Commission defines costs reported at the level of the contract or facility respectively as the direct costs of the contract or facility.

TABLE 1—SELECTED STATISTICS OF RESPONDING PROVIDERS

Provider	Number of contracts	ADP	ADP (% of total)	Paid minutes (millions)	Paid minutes (% of total)	Per-paid minute cost
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Industry	2,935	2,246,940	100.0	7,821	100.0	0.089

Note: Average daily population was reported for only 2,846 out of 2,935 contracts.

3. Dropped observations. The Commission removed one contract reported by [REDACTED] that had a per-minute cost of $7.48 as this is most likely a data error. If the per-minute cost of providing this contract was $7.48, then that implies an implausible error in bidding on the part of the contracting provider. In 2018, 379,155 total minutes were reported as delivered on this contract, while only 6,137 were reported as paid minutes, which in and of itself is implausible. These paid minutes earned revenues of $184, for an average per-minute price of $0.03, implying the contract incurred an annual loss of $2,824,705.

4. The Commission also excluded two contracts that are not comparable to the average correctional facility because they are managed by Immigration and Customs Enforcement (ICE) and the Federal Bureau of Prisons (BOP). The ICE contract was the only contract held by Talton, so dropping this contract eliminated Talton from the Commission's dataset thus resulting in Table 1 showing only 12 providers. Before dropping the BOP contract, the Commission allocated a share of GTL's overhead to the BOP contract as described below. This resulted in a final dataset of 2,935 contracts, accounting for 2.2 million incarcerated individuals and 7.8 billion paid minutes.

5. Adjustments to the underlying data. Unless otherwise noted, the Commission accepted the filers' data and related information ''as provided'' (*i.e.,* without any modifications). The Commission applied three processes to ultimately geocode 3,784 or 88% of the 4,319 filed facilities. Geocoding is a process of associating longitude and latitude coordinates to a facility's address to conduct geographic analyses. The Commission first used ArcMap software version 10.8 to geocode 3,321 or 77% of the 4,319 filed facilities. The Commission used the geocoding database ArcGIS StreetMap Premium North America (2020 Release 1). The Commission then took a random sample of 170, or 17%, of the 998 addresses the Commission was unable to geocode, and where possible, corrected them manually. The Commission was able to geocode 164 of these 170 addresses. Finally, the Commission developed a Python script to clean up the remaining addresses—which the Commission then manually checked—and were able to geocode 299 additional facilities this way. In instances of contracts with multiple facilities, the Commission was unable to geocode the relevant facilities where a filer only provided a single address. In some instances a mailing address was reported. If this was different from the facility's physical address and the address correction process did not detect this error, then the mailing address was used.

6. Unit of analysis. The Commission's analysis was typically conducted at the contract level. This approach is consistent with the Commission's view that the contract is the primary unit of supply for inmate calling services. That is, providers bid on contracts, rather than facilities (though in many instances the contract is for a single facility). This approach is also consistent with how the data were submitted. The Commission requested information to be submitted for each correctional facility where a provider offers inmate calling services, and some key variables—for example, the quantity of calls and minutes of use—were reported by facility. However, even though over 90% of contracts were reported as representing a single facility, most filers do not maintain all of the data the Commission requested by facility in the ordinary course of their business. As a result, in some instances, contracts were reported that covered multiple facilities without any breakout of those facilities. In other cases, some facility-level data was not reported. Examples of the latter include average daily inmate population and credit card processing costs. In any event, because the Commission required providers to cross-reference their contracts with the facilities they covered, the Commission was able to group facilities by contract, which facilitated its ability to conduct its analysis at the contract level.

7. Cost allocation. General and administrative costs are, by definition, not directly attributable to any contract. In this Appendix, the difference between a filer's total costs and its direct costs (*i.e.,* the costs it reported at the level of the contract or facility) is termed ''overheads.'' Each filer applied its own accounting practices in reporting overheads. For example, GTL reported bad debt as its only direct cost, all the way down to the facility. All of its other costs thus appear as if they were overheads. By contrast, one provider allocated all of its costs using the number of phones that it had installed down to the level of the contract, implying it had no overheads. Other firms allocated some costs using a fully distributed cost key, such as shares of minutes; others

used revenue shares which typically have no relation to why costs are incurred.

8. To provide a common basis of comparison, and to allow a focus on per-minute rates, the Commission allocated overheads among each provider's contracts in proportion to the contracts' shares of the provider's total minutes. The Commission used total minutes at both the contract level and the provider level, rather than paid minutes, because all minutes cost something to provide, regardless of whether they generate any revenue.

9. Once all costs were allocated, the per-minute cost of a contract was calculated by dividing the total cost of each contract by its quantity of paid minutes. Paid minutes were used because those are the minutes that providers rely on to recover their costs. *See* Table 2.

TABLE 2—CONTRACT PER-MINUTE COSTS BY FACILITY TYPE USING AN ALL-MINUTE COST ALLOCATION KEY

Metric (2018 data only)	Prisons	Jails
Mean	$0.091	$0.084
Standard Deviation	$0.040	$0.062
Mean + One Standard Deviation	$0.131 (= $0.091 + $0.040)	$0.146 (= $0.084 + $0.062)
Number of Outliers (Mean + 1 Std. Dev.)	9/131 contracts; 6.9%	193/2,804 contracts; 6.9%
Mean + Two Standard Deviations	$0.171 (= $0.091 + $0.040 × 2)	$0.208 (= $0.084 + $0.062 × 2)
Number of Outliers (Mean + 2 Std. Dev.)	1/131 contracts; 0.8%	50/2,804 contracts; 1.8%

10. Choosing among cost allocation keys. After looking at six possible cost allocation keys that the data would allow us to implement—call minutes, average daily population, calls, revenues, contracts, and facilities—the Commission found call minutes to provide the best allocator.

11. The primary aim of a cost allocation key is to find a reasonable way of attributing costs, in this case to contracts, that either cannot be directly attributed, such as true overheads, or that, while conceptually could be attributed to a specific contract, cannot be attributed based on how providers' accounts are kept. Such a key must be likely to reflect cost causation and result in rates that demand can bear. On this basis, the Commission is able to narrow its focus to a call minute key or call key. The Commission chose call minutes over calls on the basis that a call minute key is the natural choice given the ubiquity of call minute pricing.

12. Tables 3 and 4 provide information about the distribution of contract costs per minute under each of the six possible keys. The average daily population, contract, and facility cost allocation keys result in many contracts with implausible contract-level per-minute costs. For example, the average daily population cost allocation key shows an average prison contract cost per paid minute of nearly $0.58 and a jail contract per paid minute cost of nearly $7. By contrast, average call revenue per paid minute including automated payment and paper bill/statement revenues is $0.148 for prison contracts, and $0.360 for jail contracts. (Ideally live operator service revenues would also be accounted for, but the Commission does not have these data.) The average daily population cost allocation key shows 10% of prison contracts have costs in excess of $0.319 per paid minute. Yet, 99% of prison contracts have an average paid minute rate (the sum of inmate calling services, automated payment, and paper bill or statement revenues divided by all paid minutes) of less than $0.319. The equivalent number for jail contracts is 37% have costs above $0.333 (the 90th percentile per paid minute cost for jail contracts with an average daily population cost allocation key), which looks more reasonable, but there is no reason to think allocating costs by average daily population should work for prisons, but not jails. Given that such contracts are surely mutually beneficial to both the provider and the correctional facility, they must generate enough revenues to cover costs. Just as implausibly, four jail contracts would have per-minute costs in excess of $240 (*see* Table 4), and three would have per-minute costs in excess of $480 (not shown in Table 4). Again, by contrast, when using the call minute key, no prison contracts have per-minute costs above $0.226, and the highest jail per-minute cost is $1.460.

13. The average daily population key is additionally problematic because average daily population data are often inaccurate, and—in the case of 89 contracts—simply missing from the providers' responses. A cost allocation key based on the number of facilities is also problematic as facility data were not reported for many contracts with multiple facilities.

14. The cost allocations based on contracts and facilities are even more unrealistic, with both displaying a mean contract per-minute cost in excess of $40 (*see* Table 3).

TABLE 3—THE DISTRIBUTION OF CONTRACT PER-MINUTE COSTS BY FACILITY TYPE USING VARIOUS COST ALLOCATORS

Allocation key	Facility type	Mean	Std. Dev.	Percentiles						
				1st	10th	25th	50th	75th	90th	99th
Minutes	Jail	0.084	0.062	0.009	0.027	0.055	0.073	0.118	0.137	0.262
	Prison	0.091	0.040	0.028	0.041	0.051	0.121	0.122	0.127	0.166
ADP	Jail	6.974	236.854	0.000	0.022	0.044	0.075	0.132	0.333	10.495
	Prison	0.577	4.184	0.000	0.030	0.043	0.072	0.145	0.319	12.806
Calls	Jail	0.107	0.097	0.009	0.025	0.052	0.090	0.132	0.197	0.448
	Prison	0.100	0.091	0.009	0.026	0.047	0.089	0.120	0.172	0.440
Revenue	Jail	0.135	0.121	0.007	0.027	0.059	0.107	0.172	0.266	0.522
	Prison	0.100	0.170	0.013	0.032	0.040	0.063	0.114	0.206	0.257
Contracts	Jail	42.658	1,005.685	0.006	0.034	0.090	0.280	1.190	4.906	221.786
	Prison	3.869	37.995	0.003	0.008	0.019	0.055	0.232	0.915	26.031
Facilities	Jail	41.284	1,002.770	0.006	0.034	0.085	0.237	1.034	4.446	158.262
	Prison	3.786	37.116	0.003	0.012	0.022	0.060	0.227	0.894	25.429

TABLE 4—CONTRACT PER-MINUTE COSTS BY FACILITY TYPE USING VARIOUS COST ALLOCATORS

Allocation key	Facility type	Mean + one Std. Dev.	Total contracts	Contracts below	Contracts above	Contracts above (%)
Minutes	Jail	0.146	2,804	2,610	194	6.9
	Prison	0.131	131	122	9	6.9
ADP	Jail	243.828	2,804	2,800	4	0.1

TABLE 4—CONTRACT PER-MINUTE COSTS BY FACILITY TYPE USING VARIOUS COST ALLOCATORS—Continued

Allocation key	Facility type	Mean + one Std. Dev.	Total contracts	Contracts below	Contracts above	Contracts above (%)
	Prison	4.761	131	129	2	1.5
Calls	Jail	0.204	2,804	2,558	246	8.8
	Prison	0.191	131	122	9	6.9
Revenue	Jail	0.256	2,804	2,441	363	12.9
	Prison	0.270	131	130	1	0.8
Contracts	Jail	1,048.343	2,804	2,794	10	0.4
	Prison	41.864	131	130	1	0.8
Facilities	Jail	1,044.054	2,804	2,794	10	0.4
	Prison	40.902	131	130	1	0.8

15. Although a revenue cost allocation key may be used for certain accounting purposes, a revenue key is inappropriate for regulatory purposes because revenue is not a cost driver. While costs can be expected to increase with quantity sold, revenues do not always increase with quantity sold, and this can lead to perverse effects. Quantity sold increases as price falls. Starting from a price where no sales are made, revenues also increase as prices fall. However, at some point as prices fall, revenues also begin to fall: The revenue gain from new sales made at the lower price is smaller than the revenue loss incurred due to the lower price as applied to all purchases that would have been made at the higher price. In that circumstance, holding other things constant, a revenue cost allocator would allocate less costs to a contract with a greater sales volume, contrary to cost causation. This also means a revenue key can reinforce monopoly prices. The exercise of market power can result in higher revenues than would be earned in a competitive market. In that circumstance, holding other things constant, a revenue allocation key would allocate more costs to monopolized services than competitive ones.

16. This leaves call minutes and calls as potential cost allocation keys. A call minute cost allocation key is the natural choice for setting per-minute inmate calling services rates. It is common in inmate calling services supply to charge per-minute rates, and not per call rates, even if sometimes the first minute has a different rate from subsequent rates.

17. Subcontracts. Some inmate calling services providers subcontract some or all of their contracts to a second provider. In 2018, of CenturyLink's [REDACTED] inmate calling services contracts, the Commission has data on [REDACTED] which were subcontracted (CenturyLink has [REDACTED] subcontracts with [REDACTED] but [REDACTED] did not report data for these contracts), and a third contract has no reported subcontractor; additionally, [REDACTED] employed a subcontractor for all of its [REDACTED] contracts.). This raises the question of how to deal with overhead costs in the case of subcontractors. The Commission takes an approach that may double count some overhead costs, as the Commission cannot identify what fraction of the subcontractors' overhead costs are captured in what they charge the prime contractor.

18. The reporting of costs for shared contracts varies by provider. Where the prime contractor only reported the cost of supplying the broadband connection on its contracts, while the subcontractor reported the costs of servicing the facilities (installation, maintenance, etc.), the Commission aggregated their costs. Because the reported costs represent the provision of different services, the Commission does not believe these contracts have costs that were double-counted. Other providers operating as prime contractors reported all costs (including subcontractors' costs). Where their associated subcontractor did not file reports on the subcontracts, the Commission used the costs as reported by the prime contractor. However, where the associated subcontractors reported their costs, the Commission removed their direct costs to avoid counting them twice.

19. The subcontracting filers were also the main inmate calling services suppliers on other contracts, raising the question of how to avoid double counting the allocation the Commission made for overhead costs for their subcontracts. Leaning toward overstating costs, overhead on each shared contract was assigned using the methodology described above (*i.e.,* a shared contract is allocated the overhead of both providers that report the contract). Afterwards, the two observations were aggregated into one and placed under the name of the firm that is the primary contract holder.

20. Inclusion of the overhead costs reported by the subcontractors overstates the cost recovering rate if, as is likely, they charge a markup over their direct costs. The markup would be part of the prime contractor's reported expenses, and to avoid double counting, the Commission would need to remove the markup from its calculations. The Commission cannot determine the amount of this markup, however. One approach would be to assume the markup matched the Commission's overhead cost allocation. In that case, the overhead costs of a subcontractor that are allocated to a subcontract would not be counted as they would be captured in the prime contractor's costs. However, if the markup exceeded this amount, the Commission would still be double counting costs, while if the markup was less than this amount, then the Commission would be understating costs. Table 5, when compared with Table 3, shows the impact of assuming that the markup matches the Commission's overhead cost calculation on the distribution of per-minute costs to be small.

TABLE 5—CONTRACT PER-MINUTE COSTS BY FACILITY TYPE USING VARIOUS COST ALLOCATORS ADJUSTED TO AVOID DOUBLE COUNTING OF SUBCONTRACTOR OVERHEADS

Allocation key	Facility type	Mean	Std. Dev.	Percentiles						
				1st	10th	25th	50th	75th	90th	99th
Minutes	Jail	0.084	0.062	0.009	0.027	0.055	0.073	0.118	0.136	0.262
	Prison	0.090	0.041	0.023	0.039	0.050	0.121	0.122	0.127	0.166
ADP	Jail	6.977	236.896	0.000	0.022	0.044	0.075	0.132	0.333	10.495
	Prison	0.579	4.200	0.000	0.029	0.041	0.068	0.145	0.330	12.806
Calls	Jail	0.106	0.097	0.009	0.025	0.052	0.089	0.132	0.196	0.448
	Prison	0.100	0.091	0.009	0.026	0.047	0.088	0.120	0.173	0.440
Revenue	Jail	0.134	0.122	0.007	0.027	0.058	0.107	0.171	0.266	0.522
	Prison	0.099	0.171	0.013	0.029	0.037	0.053	0.114	0.206	0.257
Contracts	Jail	42.672	1,005.864	0.006	0.034	0.088	0.279	1.187	4.906	221.786
	Prison	3.898	38.140	0.003	0.007	0.019	0.053	0.232	0.922	26.031
Facilities	Jail	41.297	1,002.949	0.006	0.034	0.082	0.236	1.033	4.446	158.262

TABLE 5—CONTRACT PER-MINUTE COSTS BY FACILITY TYPE USING VARIOUS COST ALLOCATORS ADJUSTED TO AVOID DOUBLE COUNTING OF SUBCONTRACTOR OVERHEADS—Continued

Allocation key	Facility type	Mean	Std. Dev.	Percentiles						
				1st	10th	25th	50th	75th	90th	99th
	Prison	3.813	37.259	0.003	0.011	0.022	0.058	0.227	0.897	25.429

21. If the Commission were to remove all subcontractor overhead costs allocated to CenturyLink's contracts, the average per-minute cost of CenturyLink's contracts would decrease from [REDACTED]. If the Commission removed only half of the overhead, this would result in an average per-minute cost of [REDACTED].

22. Ancillary Revenues and Cost Recovery. Inmate calling services revenues do not include ancillary revenues. However, in many instances, ancillary revenues contribute toward cost recovery. The Commission distinguishes two sources of ancillary revenues. The first are those earned from passthrough fees, that is fees that are required to no more than match the costs the provider pays to a third party. Examples are credit card processing revenues and third-party transaction revenues. The costs that are passed through to incarcerated people in this manner are not included in inmate calling service costs. Thus, they net out of any cost-recovery estimation, and here the Commission considers them no further.

23. The second are revenues earned on three ancillary services: Automated payments, paper billing and statements, and live agent services. The costs of these services are included in the providers' inmate calling costs. Thus, matching revenues with costs requires that the revenues from these sources also be included. However, it is likely the data the Commission collected do not fully match relevant ancillary revenues with reported inmate calling services costs because the Commission did not collect data on live agent service revenues and because the Commission does not know how providers allocated costs of shared services and revenues to inmate calling services. As an example, consider a payment account which must be used to purchase inmate calling services, as well as commissary services, tablet access, and other services. If usage fees are charged to set up or to deposit money, then the provider may not have reported these in their ancillary revenues, considering them not to solely be attributable to inmate calling services. However, they may have allocated some or all the costs of the payment system to inmate calling services.

24. Table 6 shows for each provider, and for all providers, inmate calling revenues, automated payment revenues, paper billing and account revenues, the sum of these three revenues, inmate calling costs, and the difference between those summed revenues and inmate calling costs.

TABLE 6—INMATE CALLING SERVICES REVENUES AND COSTS BY PROVIDER AND FOR INDUSTRY

[In $ millions]

Provider	ICS revenues	APF revenues	PBF revenues	Total revenues	Total costs	Difference
ATN	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
CenturyLink	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Correct	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
CPC	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Crown	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
GTL	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
ICSolutions	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Legacy	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
NCIC	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Pay Tel	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Prodigy	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Securus	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Industry	1,096,391	116,124	410	1,212,926	697,321	515,605

25. Table 7 shows for each provider, and for all providers, split by prisons and jails, the contract mean of total per paid minute revenues (that is, the mean for each contract of the sum of inmate calling revenues, automated payment revenues, paper billing and account revenues divided by paid minutes), the contract mean of per paid minute costs, the contract mean of per paid minute direct costs. At least three of the direct cost per minute entries are misleading: Legacy and NCIC report zero direct costs, while GTL only reports bad debt as a direct cost, the result being GTL's direct costs per minute are [REDACTED]. In actuality, these three providers almost certainly have substantially larger direct costs and hence substantially larger direct costs per minute.

TABLE 7—INMATE CALLING SERVICES PER MINUTE REVENUES AND COSTS BY PROVIDER AND FOR INDUSTRY BY JAIL AND PRISON

[$]

Provider	Facility type	Contract mean revenues per paid minute	Contract mean costs per paid minute	Contract mean direct costs per paid minute
ATN	Jail	[REDACTED]	[REDACTED]	[REDACTED]
CenturyLink	Jail	[REDACTED]	[REDACTED]	[REDACTED]
Correct	Jail	[REDACTED]	[REDACTED]	[REDACTED]
CPC	Jail	[REDACTED]	[REDACTED]	[REDACTED]
Crown	Jail	[REDACTED]	[REDACTED]	[REDACTED]
GTL	Jail	[REDACTED]	[REDACTED]	[REDACTED]

TABLE 7—INMATE CALLING SERVICES PER MINUTE REVENUES AND COSTS BY PROVIDER AND FOR INDUSTRY BY JAIL AND PRISON—Continued

[$]

Provider	Facility type	Contract mean revenues per paid minute	Contract mean costs per paid minute	Contract mean direct costs per paid minute
ICSolutions	Jail	[REDACTED]	[REDACTED]	[REDACTED]
Legacy	Jail	[REDACTED]	[REDACTED]	[REDACTED]
NCIC	Jail	[REDACTED]	[REDACTED]	[REDACTED]
Pay Tel	Jail	[REDACTED]	[REDACTED]	[REDACTED]
Prodigy	Jail	[REDACTED]	[REDACTED]	[REDACTED]
Securus	Jail	[REDACTED]	[REDACTED]	[REDACTED]
Industry	Jail	0.360	0.084	0.024
CenturyLink	Prison	[REDACTED]	[REDACTED]	[REDACTED]
GTL	Prison	[REDACTED]	[REDACTED]	[REDACTED]
ICSolutions	Prison	[REDACTED]	[REDACTED]	[REDACTED]
Legacy	Prison	[REDACTED]	[REDACTED]	[REDACTED]
NCIC	Prison	[REDACTED]	[REDACTED]	[REDACTED]
Securus	Prison	[REDACTED]	[REDACTED]	[REDACTED]
Industry	Prison	0.148	0.091	0.010

26. Table 8 shows the number and percent of contracts for which various revenue estimates cover total and direct costs. The number of Legacy, NCIC, and GTL contracts that cover direct costs as reported in the third last and last columns are overstated for the reasons just given. The Commission projects, at the proposed rates and assuming ancillary service revenues remain the same, 98% of contracts would recover their total costs as allocated (or 99%, if the 10% discount of GTL's costs is applied). This is likely an underestimate since many providers' costs may be overstated, and the full range of ancillary fees that contribute toward recovering inmate calling service costs are not reported.

TABLE 8—NUMBER AND PERCENT OF CONTRACTS FOR WHICH VARIOUS REVENUE ESTIMATES COVER TOTAL AND DIRECT COSTS

Provider	Facility type	Total costs covered by ancillary revenues	Total costs covered by projected ICS revenues	Direct costs covered by projected ICS revenues	Total costs covered by projected ICS revenues and ancillary revenues	Direct costs covered by projected ICS revenues and ancillary revenues
ATN	Jail	[REDACTED]				
CenturyLink	Jail					
Correct	Jail					
CPC	Jail					
Crown	Jail					
GTL	Jail					
ICSolutions	Jail					
Legacy	Jail					
NCIC	Jail					
Pay Tel	Jail					
Prodigy	Jail					
Securus	Jail					
Industry	Jail	547	2677 (95%)	2768 (99%)	2759 (98%)	(100%)
CenturyLink	Prison	[REDACTED]				
GTL	Prison					
ICSolutions	Prison					
Legacy	Prison					
NCIC	Prison					
Securus	Prison					
Industry	Prison	0 (0%)	123 (94%)	131 (100%)	129 (98%)	131 (100%)

Appendix B

Sensitivity Testing: Additional Statistical Analysis of Cost Data

1. The Commission analyzed inmate calling services providers' responses to the Second Mandatory Data Collection to determine whether certain characteristics of inmate calling services contracts could be shown to have a meaningful association with contract costs on a per-minute basis as reported by providers. In this analysis, the Commission considered characteristics such as the average daily population of the facilities covered by the contract, the type of those facilities (prison or jail), and rurality of those facilities. If such an association exists, it might be appropriate to set rates that vary according to the variables the Commission identified.

2. The Commission used a statistical method called Lasso to explore: (a) Which variables are good predictors of per-minute contract costs and (b) the likelihood that a given contract is in the top 5% of contracts on a cost per minute basis (hereinafter referred to as an outlier). Lasso identifies predictors of an outcome variable—the logarithm of costs per minute, or outlier status in this case—by trading off goodness of fit against model parsimony. Lasso retains a set of predictors that optimally balance the quality of the prediction against the complexity of the model, as measured by the number of predictors, and is especially useful in situations like this where many variables, and interactions among those variables, could predict an outcome of interest. The Commission found the main predictors of both costs per minute and outlier contracts to be provider identity and the state where the contract's correctional facilities were located. The Commission also found that whether the facility is a prison or jail is a predictor of costs per minute, although weaker than provider identity and state. Finally, the Commission found a wide range of other variables have less or essentially no predictive power.

3. The Commission chose the inmate calling services contract as the unit of observation for its analysis for two reasons. First, providers bid for contracts rather than individual facilities, so the contract is the level at which commercial decisions are made. Second, many contracts cover more than one facility but providers did not report data on those facilities separately, which precludes any analysis at the facility level. For example, this commonly occurred in the filings of both GTL and CenturyLink. For example, GTL's [REDACTED]. Contracts where the separate facilities were not reported would distort any facility-based analysis. The Commission focused on the logarithm of costs as the dependent variable. The contract variables that the Commission considered in its analysis are as follows:

- The identity of the inmate calling services provider;
- The state(s) in which correctional facilities covered by a contract are located;
- The Census division(s) and region(s) in which facilities covered by a contract are located;
- The type of facility covered by the contract (prison or jail);
- An indicator for joint contracts (*i.e.,* contracts for which an inmate calling services provider subcontracts with another inmate calling services provider);
- Contract average daily population;
- Contract average daily population bins (average daily population ≤25, average daily population ≤50, average daily population ≤ 100, average daily population ≤250, average daily population ≤500, average daily population ≤1,000, average daily population ≤5,000);
- Rurality of the facilities covered by the contract (rural, if all the facilities covered by the contract are located in a census block designated by the Bureau of Census as rural, and urban, if all facilities were located in a census block not designated as rural, or mixed if the contract covered facilities designated as rural and not rural); and
- Various combinations (*i.e.,* multiplicative interactions) among the above variables.

4. Lasso and costs per minute. The Lasso results indicate economically significant differences in costs per minute primarily across providers and states. The provider and state variables retained by Lasso as predictors of cost explain approximately 71% of the variation in costs across contracts. Lasso results also indicate less important differences in costs per minute by facility type (prison or jail), average daily population and average daily population-related variables, and rurality. When retained as predictors by Lasso, these variables explain approximately 1% more of the variation in costs than the state and provider variables alone. The differences in costs measured by provider identity may reflect either systematic differences in costs across providers, or systematic differences in the way costs are calculated and reported by providers. The differences in cost measured by the state variables may reflect statewide differences in costs arising from different regulatory frameworks or other state-specific factors.

5. One concern arising in the analysis is that a group of contracts representing a significant fraction—about 11%—of observations contained insufficient information to ascertain the rurality of facilities included in a contract. As a result, in the Commission's baseline model that includes all contracts, the Commission interprets the effect of the rurality variables as differences from the contracts for which the Commission did not have rurality information. To ensure that this is a sound approach, the Commission checked using a sample selection model that the factors that may be associated with a contract not having sufficient rurality information are not significantly correlated with costs. The Commission estimated a Heckman sample selection model where selection is for observations that contain rurality information. The dependent variable and controls in this model were chosen to be the same as the ones in Lasso. The Commission found that the coefficient on the inverse Mills ratio is not significant at reasonable levels of significance (p-value is 0.22), allaying potential concerns about sample selectivity. The Commission also ran its analysis using only the contracts that contain rurality information and found similar Lasso results to its baseline model.

6. The Commission also explored the differences in the costs reported by the top three providers by size using a double selection Lasso model. Double selection Lasso is a method of statistical inference that uses Lasso for the dependent variable and for the variables of interest using a set of common controls; simple Lasso only selects predictors, without the possibility of statistical inference afforded by double selection. The Commission focuses on GTL, ICSolutions, and Securus because these firms' costs explain the bulk of industry costs. These providers supply [REDACTED] of all inmate calling services contracts and cover approximately [REDACTED] of all incarcerated individuals (*see* Table 1). These shares may in fact represent a significant understatement of their industry share because they are often subcontractors. For example, [REDACTED] instead for considering this part of the Commission's analysis considering factors that may impact costs. These three firms are also more suitable for making cross-firm comparisons because they do not subcontract the provision of their inmate calling service contracts to a third party, and because they are the largest three of the five providers that service prisons, covering [REDACTED] of all prison contracts. The results suggest that GTL's costs are—all other things equal—[REDACTED]. These cost differences are statistically significant at confidence levels greater than 99.99%. When the sample is restricted to the contracts with no missing rurality information, GTL's costs are—all other things equal—approximately [REDACTED].

7. The results of the double selection Lasso model also indicate that—all other things equal—the costs of providing inmate calling services are approximately 18% greater in jails than in prisons; this difference is statistically significant at confidence levels greater than 99.99%. For the sample restricted to contracts with complete rurality information, this estimate is approximately 17%, also statistically significant at confidence levels greater than 99.99%.

TABLE 1—INMATE CALLING SERVICES PROVIDERS RANKED BY NUMBER OF CONTRACTS

Provider	Contracts	Prison contracts	Facilities	Average daily population *
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

TABLE 1—INMATE CALLING SERVICES PROVIDERS RANKED BY NUMBER OF CONTRACTS—Continued

Provider	Contracts	Prison contracts	Facilities	Average daily population *
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Industry Total	2,935	131	3,668	2,246,940

Notes: * Average daily population was reported for only 2,846 contracts.

8. Lasso and outlier status. The Commission also analyzed the drivers of the likelihood of a contract to be included in the top 5% of costs per minute using logit Lasso. Similar to the linear Lasso employed for cost per minute, logit Lasso selects an optimal set of predictors for the likelihood of a contract to be an outlier in the sense defined above. The results were similar to those for cost per minute: Provider and state variables were retained by Lasso as the principal predictors of a contract's likelihood of being a cost outlier.

Appendix C

Estimating a Discount Factor To Remove Market Rents From GTL's Reported Costs

1. GTL reports costs that are high relative to the industry and its nearest peers, Securus and ICSolutions. GTL reports a ratio of total costs to total paid minutes of [REDACTED], more than a third higher than that of the industry, $0.089. This ratio is more than twice the same ratio for both that of Securus, [REDACTED], and that of ICSolutions, [REDACTED]. Similarly, the mean per paid minute cost of a GTL contract, [REDACTED], is more than a third higher than that of the industry, $0.91, more than double that of Securus, [REDACTED], and nearly triple that of ICSolutions, [REDACTED]. GTL's costs are nearly three times greater than those of Securus and nearly twice those of ICSolutions when the Commission controls for confounding factors. This is particularly surprising given the economies of scale and scope GTL should be able to take advantage of, and given its success in the industry. Certain aspects of GTL's approach to measuring costs may partially explain why its costs appear so high. One is in how it derived its capital expenses. GTEL Holdings, Inc., and Subsidiaries (hereafter GTLH) included a Consolidated Financial Statement for 2018 as part of GTL's response to the Second Mandatory Data Collection. Based on its analysis of the financial information set forth in that Financial Statement, the Commission finds that a 10% reduction of GTL's inmate calling services costs as reported in that response is necessary to remove market rents incorporated into these costs as explained below.

2. Market forces tend to result in a purchase price for an acquired firm reflecting the market's expectation of the present value of the expected future stream of net cash flows that the purchase would bring. This is especially the case with two or more informed purchasers, and a rational seller. A profit-maximizing firm seeking to acquire another firm would pay no more than its estimate of the present value of the expected future stream of net cash flows the purchase would bring. The selling party would not be willing to sell at a price less than what it could obtain from another purchaser. Nor would the selling party be willing to sell at a price less its estimate of the present value of the expected future stream of net cash flows it could obtain if it continued with the asset rather than selling it. To the extent the expected net cash flows that determine the purchase price are greater than what would be expected if the purchaser, using the purchased assets, faced effective competition, the purchaser expects to earn market rents. In that case, since the purchase price is capitalized on the purchaser's balance sheet, these market rents are also capitalized. The capitalized value of these market rents is periodically reflected as a depreciation or amortization expense in determining earnings on an income statement. Thus, to the extent there are such market rents in GTLH's capital base, these rents would be reflected in the expenses GTL reported in its Second Mandatory Data Collection response, likely in part accounting for GTL's reported costs appearing so far above those of other providers. For ratemaking purposes, however, any such rents should be excluded when evaluating costs, as they would not be earned in a competitive market, and the Commission's rate-cap setting efforts are designed to approximate competitive market conditions.

3. GTLH's balance sheet reflects the cumulative total of the remaining unamortized value of ''goodwill'' associated with GTLH's various acquisitions at different points in time. GTLH records goodwill at the time it acquires a new firm as the difference between the purchase price and its estimate of the fair value of acquired tangible and identifiable intangible assets, net of assumed liabilities at the time of acquisition. Thus, goodwill should reflect these market rents—the amount over and above what one could earn from disposing of the underlying assets separately at a fair market rate, rather than together in a whole as part of the ongoing business.

4. Thus, for the purpose of developing a regulated, cost-based rate for inmate calling services, the Commission excludes goodwill-related expenses from GTL's reported expenses to approximate costs in competitive marketplace rather than the locational monopoly environment within which GTL operates. To identify the share of GTL's reported expenses that represents goodwill-related expenses, the Commission multiplies the share of goodwill in GTLH's assets, as reported in GTLH's consolidated balance sheet, by the share of capital expenses in GTLH's total expenses reported in the consolidated statement of operations and consolidated income (losses) for 2018. GTL is a direct subsidiary of GTLH and, as explained in the Description and Justification accompanying GTL's Second Mandatory Data Collection response, GTL's reported inmate calling services costs are directly derived from the costs reported on the balance sheet for that consolidated entity. GTLH's 2018 balance sheet reports goodwill, net of amortization of [REDACTED]. GTLH's goodwill estimate has been declining since January 1, 2014 as GTLH has been amortizing goodwill over a 10-year period.

5. GTLH's income statement for 2018 shows that [REDACTED] of GTLH's expenses were attributable to capital. To identify the share of capital expenses in GTL's reported expenses, the Commission relies on GTLH's 2018 statement of operating expenses in the consolidated statement of operations and consolidated income, dividing total expenses related to capital by total expenses. Total expenses excluding interest are [REDACTED]. The sum of depreciation and amortization expenses plus interest expenses is [REDACTED]. This is the amount of GTLH's total expenses that can be attributed to capital. Thus, the share of expenses, including interest expenses that can be attributed to capital is [REDACTED]. Staff also performed more detailed calculations to account for income tax treatment of capital expenses and other items on GTLH's financial statements but these other calculations do not yield materially different estimates.

6. The product of these two percentages is 10.9% (= [REDACTED]). The Commission finds that this provides a reasonable approximation of the market rents included in GTL's reported inmate calling services costs. This estimate is stable over time: The same methodology yields discount factors of 10.9% in 2014; 11.3% in 2015; 11.1% in 2016; and 10.9% in 2017. Although these discount factors are closer to 11% than 10% for each year from 2014 through 2018, in order to be conservative, the Commission uses a discount factor of 10%. The Commission finds that this is an appropriate cost disallowance to remove the impact of market rents on the expenses that GTL reports in its Second Mandatory Data Collection response.

7. The Commission also considered alternate methods, such as estimating the amount of market rents in proportion to

historical market valuations, or in proportion to an estimate of GTL's total intangibles, or by some combination of such approaches. However, these other methods require data, such as market valuation and total intangibles, that are either unavailable, unhelpful because of the timing issues, or not well-suited to ratemaking purposes.

Appendix D

Analysis of Site Commission Payments

1. The Commission proposes to incorporate a $0.02 allowance for recovery of correctional facility costs directly related to the provision of inmate calling services. Although the Commission has no direct information on the level of costs incurred by the correctional facilities related to the provision of inmate calling services, the Commission can estimate these costs by comparing the relative per-minute costs for contracts with and without site commissions, as shown in Table 1.

TABLE 1—SITE COMMISSIONS AND PER-MINUTE COSTS

Facility type	Site commission	Mean	SD	Mean + SD	Number of contracts		
					Below	Above	Total
Jails	No Commission Paid	0.094	0.085	0.179	277	10	287
	Commission Paid	0.080	0.056	0.137	2,323	194	2,517
	All Jails	0.082	0.060	0.142	2,619	185	2,804
Prisons	No Commission Paid	0.087	0.033	0.120	39	2	41
	Commission Paid	0.083	0.035	0.118	83	7	90
	All Prisons	0.084	0.034	0.118	122	9	131
All Facilities	No Commission Paid	0.093	0.081	0.174	318	10	328
	Commission Paid	0.080	0.056	0.136	2,402	205	2,607
	All Facilities	0.082	0.059	0.141	2,741	194	2,935

2. It is reasonable that the higher per-minute costs for contracts without site commissions reflect, at least in part, give-and-take negotiations in which inmate calling services providers agree to incur additional inmate calling services-related costs in exchange for not having to pay site commissions. The lowest third of Table 1 shows a $0.013 difference in mean costs per minute reported by providers between contracts without site commissions ($0.093) and contracts with site commissions ($0.080). The Commission rounds upwards to allow for individual contracts for which this matters more than the average contract, and thereby reaches its $0.02 per minute allowance for correctional facility costs. Site commissions appear less critical for prisons than jails, with prison contracts without commissions earning on average only $0.004 more than per paid minute costs, while for jails this difference is $0.014. However, again to ensure the Commission does not harm unusual prison contracts, the Commission applies the same $0.02 markup for both prisons and jails.

3. The interstate rate caps for prisons and jails the Commission proposes include the $0.02 per minute allowance for reasonable facility costs. Accordingly, the Commission's proposed rate caps would allow inmate calling services providers to recover their direct costs of providing interstate inmate calling services to each correctional facility it serves. The rate caps the Commission proposes would also allow providers to reimburse correctional authorities for the costs they reasonably incur in making their facilities available for inmate calling services, while making reasonable contributions to providers' indirect costs.

[FR Doc. 2020–19954 Filed 10–22–20; 8:45 am]

BILLING CODE 6712–01–P

Notices

Federal Register
Vol. 85, No. 206
Friday, October 23, 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 COMMERCE

Bureau of Economic Analysis

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Direct Investment Surveys: BE–605, Quarterly Survey of Foreign Direct Investment in the United States—Transactions of U.S. Affiliate With Foreign Parent

AGENCY: Bureau of Economic Analysis, Commerce.

ACTION: Notice of information collection, request for comment.

SUMMARY: The Department of Commerce, in accordance with the Paperwork Reduction Act of 1995 (PRA), invites 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. The purpose of this notice is to allow for 60 days of public comment preceding submission of the collection to OMB.

DATES: To ensure consideration, comments regarding this proposed information collection must be received on or before December 22, 2020.

ADDRESSES: Interested persons are invited to submit written comments to Jessica Hanson, Chief, Direct Transactions and Positions Branch, Bureau of Economic Analysis, at *Jessica.Hanson@bea.gov.* Please reference OMB Control Number 0608–0009 in the subject line of your comments. Do not submit Confidential Business Information or otherwise sensitive or protected information.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or specific questions related to collection activities should be directed to Jessica Hanson, Chief, Direct Transactions and Positions Branch, Direct Investment Division (BE–49), Bureau of Economic Analysis, U.S. Department of Commerce; phone: (301) 278–9591; or via email at *Jessica.Hanson@bea.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

The Quarterly Survey of Foreign Direct Investment in the United States—Transactions of U.S. Affiliate with Foreign Parent (Form BE–605) obtains quarterly data on transactions and positions between foreign-owned U.S. business enterprises and their ''affiliated foreign groups'' (*i.e.,* their foreign parents and foreign affiliates of their foreign parents). The survey is a sample survey that covers all U.S. affiliates above a size-exemption level. The sample data are used to derive universe estimates of direct investment transactions, positions, and income in non-benchmark years from similar data reported in the BE–12, Benchmark Survey of Foreign Direct Investment in the United States, which is conducted every five years and will next be conducted for the fiscal year ending in 2022. The data collected through the BE–605 survey are essential for the preparation of the U.S. international transactions, national income and product, and input-output accounts and the net international investment position of the United States. The data are needed to measure the size and economic significance of foreign direct investment in the United States, measure changes in such investment, and assess its impact on the U.S. economy.

The proposed changes to the BE–605 survey form are relatively minor and aim to clarify when changes in ownership are made. These changes should improve the efficiency of the survey data review process and reduce the need for follow-up contact with respondents. Additionally, the Bureau of Economic Analysis (BEA) proposes to remove a question that has not met its intended goal of assisting to identify potential respondents for the BE–13, Survey of New Foreign Direct Investment in the United States. BEA also plans to make improvements to question wording, instructions, and formatting to elicit more complete and correct responses.

II. Method of Collection

Notice of specific reporting requirements, including who is to report, the information to be reported, the manner of reporting, and the time and place of filing reports, will be mailed to potential respondents each quarter. Reports are due 30 days after the close of each calendar or fiscal quarter, or 45 days if the report is for the final quarter of the respondent's financial reporting year. Reports are required from every U.S. business enterprise in which a foreign entity owns, directly and/or indirectly, 10 percent or more of the voting securities of the U.S. business enterprise if it is incorporated, or an equivalent interest if it is unincorporated, at any time during the quarter, and that meets the additional conditions detailed in Form BE–605. Certain private funds are exempt from reporting. Entities required to report will be contacted individually by BEA. Entities not contacted by BEA have no reporting responsibilities.

Potential respondents include those U.S. business enterprises that were required to report on the BE–12, Benchmark Survey of Foreign Direct Investment in the United States—2017, along with those U.S. business enterprises that subsequently have become at least partly foreign owned.

III. Data

OMB Control Number: 0608–0009.
Form Number: BE–605.
Type of Review: Regular submission.
Affected Public: Business or other for-profit organizations.
Estimated Number of Responses: 17,800 annually.
Estimated Time per Response: One hour is the average but may vary considerably among respondents because of differences in company size and complexity.
Estimated Total Annual Burden Hours: 17,800.
Estimated Total Annual Cost to Public: $0.
Respondent's Obligation: Mandatory.
Legal Authority: International Investment and Trade in Services Survey Act (Pub. L. 94–472, 22 U.S.C. 3101–3108, as amended).

IV. Request for 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 (including hours and cost) 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.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you may ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Sheleen Dumas,

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

[FR Doc. 2020–23535 Filed 10–22–20; 8:45 am]

BILLING CODE 3510–06–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–41–2020]

Foreign-Trade Zone (FTZ) 22—Chicago, Illinois; Authorization of Production Activity; Volflex, Inc. (Flexible Packaging) Mokena, Illinois

On June 22, 2020, the Illinois International Port District, grantee of FTZ 22, submitted a notification of proposed production activity to the FTZ Board on behalf of Volflex, Inc., within FTZ 22, in Mokena, Illinois.

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 39163, June 30, 2020), and a correction notice (85 FR 40620, July 7, 2020). On October 20, 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: October 20, 2020.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2020–23531 Filed 10–22–20; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[S–140–2020]

Approval of Subzone Expansion; Hyster-Yale Group, Inc. Berea, Kentucky

On August 12, 2020, the Executive Secretary of the Foreign-Trade Zones (FTZ) Board docketed an application submitted by the Louisville & Jefferson County Riverport Authority, grantee of FTZ 29, requesting an expansion of Subzone 29I subject to the existing activation limit of FTZ 29, on behalf of Hyster-Yale Group, Inc., in Berea, Kentucky.

The application was processed in accordance with the FTZ Act and Regulations, including notice in the **Federal Register** inviting public comment (85 FR 50801–50802, August 18, 2020). The FTZ staff examiner reviewed the application and determined that it meets the criteria for approval. Pursuant to the authority delegated to the FTZ Board Executive Secretary (15 CFR Sec. 400.36(f)), the application to expand Subzone 29I was approved on October 20, 2020, subject to the FTZ Act and the Board's regulations, including Section 400.13, and further subject to FTZ 29's 2,000-acre activation limit.

Dated: October 20, 2020.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2020–23533 Filed 10–22–20; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–475–838]

Certain Cold-Drawn Mechanical Tubing of Carbon and Alloy Steel From Italy: Preliminary Results of the Administrative Review of the Antidumping Duty Order; 2017–2019

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

SUMMARY: The Department of Commerce (Commerce) preliminarily determines that sales of certain cold-drawn mechanical tubing of carbon and alloy steel (cold-drawn mechanical tubing) from Italy were made at less than normal value during the period of review (POR) November 22, 2017 through May 31, 2019. We invite interested parties to comment on these preliminary results.

DATES: Applicable October 23, 2020.

FOR FURTHER INFORMATION CONTACT: Robert Scully, AD/CVD Operations, Office V, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–0572.

SUPPLEMENTARY INFORMATION:

Background

On June 11, 2018, Commerce published the antidumping duty order on CDMT from Italy.[1] On July 29, 2019, in accordance with 19 CFR 351.221(c)(i), Commerce initiated an administrative review of the antidumping duty order on cold-drawn mechanical tubing from Italy in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act).[2] On November 4, 2019, Commerce partially rescinded its review of six companies.[3] As a result, this review covers one producer/exporter of subject merchandise, Dalmine S.p.A. (Dalmine).[4] For details regarding the events that occurred subsequent to the initiation of the review, *see* the Preliminary Decision Memorandum.[5]

Pursuant to section 751(a)(3)(A) of the Act, Commerce determined that it was not practicable to complete the

[1] *See Certain Cold-Drawn Mechanical Tubing of Carbon and Alloy Steel from the People's Republic of China, the Federal Republic of Germany, India, Italy, the Republic of Korea, and Switzerland: Antidumping Duty Orders; and Amended Final Determinations of Sales at Less Than Fair Value for the People's Republic of China and Switzerland,* 83 FR 26962 (June 11, 2018) (*Order*).

[2] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 84 FR 36572 (July 29, 2019).

[3] *See Certain Cold Drawn Mechanical Tubing of Carbon and Alloy Steel from Italy: Partial Rescission of Antidumping Duty Administrative Review; 2017–2019,* 84 FR 59357 (November 4, 2019).

[4] *See* Memorandum, ''Administrative Review of Certain Cold-Drawn Mechanical Tubing of Carbon and Alloy Steel: Respondent Selection,'' dated September 10, 2019; *see also Certain Cold Drawn Mechanical Tubing of Carbon and Alloy Steel from Italy: Partial Rescission of Antidumping Duty Administrative Review; 2017—2019,* 84 FR 59357 (November 4, 2019).

[5] *See* Memorandum, ''Decision Memorandum for the Preliminary Results of the Administrative Review of the Antidumping Duty Order: Certain Cold-Drawn Mechanical Tubing of Carbon and Alloy Steel from Italy; 2017–2019,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

preliminary results of this review within 245 days and extended the preliminary results by 117 days, until June 26, 2020.[6] On April 24, 2020, Commerce tolled all deadlines in administrative reviews by 50 days.[7] On July 21, 2020, Commerce tolled deadlines for all preliminary and final results in administrative reviews by an additional 60 days.[8] The deadline for the preliminary results of this review is now October 14, 2020.

Scope of the Order

The products covered by this order are certain cold-drawn mechanical tubing of carbon and alloy steel products from Italy. For a full description of the scope, *see* the Preliminary Decision Memorandum.

Methodology

Commerce is conducting this review in accordance with section 751(a) of the Act. For a full description of the methodology underlying these preliminary results, *see* the Preliminary Decision Memorandum. A list of topics included in the Preliminary Decision Memorandum is included as an appendix to this notice. The Preliminary Decision Memorandum is a public document and is made available to the public via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov.* In addition, a complete version of the Preliminary Decision Memorandum is available at *http://enforcement.trade.gov/frn/.* The signed and electronic versions of the Preliminary Decision Memorandum are identical in content.

Preliminary Results of the Review

We preliminarily determine that the following weighted-average dumping margin exists for the period November 22, 2017 through May 31, 2019:

Exporter/producer	Weighted-average dumping margin (percent)
Dalmine S.p.A	11.38

Assessment Rates

Upon completion of the final results, Commerce shall determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries. If Dalmine's weighted-average dumping margin is not zero or *de minimis* (*i.e.,* less than 0.5 percent) in the final results of this review, we will calculate importer-specific *ad valorem* antidumping duty assessment rates based on the ratio of the total amount of dumping calculated for the importer's examined sales to the total entered value of those same sales in accordance with 19 CFR 351.212(b)(1). We will instruct CBP to assess antidumping duties on all appropriate entries covered by this review when the importer-specific assessment rate calculated in the final results of this review is not zero or *de minimis.* If Dalmine's weighted-average dumping margin is zero or *de minimis,* we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties. The final results of this review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by the final results of this review and for future deposits of estimated duties, where applicable.[9]

For entries of subject merchandise during the POR produced by Dalmine for which it did not know that the merchandise was destined for the United States, we will instruct CBP to liquidate those entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction.[10]

We intend to issue liquidation instructions to CBP 15 days after publication of the final results of this review.

Cash Deposit Requirements

The following cash deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the finals results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) The cash deposit rate for Dalmine in the final results of review will be equal to the weighted-average dumping margin established in the final results of this administrative review; (2) for merchandise exported by producers or exporters not covered in this review but covered in a prior segment of the proceeding, the cash deposit rate will continue to be the company-specific rate published for the most recently-completed segment of this proceeding in which they were reviewed; (3) if the exporter is not a firm covered in this review or the original investigation but the producer is, then the cash deposit rate will be the rate established for the most recently completed segment of this proceeding for the producer of the merchandise; (4) the cash deposit rate for all other producers or exporters will continue to be 47.87 percent,[11] the all-others rate established in the less-than-fair-value investigation. These cash deposit requirements, when imposed, shall remain in effect until further notice.

Disclosure and Public Comment

We intend to disclose the calculations performed to parties within five days after public announcement of the preliminary results.[12] Pursuant to 19 CFR 351.309(c), interested parties may submit case briefs no later than 30 days after the date of publication of this notice. Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than seven days after the date for filing case briefs.[13] Parties who submit case briefs or rebuttal briefs in this proceeding are encouraged to submit with each argument: (1) A statement of the issue, (2) a brief summary of the argument, and (3) a table of authorities.[14] Executive summaries should be limited to five pages total, including footnotes. Case and rebuttal briefs should be filed using ACCESS[15] and must be served on interested parties.[16] Note that Commerce has temporarily modified certain of its requirements for serving documents containing business

[6] *See* Memorandum, ''Certain Cold-Drawn Mechanical Tubing from Italy: Extension of Deadline for Preliminary Results of Antidumping Duty Administrative Review,'' dated February 5, 2020.

[7] *See* Memorandum, ''Tolling of Deadlines for Antidumping and Countervailing Duty Administrative Reviews in Response to Operational Adjustments Due to COVID–19,'' dated April 24, 2020.

[8] *See* Memorandum, ''Tolling of Deadlines for Antidumping and Countervailing Duty Administrative Reviews,'' dated July 21, 2020.

[9] *See* section 751(a)(2)(C) of the Act.

[10] For a full discussion of this practice, *see Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties,* 68 FR 23954 (May 6, 2003).

[11] *See Certain Cold-Drawn Mechanical Tubing of Carbon and Alloy Steel from the People's Republic of China, the Federal Republic of Germany, India, Italy, The Republic of Korea, and Switzerland: Antidumping Duty Orders; and Amended Final Determinations of Sales at Less Than Fair Value for the People's Republic of China and Switzerland,* 83 FR 26962 (June 11, 2018).

[12] *See* 19 CFR 351.224(b).

[13] *See* 19 CFR 351.309(c)(1)(ii) and 351.309(d)(1).

[14] *See* 19 CFR 351.309(c)(2) and (d)(2).

[15] *See generally* 19 CFR 351.303.

[16] *See* 19 CFR 351.303(f).

proprietary information, until further notice.[17]

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, filed electronically via ACCESS. An electronically-filed document must be received successfully in its entirety by Commerce's electronic records system, ACCESS, by 5:00 p.m. Eastern Time within 30 days after the date of publication of this notice. Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; and (3) a list of issues to be discussed. Issues raised in the hearing will be limited to those raised in the respective case and rebuttal briefs. If a request for a hearing is made, Commerce intends to hold the hearing at a time and date to be determined.

Final Results of Review

Unless otherwise extended, Commerce intends to issue the final results of this administrative review, including the results of its analysis of the issues raised in any written briefs, not later than 120 days after the date of publication of this notice, pursuant to section 751(a)(3)(A) of the Act and 19 CFR 351.213(h)(1).

Notification to Importers

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this POR. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

Notification to Interested Parties

This administrative review and notice are issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.221(b)(4).

Dated: October 14, 2020.

Jeffrey I. Kessler,

Assistant Secretary for Enforcement and Compliance.

Appendix—List of Topics Discussed in the Preliminary Decision Memorandum

I. Summary
II. Background
III. Scope of the Order
IV. Discussion of the Methodology
V. Product Comparisons
VI. Date of Sale
VII. Export Price and Constructed Export Price
VIII. Normal Value
IX. Currency Conversion
X. Recommendation

[FR Doc. 2020–23484 Filed 10–22–20; 8:45 am]

BILLING CODE 3510–DS–P

[17] *See Temporary Rule Modifying AD/CVD Service Requirements Due to COVID–19; Extension of Effective Period,* 85 FR 41363 (July 10, 2020).

DEPARTMENT OF COMMERCE

International Trade Administration

[A–822–804; A–822–806]

Steel Concrete Reinforcing Bars From Belarus and Carbon and Alloy Steel Wire Rod From Belarus: Final Results of Antidumping Duty Changed Circumstances Reviews

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

SUMMARY: On February 6, 2020, the Department of Commerce (Commerce) published the initiation of the changed circumstances reviews (CCRs) of steel concrete reinforcing bars from Belarus and carbon and alloy steel wire rod from Belarus. For these final results, Commerce concludes that Belarus continues to be a non-market economy (NME) country for purposes of the antidumping duty (AD) law, because its economy does not primarily operate on market principles.

DATES: Applicable October 23, 2020.

FOR FURTHER INFORMATION CONTACT: Christopher Loopesko, Office of Policy, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–0969.

SUPPLEMENTARY INFORMATION:

Background

On December 16, 2019, the Government of Belarus (GOB) requested that Commerce review Belarus' status as an NME country within the context of CCRs of the AD orders on steel concrete reinforcing bars and carbon and alloy steel wire rod.[1] On February 6, 2020, Commerce published in the **Federal Register** the notice of initiation of these CCRs.[2]

On March 9, 2020, Commerce received comments and information from Liberty Steel USA, Optimus Steel LLC, and Charter Steel (collectively, Domestic Wire Rod Producers); [3] Nucor Corporation (Nucor) and Commercial Metals Company (CMC), domestic producers of carbon and alloy steel wire rod; the Rebar Trade Action Coalition and its individual members, Nucor, Gerdau Ameristeel US Inc., CMC, Steel Dynamics, Inc., and Byer Steel Group, Inc., domestic producers of steel concrete reinforcing bar (collectively, Domestic Steel Producers); [4] and the GOB.[5] On March 13, 2020, Commerce received comments and information from the United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union (USW).[6]

On April 6, 2020, Commerce received rebuttal briefs from Domestic Wire Rod Producers,[7] Domestic Steel Producers,[8] and the GOB.[9]

Public Hearing

On September 30, 2020, Commerce held a public hearing via videoconference.[10]

Analysis of Comments Received

Commerce's analysis of the issues raised by parties to this review is

[1] *See* GOB's Letter, ''Steel Concrete Reinforcing Bars from Belarus and Alloy Steel Wire Rod from Belarus: Request for the Department of Commerce to Initiate a Changed Circumstance Review on Behalf of the Republic of Belarus,'' dated December 16, 2019.

[2] *See Steel Concrete Reinforcing Bars from Belarus and Carbon and Alloy Steel Wire Rod from Belarus: Initiation of Antidumping Duty Changed Circumstances Reviews,* 85 FR 6893 (February 6, 2020).

[3] *See* Domestic Wire Rod Producers' Letter, ''Steel Concrete Reinforcing Bars from Belarus and Carbon and Alloy Steel Wire Rod from Belarus—Comments on Changed Circumstances Reviews re: Belarus Non-Market Economy Status,'' dated March 9, 2020.

[4] *See* Domestic Steel Producers' Letter, ''Steel Concrete Reinforcing Bars from Belarus and Alloy Steel Wire Rod from Belarus: Comments Pursuant to 19 U.S.C. 1677(18)(B),'' dated March 9, 2020.

[5] *See* GOB's Letter, ''Changed Circumstances Reviews—Belarus Nonmarket Economy Graduation: Government of Belarus Case Brief and Hearing Request,'' dated March 9, 2020.

[6] *See* USW's Letter, ''Steel Concrete Reinforcing Bars from Belarus and Carbon and Alloy Steel Wire Rod from Belarus: Refiling of Comments,'' dated March 13, 2020 (USW's Brief). The USW's brief was timely filed on March 6, 2020. However, the USW omitted certain certifications, and Commerce requested that the USW refile its submission with the proper certifications by March 13, 2020. Therefore, we consider this brief to be timely filed.

[7] *See* Domestic Steel Producers' Letter, ''Steel Concrete Reinforcing Bars from Belarus and Carbon and Alloy Steel Wire Rod from Belarus—Domestic Interested Parties' Rebuttal Comments on Belarus' NME Graduation Comments,'' dated April 6, 2020.

[8] *See* Domestic Steel Producers' Letter, ''Steel Concrete Reinforcing Bars from Belarus and Alloy Steel Wire Rod from Belarus: Rebuttal Comments,'' dated April 6, 2020.

[9] *See* GOB's Letter, ''Steel Concrete Reinforcing Bar and Carbon and Alloy Steel Wire Rod from Belarus: Government of Belarus Rebuttal Comments,'' dated April 6, 2020.

[10] *See* Public Hearing Transcript regarding ''Antidumping Duty Changed Circumstances Reviews of Steel Concrete Reinforcing Bars from Belarus and Carbon and Alloy Steel Wire Rod from Belarus,'' dated September 30, 2020.

included in the NME Analysis Memo.[11] The NME Analysis Memo is a public document on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *http://access.trade.gov.* In addition, a complete version of the NME Analysis Memo can be accessed directly on the internet at *http://enforcement.trade.gov/frn/index.html.* The signed NME Analysis Memo and the electronic versions of the NME Analysis Memo are identical in content.

Final Results of Changed Circumstances Reviews

These CCRs were conducted pursuant to section 771(18)(A) of the Tariff Act of 1930, as amended (the Act), which defines the term ''non-market economy country'' as any foreign country determined by Commerce not to ''operate on market principles of cost or pricing structures, so that sales of merchandise in such country do not reflect the fair value of the merchandise.'' Section 771(18)(B) of the Act lists six factors Commerce must consider in any inquiry made under section 771(18)(A) of the Act, and under section 771(18)(C)(i) of the Act, a country's NME country status remains in effect until revoked.

Section 771(18)(B) of the Act requires that Commerce take into account: (1) The extent to which the currency of the foreign country is convertible into the currency of other countries; (2) the extent to which wage rates in the foreign country are determined by free bargaining between labor and management; (3) the extent to which joint ventures or other investments by firms of other foreign countries are permitted in the foreign country; (4) the extent of government ownership or control of the means of production; (5) the extent of government control over the allocation of resources and over the price and output decisions of enterprises; and (6) such other factors as the administering authority (*i.e.,* Commerce) considers appropriate. In these final results, Commerce concludes that Belarus remains an NME country, based on an analysis of these six factors. The Belarusian government's role in the economy and its relationship with markets and the private sector lead to fundamental distortions and allocative efficiency problems, and affect Belarusian costs or pricing structures that are relevant to Commerce's antidumping analysis. Commerce's analysis and reasoning in support of its conclusion are detailed in the NME Analysis Memo.

Notification to Interested Parties

This determination is issued and published in accordance with sections 751(b) and 771(18)(C)(ii) of the Act.

Dated: October 16, 2020.

Jeffrey I. Kessler,

Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2020–23513 Filed 10–22–20; 8:45 am]

BILLING CODE 3510–DS–P

[11] See Memorandum, ''Final Results of Changed Circumstances Reviews Regarding Belarus' Status as a Non-Market Economy Country,'' dated concurrently with, and hereby adopted by, this notice (NME Analysis Memo).

DEPARTMENT OF COMMERCE

International Trade Administration

[A–580–890]

Emulsion Styrene-Butadiene Rubber From the Republic of Korea: Final Results of the Administrative Review of the Antidumping Duty Order; 2018–2019

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

SUMMARY: The Department of Commerce (Commerce) finds that sales of emulsion styrene butadiene rubber (ESB rubber) from the Republic of Korea (Korea) were made at less than normal value during the period of review (POR) September 1, 2018 through August 31, 2019.

DATES: Applicable October 23, 2020.

FOR FURTHER INFORMATION CONTACT: Kabir Archuletta, AD/CVD Operations, Office V, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–2593.

SUPPLEMENTARY INFORMATION:

Background

On July 1, 2020, Commerce published the *Preliminary Results* of the administrative review of the antidumping duty order on ESB rubber from Korea, wherein we applied facts otherwise available with adverse inferences to the sole mandatory respondent, LG Chem, Ltd. (LG Chem), because LG Chem notified Commerce that it would not participate in the review.[1] We invited parties to submit comments on the *Preliminary Results.* No party submitted comments. Accordingly, the final results remain unchanged from the *Preliminary Results.*

On July 21, 2020, Commerce tolled all deadlines in administrative reviews by 60 days.[2] The deadline for the final results of this review is now December 28, 2020.[3]

Scope of the Order

The merchandise subject to this order is cold-polymerized emulsion styrene-butadiene rubber. Subject merchandise includes but is not limited to ESB rubber in primary forms, bales, granules, crumbs, pellets, powders, plates, sheets strip, *etc.* ESB rubber consists of non-pigmented rubbers and oil-extended non-pigmented rubbers, both of which contain at least one percent of organic acids from the emulsion polymerization process.

ESB rubber is produced and sold in accordance with a generally accepted set of product specifications issued by the International Institute of Synthetic Rubber Producers (IISRP). The scope of the review covers grades of ESB rubber included in the IISRP 1500 and 1700 series of synthetic rubbers. The 1500 grades are light in color and are often described as ''Clear'' or ''White Rubber.'' The 1700 grades are oil-extended and thus darker in color, and are often called ''Brown Rubber.''

Specifically excluded from the scope of this order are products which are manufactured by blending ESB rubber with other polymers, high styrene resin master batch, carbon black master batch (*i.e.,* HSRP 1600 series and 1800 series) and latex (an intermediate product).

The subject merchandise is classifiable under subheadings 4002.19.0015 and 4002.19.0019 of the Harmonized Tariff Schedule of the United States (HTSUS). ESB rubber is described by Chemical Abstract Services (CAS) Registry No. 9003–55–8. This CAS number also refers to other types of styrene butadiene rubber.

Although the HTSUS subheadings and the CAS registry number are provided for convenience and customs purposes, the written description of the scope of the order is dispositive.

[1] *See Emulsion Styrene-Butadiene Rubber from the Republic of Korea: Preliminary Results of the Administrative Review of the Antidumping Duty Order 2018–2019,* 85 FR 39534 (July 1, 2020) (*Preliminary Results*) and accompanying Preliminary Decision Memorandum (PDM); *see also* LG Chem's Letter, ''Emulsion Styrene Butadiene Rubber (ESBR) from Korea: LG Chem's Decision to Stop Participating in AD Review,'' dated January 13, 2020.

[2] *See* Memorandum, ''Tolling of Deadlines for Antidumping and Countervailing Duty Administrative Reviews,'' dated July 21, 2020.

[3] *Id.*

Final Results of Review

We made no changes from the *Preliminary Results.* Therefore, as a result of this review, we continue to determine that the following percentage weighted-average dumping margins exist for the period of September 1, 2018 through August 31, 2019:

Producers/exporters	Dumping margin (percent)
LG Chem Ltd.[4]	44.30
Review-Specific Rate Applicable to the Following Companies:[5]	
Daewoo International Corporation	44.30
Hyundai Glovis Co	44.30
Kukje Trading Corp	44.30
Kumho Petrochemical Co. Ltd	44.30
Sungsan International Co., Ltd	44.30
WE International Co., Ltd	44.30

Assessment

Commerce shall determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries covered by this review, in accordance with section 751(a)(2)(C) of the Act and 19 CFR 351.212(b). These final results of review remain unchanged from the *Preliminary Results.* Accordingly, we will instruct CBP to apply an *ad valorem* assessment rate of 44.30 percent to all entries of subject merchandise during the POR from LG Chem and the companies which were not selected for individual examination.[6] Commerce intends to issue assessment instructions 15 days after the publication date of the final results of this review.

Cash Deposit Requirements

The following cash deposit requirements will be effective for all shipments of ESB rubber from Korea entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) The cash deposit rate for LG Chem, Daewoo International Corporation, Hyundai Glovis Co., Kukje Trading Corp., Kumho Petrochemical Co. Ltd., Sungsan International Co., Ltd., and WE International Co., Ltd. will be equal to the dumping margin established in these final results of review, which remains unchanged from the *Preliminary Results* (*i.e.,* 44.30 percent); (2) for previously investigated companies not under review in this segment, the cash deposit will continue to be the company-specific rate published for the most recently completed segment of this proceeding in which the company participated; (3) if the exporter is not a firm covered in this review, or the original less-than-fair-value (LTFV) investigation, but the manufacturer is, then the cash deposit rate will be the rate established for the most recent segment for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will continue to be 9.66 percent, the all-others rate established in the LTFV investigation. These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

Administrative Protective Order

This notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under the APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the term of an APO is a violation subject sanction.

Notification to Interested Parties

We are issuing and publishing these final results in accordance with sections 751(a)(1) and 777(i) of the Act, and 19 CFR 351.213(h).

Dated: October 15, 2020.

Jeffrey I. Kessler,

Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2020–23516 Filed 10–22–20; 8:45 am]

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[4] As explained in the *Preliminary Results* PDM, mandatory respondent LG Chem notified Commerce that it would not participate in this administrative review, and we applied facts otherwise available with adverse inference (AFA), in accordance with section 776 of the Act. No party challenged our *Preliminary Results* with respect to LG Chem or the rate selected. Therefore, we continue to apply AFA to LG Chem.

[5] The rate of 44.30 percent is the only rate determined in this review for an individual respondent, and, thus, it is appropriate to apply this rate to the non-selected companies under section 735(c)(5)(B) of the Act. For a detailed discussion, *see* the PDM.

[6] *See Preliminary Results.*

DEPARTMENT OF COMMERCE

International Trade Administration

[C–570–917]

Laminated Woven Sacks From the People's Republic of China: Final Results of Countervailing Duty Administrative Review and Rescission, in Part; 2018

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

SUMMARY: The Department of Commerce (Commerce) determines that Shandong Shouguang Jianyuan Chun Co., Ltd. (Shouguang) received countervailable subsidies during the period of review (POR) January 1, 2018 through December 31, 2018. In addition, we are rescinding this review with respect to the 18 companies listed in the Appendix to this notice.

DATES: Applicable October 23, 2020.

FOR FURTHER INFORMATION CONTACT: Chien-Min Yang, AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–5484.

SUPPLEMENTARY INFORMATION:

Background

This review covers Shouguang, the sole mandatory respondent, its cross-owned affiliate, Shandong Longxing Plastic Products Co., Ltd., and 18 other companies that did not have reviewable entries of subject merchandise during the POR for which liquidation is suspended.

On June 23, 2020, Commerce published the *Preliminary Results.*[1] In the *Preliminary Results,* Commerce preliminarily determined that Shouguang received countervailable subsidies during the POR. Pursuant to section 776(a) of the Act, Commerce preliminarily relied upon facts otherwise available because neither the Government of China (GOC) nor Shouguang responded to the initial questionnaire. Commerce further found that an adverse inference was warranted because the GOC and Shouguang did not cooperate to the best of their ability. In addition, we stated our intent to rescind this administrative review with respect to 18 companies that did not have reviewable entries of subject merchandise during the POR and for which liquidation is suspended.[2] Although we invited parties to comment on the *Preliminary Results,*[3] no interested party submitted comments.

On April 24, 2020, Commerce tolled all deadlines in administrative reviews by 50 days.[4] On July 21, 2020, Commerce tolled all deadlines in administrative reviews by an additional 60 days.[5] The deadline for the final results of this review is now December 21, 2020.

Scope of the Order

The merchandise covered by this order is laminated woven sacks. Laminated woven sacks are bags or sacks consisting of one or more plies of fabric consisting of woven polypropylene strip and/or woven polyethylene strip, regardless of the width of the strip; with or without an extrusion coating of polypropylene and/or polyethylene on one or both sides of the fabric; laminated by any method either to an exterior ply of plastic film such as biaxially-oriented polypropylene (BOPP) or to an exterior ply of paper that is suitable for high quality print graphics; [6] printed with three colors or more in register; with or without lining; whether or not closed on one end; whether or not in roll form (including sheets, lay-flat tubing, and sleeves); with or without handles; with or without special closing features; not exceeding one kilogram in weight. Laminated woven sacks are typically used for retail packaging of consumer goods such as pet foods and bird seed.

Effective July 1, 2007, laminated woven sacks are classifiable under Harmonized Tariff Schedule of the United States (HTSUS) subheadings 6305.33.0050 and 6305.33.0080. Laminated woven sacks were previously classifiable under HTSUS subheading 6305.33.0020. Laminated woven sacks are also classifiable under HTSUS 6305.33.0040. If entered with plastic coating on both sides of the fabric consisting of woven polypropylene strip and/or woven polyethylene strip, laminated woven sacks may be classifiable under HTSUS subheadings 3923.21.0080, 3923.21.0095, and 3923.29.0000. If entered not closed on one end or in roll form (including sheets, lay-flat tubing, and sleeves), laminated woven sacks may be classifiable under other HTSUS subheadings including 3917.39.0050, 3921.90.1100, 3921.90.1500, and 5903.90.2500. If the polypropylene strips and/or polyethylene strips making up the fabric measure more than 5 millimeters in width, laminated woven sacks may be classifiable under other HTSUS subheadings including 4601.99.0500, 4601.99.9000, and 4602.90.0000. Although HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of the order is dispositive.

Rescission of Review, in Part

As noted in the *Preliminary Results,* 18 of the companies subject to this review did not have reviewable entries of subject merchandise during the POR for which liquidation is suspended. Accordingly, in the absence of reviewable, suspended entries of subject merchandise during the POR by the 18 companies at issue, we are rescinding this administrative review with respect to these 18 companies, in accordance with 19 CFR 351.213(d)(3).[7]

Final Results of the Review

Because we received no comments from interested parties, we made no changes to the *Preliminary Results.* Accordingly, no decision memorandum accompanies this **Federal Register** notice.[8]

We determine the following net countervailable subsidy rate for the period January 1, 2018 through December 31, 2018:

Company	Net subsidy rate ad valorem
Shandong Shouguang Jianyuan Chun Co., Ltd. and Shandong Longxing Plastic Products Co., Ltd	398.62 percent.

Disclosure

Normally, Commerce discloses to interested parties the calculations performed in connection with the final results within five days of the date of publication of the notice of final results in the **Federal Register**, in accordance with 19 CFR 351.224(b). However, because Commerce has applied a rate based on facts otherwise available with an adverse inference to the sole mandatory respondent in this review, in accordance with section 776 of the Act, and because the method for determining the subsidy rate is outlined in the *Preliminary Results,*[9] there are no calculations to disclose.

Assessment Rates

Consistent with section 751(a)(1) of the Tariff Act of 1930, as amended (the

[1] *See Laminated Woven Sacks from the People's Republic of China: Preliminary Results of Countervailing Duty Administrative Review and Intent to Rescind, in Part; 2018,* 85 FR 37624 (June 23, 2020) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum (PDM).

[2] *Id.,* 85 FR at 37625.

[3] *Id.,* 85 FR at 37625–26.

[4] *See* Memorandum, ''Tolling of Deadlines for Antidumping and Countervailing Duty Administrative Reviews in Response to Operational Adjustments Due to COVID–19,'' dated April 24, 2020.

[5] *See* Memorandum, ''Tolling of Deadlines for Antidumping and Countervailing Duty Administrative Reviews,'' dated July 21, 2020.

[6] ''Paper suitable for high quality print graphics,'' as used herein, means paper having an ISO brightness of 82 or higher and a Sheffield Smoothness of 250 or less. Coated free sheet is an example of a paper suitable for high quality print graphics.

[7] *See* the Appendix for a list of the 18 companies for whom we are rescinding this review because each had no reviewable, suspended entries during the POR.

[8] For further details of the issues addressed in this proceeding, *see Preliminary Results* and PDM.

[9] *See Preliminary Results* PDM at ''Use of Facts Otherwise Available and Application of Adverse Inferences'' and Appendix II.

Act) and 19 CFR 351.212(b)(2), Commerce will determine, and U.S. Customs and Border Protection (CBP) shall assess countervailing duties on all appropriate entries. Commerce intends to issue appropriate assessment instructions to CBP 15 days after publication of the final results of this review.

Cash Deposit Requirements

Pursuant to section 751(a)(2)(C) of the Act, Commerce also intends to instruct CBP to collect cash deposits of estimated countervailing duties in the amount indicated above for the named respondents entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review. For all non-reviewed firms, we will instruct CBP to collect cash deposits of estimated countervailing duties at the most recent company-specific or all-others rate applicable to the company, as appropriate. These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification Regarding Administrative Protective Order

This notice serves as the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

Notification to Interested Parties

This notice is issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.213 and 351.221(b)(5).

Dated: October 16, 2020.

Jeffrey I. Kessler,

Assistant Secretary for Enforcement and Compliance.

Appendix

List of Non-Selected Companies for Rescission

1. Cangnan Color Make The Bag
2. Changle Baodu Plastic Co., Ltd.
3. First Way (H.K.) Limited
4. Han Shing Chemical Co., Ltd.
5. Jiangsu Hotson Plastics Co., Ltd.
6. Ningbo Yong Feng Packaging Co., Ltd.
7. Polywell Industrial Co.
8. Polywell Plastic Product Factory
9. Shandong Qikai Plastics Product Co., Ltd.
10. Shandong Qilu Plastic Fabric Group, Ltd.
11. Shandong Youlian Co., Ltd.
12. Wenzhou Hotson Plastics Co., Ltd.
13. Zibo Aifudi Plastic Packaging Co., Ltd.
14. Zibo Linzi Luitong Plastic Fabric Co., Ltd.
15. Zibo Linzi Qitianli Plastic Fabric Co., Ltd.
16. Zibo Linzi Shuaiqiang Plastics Co., Ltd.
17. Zibo Linzi Worun Packing Product Co., Ltd.
18. Zibo Qigao Plastic Cement Co., Ltd.

[FR Doc. 2020–23517 Filed 10–22–20; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[C–570–063]

Cast Iron Soil Pipe Fittings From the People's Republic of China: Preliminary Results of Countervailing Duty Administrative Review; 2017–2018

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

SUMMARY: The Department of Commerce (Commerce) preliminarily determines that countervailable subsidies are being provided to producers and exporters of cast iron soil pipe fittings (soil pipe fittings) from the People's Republic of China (China). Interested parties are invited to comment on these preliminary results of review.

DATES: Applicable October 23, 2020.

FOR FURTHER INFORMATION CONTACT: Dennis McClure or Joseph Dowling, AD/CVD Operations, Office VIII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–5973 or (202) 482–1646, respectively.

SUPPLEMENTARY INFORMATION:

Background

On August 31, 2018, Commerce published the countervailing duty (CVD) order on soil pipe fittings from China.[1] Wor-Biz Industrial Product Co., Limited (Anhui) (Wor-Biz)[2] and the petitioner[3] requested that Commerce conduct an administrative review of the *Order,* and on October 7, 2019, Commerce published in the **Federal Register** a notice of initiation of an administrative review of the *Order* on 11 producers/exporters for the period of review, December 19, 2017 through December 31, 2018.[4] On April 14, 2020, Commerce partially extended the preliminary results deadline until July 1, 2020.[5] On April 24, 2020, Commerce decided to uniformly toll deadlines for all antidumping duty and CVD administrative reviews by 50 days.[6] On July 21, 2020, Commerce tolled all deadlines in administrative reviews by an additional 60 days,[7] further extending the deadline for the preliminary results of this review to October 19, 2020.

Scope of the Order

The product covered by the *Order* is soil pipe fittings from China. For a complete description of the scope of this administrative review, *see* the Preliminary Decision Memorandum.[8]

Methodology

Commerce is conducting this review in accordance with section 751(a)(1)(A) of the Tariff Act of 1930, as amended (Act). For each of the subsidy programs found countervailable, we preliminarily determine that there is a subsidy, *i.e.,* a financial contribution by an ''authority'' that confers a benefit to the recipient, and that the subsidy is specific.[9] For a full description of the methodology underlying our preliminary conclusions, including our reliance, in part, on adverse facts available pursuant to sections 776(a) and (b) of the Act, *see* the Preliminary Decision Memorandum.

The Preliminary Decision Memorandum is a public document and

[1] *See Cast Iron Soil Pipe Fittings from the People's Republic of China: Countervailing Duty Order,* 83 FR 44566 (August 31, 2018) (*Order*).

[2] On January 8, 2020, Commerce published its final determination in a changed circumstances review, finding that Wor-Biz Industrial Product Co., Ltd. (Anhui) is the successor in interest to Wor-Biz Trading Co., Ltd. (Anhui). *See Cast Iron Soil Pipe Fittings from the People's Republic of China: Final Results of Changed Circumstances Reviews,* 85 FR 881 (January 8, 2020).

[3] *See* Cast Iron Soil Pipe Institute's Letter, ''Cast Iron Soil Pipe Fittings from the People's Republic of China: Request for Administrative Review,'' dated August 30, 2019. The petitioner in this review is the Cast Iron Soil Pipe Institute, which is a trade association, whose members are all domestic producers of cast iron soil pipe fittings.

[4] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 84 FR 53411, 53422 (October 7, 2019) (*Initiation Notice*).

[5] *See* Memorandum, ''Cast Iron Soil Pipe Fittings from the People's Republic of China: Extension of Deadline for Preliminary Results of Countervailing Duty Administrative Review; 2017–2018,'' dated April 14, 2020.

[6] *See* Memorandum, ''Tolling of Deadlines for Antidumping and Countervailing Duty Administrative Reviews in Response to Operational Adjustments Due to COVID–19,'' dated April 24, 2020.

[7] *See* Memorandum, ''Tolling of Deadlines for Antidumping and Countervailing Duty Administrative Reviews,'' dated July 21, 2020.

[8] *See* Memorandum, ''Decision Memorandum for the Preliminary Results in the Countervailing Duty Administrative Review of Cast Iron Soil Pipe Fittings from the People's Republic of China: 2017–2018'' (Preliminary Decision Memorandum), dated concurrently with, and hereby adopted by, this notice.

[9] *See* sections 771(5)(B) and (D) of the Act regarding financial contribution; section 771(5)(E) of the Act regarding benefit; and section 771(5A) of the Act regarding specificity.

is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov.* In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/index.html.* The signed Preliminary Decision Memorandum and the electronic version of the Preliminary Decision Memorandum are identical in content. A list of topics discussed in the Preliminary Decision Memorandum is included as an Appendix to this notice.

Rate for Non-Selected Companies Under Review

There are nine companies for which a review was requested, which were not selected as mandatory respondents or found to be cross-owned with a mandatory respondent. Because the rate calculated for the mandatory respondent, Wor-Biz, was above *de minimis* and not based entirely on facts available, we applied the subsidy rate calculated for Wor-Biz to these nine non-selected companies. This methodology for establishing the subsidy rate for the non-selected companies is consistent with our practice and with section 705(c)(5)(A) of the Act.

Preliminary Results of the Review

In accordance with 19 CFR 351.221(b)(4)(i), we calculated a countervailable subsidy rate for the mandatory respondent Wor-Biz. We determined the countervailable subsidy rate for Qinshui Shunshida Casting Co., Ltd. based entirely on adverse facts available, in accordance with section 776 of the Act. We also assigned an individual estimated subsidy rate based on adverse facts available to entries produced and/or exported by Wor-Biz's unaffiliated supplier Wuhu Best Machines Co., Ltd., in accordance with section 776 of the Act. Therefore, the only rate that is not zero, *de minimis,* or based entirely on facts otherwise available is the rate calculated for Wor-Biz. Consequently, as discussed above, the rate calculated for Wor-Biz is also assigned as the rate for all other producers and exporters subject to this review but not selected for individual examination (*i.e.,* non-selected companies).

We preliminarily find the countervailable subsidy rates for the mandatory and non-selected respondents under review to be as follows:

Producer/exporter	Subsidy rate (percent)
Qinshui Shunshida Casting Co., Ltd	109.32
Wor-Biz Industrial Product Co., Ltd. (Anhui)	[10] 5.13
Wuhu Best Machines Co., Ltd	109.32
Non-Selected Companies Under Review:	
Dalian Lino F.T.Z. Co., Ltd	5.13
Dalian Metal I/E Co., Ltd	5.13
Dinggin Hardware (Dalian) Co., Ltd	5.13
Golden Orange International Ltd	5.13
Hebei Metals & Engineering Products Trading Co., Ltd	5.13
Richang Qiaoshan Trade Co., Ltd	5.13
Shanxi Zhongrui Tianyue Trading Co., Ltd	5.13
Shijiazhuang Asia Casting Co., Ltd	5.13
Yangcheng County Huawang Universal	5.13

Disclosure and Public Comment

We will disclose to parties in this proceeding the calculations performed in reaching the preliminary results within five days of publication of these preliminary results.[11] Interested parties may submit written comments (case briefs) on the preliminary results no later than 30 days from the date of publication of this **Federal Register** notice, and rebuttal comments (rebuttal briefs) within seven days after the time limit for filing case briefs.[12] Pursuant to 19 CFR 351.309(d)(2), rebuttal briefs must be limited to issues raised in the case briefs. Pursuant to 19 CFR 351.309(c)(2) and (d)(2), parties who submit case briefs or rebuttal briefs in this review are requested to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance within 30 days of the date of publication of this notice. Requests should contain: (1) The party's name, address and telephone number; (2) the number of participants; and (3) a list of issues parties intend to discuss. Issues raised in the hearing will be limited to those raised in the respective case and rebuttal briefs.[13] If a request for a hearing is made, Commerce intends to hold the hearing at a time and date to be determined. Parties should confirm the date and time of the hearing two days before the scheduled date.

Parties are reminded that briefs and hearing requests are to be filed electronically using ACCESS and that electronically filed documents must be received successfully in their entirety by 5 p.m. Eastern Time on the due date. Note that Commerce has temporarily modified certain of its requirements for serving documents containing business proprietary information, until further notice.[14]

Unless the deadline is extended pursuant to section 751(a)(3)(A) of the Act, we intend to issue the final results of this administrative review, including the results of our analysis of the issues raised by the parties in their comments, within 120 days after publication of these preliminary results.

Assessment Rates

In accordance with 19 CFR 351.221(b)(4)(i), we preliminarily assigned subsidy rates in the amounts shown above for the producer/exporters shown above. Upon completion of the administrative review, consistent with section 751(a)(2)(C) of the Act and 19 CFR 351.212(b)(2), Commerce shall determine, and Customs and Border Protection (CBP) shall assess, countervailing duties on all appropriate entries covered by this review. We intend to issue instructions directly to CBP 15 days after publication of the final results of this review.

Cash Deposit Requirements

In accordance with section 751(a)(2)(C) of the Act, Commerce intends, upon publication of the final results, to instruct CBP to collect cash deposits of estimated countervailing duties in the amounts shown for each of the respective companies listed above on shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review. For all non-reviewed firms, we will instruct CBP to continue to collect cash deposits at the most recent company-specific or all-others rate applicable to the company. These cash deposit requirements, when imposed, shall remain in effect until further notice.

[10] This rate applies to subject merchandise exported by Wor-Biz Industrial Product Co., Ltd. (Anhui) and produced by companies other than Wuhu Best Machines Co., Ltd.

[11] *See* 19 CFR 351.224(b).

[12] *See* 19 CFR 351.309(c)(1)(ii) and 351.309(d)(1).

[13] *See* 19 CFR 351.310(c).

[14] *See Temporary Rule Modifying AD/CVD Service Requirements Due to COVID–19; Extension of Effective Period,* 85 FR 41363 (July 10, 2020).

Notification to Interested Parties

These preliminary results are issued and published pursuant to sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.221(b)(4).

Dated: October 16, 2020.

Jeffrey I. Kessler,

Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Preliminary Decision Memorandum

I. Summary
II. Background
III. Non-Selected Companies Under Review
IV. Scope of the Order
V. Diversification of China's Economy
VI. Subsidies Valuation
VII. Use of Facts Otherwise Available and Application of Adverse Inferences
VIII. Interest Rate Benchmarks, Discount Rates, Inputs, and Electricity
IX. Analysis of Programs
X. Recommendation

[FR Doc. 2020–23449 Filed 10–22–20; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–821–802]

Agreement Suspending the Antidumping Investigation on Uranium From the Russian Federation: Rescission of 2018–2019 Administrative Review

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

SUMMARY: The U.S. Department of Commerce (Commerce) is rescinding the administrative review of the Agreement Suspending the Antidumping Investigation on Uranium from the Russian Federation (Agreement) for the period of review (POR) from October 1, 2018 through September 30, 2019, based on withdrawal of the request for review.

DATES: Applicable October 23, 2020.

FOR FURTHER INFORMATION CONTACT: Sally C. Gannon or Jill Buckles, Bilateral Agreements Unit, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–0162 or (202) 482–6230, respectively.

SUPPLEMENTARY INFORMATION:

Background

On October 1, 2019, Commerce notified interested parties of the opportunity to request an administrative review of the Agreement.[1] On October 11, 2019, domestic interested party Louisiana Energy Services LLC (LES) submitted a request for an administrative review of the Agreement.[2] On December 11, 2019, Commerce published in the **Federal Register** a notice initiating an administrative review of the Agreement for the POR October 1, 2018 through September 30, 2019.[3]

Pursuant to 19 CFR 351.213(d)(1), Commerce will rescind an administrative review, in whole or in part, if the party or parties that requested a review withdraws the request within 90 days of the publication date of the notice of initiation of the requested review. Furthermore, Commerce may extend this time limit if Commerce decides that it is reasonable to do so. The deadline for a party to withdraw a request for review was on March 10, 2020.

On October 6, 2020, LES submitted a request to withdraw its request for the administrative review of the Agreement.[4] Although this review was initiated more than 90 days prior to its request for withdrawal, *i.e.,* on December 11, 2019, LES requests that Commerce exercise its discretion to rescind this review. In its letter, LES explains that it is reasonable to rescind it in light of the recent amendment to the Agreement reached on October 5, 2020.[5] LES argues that the 2020 Amendment aims at correcting statutory deficiencies of the Agreement at issue in the review and that Commerce need not expend additional resources in the conduct of this review.[6] LES further notes that Commerce has not yet issued the preliminary results of review.

LES has stated that it is withdrawing its request for review based upon its conclusion that rescission is reasonable in light of the recently issued 2020 Amendment to the Agreement. In addition, given that the basis for LES's withdrawal is the issuance of the 2020 Amendment to the Agreement, and that the 2020 Amendment was issued after the expiration of the 90-day time limit for withdrawal, we find it reasonable to extend the period of time for withdrawal of the review request. Therefore, Commerce is extending the time limit pursuant to 19 CFR 351.213(d)(1) and permitting LES to withdraw its request for an administrative review.

[1] *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review,* 83 FR 49358 (October 1, 2018).

[2] *See* Letter from LES, ''Uranium from Russia: Request for Administrative Review,'' dated October 11, 2019.

[3] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 84 FR 67712 (December 11, 2019).

[4] See Letter from LES, ''Uranium from the Russian Federation: Withdrawal of Request for Administrative Review,'' dated October 6, 2020 (LES Withdrawal Request).

[5] *Id.* at 2; *see also 2020 Amendment to the Agreement Suspending the Antidumping Investigation on Uranium From the Russian Federation,* 85 FR 64112 (October 9, 2020) (2020 Amendment).

[6] *See* LES Withdrawal Request at 2–3.

Rescission of the Administrative Review

As discussed above, pursuant to 19 CFR 351.213(d)(1), Commerce has considered LES's request to withdraw its request for a review of the Agreement beyond the established time limit and, based on the reasons provided by LES and the circumstances presented, determines that it is reasonable to extend the deadline and permit LES to withdraw its review request. Accordingly, as LES has withdrawn its request for review, Commerce is rescinding this review of the Agreement for the POR October 1, 2018 through September 30, 2019 in accordance with 19 CFR 351.213(d)(1).

Administrative Protective Orders

This notice serves as a reminder to all parties subject to administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

Notification to Interested Parties

This notice is issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.213(d)(4).

Dated: October 19, 2020.

Jeffrey I. Kessler,

Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2020–23527 Filed 10–22–20; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XA502]

Magnuson-Stevens Fishery Conservation and Management Act; General Provisions for Domestic Fisheries; Application for Exempted Fishing Permit

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

ACTION: Notice; request for comments.

SUMMARY: NMFS has determined that twenty exempted fishing permit (EFP) applications warrant further consideration and is requesting public comment on the applications. All EFP applicants request an exemption from a single prohibition (the use of unauthorized gear to harvest highly migratory species (HMS)) under the Fishery Management Plan for U.S. West Coast Fisheries for Highly Migratory Species (HMS FMP) to test the effects and efficacy of using deep-set buoy gear (DSBG), and/or deep-set linked buoy gear (DSLBG), and/or night-set buoy gear (NSBG) to harvest swordfish and other HMS off of the U.S. West Coast.

DATES: Comments must be submitted in writing by November 23, 2020.

ADDRESSES: You may submit comments on this document, identified by NOAA–NMFS–2020–0135, by any of the following methods:

- *Electronic Submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to *www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2020-0135,* click the ''Comment Now!'' icon, complete the required fields, and enter or attach your comments. EFP applications will be available under Relevant Documents through the same link.
- *Mail:* Attn: Chris Fanning, NMFS West Coast Region, 501 W. Ocean Blvd., Suite 4200, Long Beach, CA 90802. Include the identifier ''NOAA–NMFS–2020–0135'' in the comments.
- *Email: wcr.hms@noaa.gov.*

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on *www.regulations.gov* without change. All personal identifying information (*e.g.,* name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous).

FOR FURTHER INFORMATION CONTACT: Chris Fanning, NMFS, West Coast Region, 562–980–4198.

SUPPLEMENTARY INFORMATION: DSBG fishing trials have occurred for the past 10 years (2011–2015, research years; 2015–2020, EFP years) in the U.S. West Coast Exclusive Economic Zone (EEZ) off California. The data collected from this fishing activity have demonstrated DSBG to achieve about a 95 percent marketable catch composition. Non-marketable catch rates have remained low and all non-marketable catch were released alive. Due to DSBG being actively tended, strikes are capable of being detected within minutes of a hooking on the line; as a result, all catches can be tended quickly, with catch brought to the vessel in good condition. To date, DSBG has had five interactions with protected species, four Northern elephant seals and one loggerhead sea turtle, which were not seriously injured and were released alive due to the quick strike detection of the gear. Northern Elephant seals are protected by the Marine Mammal Protection Act and loggerhead sea turtles are protected by the Endangered Species Act.

DSLBG trials have produced similar data to DSBG activities. Swordfish and other marketable species have represented about 90 percent of the catch. Non-marketable species are released alive due to DSLBG quick strike detection and active gear tending. To date, there have been no interactions with protected species using DSLBG.

One vessel began fishing with NSBG in 2020. Data from this gear type are not yet available.

At its September 2020 meeting, the Pacific Fishery Management Council (Council) received twenty additional applications for EFPs in time for review and recommended that NMFS issue these EFPs to authorize use of DSBG and/or DSLBG (see Table 1). Council recommendations can be found on the September 2020 meeting Decision Document here, *https://www.pcouncil.org/documents/2020/09/september-2020-decision-summary-document.pdf/.*

The Council reviewed twenty DSBG EFP applications and recommended for issuance by NMFS nineteen of the applications. The application that was not recommended was for three vessels to fish NSBG. Also, two applications included NSBG in addition to other DSBG fishing, and the Council did not recommend the NSBG portions. Four applications in total proposed using NSBG, but the Council did not recommend additional NSBG EFPs until data from the one previously-approved (September 2019) NSBG EFP becomes available in 2021. The Council did recommend that the previously-approved night fishing EFP be allowed to be fished on another vessel owned by the applicant (application 14 in the table below), but not on both vessels simultaneously.

At this time, NMFS is requesting public comment on all twenty EFP applications NMFS will take the Council's comments into consideration along with public comments on whether or not to issue these EFPs. If all applications were approved, the EFPs would allow, in addition to EFPs previously issued by NMFS, up to twenty three vessels in total to fish, with fourteen vessels with DSBG only, four vessels with DSLBG, and five vessels with NSBG, throughout the duration of each EFP, in the U.S. West Coast EEZ with permitted exemption from the prohibitions of the HMS FMP pertaining to non-authorized gear types. Aside from the exemption described above, vessels fishing under an EFP would be subject to all other regulations implemented in the HMS FMP, including measures to protect sea turtles, marine mammals, and seabirds.

TABLE 1—SUMMARY OF DEEP-SET BUOY GEAR EXEMPTED FISHING PERMIT APPLICATIONS SUBMITTED FOR THE SEPTEMBER 2020 COUNCIL MEETING

(*https://www.pcouncil.org/documents/2020/08/e-2-attachment-1-summary-of-dsbg-efp-applications-received-for-the-september-2020-council-meeting.pdf/*)

E.2 attachment No.	Applicant name	Number of vessels	Fishing method	Notes
2	Athens, Tim	1	DSLBG	
3	Dell, Kevin	1	DSBG	
4	Dillman, Todd	1	DSBG	
5	Eberhardt, James	1	DSBG	
6	Fischer, Paul	1	DSBG	
7	Ghio, Romolo	1	DSLBG	
8	Haworth, Nick, Haworth, David	3	NSBG	Not recommended.
9	Herman, Marc	1	DSLBG	
10	Lebeck, Mark	1	DSLBG, NSBG	NSBG portion not recommended.
11	Lorton, Arthur, Lorton, J. Anthon	1	DSLBG	
12	Medland, Robert, Castenada, James, Clayton, Terry	2	DSBG	
13	Pack, Troy, Fegerstedt, Ashley	1	DSBG	
14	Perez, Nathan, Carson, Thomas	1	NSBG	Same vessel as #15.
15	Perez, Nathan, Carson, Thomas	1	DSBG	Same vessel as #14.
16	Saraspe, Andres, Saraspe, Charles	2	DSBG	
17	Sidielnikov, Andrii	1	DSBG	
18	Tharp, Nicolas	1	DSBG	
19	Volaski, Andrew	1	DSLBG	
20	Wallace, Miles	1	DSBG, NSBG	NSBG portion not recommended.
21	Weiser, Steve	1	DSBG	

Fishing Method DSBG—standard deep-set buoy gear, DSLBG—linked deep-set buoy gear, NSBG—night set buoy gear. DSLBG vessels can also use standard deep-set buoy gear.

NMFS will consider all public comments submitted in response to this **Federal Register** notice prior to issuance of any EFP. Additionally, NMFS has analyzed the effects of issuing DSBG and DSLBG EFPs, and would analyze issuing additional NSBG EFPs in accordance with the National Environmental Policy Act and NOAA's Administrative Order 216–6, as well as for compliance with other applicable laws, including Section 7(a)(2) of the Endangered Species Act (16 U.S.C. 1531 *et seq.*), which requires the agency to consider whether the proposed action is likely to jeopardize the continued existence and recovery of any endangered or threatened species or result in the destruction or adverse modification of critical habitat.

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

Dated: October 16, 2020.

Jennifer M. Wallace,

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

[FR Doc. 2020–23537 Filed 10–22–20; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XA406]

Aquaculture Opportunity Areas

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

ACTION: Notice; request for information.

SUMMARY: On May 7, 2020, the White House issued an Executive Order (E.O.) on Promoting American Seafood Competitiveness and Economic Growth, which requires the Secretary of Commerce to identify geographic areas containing locations suitable for commercial aquaculture, and complete a National Environmental Policy Act (NEPA) Programmatic Environmental Impact Statement (PEIS) for each area to assess the impact of siting aquaculture facilities there. NOAA requests that interested parties provide relevant information on the identification of areas within Federal waters of the Gulf of Mexico and off Southern California, south of Point Conception, for the first two Aquaculture Opportunity Areas (AOA) and on what areas NOAA should consider nationally for future AOAs. Please respond to the questions listed in the **SUPPLEMENTARY INFORMATION** section, as appropriate. The public input provided in response to this request for information (RFI) will inform NOAA as it works with Federal agencies, appropriate Regional Fishery Management Councils, and in coordination with appropriate State and tribal governments to identify AOAs.

DATES: Interested persons are invited to submit written comments on or before December 22, 2020.

Four webinar-based listening sessions are scheduled. Each will focus on a specific region or national comments, but comments on each topic will be accepted at all meetings:

1. November 5, 2020, 6 p.m. to 8 p.m. Eastern: National listening session.

2. November 12, 2020, 9 a.m. to 11 a.m. Pacific: Southern California listening session.

3. November 17, 2020, 1 p.m. to 3 p.m. Eastern: Gulf of Mexico listening session.

4. November 19, 2020, 1 p.m. to 3 p.m. Eastern: National listening session.

ADDRESSES: You may submit comments, identified by NOAA–NMFS–2020–0118, by the following method:

Electronic Submission: Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to *www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2020-0118,* click the ''Comment Now!'' icon, complete the required fields, and enter or attach your comments.

Webinar links: Links and toll-free phone numbers for each webinar can be found at: *https://*

www.fisheries.noaa.gov/aquaculture-opportunity-areas.

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on *www.regulations.gov* without change. All personal identifying information (*e.g.,* name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous).

Please note that the U.S. Government will not pay for response preparation, or for the use of any information contained in the response.

If you are unable to provide electronic comments, please contact: Kristy Beard, 301–427–8333 or *nmfs.aquaculture.info@noaa.gov.*

FOR FURTHER INFORMATION CONTACT: Kristy Beard, 301–427–8333 or *nmfs.aquaculture.info@noaa.gov.*

SUPPLEMENTARY INFORMATION: On May 7, 2020, the President signed a new E.O. on Promoting American Seafood Competitiveness and Economic Growth (E.O. 13921). The E.O. calls for the expansion of sustainable U.S. seafood production. NOAA also has directives to promote sustainable aquaculture in the U.S. through the National Aquaculture Act of 1980 and the NOAA Marine Aquaculture Policy. NOAA has a variety of proven science-based tools and strategies that can support these directives and help communities thoughtfully consider how and where to sustainably develop offshore aquaculture that will complement wild-capture fisheries, working waterfronts, and our nation's seafood processing and distribution infrastructure.

Section 7 of the E.O. directs the Secretary of Commerce to identify AOAs in consultation with the Secretary of Defense, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Homeland Security, the Administrator of the Environmental Protection Agency, other appropriate Federal officials, and appropriate Regional Fishery Management Councils, and in coordination with appropriate State and tribal governments. This includes:

1. Within 1 year of the E.O., identify at least two geographic areas containing locations suitable for commercial aquaculture;

2. Within 2 years of identifying each area, complete a NEPA PEIS for each area to assess the impact of siting aquaculture facilities there;

3. For each of the following 4 years, identify two additional geographic areas containing locations suitable for commercial aquaculture and complete a PEIS for each within 2 years.

These geographic areas will be referred to as AOAs once the PEIS is complete. Identifying AOAs is an opportunity to use the best available science on sustainable aquaculture management, and support the ''triple bottom line'' of environmental, economic, and social sustainability. This approach has been refined and utilized widely within states and by other countries with robust, sustainable aquaculture sectors. The 3-year process to identify and complete a PEIS for each AOA will result in the identification of a geographic area that, through scientific analysis and public engagement, is determined to be environmentally, socially, and economically suitable for aquaculture. The areas identified as AOAs will have characteristics that are expected to be able to support multiple aquaculture farm sites of varying types, but all portions of the AOA may not be appropriate for aquaculture or for all types of aquaculture. Through spatial modeling, NOAA expects to identify areas that may support approximately three to five aquaculture operations in each of the first two AOAs. The most suitable locations for aquaculture operations within an AOA would be considered through the PEIS, and locations for individual operations would be considered during the required permitting process and associated environmental consultations.

To identify the first two geographic areas containing locations suitable for commercial aquaculture within one year of the Executive Order, NOAA will focus on Federal waters of the Gulf of Mexico and Southern California, south of Point Conception, because there is existing spatial analysis data and current industry interest in developing sustainable aquaculture operations in these regions. NOAA will further narrow those areas using a combination of spatial mapping approaches, scientific review, and public input. NOAA's National Centers for Coastal Ocean Science will use the best available data to account for key environmental, economic, social, and cultural considerations to identify areas that may support sustainable aquaculture development. NOAA will then combine those results with input from other Federal agencies, Fishery Management Councils, Marine Fisheries Commissions, states and tribes, and the general public to identify the first two geographic areas that will be considered in more depth through the PEIS. Public input on identification of geographic areas will be gathered through this RFI; additional opportunities for input will be provided during the PEIS process for each area.

NOAA may use the information received through this RFI in the NEPA PEIS process. The information could inform the development of potential NEPA alternatives, such as different locations, different aquaculture types in each location (*e.g.,* finfish in one location, shellfish in another location), and different configurations of farm locations and aquaculture types. NOAA expects to publish a notice of intent (NOI) to prepare a PEIS for each of the first two AOAs in the Gulf of Mexico and Southern California after identifying at least two geographic areas containing locations suitable for commercial aquaculture. Public notices announcing the NOI and announcing the availability of a draft PEIS will provide future opportunities for public comment on the first two AOAs.

NOAA is also requesting public input on what areas should be considered nationally for future AOAs. NOAA will use the information received from this RFI to help determine where to focus efforts for future AOAs. NOAA expects to continue providing opportunities for public comment until all 10 AOAs have been identified over the next 5 years.

Aquaculture operations proposed within an AOA would have the same Federal and state permitting and authorization requirements as anywhere else and would be required to comply with all applicable Federal and state laws and regulations. Site-specific environmental surveys may be required for the permitting process. Additional NEPA analysis beyond the PEIS for the AOA(s) may be necessary as a part of permitting and authorization processes for individual operations. NOAA will work with the Federal agencies responsible for permitting offshore aquaculture (*e.g.,* the U.S. Army Corps of Engineers and the Environmental Protection Agency) throughout the AOA identification process to identify information NOAA can include in the PEIS to help inform future permitting needs.

Additional information on AOAs, including frequently asked questions, is available on NOAA's website at: *https://www.fisheries.noaa.gov/insight/aquaculture-opportunity-areas.*

Questions To Inform the Identification of the First Two AOAs, in the Gulf of Mexico and Southern California, and Locations for Future AOAs, Nationally

Through this RFI, NOAA (we) seeks written public input on the identification of the first two AOAs. NOAA announced in August 2020 that the first two AOAs would be in Federal waters (*i.e.,* U.S. Exclusive Economic Zone) of the Gulf of Mexico and Southern California; the comments received through this RFI will help us identify specific locations within those regions which we will consider in more depth through the PEIS process. There will be additional opportunities for public comment during the PEIS process.

We also seek public input on what regions of the country should be considered as we go through the process to identify two more geographic areas per year, for a total of 10 by 2025.

When providing input, please specify:

- The question number(s) you are responding to;
- Whether your comments apply to the Gulf of Mexico, Southern California, or other U.S. regions/areas; and
- Whether your comments apply to specific type(s) of offshore aquaculture (finfish, macroalgae, shellfish, or a combination of species).

Input Requested To Inform the Identification of AOAs in Federal Waters of the Gulf of Mexico and Southern California

1. With input from industry and based on previous permit applications, we have identified the water depths and maximum distances from shore (see a. and b. below) that we expect to support aquaculture within Federal waters (*i.e.,* U.S. Exclusive Economic Zone) of the Gulf of Mexico and Southern California as starting points for the process of identifying AOAs. Are there types of offshore aquaculture that these areas may or may not support, or are there other water depths and maximum distances from shore that should be considered, and why?

a. In the Gulf of Mexico, we are looking at areas that:

i. Are within the depth range of 50 to 150 meters.

ii. Do not have a specified maximum distance from shore.

b. In Southern California, we are looking at areas that:

i. Are within the depth range of 10 to 150 meters.

ii. Are a maximum distance of 25 nautical miles from shore.

2. Are there specific locations or habitats within Federal waters of the Gulf of Mexico or Southern California that should be considered for AOAs? Are there specific locations that should be avoided? Please be as specific as possible and include latitude and longitude or defining landmarks. Please indicate why such areas should be considered or avoided, for example, favorable biological parameters, water quality (*e.g.,* nutrients or other constituents that might make an area favorable), proximity to infrastructure (*e.g.,* ports, processing plants, hatcheries or nurseries that could supply fingerlings for grow-out), relationship to other planned initiatives, etc.

3. Are there specific locations within Federal waters of the Gulf of Mexico or Southern California where the presence of aquaculture gear may overlap with areas utilized by protected species *(e.g.,* large whales, sea turtles, dolphins, etc.)?

4. Are there specific locations within Federal waters of the Gulf of Mexico or Southern California that should be avoided because of concerns about harmful algal blooms (HABs) or impaired water quality? Please specify whether these concerns are related to: (a) Aquaculture activities being impacted by HABs and impaired water quality, or (b) aquaculture activities contributing to HABs and impaired water quality?

5. Is there ongoing environmental, economic, or social science research that would assist in the identification and implementation of AOAs in Federal waters of the Gulf of Mexico or Southern California? If so, please describe in as much detail as is available.

6. Is there information that may not be readily available or accessible online that would be useful for AOA planning processes in Federal waters of the Gulf of Mexico and Southern California? This includes spatial data or geographic information system (GIS) layers representing environmental and socioeconomic considerations, or a point of contact for these data, for the following categories:

—Biophysical/oceanographic (wave climate, currents, bathymetry)

—Natural resources (minerals, energy resources, fishes and aquatic organisms, protected species and habitats, coral reefs, biodiversity)

—Social and cultural resources

—Government boundaries

—Industry (fishing, energy production, transportation, communication cables)

—Military

—Navigation

Input Requested To Inform the Identification of Future AOAs, Nationally

7. What regions of the country should be considered for future AOAs?

a. New England (Maine through Connecticut)
b. Mid-Atlantic (New York through Virginia)
c. South Atlantic (North Carolina through east coast Florida)
d. U.S. Caribbean (Puerto Rico and U.S. Virgin Islands)
e. Gulf of Mexico (west coast Florida through Texas)
f. Alaska
g. Washington through California
h. Hawai'i, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and U.S. Pacific Remote Island Areas

8. Are there specific locations within those regions identified in response to #7 that should be considered for future AOAs? Please be as specific as possible and include latitude and longitude or defining landmarks. Please indicate why these areas are of interest, including favorable biological parameters, water quality (*e.g.,* nutrients or other constituents that might make an area favorable), proximity to infrastructure (*e.g.,* ports, processing plants, hatcheries or nurseries that could supply fingerlings for grow-out), relationship to other planned initiatives, etc.

9. Within those regions identified in response to #7, what resource use conflicts should we consider as we identify future AOAs? Please describe specific considerations that might make an area unfavorable, including ongoing or planned activities or ocean uses.

10. Is there ongoing environmental, economic, or social science research that would assist in the identification and implementation of future AOAs? If so, please describe in as much detail as is available.

11. We are soliciting information on siting requirements for aquaculture operations to inform spatial analysis for future AOAs. For the region(s) identified in response to #7, please provide:

a. Minimum and maximum depth needed to operate aquaculture farms.

b. Minimum and maximum current conditions that could impact farm operation.

c. Minimum and maximum wave climate that could impact farm operation.

d. Proximity to shore.

12. If states express interest in developing offshore aquaculture, should we also consider state waters as areas for future AOAs?

(Authority: E.O. 13921)

Dated: October 19, 2020.

Danielle Blacklock,

Director, Office of Aquaculture, National Marine Fisheries Service, National Oceanic and Atmospheric Administration.

[FR Doc. 2020–23487 Filed 10–22–20; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

Patent and Trademark Office

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comments Request; Substantive Submissions Made During Prosecution of the Trademark Application

AGENCY: United States Patent and Trademark Office, Department of Commerce.

ACTION: Notice of information collection; request for comment.

SUMMARY: The United States Patent and Trademark Office (USPTO), in accordance with the Paperwork Reduction Act of 1995, invites comments on the extension and revision of an existing information collection: 0651–0054 (Substantive Submissions Made During Prosecution of the Trademark Application). The purpose of this notice is to allow 60 days for public comment preceding submission of the information collection to OMB.

DATES: To ensure consideration, comments regarding this information collection must be received on or before December 22, 2020.

ADDRESSES: Interested persons are invited to submit written comments by any of the following methods. Do not submit Confidential Business Information or otherwise sensitive or protected information.

- *Email: InformationCollection@uspto.gov.* Include ''0651–0054 comment'' in the subject line of the message.
- *Federal Rulemaking Portal: http://www.regulations.gov.*
- *Mail:* Kimberly Hardy, Office of the Chief Administrative Officer, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313–1450.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Catherine Cain, Attorney Advisor, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313–1450; by telephone at 571–272–8946; or by email to *catherine.cain@uspto.gov* with ''0651–0054 comment'' in the subject line. Additional information about this information collection is also available at *http://www.reginfo.gov* under ''Information Collection Review.''

SUPPLEMENTARY INFORMATION:

I. Abstract

The United States Patent and Trademark Office (USPTO) administers the Trademark Act, 15 U.S.C. 1051 *et seq.,* which provides for the Federal registration of trademarks, service marks, collective trademarks and service marks, collective membership marks, and certification marks. Individuals and businesses that use or intend to use such marks in commerce may file an application to register their mark with the USPTO. Such individuals and businesses may also submit various communications to the USPTO during the prosecution of an application.

This information collection covers the various communications that may be submitted by the applicant, including providing additional information needed to process a request to delete a particular filing basis from an application or to divide an application identifying multiple goods and/or services into two or more separate applications. This information collection also covers requests for a 6-month extension of time to file a statement that the mark is in use in commerce or petitions to revive an application that abandoned for failure to submit a timely response to an office action or a timely statement of use or extension request. This information collection also covers circumstances in which an applicant may expressly abandon an application by filing a written request for withdrawal of the application.

The regulations implementing the Act are set forth in 37 CFR part 2. These regulations mandate that each register entry include the mark, the goods and/or services in connection with which the mark is used, ownership information, dates of use, and certain other information. The USPTO also provides similar information concerning pending applications. The register and pending application information may be accessed by an individual or by businesses to determine the availability of a mark. By accessing the USPTO's information, parties may reduce the possibility of initiating use of a mark previously adopted by another. The Federal trademark registration process may thereby reduce the number of filings between both litigating parties and the courts.

II. Method of Collection

Items in this information collection must be submitted via online electronic submissions. In limited circumstances, applicants may be permitted to submit the information in paper form by mail, fax, or hand delivery.

III. Data

OMB Control Number: 0651–0054.

Forms: (PTO = Patent and Trademark Office)

- PTO Form 1553 (Trademark/Service Mark Allegation of Use (Statement of Use/Amendment to Allege Use))
- PTO Form 1581 (Request for Extension of Time to File a Statement of Use)
- PTO Form 2194 (Petition to Revive Abandoned Application—Failure to Respond Timely to Office Action)
- PTO Form 2195 (Petition to Revive Abandoned Application—Failure to File Timely Statement of Use or Extension Request)
- PTO Form 2200 (Request to Delete Section 1(b) Basis, Intent to Use)
- PTO Form 2202 (Request for Express Abandonment (Withdrawal) of Application)
- PTO Form 2301 (Petition to Director)

Type of Review: Revision of a currently approved information collection.

Affected Public: Private sector; individuals or households.

Estimated Number of Respondents: 333,582 respondents per year.

Estimated Number of Responses: 333,582 responses per year.

Estimated Time per Response: The USPTO estimates that it will take the public from approximately 27 minutes (0.5 hours) to 65 minutes (1.1 hours) to complete a response, depending on the complexity of the situation. This includes the time to gather the necessary information, prepare the appropriate documents, and submit the information to the USPTO.

Estimated Total Annual Respondent Burden Hours: 208,219 hours.

Estimated Total Annual Respondent (Hourly) Cost Burden: $83,287,600.

[1] 2019 Report of the Economic Survey, published by the Committee on Economics of Legal Practice of the American Intellectual Property Law Association (AIPLA); *https://www.aipla.org/detail/journal-issue/2019-report-of-the-economic-survey.* The USPTO uses the mean rate for attorneys in private firms which is $400 per hour.

TABLE 1—BURDEN HOUR/BURDEN COST TO RESPONDENTS
[Private sector]

Item No.	Item	Estimated annual respondents	Estimated annual responses (year) (a)	Estimated time for response (hours) (b)	Estimated annual burden (hour/year) (a) × (b) = c	Rate [1] ($/hour) (d)	Estimated annual burden (c) × (d) = e
1	Trademark/Service Mark Allegation of Use (Amendment to Allege Use/Statement of Use) (PTO Form 1553).	70,451	70,451	0.9 (55 minutes)	63,406	$400	$25,362,400
2	Request for Extension of Time to File a Statement of Use (PTO Form 1581).	172,942	172,942	0.5 (27 minutes)	86,471	400	34,588,400
3	Petition to Revive Abandoned Application—Failure to Respond Timely to Office Action (PTO Form 2194).	12,924	12,924	0.9 (55 minutes)	11,632	400	4,652,800
4	Petition to Revive Abandoned Application—Failure to File Timely Statement of Use or Extension Request (PTO Form 2195).	667	667	0.6 (35 minutes)	400	400	160,000
5	Request to Delete Section 1(b) Basis, Intent to Use (PTO Form 2200).	1,400	1,400	0.4 (25 minutes)	560	400	224,000
6	Request for Express Abandonment (Withdrawal) of Application (PTO Form 2202).	5,600	5,600	0.4 (25 minutes)	2,240	400	896,000
7	Request to Divide Application	2,400	2,400	0.6 (35 minutes)	1,440	400	576,000
8	Response to Intent-to-Use (ITU) Divisional Unit Office Action.	2	2	1.1 (65 minutes)	2	400	800
9	Response to Petition to Revive Deficiency Letter.	240	240	0.8 (45 minutes)	192	400	76,800
10	Petition to the Director (PTO Form 2301).	160	160	0.9 (55 minutes)	144	400	57,600
11	Petition to Revive with Request to Delete Section 1(b) Basis or to Delete ITU Goods/Services/Collective Membership Organization After NOA.	80	80	1.1 (65 minutes)	88	400	35,200
Total		266,866	266,866		166,575		66,630,000

TABLE 2—BURDEN HOUR/BURDEN COST TO RESPONDENTS
[Individuals or households]

Item No.	Item	Estimated annual respondents	Estimated annual responses (year) (a)	Estimated time for response (hours) (b)	Estimated annual burden (hour/year) (a) × (b) = c	Rate [2] ($/hour) (d)	Estimated annual burden (c) × (d) = e
1	Trademark/Service Mark Allegation of Use (Amendment to Allege Use/Statement of Use) (PTO Form 1553).	17,613	17,613	0.9 (55 minutes)	15,852	$400	$6,340,800
2	Request for Extension of Time to File a Statement of Use (PTO Form 1581).	43,235	43,235	0.5 (27 minutes)	21,618	400	8,647,200
3	Petition to Revive Abandoned Application—Failure to Respond Timely to Office Action (PTO Form 2194).	3,231	3,231	0.9 (55 minutes)	2,908	400	1,163,200
4	Petition to Revive Abandoned Application—Failure to File Timely Statement of Use or Extension Request (PTO Form 2195).	167	167	0.6 (35 minutes)	100	400	40,000
5	Request to Delete Section 1(b) Basis, Intent to Use (PTO Form 2200).	350	350	0.4 (25 minutes)	140	400	56,000
6	Request for Express Abandonment (Withdrawal) of Application (PTO Form 2202).	1,400	1,400	0.4 (25 minutes)	560	400	224,000
7	Request to Divide Application	600	600	0.6 (35 minutes)	360	400	144,000
9	Response to Petition to Revive Deficiency Letter.	60	60	0.8 (45 minutes)	48	400	19,200
10	Petition to the Director (PTO Form 2301).	40	40	0.9 (55 minutes)	36	400	14,400
11	Petition to Revive with Request to Delete Section 1(b) Basis or to Delete ITU; Goods/Services/Collective Membership Organization After NOA.	20	20	1.1 (65 minutes)	22	400	8,800
Total		66,716	66,716		41,644		16,657,600

Estimated Total Annual (Non-Hour) Respondent Cost Burden: $37,867,690. There are no capital start-up, maintenance, or recordkeeping costs associated with this information collection. However, this information collection does have annual (non-hour) cost burden in the form of postage costs and filing fees.

TABLE 3—FILING FEES—NON-HOUR COST BURDEN

Item No.	Item	Estimated annual responses (a)	Estimated fee amount (b)	Estimated non-hour cost burden (a) × (b)
1	Trademark/Service Mark Allegation of Use (Amendment to Allege Use/Statement of Use) (Paper).	27	$200	$5,400
1	Trademark/Service Mark Allegation of Use (Amendment to Allege Use/Statement of Use) (TEAS).	88,037	100	8,803,700
2	Request for Extension of Time to File a Statement of Use (Paper)	59	225	13,275
2	Request for Extension of Time to File a Statement of Use (TEAS)	216,118	125	27,014,750
3	Petition to Revive Abandoned Application—Failure to Respond Timely to Office Action (Paper).	5	200	1,000
3	Petition to Revive Abandoned Application—Failure to Respond Timely to Office Action (TEAS).	16,150	100	1,615,000
4	Petition to Revive Abandoned Application—Failure to File Timely Statement of Use or Extension Request (Paper).	1	200	200
4	Petition to Revive Abandoned Application—Failure to File Timely Statement of Use or Extension Request (TEAS).	833	100	83,300
7	Request to Divide Application (Paper)	1	200	200
7	Request to Divide Application (TEAS Global)	2,999	100	299,900
10	Petition to the Director (Paper)	1	200	200
10	Petition to the Director (TEAS)	199	100	19,900
11	Petition to Revive With Request to Delete Section 1(b) Basis or to Delete ITU Goods/Services/Collective Membership Organization After NOA (Paper).	1	200	200
11	Petition to Revive With Request to Delete Section 1(b) Basis or to Delete ITU Goods/Services/Collective Membership Organization After NOA (TEAS Global).	99	100	9,900
Total				37,866,925

The filing fees for several items in this information collection are charged per class of goods and/or services; therefore, the filing fees will vary for each respondent depending on the number of classes. The total filing fees of $37,866,925 shown here are based on the minimum fee of one class for those items for which a fee is required.

Although the USPTO prefers that the items in this information collection be submitted electronically, the items may, in limited situations, be submitted by mail through the United States Postal Service (USPS). The USPTO estimates that the average postage cost for a mailed submission, using a Priority Mail 2-day flat rate legal envelope, will be $8.05. The USPTO estimates that with a total of 95 permitted paper submissions, the postage costs in this information collection will be $765.

The USPTO estimates that the total annual (non-hour) respondent cost burden for this information collection, in the form of postage costs and filing fees is $37,867,690 per year.

Respondent's Obligation: Required to obtain or retain benefits.

IV. Request for Comments

The USPTO is soliciting public comments to:

(a) 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;

(b) Evaluate the accuracy of the Agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(c) Enhance the quality, utility, and clarity of the information to be collected; and

(d) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

All comments submitted in response to this notice are a matter of public record. USPTO will include or summarize each comment in the request to OMB to approve this information collection. Before including an address, phone number, email address, or other personal identifying information in a comment, be aware that the entire comment—including personal identifying information—may be made publicly available at any time. While you may ask in your comment to withhold personal identifying information from public view, USPTO cannot guarantee that it will be able to do so.

Kimberly Hardy,

Information Collections Officer, Office of the Chief Administrative Officer, United States Patent and Trademark Office.

[FR Doc. 2020–23528 Filed 10–22–20; 8:45 am]

BILLING CODE 3510–16–P

[2] 2019 Report of the Economic Survey, published by the Committee on Economics of Legal Practice of the American Intellectual Property Law Association (AIPLA); *https://www.aipla.org/detail/journal-issue/2019-report-of-the-economic-survey.*

The USPTO uses the mean rate for attorneys in private firms which is $400 per hour.

DEPARTMENT OF COMMERCE

Patent and Trademark Office

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Patent Examiner Employment Application

AGENCY: United States Patent and Trademark Office, Department of Commerce.

ACTION: Notice of information collection; request for comment.

SUMMARY: The United States Patent and Trademark Office (USPTO), in accordance with the Paperwork Reduction Act of 1995, invites comments on the extension and revision of an existing information collection: 0651–0042 (Patent Examiner Employment Application). The purpose of this notice is to allow 60 days for public comment preceding submission of the information collection to OMB.

DATES: To ensure consideration, comments regarding this information collection must be received on or before December 22, 2020.

ADDRESSES: Interested persons are invited to submit written comments by any of the following methods. Do not submit Confidential Business Information or otherwise sensitive or protected information:

- *Email: InformationCollection@uspto.gov.* Include ''0651–0042 comment'' in the subject line of the message.
- *Federal Rulemaking Portal: http://www.regulations.gov.*
- *Mail:* Kimberly Hardy, Office of the Chief Administrative Officer, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313–1450.

FOR FURTHER INFORMATION CONTACT: Request for additional information should be directed to the attention of LaRita Jones, Chief of the Workforce Employment Division, Office of Human Resources, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313–1450; by telephone at 571–272–6196; or by email to *larita.jones@uspto.gov.* Additional information about this information collection is also available at *http://www.reginfo.gov* under ''Information Collection Review.''

SUPPLEMENTARY INFORMATION:

I. Abstract

USPTO engages in a robust marketing strategy that historically results in a high volume of applications from recent college graduates with engineering and science degrees for entry-level patent examiner positions. In FY2020, USPTO received 7,361 applications and ultimately hired 597 new patent examiners.

USPTO uses the Monster Hiring Management (MHM) system to rapidly review applications for employment of entry-level patent examiners. The use of such automated online systems during recruitment allows USPTO to remain competitive, meet hiring goals, and fulfill the Agency's Congressional commitment to reduce the pendency rate for the examination of patent applications. Given the time sensitive hiring needs of the Patent Examining Corps, the MHM system provides increased speed and accuracy during the employment process.

This information collection covers respondent data gathered through the MHM system. The MHM online application collects supplemental information to a candidate's USAJOBS application. This information assists USPTO Human Resource Specialists and Hiring Managers in determining whether an applicant possesses the basic qualification requirements for a patent examiner position. From the information collected, the MHM system creates an electronic real-time candidate inventory on applicants' expertise and technical knowledge, which allows USPTO to immediately review applications from multiple applicants.

The use of the MHM online application fully complies with 5 U.S.C. 2301, which requires adequate public notice to assure open competition by guaranteeing that necessary employment information will be accessible and available to the public on inquiry. It is also fully compliant with Section 508 (29 U.S.C. 794(d)), which requires agencies to provide disabled employees and members of the public access to information that is comparable to the access available to others.

II. Method of Collection

Items in this information collection must be submitted via online electronic submissions.

III. Data

OMB Control Number: 0651–0042.

Forms: None.

Type of Review: Revision of a currently approved information collection.

Affected Public: Individuals or households.

Estimated Number of Respondents: 8,386 respondents per year.

Estimated Number of Responses: 8,386 responses per year.

Estimated Time per Response: The USPTO estimates that it will take the public approximately 30 minutes (0.5 hours) to complete the Patent Examiner Application Questions. This includes the time to gather the necessary information, respond to the MHM system prompts, and submit the completed request to the USPTO.

Estimated Total Annual Respondent Burden Hours: 4,193 hours.

Estimated Total Annual Respondent Hourly Cost Burden: $115,056.

TABLE 1—TOTAL HOURLY BURDEN FOR RESPONDENTS

Item No.	Item	Estimated annual respondents	Estimated annual responses (year) (a)	Estimated time for response (hour) (b)	Estimated annual burden (hour/year) (a) × (b) = (c)	Rate [1] ($/hour) (d)	Estimated annual burden (c) × (d) = (e)
1	Patent Examiner Application Questions ...	8,386	8,386	0.5 (30 minutes)	4,193	$27.44	$115,056
Total	.....	8,386	8,386	.....	4,193	.....	115,056

Estimated Total Annual Non-Hour Respondent Cost Burden: $0. There are no filing fees or start-up, maintenance, recordkeeping, or postage costs associated with this information collection.

IV. Request for Comments

The USPTO is soliciting public comments to:

[1] USPTO is using the OPM Special Rate Table 0576—Patent Examiner 07–Step 1 as an estimate for the hourly rate: *https://apps.opm.gov/SpecialRates/2020/Table057601012020.aspx.*

(a) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information shall have practical utility;

(b) Evaluate the accuracy of the Agency's estimate of the burden of the proposed collection of information,including the validity of the methodology and assuptions used;

(c) Enhance the quality, utility, and clarity of the information to be collected; and

(d) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

All comments submitted in response to this notice are a matter of public record. USPTO will include or summarize each comment in the request to OMB to approve this information collection. Before including an address, phone number, email address, or other personal identifying information in a comment, be aware that the entire comment—including personal identifying information—may be made publicly available at any time. While you may ask in your comment to withhold personal identifying information from public view, USPTO cannot guarantee that it will be able to do so.

Kimberly Hardy,

Information Collections Officer, Office of the Chief Administrative Officer, United States Patent and Trademark Office.

[FR Doc. 2020–23521 Filed 10–22–20; 8:45 am]

BILLING CODE 3510–16–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Proposed Additions and Deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed additions to and deletions from the Procurement List.

SUMMARY: The Committee is proposing to add product(s) and service(s) to the Procurement List that will be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities, and deletes product(s) and service(s) previously furnished by such agencies.

DATES: Comments must be received on or before: November 22, 2020.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, 1401 S Clark Street, Suite 715, Arlington, Virginia 22202–4149.

FOR FURTHER INFORMATION CONTACT: For further information or to submit comments contact: Michael R. Jurkowski, Telephone: (703) 603–2117, Fax: (703) 603–0655, or email *CMTEFedReg@AbilityOne.gov.*

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 8503(a)(2) and 41 CFR 51–2.3. Its purpose is to provide interested persons an opportunity to submit comments on the proposed actions.

Additions

If the Committee approves the proposed additions, the entities of the Federal Government identified in this notice will be required to procure the product(s) and service(s) listed below from nonprofit agencies employing persons who are blind or have other severe disabilities.

The following product(s) and service(s) are proposed for addition to the Procurement List for production by the nonprofit agencies listed:

Product(s)

NSN(s)—Product Name(s):
5340–00–NIB–0378—Doorstop, No-Slip, Wedge Style, Rubber, Large, Brown
5340–00–NIB–0379—Doorstop, No-Slip, Wedge Style, Rubber, Large, Brown, 2 PK
5340–00–NIB–0380—Doorstop, No-Slip, Wedge Style, Rubber, Extra Large, Brown
5340–00–NIB–0381—Doorstop, No-Slip, Wedge Style, Rubber, Extra Large, Brown, 2 PK
5340–00–NIB–0382—Doorstop, Heavy Duty, Wedge Style, Magnetic, Rubber, Extra Large, Yellow
Mandatory Source of Supply: North Central Sight Services, Inc., Williamsport, PA
Mandatory For: Total Government Requirement
Contracting Activity: FEDERAL ACQUISITION SERVICE, GSA/FSS GREATER SOUTHWEST ACQUISITI

Service(s)

Service Type: Custodial Service
Mandatory for: US Air Force, Cannon Air Force Base, NM
Mandatory Source of Supply: ENMRSH, Inc., Clovis, NM
Contracting Activity: DEPT OF THE AIR FORCE, FA4855 27 SOCONS LGC

Service Type: Custodial Service
Mandatory for: US Air Force, Robins North Complex, Macon, GA
Mandatory Source of Supply: Good Vocations, Inc., Macon, GA
Contracting Activity: DEPT OF THE AIR FORCE, FA8571 AFSC PZIO MXW

Deletions

The following product(s) and service(s) are proposed for deletion from the Procurement List:

Product(s)

NSN(s)—Product Name(s):
6505–01–121–2336—Sunscreen, Lotion, SPF–15
Mandatory Source of Supply: SMA Healthcare, Inc., Daytona Beach, FL
Contracting Activity: DLA TROOP SUPPORT, PHILADELPHIA, PA

Service(s)

Service Type: Janitorial/Custodial
Mandatory for: U.S. Federal Building: 88 West 100 North, Provo, UT
Contracting Activity: GENERAL SERVICES ADMINISTRATION, FPDS AGENCY COORDINATOR

Service Type: Food Service Attendant
Mandatory for: Air National Guard, 179AW, Ohio Air National Guard Base, Mansfield, OH
Mandatory Source of Supply: The Center for Individual and Family Services, Mansfield, OH
Contracting Activity: DEPT OF THE ARMY, W7NU USPFO ACTIVITY OH ARNG

Service Type: Custodial Services
Mandatory for: USDA, #257 Aduana Street, Mayaguez, PR
Mandatory Source of Supply: The Corporate Source, Inc., Garden City, NY
Contracting Activity: ANIMAL AND PLANT HEALTH INSPECTION SERVICE, USDA APHIS MRPBS

Service Type: Custodial Services
Mandatory for: USDA, Eugenio Maria de Hostos International Airport: Main Terminal Building Mayaguez Airport, Mayaguez, PR
Mandatory Source of Supply: The Corporate Source, Inc., Garden City, NY
Contracting Activity: ANIMAL AND PLANT HEALTH INSPECTION SERVICE, USDA APHIS MRPBS

Service Type: Janitorial/Custodial
Mandatory for: DOT Murphy Building: Bradley International Airport, Floors 2, 3 & 4, Windsor Locks, CT
Contracting Activity: TRANSPORTATION, DEPARTMENT OF, DEPT OF TRANS

Service Type: Janitorial/Custodial
Mandatory for: U.S. Army Reserve Center: Fort Dix
Mandatory Source of Supply: Occupational Training Center of Burlington County, Burlington, NJ
Contracting Activity: DEPT OF THE ARMY, W6QM MICC CTR–FT DIX (RC)

Service Type: Janitorial & Grounds Service
Mandatory for: GSA PBS Region 9, Alan Bible Federal Building, Las Vegas, NV
Mandatory Source of Supply: Opportunity Village Association for Retarded Citizens, Las Vegas, NV
Contracting Activity: PUBLIC BUILDINGS SERVICE, PBS R9

Service Type: Food Service Attendant
Mandatory for: Base Miami Beach, Miami Beach, FL
Mandatory Source of Supply: Goodwill Industries of South Florida, Inc., Miami, FL

Contracting Activity: U.S. COAST GUARD, DOL–9

Service Type: Data Entry/Data Base Management

Mandatory for: GSA, Paints and Chemicals Commodity Center: 400 15th Street, SW, Auburn, WA

Mandatory Source of Supply: JobOne, Independence, MO

Contracting Activity: PUBLIC BUILDINGS SERVICE, PBS R6

Michael R. Jurkowski,

Deputy Director, Business Operations.

[FR Doc. 2020–23522 Filed 10–22–20; 8:45 am]

BILLING CODE 6353–01–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Additions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Additions to the Procurement List.

SUMMARY: This action adds product(s) to the Procurement List that will be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

DATES: *Date added to the Procurement List:* November 22, 2020.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, 1401 S Clark Street, Suite 715, Arlington, Virginia 22202–4149.

FOR FURTHER INFORMATION CONTACT: Michael R. Jurkowski, Telephone: (703) 603–2117, or email *CMTEFedReg@AbilityOne.gov.*

SUPPLEMENTARY INFORMATION:

Additions

On 9/6/2019, the Committee for Purchase From People Who Are Blind or Severely Disabled published notice of proposed additions to the Procurement List. This notice is published pursuant to 41 U.S.C. 8503 (a)(2) and 41 CFR 51–2.3.

After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide the product(s) and impact of the additions on the current or most recent contractors, the Committee has determined that the product(s) listed below are suitable for procurement by the Federal Government under 41 U.S.C. 8501–8506 and 41 CFR 51–2.4.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the product(s) to the Government.

2. The action will result in authorizing small entities to furnish the product(s)) to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 8501–8506) in connection with the product(s) proposed for addition to the Procurement List.

End of Certification

Accordingly, the following product(s) are added to the Procurement List:

Product(s)

NSN(s)—Product Name(s):

Coat, Dress, Army Green Service Uniform, Men's, Athletic Fit, Heritage Green 8405–01–683–0663—Size 40–L; 8405–01–683–0646—Size 40–R; 8405–01–683–0668—Size 40–XL; 8405–01–683–0674—Size 41–L; 8405–01–683–0672—Size 41–R; 8405–01–683–0676—Size 41–XL; 8405–01–683–0681—Size 42–L; 8405–01–683–0690—Size 42–R; 8405–01–683–0682—Size 42–XL; 8405–01–683–0684—Size 43–L; 8405–01–683–0683—Size 43–R; 8405–01–683–0686—Size 43–XL; 8405–01–683–0693—Size 44–L; 8405–01–683–0692—Size 44–R; 8405–01–683–0696—Size 44–XL; 8405–01–683–0704—Size 45–L; 8405–01–683–0703—Size 45–R; 8405–01–683–0710—Size 45–XL; 8405–01–683–0718—Size 46–L; 8405–01–683–0715—Size 46–R; 8405–01–683–0726—Size 46–XL; 8405–01–683–0730—Size 47–L; 8405–01–683–0728—Size 47–R; 8405–01–683–0729—Size 47–XL; 8405–01–683–0733—Size 48–L; 8405–01–683–0732—Size 48–R; 8405–01–683–0735—Size 48–XL; 8405–01–683–0824—Size 49–L; 8405–01–683–0736—Size 49–R; 8405–01–683–0825—Size 49–XL; 8405–01–683–0828—Size 50–L; 8405–01–683–0827—Size 50–R; 8405–01–683–0829—Size 50–XL; 8405–01–683–0834—Size 51–L; 8405–01–683–0831—Size 51–R; 8405–01–683–0836—Size 51–XL; 8405–01–683–0839—Size 52–L; 8405–01–683–0838—Size 52–R; 8405–01–683–0837—Size 52–XL; 8405–01–685–3364—Size 53–L; 8405–01–685–3362—Size 53–R; 8405–01–685–3365—Size 53–XL; 8405–01–683–0841—Size 54–L; 8405–01–683–0840—Size 54–R; 8405–01–683–0842—Size 54–XL

Coat, Dress, Army Green Service Uniform, Men's, Classic Fit, Heritage Green 8405–01–683–0111—Size 34–S; 8405–01–683–0368—Size 35–L; 8405–01–683–0355—Size 35–S; 8405–01–683–0319—Size 36–S; 8405–01–683–0356—Size 37–S; 8405–01–683–0254—Size 38–S; 8405–01–683–0243—Size 39–S; 8405–01–683–0334—Size 40–S; 8405–01–683–0320—Size 40–XL; 8405–01–683–0225—Size 41–S; 8405–01–683–0229—Size 41–XL; 8405–01–683–0230—Size 42–S; 8405–01–683–0302—Size 42–XL; 8405–01–683–0263—Size 43–S; 8405–01–683–0881—Size 44–S; 8405–01–683–0895—Size 45–R; 8405–01–683–0906—Size 46–L; 8405–01–683–0904—Size 46–R; 8405–01–683–0908—Size 46–XL; 8405–01–683–0695—Size 30–R; 8405–01–683–0712—Size 31–R; 8405–01–683–0309—Size 32–R; 8405–01–685–2484—Size 33–L; 8405–01–683–0089—Size 33–R; 8405–01–683–0259—Size 34–L; 8405–01–683–0304—Size 34–R; 8405–01–683–0364—Size 34–XS; 8405–01–683–0315—Size 35–R; 8405–01–683–0352—Size 35–XL; 8405–01–683–0353—Size 35–XS; 8405–01–683–0344—Size 36–L; 8405–01–683–0371—Size 36–R; 8405–01–683–0366—Size 36–XL; 8405–01–683–0224—Size 36–XS; 8405–01–683–0261—Size 37–L; 8405–01–683–0349—Size 37–R; 8405–01–683–0369—Size 37–XL; 8405–01–683–0362—Size 37–XS; 8405–01–683–0266—Size 38–L; 8405–01–683–0239—Size 38–R; 8405–01–683–0241—Size 38–XL; 8405–01–683–0339—Size 38–XS; 8405–01–683–0247—Size 39–L; 8405–01–683–0237—Size 39–R; 8405–01–683–0258—Size 39–XL; 8405–01–683–0299—Size 39–XS; 8405–01–683–0330—Size 40–L; 8405–01–683–0269—Size 40–R; 8405–01–683–0249—Size 40–XS; 8405–01–683–0325—Size 41–L; 8405–01–683–0231—Size 41–R; 8405–01–683–0336—Size 41–XS; 8405–01–683–0112—Size 42–L; 8405–01–683–0236—Size 42–R; 8405–01–683–0250—Size 42–XS; 8405–01–683–0297—Size 43–L; 8405–01–683–0252—Size 43–R; 8405–01–683–0328—Size 43–XL; 8405–01–683–0731—Size 43–XS; 8405–01–683–0883—Size 44–L; 8405–01–683–0882—Size 44–R; 8405–01–683–0891—Size 44–XL; 8405–01–683–0880—Size 44–XS; 8405–01–683–0896—Size 45–L; 8405–01–683–0894—Size 45–S; 8405–01–683–0897—Size 45–XL; 8405–01–683–0893—Size 45–XS; 8405–01–683–0902—Size 46–S; 8405–01–683–0900—Size 46–XS; 8405–01–683–0926—Size 47–L; 8405–01–683–0924—Size 47–R; 8405–01–683–0914—Size 47–S; 8405–01–683–0927—Size 47–XL; 8405–01–683–0911—Size 47–XS; 8405–01–683–0934—Size 48–L; 8405–01–683–0931—Size 48–R; 8405–01–683–0930—Size 48–S; 8405–01–683–0935—Size 48–XL; 8405–01–683–0929—Size 48–XS; 8405–01–683–0943—Size 49–L; 8405–01–683–0942—Size 49–R; 8405–01–683–0937—Size 49–S; 8405–01–683–0945—Size 49–XL; 8405–01–683–0936—Size 49–XS; 8405–01–683–0951—Size 50–L; 8405–01–683–0950—Size 50–R; 8405–01–683–0947—Size 50–S; 8405–01–683–0956—Size 50–XL; 8405–01–683–0946—Size 50–XS; 8405–01–683–0963—Size 51–L; 8405–01–683–0962—Size 51–R; 8405–01–683–0959—Size 51–S; 8405–01–683–0964—Size 51–XL; 8405–01–683–0957—Size 51–XS; 8405–01–683–0996—Size 52–L; 8405–01–683–0995—Size 52–R; 8405–01–683–0993—Size 52–S; 8405–01–683–0998—Size 52–XL; 8405–01–683–0966—Size 52–XS;

8405–01–685–2482—Size 53–L; 8405–01–685–2481—Size 53–R; 8405–01–685–2476—Size 53–S; 8405–01–685–2483—Size 53–XL; 8405–01–683–1051—Size 54–L; 8405–01–683–1040—Size 54–R; 8405–01–683–1010—Size 54–S; 8405–01–683–1053—Size 54–XL; 8405–01–683–1002—Size 54–XS

Coat, Dress, Army Green Service Uniform, Women's, Heritage Green 8410–01–683–1948—Size 10–JR–P; 8410–01–683–1949—Size 10–JR–R; 8410–01–683–1952—Size 10–JR–T; 8410–01–683–1996—Size 10–M–P; 8410–01–683–1999—Size 10–M–R; 8410–01–683–2001—Size 10–M–T; 8410–01–683–2099—Size 10–W–P; 8410–01–683–2103—Size 10–W–R; 8410–01–683–2104—Size 10–W–T; 8410–01–683–1951—Size 12–JR–P; 8410–01–683–1953—Size 12–JR–R; 8410–01–683–1955—Size 12–JR–T; 8410–01–683–1957—Size 12–JR–XT; 8410–01–683–2003—Size 12–M–P; 8410–01–683–2005—Size 12–M–R; 8410–01–683–2006—Size 12–M–T; 8410–01–683–2105—Size 12–W–P; 8410–01–683–2106—Size 12–W–R; 8410–01–683–2108—Size 12–W–T; 8410–01–683–2121—Size 12–W–XT; 8410–01–683–1959—Size 14–JR–P; 8410–01–683–1960—Size 14–JR–R; 8410–01–683–1965—Size 14–JR–T; 8410–01–683–1964—Size 14–JR–XT; 8410–01–683–2007—Size 14–M–P; 8410–01–683–2009—Size 14–M–R; 8410–01–683–2008—Size 14–M–T; 8410–01–683–2114—Size 14–W–P; 8410–01–683–2115—Size 14–W–R; 8410–01–683–2119—Size 14–W–T; 8410–01–683–2118—Size 14–W–XT; 8410–01–683–1967—Size 16–JR–P; 8410–01–683–1968—Size 16–JR–R; 8410–01–683–1969—Size 16–JR–T; 8410–01–683–1970—Size 16–JR–XT; 8410–01–683–2010—Size 16–M–P; 8410–01–683–2011—Size 16–M–R; 8410–01–683–2012—Size 16–M–T; 8410–01–683–2024—Size 16–M–XT; 8410–01–683–2122—Size 16–W–P; 8410–01–683–2125—Size 16–W–R; 8410–01–683–2127—Size 16–W–T; 8410–01–683–2128—Size 16–W–XT; 8410–01–683–1971—Size 18–JR–R; 8410–01–683–2025—Size 18–M–R; 8410–01–683–2026—Size 18–M–T; 8410–01–683–2027—Size 18–M–XT; 8410–01–683–2129—Size 18–W–R; 8410–01–683–2130—Size 18–W–T; 8410–01–683–2131—Size 18–W–XT; 8410–01–683–1972—Size 20–JR–R; 8410–01–683–2029—Size 20–M–R; 8410–01–683–2046—Size 20–M–T; 8410–01–683–2047—Size 20–M–XT; 8410–01–683–2132—Size 20–W–R; 8410–01–683–2133—Size 20–W–T; 8410–01–683–1983—Size 22–JR–R; 8410–01–683–2048—Size 22–M–R; 8410–01–683–2052—Size 22–M–T; 8410–01–683–2135—Size 22–W–R; 8410–01–683–2134—Size 22–W–T; 8410–01–683–2054—Size 24–M–R; 8410–01–683–2057—Size 24–M–T; 8410–01–683–2144—Size 24–W–T; 8410–01–683–2056—Size 26–M–R; 8410–01–683–2059—Size 26–M–T; 8410–01–683–2137—Size 26–W–T; 8410–01–683–1945—Size 4–JR–P; 8410–01–683–1985—Size 4–M–P; 8410–01–683–1986—Size 4–M–R; 8410–01–683–2060—Size 4–W–P; 8410–01–683–1946—Size 6–JR–P; 8410–01–683–1987—Size 6–M–P; 8410–01–683–1988—Size 6–M–R; 8410–01–683–1990—Size 6–M–T; 8410–01–683–2062—Size 6–W–P; 8410–01–683–2064—Size 6–W–R; 8410–01–683–2076—Size 6–W–T; 8410–01–683–1947—Size 8–JR–P; 8410–01–683–1991—Size 8–M–P; 8410–01–683–1993—Size 8–M–R; 8410–01–683–1994—Size 8–M–T; 8410–01–683–2082—Size 8–W–P; 8410–01–683–2078—Size 8–W–R; 8410–01–683–2098—Size 8–W–T

Mandatory Source of Supply: Puerto Rico Industries for the Blind, Corp., Mayaguez, PR

Contracting Activity: DEPT OF THE ARMY, W6QK ACC–APG NATICK

Michael R. Jurkowski,

Deputy Director, Business Operations.

[FR Doc. 2020–23519 Filed 10–22–20; 8:45 am]

BILLING CODE 6353–01–P

CONSUMER PRODUCT SAFETY COMMISSION

[Docket No. CPSC–2010–0112]

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Contests, Challenges, and Awards

AGENCY: Consumer Product Safety Commission.

ACTION: Notice.

SUMMARY: As required by the Paperwork Reduction Act of 1995, the Consumer Product Safety Commission (CPSC or Commission) announces that the Commission has submitted to the Office of Management and Budget (OMB) a request for extension of approval of a generic collection of information for CPSC-sponsored contests, challenges, and awards. OMB previously approved the collection of information under control number 3041–0151. OMB's most recent extension of approval will expire on November 30, 2020. On August 6, 2020, CPSC published a notice in the **Federal Register** to announce the agency's intention to seek extension of approval of the collection of information. The Commission received no substantive comments. Therefore, by publication of this notice, the Commission announces that CPSC has submitted to the OMB a request for extension of approval of this collection of information, without change.

DATES: Submit written or electronic comments on the collection of information by November 23, 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. In addition, written comments that are sent to OMB also should be submitted electronically at: *http://www.regulations.gov,* under Docket No. CPSC–2010–0112.

FOR FURTHER INFORMATION CONTACT: Cynthia Gillham, Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814; (301) 504–7791, or by email to: *cgillham@cpsc.gov.*

SUPPLEMENTARY INFORMATION: On August 6, 2020, the CPSC published a notice in the **Federal Register** to announce the agency's intention to seek extension of approval of the collection of information. (85 FR 47750). The Commission received no substantive comments. Accordingly, CPSC seeks to renew the following currently approved collection of information:

Title: Contests, Challenges, and Awards.

OMB Number: 3041–0151.

Type of Review: Renewal of generic collection.

Frequency of Response: On occasion.

Affected Public: Contestants, award nominees, award nominators.

Estimated Number of Respondents: 500 participants annually. In addition, 20 participants may be required to provide additional information upon selection.

Estimated Time per Response: 5 hours/participant. 20 participants may require 2 additional hours each to provide additional information upon selection.

Total Estimated Annual Burden: 2,540 hours (500 participants × 5 hours/participant) + (20 participants × 2 hours/participant).

General Description of Collection: The Commission establishes contests, challenges, and awards to increase the public's knowledge and awareness of safety hazards, such as carbon monoxide poisoning. The Commission also recognizes those individuals, firms, and organizations that work to address

issues related to consumer product safety through awards.

Alberta E. Mills,

Secretary, Consumer Product Safety Commission.

[FR Doc. 2020–23488 Filed 10–22–20; 8:45 am]

BILLING CODE 6355–01–P

DEPARTMENT OF DEFENSE

Department of the Air Force

U.S. Air Force Scientific Advisory Board; Notice of Federal Advisory Committee Meeting

AGENCY: U.S. Air Force Scientific Advisory Board, Department of the Air Force.

ACTION: Notice of Federal Advisory Committee meeting.

SUMMARY: The Department of Defense (DoD) is publishing this notice to announce that the following Federal Advisory Committee meeting of the U.S. Air Force Scientific Advisory Board will take place.

DATES: Closed to the public. 6 November, 2020 from 3:00 p.m. to 5:15 p.m. Eastern Standard Time.

ADDRESSES: The meeting will be held by virtual means from multiple secure locations across the United States, connected through secure virtual communications systems to include at the Pentagon, WPAFB, DIU Facility, RAND, MIT/LL, MITRE, and Aerospace.

FOR FURTHER INFORMATION CONTACT: Lt. Col. Elizabeth Sorrells, (240) 470–4566 (Voice), *elizabeth.sorrells@us.af.mil* (Email). Mailing address is 1500 West Perimeter Road, Ste. #3300, Joint Base Andrews, MD 20762. Website: *https://www.scientificadvisoryboard.af.mil/.* The most up-to-date changes to the meeting agenda can be found on the website.

SUPPLEMENTARY INFORMATION: This meeting is being held under the provisions of the Federal Advisory Committee Act (FACA) of 1972 (5 U.S.C., Appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended), and 41 CFR 102–3.140 and 102–3.150. Due to circumstances beyond the control of the Department of Defense and the Designated Federal Officer for the U.S. Air Force Scientific Advisory Board, the U.S. Air Force Scientific Advisory Board was unable to provide public notification required by 41 CFR 102–3.150(a) concerning its November 6, 2020 meeting. Accordingly, the Advisory Committee Management Officer for the Department of Defense, pursuant to 41 CFR 102–3.150(b), waives the 15-calendar day notification requirement.''

Purpose of the Meeting: The purpose of this Air Force Scientific Advisory Board meeting is for the Parent Board to receive the FY20 SecAF-directed study outbriefs for the Communications in the Future Operating Environment study and the Understanding and Avoiding Unintended Behaviors in Autonomous Systems study.

Agenda: [All times are Eastern Standard Time] 3:00 p.m.–3:05 p.m. Welcome Remarks 3:05 p.m.–4:05 p.m. Air Force Communications in the Future Operating Environment Outbrief and Deliberations 4:05 p.m.–4:10 p.m. Vote 4:10 p.m.–5:10 p.m. Understanding and Avoiding Unintended Behaviors in Autonomous Systems Outbrief and Deliberations 5:10 p.m.–5:15 p.m. Vote and Closing Remarks. In accordance with section 10(d) of the Federal Advisory Committee Act, as amended, 5 U.S.C. Appendix and 41 CFR 102–3.155, the Administrative Assistant of the Air Force, in consultation with the Air Force General Counsel, has agreed that the public interest requires the United States Air Force Scientific Advisory Board meeting be closed to the public because it will involve discussions involving classified matters covered by 5 U.S.C. 552b(c)(1).

Written Statements: Any member of the public wishing to provide input to the United States Air Force Scientific Advisory Board should submit a written statement in accordance with 41 CFR 102–3.140(c) and section 10(a)(3) of the Federal Advisory Committee Act and the procedures described in this paragraph. Written statements can be submitted to the Designated Federal Officer at the address detailed above at any time. The Designated Federal Officer will review all submissions with the United States Air Force Scientific Advisory Board Chairperson and ensure they are provided to members of the United States Air Force Scientific Advisory Board. Written statements received after the meeting that is the subject of this notice may not be considered by the Scientific Advisory Board until the next scheduled meeting.

Adriane Paris,

Acting Air Force Federal Register Liaison Officer.

[FR Doc. 2020–23479 Filed 10–22–20; 8:45 am]

BILLING CODE 5001–10–P

DEPARTMENT OF DEFENSE

Department of the Air Force

Notice of Federal Advisory Committee meeting

AGENCY: Department of the Air Force, Air University Board of Visitors.

ACTION: Notice of Federal Advisory Committee meeting.

SUMMARY: The Department of Defense (DoD) is publishing this notice to announce the following Federal Advisory Committee meeting of the Board of Visitors (BoV) of Air University.

DATES: Open to the public virtually Monday, November 16, 2020, from 8:00 a.m. to 5:00 p.m. and Tuesday, November 17, 2020, from 8:00 a.m. to 3:00 p.m. (Central Time).

ADDRESSES: The virtual meeting can be accessed at the following link: *https://www.airuniversity.af.edu/Academic-Affairs/Board-of-Visitors/.*

FOR FURTHER INFORMATION CONTACT: Dr. Shawn P. O'Mailia, Designated Federal Officer (DFO), Air University Headquarters, 55 LeMay Plaza South, Maxwell Air Force Base, Alabama 36112–6335, telephone (334) 953–4547.

SUPPLEMENTARY INFORMATION: This meeting is held under the provisions of the Federal Advisory Committee Act (FACA) of 1972 (5 U.S.C., Appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended), and 41 CFR 102–3.140 and 102–3.150.

Purpose of the Meeting: The purpose of this meeting is to provide independent advice and recommendations on matters pertaining to the educational, doctrinal, and research policies and activities of Air University. Specific to this agenda includes topics relating to AU's COVID–19 response, SecDef's Great Power Competition tasking, Air Force Institute of Technology Subcommittee update, Community College of the Air Force Subcommittee update, Accreditation Quality Enhancement Plan presentation, AU Student Information System update, and AU financial update.

Meeting Accessibility: Open to the public with the exception of the Executive Session with the Air University Commander and President. Any member of the public wishing to attend this meeting should contact the Designated Federal Officer listed below at least ten calendar days prior to the meeting for information on base entry procedures.

WRITTEN STATEMENTS: Any member of the public wishing to provide input to

the Air University Board of Visitors, should submit a written statement in accordance with 41 CFR 102–3.105(j) and § 102–3.140 and § 10(a)(3) of the FACA. The public or interested organizations may submit written comments or statements to the BoV about its mission and/or the topics to be addressed in the open sessions of this public meeting. Written comments or statements should be submitted to the DFO, Dr. Shawn P. O'Mailia, via electronic mail, the preferred mode of submission, at the email address listed in the **FOR FURTHER INFORMATION CONTACT** section. Written comments or statements must be received by the DFO at least ten (10) calendar days prior to the meeting that is the subject of this notice. Written comments or statements received after this date may not be provided to or considered by the Air University Board of Visitors until its next meeting. The DFO will review all timely submissions with the Air University Board of Visitors' Board Chairperson and ensure they are provided to members of the Board before the meeting that is the subject of this notice.

Adriane Paris,

Acting Air Force Federal Register Liaison Officer.

[FR Doc. 2020–23453 Filed 10–22–20; 8:45 am]

BILLING CODE 5001–10–P

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

Scoping Period Extension for Environmental Impact Statement for an Easement To Cross Under Lake Oahe, North Dakota for a Fuel-Carrying Pipeline Right-of-Way for a Portion of the Dakota Access Pipeline

AGENCY: Department of the Army, U.S. Army Corps of Engineers, DoD.

ACTION: Notice.

SUMMARY: The U.S. Army Corps of Engineers (USACE) is extending the scoping period through November 26, 2020. The scoping period was originally scheduled to end on October 26, 2020.

FOR FURTHER INFORMATION CONTACT: Heath Kruger, U.S. Army Corps of Engineers at (402) 995–2036 or by email at *NWO-DAPL-EIS@usace.army.mil.*

Public Comment Availability: Please note that before including your address, phone number, email address, or any other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made available to the public at any time. While you can request us to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

SUPPLEMENTARY INFORMATION: Project information is available at the following website: *https://go.usa.gov/xG2Pt.*

Scoping comments can be emailed to: NWO-DAPL-EIS@usace.army.mil.

Scoping comments can also be mailed to: U.S. Army Corps of Engineers, Omaha District, ATTN: CENWO–PM–A–C (DAPL NOI), 1616 Capitol Avenue, Omaha, NE 68102.

D. Peter Helmlinger,

Brigadier General, U.S. Army, Division Commander.

[FR Doc. 2020–23474 Filed 10–22–20; 8:45 am]

BILLING CODE 3720–58–P

DEPARTMENT OF EDUCATION

[Docket No. ED–2020–SCC–0130]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Veterans Upward Bound (VUB) Program Annual Performance Report

AGENCY: Office of Postsecondary Education, Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing a reinstatement with change of a previously approved collection.

DATES: Interested persons are invited to submit comments on or before November 23, 2020.

ADDRESSES: Written comments and recommendations for proposed information collection requests should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection request by selecting ''Department of Education'' under ''Currently Under Review,'' then check ''Only Show ICR for Public Comment'' checkbox.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Kenneth Foushee, 202–453–7417.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Veterans Upward Bound (VUB) Program Annual Performance Report.

OMB Control Number: 1840–0832.

Type of Review: A reinstatement with change of a previously approved collection.

Respondents/Affected Public: State, Local, and Tribal Governments; Private Sector.

Total Estimated Number of Annual Responses: 62.

Total Estimated Number of Annual Burden Hours: 1,054.

Abstract: Veterans Upward Bound (VUB), one of the U.S. Department of Education's Upward Bound programs, is designed to motivate and assist veterans in developing academic and other requisite skills necessary for acceptance and success in a program of postsecondary education. The program provides assessment and enhancement of basic skills through counseling, mentoring, tutoring and academic instruction in the core subject areas. The primary goal of the program is to increase the rate at which participants enroll in and complete postsecondary education programs.

All Veterans Upward Bound projects must provide instruction in mathematics through pre-calculus, laboratory science, foreign language, composition, and literature. Projects may also provide short-term remedial or refresher courses for veterans who are high school graduates but have delayed pursuing postsecondary education. Projects are also expected to assist

veterans in securing support services from other locally available resources such as the U.S. Department of Veterans Affairs, veterans' associations, and other state and local agencies that serve veterans.

The Department's annual performance report (APR) for VUB collects each current grantee's data at the participant level on services and performance over the course of a year. The Department uses the information conveyed in the performance report to assess a grantee's progress in meeting its approved goals and objectives and to evaluate a grantee's prior experience in accordance with the program regulations in 34 CFR 645.32. Grantees' annual performance reports also provide information on the outcomes of projects' work and of the VUB program as a whole. In addition, APR data allows the Department to respond to the reporting requirements of the Government Performance and Results Act.

Dated: October 19, 2020.

Kate Mullan,

PRA Coordinator, Strategic Collections and Clearance, Governance and Strategy Division, Office of Chief Data Officer, Office of Planning, Evaluation and Policy Development.

[FR Doc. 2020–23457 Filed 10–22–20; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Applications for New Awards; Centers of Excellence for Veteran Student Success Program; Correction

AGENCY: Office of Postsecondary Education, Department of Education.

ACTION: Notice; correction.

SUMMARY: On October 5, 2020, the Department of Education (Department) published in the **Federal Register** a notice inviting applications (NIA) for new awards for fiscal year (FY) 2020 for the Centers of Excellence for Veteran Student Success Program, Catalog of Federal Domestic Assistance (CFDA) number 84.116G. We are correcting the deadline for intergovernmental review. All other information in the NIA, including the November 4, 2020, deadline for transmittal of applications, remains the same.

DATES: This correction is applicable October 23, 2020.

FOR FURTHER INFORMATION CONTACT: Kelly Harris, U.S. Department of Education, 400 Maryland Avenue SW, Room 268–30, Washington, DC 20202. Telephone: (202) 453–7346. Email: *Kelly.Harris@ed.gov.*

If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call the Federal Relay Service (FRS), toll free, at 1–800–877–8339.

SUPPLEMENTARY INFORMATION: On October 5, 2020, we published in the **Federal Register** an NIA for the FY 2020 competition of the Centers of Excellence for Veteran Student Success Program (85 FR 62715). This notice revises the deadline for intergovernmental review, from January 4, 2021, to December 4, 2020. All other requirements and conditions in the NIA remain the same.

Correction

In FR Doc. 2020–21886 appearing on page 62715 of the **Federal Register** of October 5, 2020, the following corrections are made:

1. On page 62715, in the third column, under **DATES** and after ''Deadline for Intergovernmental Review'', we remove the date ''January 4, 2021'' and add in its place the date ''December 4, 2020''.

2. On page 62716, in the third column, at the end of section IV.2 ''Intergovernmental Review'', we add the following sentence:

''Please note that, under 34 CFR 79.8(a), we have shortened the standard 60-day intergovernmental review period in order to make awards by December 31, 2020.''

Program Authority: 20 U.S.C. 1161t.

Accessible Format: On request to the contact person listed under **FOR FURTHER INFORMATION CONTACT**, individuals with disabilities can obtain this notice, the NIA, and a copy of the application in an accessible format (*e.g.,* Braille, large print, audio tape, or compact disc), to the extent reasonably practicable.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. You may access the official edition of the **Federal Register** and the Code of Federal Regulations at *www.govinfo.gov.* At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at: *www.federalregister.gov.* Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Robert L. King,

Assistant Secretary for the Office of Postsecondary Education.

[FR Doc. 2020–23475 Filed 10–22–20; 8:45 am]

BILLING CODE 4000–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2017–0750; FRL–10015–62]

Pesticide Registration Review; Proposed Interim Decisions for Methomyl and Thiodicarb

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the availability of EPA's proposed interim registration review decisions and opens a 60-day public comment period on the proposed interim decisions for methomyl and thiodicarb.

DATES: Comments must be received on or before December 22, 2020.

ADDRESSES: Submit your comments, identified by the docket identification (ID) number for the specific pesticide of interest provided in the Table in Unit IV, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.
- *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001.
- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.html.*

Due to the public health concerns related to COVID–19, the EPA Docket Center (EPA/DC) and Reading Room is closed to visitors with limited exceptions. The staff continues to provide remote customer service via email, phone, and webform. For the latest status information on EPA/DC services and docket access, visit *https://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT:

For pesticide specific information, contact: The Chemical Review Manager for the pesticide of interest identified in the Table in Unit IV.

For general information on the registration review program, contact:

Melanie Biscoe, Pesticide Re-Evaluation Division (7508P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: (703) 305–7106; email address: *biscoe.melanie@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

This action is directed to the public in general, and may be of interest to a wide range of stakeholders including environmental, human health, farm worker, and agricultural advocates; the chemical industry; pesticide users; and members of the public interested in the sale, distribution, or use of pesticides. Since others also may be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the Chemical Review Manager for the pesticide of interest identified in the Table in Unit IV.

B. What should I consider as I prepare my comments for EPA?

1. *Submitting CBI.* Do not submit this information to EPA through *regulations.gov* or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information on a disk or CD–ROM that you mail to EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When preparing and submitting your comments, see the commenting tips at *http://www.epa.gov/dockets/comments.html.*

II. Background

Registration review is EPA's periodic review of pesticide registrations to ensure that each pesticide continues to satisfy the statutory standard for registration, that is, the pesticide can perform its intended function without unreasonable adverse effects on human health or the environment. As part of the registration review process, the Agency has completed proposed interim decisions for all pesticides listed in the Table in Unit IV. Through this program, EPA is ensuring that each pesticide's registration is based on current scientific and other knowledge, including its effects on human health and the environment.

III. Authority

EPA is conducting its registration review of the chemicals listed in the Table in Unit IV pursuant to section 3(g) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and the Procedural Regulations for Registration Review at 40 CFR part 155, subpart C. Section 3(g) of FIFRA provides, among other things, that the registrations of pesticides are to be reviewed every 15 years. Under FIFRA, a pesticide product may be registered or remain registered only if it meets the statutory standard for registration given in FIFRA section 3(c)(5) (7 U.S.C. 136a(c)(5)). When used in accordance with widespread and commonly recognized practice, the pesticide product must perform its intended function without unreasonable adverse effects on the environment; that is, without any unreasonable risk to man or the environment, or a human dietary risk from residues that result from the use of a pesticide in or on food.

IV. What action is the Agency taking?

Pursuant to 40 CFR 155.58, this notice announces the availability of EPA's proposed interim registration review decisions for the pesticides shown in Table 1 and opens a 60-day public comment period on the proposed interim registration review decisions.

TABLE 1—PROPOSED INTERIM DECISIONS

Registration review case name and No.	Docket ID No.	Chemical review manager and contact information
Methomyl, Case Number 0028	EPA–HQ–OPP–2010–0751.	Nicole Zinn, *zinn.nicole@epa.gov*, (703) 308–7076.
Thiodicarb, Case Number 2675	EPA–HQ–OPP–2009–0432.	Nicole Zinn, *zinn.nicole@epa.gov*, (703) 308–7076.

The registration review docket for a pesticide includes earlier documents related to the registration review case. For example, the review opened with a Preliminary Work Plan, for public comment. A Final Work Plan was placed in the docket following public comment on the Preliminary Work Plan.

The documents in the dockets describe EPA's rationales for conducting additional risk assessments for the registration review of the pesticides included in the tables in Unit IV, as well as the Agency's subsequent risk findings and consideration of possible risk mitigation measures. These proposed interim registration review decisions are supported by the rationales included in those documents. Following public comment, the Agency will issue interim or final registration review decisions for the pesticides listed in Table 1 in Unit IV.

The registration review final rule at 40 CFR 155.58(a) provides for a minimum 60-day public comment period on all proposed interim registration review decisions. This comment period is intended to provide an opportunity for public input and a mechanism for initiating any necessary amendments to the proposed interim decision. All comments should be submitted using the methods in **ADDRESSES** and must be received by EPA on or before the closing date. These comments will become part of the docket for the pesticides included in the Tables in Unit IV. Comments received after the close of the comment period will be marked ''late.'' EPA is not required to consider these late comments.

The Agency will carefully consider all comments received by the closing date and may provide a ''Response to Comments Memorandum'' in the docket. The interim registration review decision will explain the effect that any comments had on the interim decision and provide the Agency's response to significant comments.

Background on the registration review program is provided at: *http://www.epa.gov/pesticide-reevaluation.*

Authority: 7 U.S.C. 136 *et seq.*

Dated: October 6, 2020.

Mary Reaves,

Acting Director, Pesticide Re-Evaluation Division, Office of Pesticide Programs.

[FR Doc. 2020–23502 Filed 10–22–20; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2017–0750; FRL–10015–67]

Pesticide Registration Review; Proposed Interim Decisions for Several Pesticides; Notice of Availability

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the availability of EPA's proposed interim registration review decisions and opens a 60-day public comment period on the proposed interim decisions for the following pesticides: 1,3-dichloropropene, 1-methylcyclopropene; aluminum phosphide; *Beauveria bassiana;* benzyl benzoate; butoxypolypropylene glycol (BPG); carboxin/oxycarboxin; cyhalothrins; Dibromo-3-nitrilopropionamide (DBNPA); halohydantoins; inorganic sulfites; irgarol; kaolin; magnesium phosphide; methoprene/kinoprene/hydroprene; myclobutanil; naphthalene acetic acid, salts, ester, and acetamide (NAA); organic esters of phosphoric acid (OEPA); *Paecilomyces* species; phosphine; propylene oxide (PPO); *Streptomyces lydicus* strain WYEC 108; triallate; triphenyltin hydroxide (TPTH); and triticonazole. In addition, the human health and ecological risk assessments for benzyl benzoate, butoxypolypropylene glycol, and OEPA are also being published for comment at this time.

DATES: Comments must be received on or before December 22, 2020.

ADDRESSES: Submit your comments, identified by the docket identification (ID) number for the specific pesticide of interest provided in the Table in Unit IV, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.
- *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001.
- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.html.*

Due to the public health concerns related to COVID–19, the EPA Docket Center (EPA/DC) and Reading Room is closed to visitors with limited exceptions. The staff continues to provide remote customer service via email, phone, and webform. For the latest status information on EPA/DC services and docket access, visit *https://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT:

For pesticide specific information, contact: The Chemical Review Manager for the pesticide of interest identified in the Table in Unit IV.

For general information on the registration review program, contact: Melanie Biscoe, Pesticide Re-Evaluation Division (7508P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: (703) 305–7106; email address: *biscoe.melanie@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

This action is directed to the public in general, and may be of interest to a wide range of stakeholders including environmental, human health, farm worker, and agricultural advocates; the chemical industry; pesticide users; and members of the public interested in the sale, distribution, or use of pesticides. Since others also may be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the Chemical Review Manager for the pesticide of interest identified in the Table in Unit IV.

B. What should I consider as I prepare my comments for EPA?

1. *Submitting CBI.* Do not submit this information to EPA through *regulations.gov* or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information on a disk or CD–ROM that you mail to EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When preparing and submitting your comments, see the commenting tips at *http://www.epa.gov/dockets/comments.html.*

II. Background

Registration review is EPA's periodic review of pesticide registrations to ensure that each pesticide continues to satisfy the statutory standard for registration, that is, the pesticide can perform its intended function without unreasonable adverse effects on human health or the environment. As part of the registration review process, the Agency has completed proposed interim decisions for all pesticides listed in the Table in Unit IV. Through this program, EPA is ensuring that each pesticide's registration is based on current scientific and other knowledge, including its effects on human health and the environment.

III. Authority

EPA is conducting its registration review of the chemicals listed in the Table in Unit IV pursuant to section 3(g) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and the Procedural Regulations for Registration Review at 40 CFR part 155, subpart C. Section 3(g) of FIFRA provides, among other things, that the registrations of pesticides are to be reviewed every 15 years. Under FIFRA, a pesticide product may be registered or remain registered only if it meets the statutory standard for registration given in FIFRA section 3(c)(5) (7 U.S.C. 136a(c)(5)). When used in accordance with widespread and commonly recognized practice, the pesticide product must perform its intended function without unreasonable adverse effects on the environment; that is, without any unreasonable risk to man or the environment, or a human dietary risk from residues that result from the use of a pesticide in or on food.

IV. What action is the Agency taking?

Pursuant to 40 CFR 155.58, this notice announces the availability of EPA's proposed interim registration review decisions for the pesticides shown in Table 1 and opens a 60-day public comment period on the proposed interim registration review decisions. In addition, the human health and ecological risk assessments for aluminum phosphide, benzyl benzoate, butoxypolypropylene glycol, magnesium phosphide, the organic esters of phosphoric acid (OEPA), phosphine, and propylene oxide are also being published for comment at this time.

TABLE 1—PROPOSED INTERIM DECISIONS

Registration review case name and No.	Docket ID No.	Chemical review manager and contact information
1,3-Dichloropropene, Case 0328	EPA–HQ–OPP–2013–0154	Michelle Nolan, *nolan.michelle@epa.gov*, (703) 347–0258.
1-Methylcyclopropene, Case Number 6075	EPA–HQ–OPP–2014–0670	Bibiana Oe, *oe.bibiana@epa.gov*, (703) 347–8162.
Aluminum phosphide, Case Number 0025	EPA–HQ–OPP–2013–0081	Jonathan Williams, *williams.jonathanr@epa.gov*, (703) 347–0670.
Beauveria bassiana, Case Number 6057	EPA–HQ–OPP–2010–0564	Susanne Cerrelli, *cerrelli.susanne@epa.gov*, (703) 308–8077.
Benzyl benzoate, Case Number 4013	EPA–HQ–OPP–2015–0597	Moana Appleyard, *appleyard.moana@epa.gov*, (703) 308–8175.
Butoxypolypropylene glycol (BPG), Case Number 3123.	EPA–HQ–OPP–2016–0048	Veronica Dutch, *dutch.veronica@epa.gov*, (703) 308–8585.
Carboxin and Oxycarboxin, Case Number 0012	EPA–HQ–OPP–2015–0144	Theodore Varns, *varns.theodore@epa.gov*, (703) 347–8589.
Cyhalothrins, Case Number (Gamma—7437 Lambda—7408).	EPA–HQ–OPP–2010–0479 EPA–HQ–OPP–2010–0480	Darius Stanton, *stanton.darius@epa.gov*, (703) 347–0433.
Dibromo-3-nitrilopropionamide (DBNPA), Case Number 3056.	EPA–HQ–OPP–2009–0724	Jessie Bailey, *bailey.jessica@epa.gov*, (703) 347–0148.
Halohydantoins, Case Number 3055	EPA–HQ–OPP–2013–0220	Peter Bergquist, *bergquist.peter@epa.gov*, (703) 347–8563.
Inorganic Sulfites, Case Numbers 7019 and 4056.	EPA–HQ–OPP–2013–0598	Matthew B. Khan, *khan.matthew@epa.gov*, (703) 347–8613.
Irgarol, Case Number 5031	EPA–HQ–OPP–2010–0003	SanYvette Williams, *williams.sanyvette@epa.gov*, (703) 305–7702.
Kaolin, Case Number 6039	EPA–HQ–OPP–2014–0107	Daniel Schoeff, *schoeff.daniel@epa.gov*, (703) 347–0143.
Magnesium phosphide, Case Number 0645	EPA–HQ–OPP–2013–0081	Jonathan Williams, *williams.jonathanr@epa.gov*, (703) 347–0670.
Methoprene, Kinoprene, and Hydroprene, Case Number 0030.	EPA–HQ–OPP–2013–0586	Cody Kendrick, *kendrick.cody@epa.gov*, (703) 347–0468.
Myclobutanil, Case Number 7006	EPA–HQ–OPP–2015–0053	Kent Fothergill, *fothergill.kent@epa.gov*, (703) 347–8299.
Naphthalene Acetic Acid, Salts, Ester, and Acetamide (NAA), Case Number 0379.	EPA–HQ–OPP–2014–0773	Anna Romanovsky, *romanovsky.anna@epa.gov*, (703) 347–0203.
Organic Esters of Phosphoric Acid (OEPA), Case Number 4122.	EPA–HQ–OPP–2013–0373	Stephen Savage, *savage.stephen@epa.gov*, (703) 347–0345.
Paecilomyces species, Case Number 6047	EPA–HQ–OPP–2012–0403	Andrew Queen, *queen.andrew@epa.gov*, (703) 308–8135.
Phosphine, Case Number 7608	EPA–HQ–OPP–2013–0081	Jonathan Williams, *williams.jonathanr@epa.gov*, (703) 347–0670.
Propylene oxide, Case Number 2560	EPA–HQ–OPP–2013–0156	Jonathan Williams, *williams.jonathanr@epa.gov*, (703) 347–0670.
Streptomyces lydicus strain WYEC 108, Case Number 6088.	EPA–HQ–OPP–2014–0608	Monica Thapa, *thapa.monica@epa.gov*, (703) 347–8688.
Triallate, Case Number 2695	EPA–HQ–OPP–2014–0573	Robert Little, *little.robert@epa.gov*, (703) 347–8156.
Triphenyltin hydroxide (TPTH), Case Number 0099.	EPA–HQ–OPP–2012–0413	Tiffany Green, *green.tiffany@epa.gov*, (703) 347–0314.
Triticonazole, Case Number 7036	EPA–HQ–OPP–2015–0602	Christian Bongard, *bongard.christian@epa.gov*, (703) 347–0337.

The registration review docket for a pesticide includes earlier documents related to the registration review case. For example, the review opened with a Preliminary Work Plan, for public comment. A Final Work Plan was placed in the docket following public comment on the Preliminary Work Plan.

The documents in the dockets describe EPA's rationales for conducting additional risk assessments for the registration review of the pesticides included in the tables in Unit IV, as well as the Agency's subsequent risk findings and consideration of possible risk mitigation measures. These proposed interim registration review decisions are supported by the rationales included in those documents. Following public comment, the Agency will issue interim or final registration review decisions for the pesticides listed in Table 1 in Unit IV.

The registration review final rule at 40 CFR 155.58(a) provides for a minimum 60-day public comment period on all proposed interim registration review decisions. This comment period is intended to provide an opportunity for public input and a mechanism for initiating any necessary amendments to the proposed interim decision. All comments should be submitted using the methods in **ADDRESSES** and must be received by EPA on or before the closing date. These comments will become part of the docket for the pesticides included in the Tables in Unit IV. Comments received after the close of the comment period will be marked ''late.'' EPA is not required to consider these late comments.

The Agency will carefully consider all comments received by the closing date and may provide a ''Response to Comments Memorandum'' in the docket. The interim registration review decision will explain the effect that any comments had on the interim decision and provide the Agency's response to significant comments.

Background on the registration review program is provided at: *http://www.epa.gov/pesticide-reevaluation.*

Authority: 7 U.S.C. 136 *et seq.*

Dated: October 7, 2020.

Mary Reaves,

Acting Director, Pesticide Re-Evaluation Division, Office of Pesticide Programs.

[FR Doc. 2020–23503 Filed 10–22–20; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ– OAR–2018–0575; FRL 10016–09–OAR]

Alternative Methods for Calculating Off-Cycle Credits Under the Light-Duty Vehicle Greenhouse Gas Emissions Program: Applications From Volkswagen Group of America, Inc.

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA is requesting comment on applications from Volkswagen Group of America, Inc. (''Volkswagen '') for off-cycle carbon dioxide (CO_2) credits under EPA's light-duty vehicle greenhouse gas emissions standards. ''Off-cycle'' emission reductions can be achieved by employing technologies that result in real-world benefits, but where that benefit is not adequately captured on the test procedures used by manufacturers to demonstrate compliance with emission standards. EPA's light-duty vehicle greenhouse gas program acknowledges these benefits by giving automobile manufacturers several options for generating ''off-cycle'' CO_2 credits. Under the regulations, a manufacturer may apply for CO_2 credits for off-cycle technologies that result in off-cycle benefits. In these cases, a manufacturer must provide EPA with a proposed methodology for determining the real-world off-cycle benefit. Volkswagen has submitted an application that describe methodologies for determining off-cycle credits from technologies described in their application. Pursuant to applicable regulations, EPA is making these off-cycle credit calculation methodologies available for public comment.

DATES: Comments must be received on or before November 23, 2020.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–HQ–OAR–2018–0575, to the Federal eRulemaking Portal: *http://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or withdrawn. The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *http://www2.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Linc Wehrly, Office of Transportation and Air Quality, Compliance Division, U.S. Environmental Protection Agency, 2000 Traverwood Drive, Ann Arbor, MI 48105. Phone: (734) 214–4286. Fax: (734) 214–4869. Email address: *wehrly.linc@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

EPA's light-duty vehicle greenhouse gas (GHG) program provides three pathways by which a manufacturer may accrue off-cycle carbon dioxide (CO_2) credits for those technologies that achieve CO_2 reductions in the real world but where those reductions are not adequately captured on the test used to determine compliance with the CO_2 standards, and which are not otherwise reflected in the standards' stringency. The first pathway is a predetermined list of credit values for specific off-cycle technologies that may be used beginning in model year 2014.[1] This pathway allows manufacturers to use conservative credit values established by EPA for a wide range of technologies, with minimal data submittal or testing requirements, if the technologies meet EPA regulatory definitions. In cases where the off-cycle technology is not on the menu but additional laboratory testing can demonstrate emission benefits, a second pathway allows manufacturers to use a broader array of emission tests (known as ''5-cycle'' testing because the methodology uses five different testing procedures) to demonstrate and justify off-cycle CO_2 credits.[2] The additional emission tests allow emission benefits to be demonstrated over some elements of real-world driving not adequately captured by the GHG compliance tests, including high speeds, hard accelerations, and cold temperatures. These first two methodologies were completely defined through notice and comment rulemaking and therefore no additional process is necessary for manufacturers to use these methods. The third and last pathway allows manufacturers to seek EPA approval to use an alternative methodology for determining the off-cycle CO_2 credits.[3] This option is only available if the benefit of the technology cannot be adequately demonstrated using the 5-cycle methodology. Manufacturers may also use this option to demonstrate reductions that exceed those available via use of the predetermined list.

Under the regulations, a manufacturer seeking to demonstrate off-cycle credits with an alternative methodology (*i.e.,* under the third pathway described above) must describe a methodology that meets the following criteria:

- Use modeling, on-road testing, on-road data collection, or other approved analytical or engineering methods;
- Be robust, verifiable, and capable of demonstrating the real-world emissions benefit with strong statistical significance;
- Result in a demonstration of baseline and controlled emissions over a wide range of driving conditions and number of vehicles such that issues of data uncertainty are minimized;
- Result in data on a model type basis unless the manufacturer demonstrates that another basis is appropriate and adequate.

Further, the regulations specify the following requirements regarding an application for off-cycle CO_2 credits:

- A manufacturer requesting off-cycle credits must develop a methodology for demonstrating and determining the benefit of the off-cycle technology and carry out any necessary testing and analysis required to support that methodology.
- A manufacturer requesting off-cycle credits must conduct testing and/or prepare engineering analyses that demonstrate the in-use durability of the technology for the full useful life of the vehicle.
- The application must contain a detailed description of the off-cycle technology and how it functions to reduce CO_2 emissions under conditions not represented on the compliance tests.
- The application must contain a list of the vehicle model(s) which will be equipped with the technology.
- The application must contain a detailed description of the test vehicles selected and an engineering analysis that supports the selection of those vehicles for testing.
- The application must contain all testing and/or simulation data required under the regulations, plus any other data the manufacturer has considered in the analysis.

[1] See 40 CFR 86.1869–12(b).

[2] See 40 CFR 86.1869–12(c).

[3] See 40 CFR 86.1869–12(d).

Finally, the alternative methodology must be approved by EPA prior to the manufacturer using it to generate credits. As part of the review process defined by regulation, the alternative methodology submitted to EPA for consideration must be made available for public comment.[4] EPA will consider public comments as part of its final decision to approve or deny the request for off-cycle credits.

II. Off-Cycle Credit Applications

Using the alternative methodology approach discussed above, Volkswagen is applying for credits for model years 2016, 2017, 2018 and 2019 model years for off-cycle credits using the alternative demonstration methodology pathway for high-efficiency alternators. Automotive alternators convert mechanical energy from a combustion engine into electrical energy that can be used to power a vehicle's electrical systems. Alternators inherently place a load on the engine, which results in increased fuel consumption and CO_2 emissions. High efficiency alternators use new technologies to reduce the overall load on the engine yet continue to meet the electrical demands of the vehicle systems, resulting in lower fuel consumption and lower CO_2 emissions. Some comments on EPA's proposed rule for GHG standards for the 2016–2025 model years suggested that EPA provide a credit for high-efficiency alternators on the pre-defined list in the regulations. While EPA agreed that high-efficiency alternators can reduce electrical load and reduce fuel consumption, and that these impacts are not seen on the emission test procedures because accessories that use electricity are turned off, EPA noted the difficulty in defining a one-size-fits-all credit due to lack of data. Since then, however a methodology has been developed that scales credits based on the efficiency of the alternator; alternators with efficiency (as measured using an accepted industry standard procedure) above a baseline value could get credits. EPA has previously approved credits for high-efficiency alternators using this methodology for Ford Motor Company, General Motors Corporation, Fiat Chrysler Automobiles, Hyundai, Kia, and Toyota Motor Company. Details of the testing and analysis can be found in the manufacturer's applications.

III. EPA Decision Process

EPA has reviewed the applications for completeness and is now making the applications available for public review and comment as required by the regulations. The off-cycle credit applications submitted by the manufacturer (with confidential business information redacted) have been placed in the public docket (see **ADDRESSES** section above) and on EPA's website at *https://www.epa.gov/vehicle-and-engine-certification/compliance-information-light-duty-greenhouse-gas-ghg-standards.* EPA is providing a 30-day comment period on the applications for off-cycle credits described in this notice, as specified by the regulations. The manufacturers may submit a written rebuttal of comments for EPA's consideration, or may revise an application in response to comments. After reviewing any public comments and any rebuttal of comments submitted by manufacturers, EPA will make a final decision regarding the credit requests. EPA will make its decision available to the public by placing a decision document (or multiple decision documents) in the docket and on EPA's website at the same manufacturer-specific pages shown above. While the broad methodologies used by these manufacturers could potentially be used for other vehicles and by other manufacturers, the vehicle specific data needed to demonstrate the off-cycle emissions reductions would likely be different. In such cases, a new application would be required, including an opportunity for public comment.

Dated: October 19, 2020.

Byron Bunker,

Director, Compliance Division, Office of Transportation and Air Quality, Office of Air and Radiation.

[FR Doc. 2020–23464 Filed 10–22–20; 8:45 am]

BILLING CODE 6560–50–P

[4] See 40 CFR 86.1869–12(d)(2).

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–9053–5]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information 202–564–5632 or *https://www.epa.gov/nepa.*

Weekly receipt of Environmental Impact Statements (EIS)

Filed October 9, 2020 10 a.m. EST Through October 19, 2020 10 a.m. EST

Pursuant to 40 CFR 1506.9.

Notice: Section 309(a) of the Clean Air Act requires that EPA make public its comments on EISs issued by other Federal agencies. EPA's comment letters on EISs are available at: *https://cdxnodengn.epa.gov/cdx-enepa-public/action/eis/search.*

EIS No. 20200206, Draft Supplement, NRCS, MO, East Locust Creek Watershed Revised Plan, Comment Period Ends: 12/07/2020, Contact: Chris Hamilton 573–876–9416.

EIS No. 20200207, Final, BIA, CA, Tejon Trust Acquisition and Casino Project, Review Period Ends: 11/23/2020, Contact: Chad Broussard 916–978–6165.

EIS No. 20200208, Final, BLM, WY, Final Resource Management Plan Amendments/Environmental Impact Statement Wyoming Pipeline Corridor Initiative, Review Period Ends: 11/23/2020, Contact: Heather Schultz 307–775–6084.

Dated: October 19, 2020.

Cindy S. Barger,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 2020–23482 Filed 10–22–20; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2017–0750; FRL–10015–60]

Pesticide Registration Review; Proposed Interim Decision for Paraquat

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the availability of EPA's proposed interim registration review decision and opens a 60-day public comment period on the proposed interim decision for paraquat.

DATES: Comments must be received on or before December 22, 2020.

ADDRESSES: Submit your comments, identified by the docket identification (ID) number for the specific pesticide of interest provided in the Table in Unit IV, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.
- *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001.
- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.html.*

Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *http://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT:

For pesticide specific information, contact: The Chemical Review Manager for the pesticide of interest identified in the Table in Unit IV.

For general information on the registration review program, contact: Melanie Biscoe, Pesticide Re-Evaluation Division (7508P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: (703) 305–7106; email address: *biscoe.melanie@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

This action is directed to the public in general, and may be of interest to a wide range of stakeholders including environmental, human health, farm worker, and agricultural advocates; the chemical industry; pesticide users; and members of the public interested in the sale, distribution, or use of pesticides. Since others also may be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the Chemical Review Manager for the pesticide of interest identified in the Table in Unit IV.

B. What should I consider as I prepare my comments for EPA?

1. *Submitting CBI.* Do not submit this information to EPA through *regulations.gov* or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information on a disk or CD–ROM that you mail to EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When preparing and submitting your comments, see the commenting tips at *http://www.epa.gov/dockets/comments.html.*

II. Background

Registration review is EPA's periodic review of pesticide registrations to ensure that each pesticide continues to satisfy the statutory standard for registration, that is, the pesticide can perform its intended function without unreasonable adverse effects on human health or the environment. As part of the registration review process, the Agency has completed proposed interim decisions for all pesticides listed in the Table in Unit IV. Through this program, EPA is ensuring that each pesticide's registration is based on current scientific and other knowledge, including its effects on human health and the environment.

III. Authority

EPA is conducting its registration review of the chemicals listed in the Table in Unit IV pursuant to section 3(g) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and the Procedural Regulations for Registration Review at 40 CFR part 155, subpart C. Section 3(g) of FIFRA provides, among other things, that the registrations of pesticides are to be reviewed every 15 years. Under FIFRA, a pesticide product may be registered or remain registered only if it meets the statutory standard for registration given in FIFRA section 3(c)(5) (7 U.S.C. 136a(c)(5)). When used in accordance with widespread and commonly recognized practice, the pesticide product must perform its intended function without unreasonable adverse effects on the environment; that is, without any unreasonable risk to man or the environment, or a human dietary risk from residues that result from the use of a pesticide in or on food.

IV. What action is the Agency taking?

Pursuant to 40 CFR 155.58, this notice announces the availability of EPA's proposed interim registration review decision for the pesticide shown in Table 1 and opens a 60-day public comment period on the proposed interim registration review decision.

TABLE 1—PROPOSED INTERIM DECISIONS

Registration review case name and No.	Docket ID No.	Chemical review manager and contact information
Paraquat Dichloride, Case Number 0262	EPA–HQ–OPP–2011–0855	Ana Pinto, *pinto.ana@epa.gov,* (703) 347–8421.

The registration review docket for a pesticide includes earlier documents related to the registration review case. For example, the review opened with a Preliminary Work Plan, for public comment. A Final Work Plan was placed in the docket following public comment on the Preliminary Work Plan.

The documents in the dockets describe EPA's rationales for conducting additional risk assessments for the registration review of the pesticides included in the tables in Unit IV, as well as the Agency's subsequent risk findings and consideration of possible risk mitigation measures. These proposed interim registration review decisions are supported by the rationales included in those documents. Following public comment, the Agency will issue interim or final registration review decisions for the pesticides listed in Table 1 in Unit IV.

The registration review final rule at 40 CFR 155.58(a) provides for a minimum 60-day public comment period on all proposed interim registration review decisions. This comment period is intended to provide an opportunity for public input and a mechanism for initiating any necessary amendments to the proposed interim decision. All comments should be submitted using the methods in **ADDRESSES** and must be received by EPA on or before the closing date. These comments will become part of the docket for the pesticides included in the Tables in Unit IV. Comments received after the close of the comment period will be marked ''late.'' EPA is not required to consider these late comments.

The Agency will carefully consider all comments received by the closing date and may provide a ''Response to Comments Memorandum'' in the docket. The interim registration review decision will explain the effect that any comments had on the interim decision and provide the Agency's response to significant comments.

Background on the registration review program is provided at: *http://www.epa.gov/pesticide-reevaluation.*

(Authority: 7 U.S.C. 136 *et seq.*)

Dated: October 6, 2020.

Mary Reaves,

Acting Director, Pesticide Re-Evaluation Division, Office of Pesticide Programs.

[FR Doc. 2020–23500 Filed 10–22–20; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2020–0052; FRL–10015–87]

Pesticide Product Registration; Receipt of Applications for New Uses (September 2020)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received applications to register new uses for pesticide products containing currently registered active ingredients. Pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), EPA is hereby providing notice of receipt and opportunity to comment on these applications.

DATES: Comments must be received on or before November 23, 2020.

ADDRESSES: Submit your comments, identified by the docket identification (ID) number and the File Symbol of the EPA registration Number of Interest as shown in the body of this document, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.
- *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001.
- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *https://www.epa.gov/dockets/where-send-comments-epa-dockets.*

Due to the public health concerns related to COVID–19, the EPA Docket Center (EPA/DC) and Reading Room is closed to visitors with limited exceptions. The staff continues to provide remote customer service via email, phone, and webform. For the latest status information on EPA/DC services and docket access, visit *https://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Marietta Echeverria, Registration Division (7505P), main telephone number: (703) 305–7090, email address: *RDFRNotices@epa.gov.* The mailing address for each contact person is: Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001. As part of the mailing address, include the contact person's name, division, and mail code. The division to contact is listed at the end of each application summary.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).

B. What should I consider as I prepare my comments for EPA?

1. *Submitting CBI.* Do not submit this information to EPA through *regulations.gov* or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD–ROM that you mail to EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When preparing and submitting your comments, see the commenting tips at *https://www.epa.gov/dockets/commenting-epa-dockets.*

II. Registration Applications

EPA has received applications to register new uses for pesticide products containing currently registered active ingredients. Pursuant to the provisions of FIFRA section 3(c)(4) (7 U.S.C. 136a(c)(4)), EPA is hereby providing notice of receipt and opportunity to comment on these applications. Notice of receipt of these applications does not imply a decision by the Agency on these applications.

Notice of Receipts—New Uses

1. *EPA Registration Number:* 1021–1603. *Docket ID number:* EPA–HQ–OPP–2020–0512. *Applicant:* McLaughlin Gormley King Company D/B/A MGK, 8810 10th Avenue North, Minneapolis, MN 55427–4319. *Active Ingredient:* Pyriproxyfen. *Product type:* Insecticide. *Proposed Uses:* Eggs, Poultry (except poultry fat) and Poultry, fat. *Contact:* RD.

2. *EPA Registration Number:* 1021–2827. *Docket ID number:* EPA–HQ–OPP–2020–0511. *Applicant:* McLaughlin Gormley King Company D/B/A MGK, 8810 10th Avenue North, Minneapolis, MN 55427–4319. *Active Ingredient:* Clothianidin. *Product type:* Insecticide. *Proposed Use:* Food Handling Establishments. *Contact:* RD.

3. *EPA Registration Numbers:* 66330–39 and 66330–38. *Docket ID number:* EPA–HQ–OPP–2020–0475. *Applicant:* IR–4 Project Headquarters, Rutgers, The State University of New Jersey, 500 College Road East, Suite 201W, Princeton, NJ 08540. *Active ingredient:* Acequinocyl. *Product type:* Insecticide. *Proposed Use:* Tropical and subtropical, medium to large fruit, smooth, inedible peel subgroup 24B. *Contact:* RD.

Authority: 7 U.S.C. 136 *et seq.*

Dated: October 8, 2020.

Delores Barber,

Director, Information Technology and Resources Management Division, Office of Pesticide Programs.

[FR Doc. 2020–23507 Filed 10–22–20; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2017–0751; FRL–10015–68]

Pesticide Registration Review; Interim Decisions for Several Pesticides; Notice of Availability

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the availability of EPA's interim and final registration review decisions for the following chemicals: *Bacillus thuringiensis* plant-incorporated protectants in cotton—Lepidopteran pests, bifenthrin, boscalid, chlorine gas, *Coniothyrium* species, cyfluthrin and *beta*-cyfluthrin, cyphenothrin, cyproconazole, deltamethrin,

esfenvalerate, ethoxyquin, etoxazole, fenpropathrin, flower oils, fluazifop-P-butyl, Fluopicolide (ID Amendment), *Gliocladium* species, gonadotropin releasing hormone (GnRH), imiprothrin, MCPA, mecoprop-p, methyl bromide, permethrin, phenol and salt, phenothrin, pinoxaden, prallethrin, pymetrozine, pyraclostrobin, pyraflufen-ethyl, tau-fluvalinate, tefluthrin, terbuthylazine, tetramethrin, thiabendazole and salts, vegetable oils.

FOR FURTHER INFORMATION CONTACT:

For pesticide specific information, contact: The Chemical Review Manager for the pesticide of interest identified in the Table in Unit IV.

For general information on the registration review program, contact: Melanie Biscoe, Pesticide Re-Evaluation Division (7508P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: (703) 305–7106; email address: *biscoe.melanie@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

This action is directed to the public in general, and may be of interest to a wide range of stakeholders including environmental, human health, farm worker, and agricultural advocates; the chemical industry; pesticide users; and members of the public interested in the sale, distribution, or use of pesticides. Since others also may be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action.

B. How can I access the decision documents and other related information?

The docket for this action, identified by the docket identification (ID) number for the specific pesticide of interest as provided in the Table in Unit IV., is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW, Washington, DC 20460–0001.

Please note that due to the public health emergency the EPA Docket Center (EPA/DC) and Reading Room was closed to public visitors on March 31, 2020. Our EPA/DC staff will continue to provide customer service via email, phone, and webform. For further information on EPA/DC services, docket contact information and the current status of the EPA/DC and Reading Room, please visit *https://www.epa.gov/dockets.*

II. Background

Registration review is EPA's periodic review of pesticide registrations to ensure that each pesticide continues to satisfy the statutory standard for registration, that is, the pesticide can perform its intended function without unreasonable adverse effects on human health or the environment. As part of the registration review process, the Agency has completed interim decisions for all pesticides listed in the Table in Unit IV. Through this program, EPA is ensuring that each pesticide's registration is based on current scientific and other knowledge, including its effects on human health and the environment.

III. Authority

EPA is conducting its registration review of the chemicals listed in the Table in Unit IV pursuant to section 3(g) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and the Procedural Regulations for Registration Review at 40 CFR part 155, subpart C. Section 3(g) of FIFRA provides, among other things, that the registrations of pesticides are to be reviewed every 15 years. Under FIFRA, a pesticide product may be registered or remain registered only if it meets the statutory standard for registration given in FIFRA section 3(c)(5) (7 U.S.C. 136a(c)(5)). When used in accordance with widespread and commonly recognized practice, the pesticide product must perform its intended function without unreasonable adverse effects on the environment; that is, without any unreasonable risk to man or the environment, or a human dietary risk from residues that result from the use of a pesticide in or on food.

IV. What action is the Agency taking?

Pursuant to 40 CFR 155.58, this notice announces the availability of EPA's interim and final registration review decisions for the pesticides shown in the following table. The interim registration review decisions are supported by rationales included in the docket established for each chemical.

TABLE—REGISTRATION REVIEW INTERIM AND FINAL DECISIONS BEING ISSUED

Registration review case name and No.	Docket ID No.	Chemical review manager and contact information
Bacillus thuringiensis, Plant-incorporated Protectants in Cotton—Lepidopteran Pests, Case Number 6504.	EPA–HQ–OPP–2016–0475	Michael Glikes, *glikes.michael@epa.gov*, (703) 305–6231.
Bifenthrin, Case Number 7402	EPA–HQ–OPP–2010–0384	Andrew Muench, *muench.andrew@epa.gov*, (703) 347–8263.
Boscalid, Case Number 7039	EPA–HQ–OPP–2014–0199	Lauren Weissenborn, *weissenborn.lauren@epa.gov*, (703) 347–8601.
Chlorine gas, Case Number 4022	EPA–HQ–OPP–2010–0242	Daniel Halpert, *halpert.daniel@epa.gov*, (703) 347–0133.
Coniothyrium species, Case Number 6022	EPA–HQ–OPP–2013–0259	Daniel Schoeff, *schoeff.daniel@epa.gov*, (703) 347–0143.
Cyfluthrin and *beta*-Cyfluthrin, Case Number 7405.	EPA–HQ–OPP–2010–0684	Michelle Nolan, *nolan.michelle@epa.gov*, (703) 347–0258.
Cyphenothrin, Case Number 7412	EPA–HQ–OPP–2009–0842	Theodore Varns, *varns.theodore@epa.gov*, (703) 347–8589.
Cyproconazole, Case Number 7011	EPA–HQ–OPP–2015–0462	Carolyn Smith, *smith.carolyn@epa.gov*, (703) 347–8325.
Deltamethrin, Case Number 7414	EPA–HQ–OPP–2009–0637	Samantha Thomas, *thomas.samantha@epa.gov*, (703) 347–0514.
Esfenvalerate, Case Number 7406	EPA–HQ–OPP–2009–0301	Carolyn Smith, *smith.carolyn@epa.gov*, (703) 347–8325.
Ethoxyquin, Case Number 0003	EPA–HQ–OPP–2014–0780	Matthew B. Khan, *khan.matthew@epa.gov*, (703) 347–8613.
Etoxazole, Case 7616	EPA–HQ–OPP–2014–0133	Rachel Fletcher, *fletcher.rachel@epa.gov*, (703) 347–0512.
Fenpropathrin, Case Number 7601	EPA–HQ–OPP–2010–0422	Robert Little, *little.robert@epa.gov*, (703) 347–8156.
Flower Oils, Case Number 8202	EPA–HQ–OPP–2011–0628	Cody Kendrick, *kendrick.cody@epa.gov*, (703) 347–0468.
Fluazifop-P-butyl, Case Number 2285	EPA–HQ–OPP–2014–0779	Jonathan Williams, *williams.jonathanr@epa.gov*, (703) 347–0670.
Fluopicolide (Amendment), Case Number 7055	EPA–HQ–OPP–2013–0037	Matthew B. Khan, *khan.matthew@epa.gov*, (703) 347–8613.
Gliocladium species, Case Number 6020	EPA–HQ–OPP–2010–0439	Joseph Mabon, *mabon.joseph@epa.gov*, (703) 347–0177.

TABLE—REGISTRATION REVIEW INTERIM AND FINAL DECISIONS BEING ISSUED—Continued

Registration review case name and No.	Docket ID No.	Chemical review manager and contact information
Gonadotropin Releasing Hormones (GnRH), Case Number 7800.	EPA–HQ–OPP–2018–0798	Jaclyn Pyne, *pyne.jaclyn@epa.gov*, (703) 347–0455.
Imiprothrin, Case Number 7426	EPA–HQ–OPP–2011–0692	Robert Little, *little.robert@epa.gov*, (703) 347–8156.
MCPA, Case Number 0017	EPA–HQ–OPP–2014–0180	Steven R. Peterson, *peterson.stevenr@epa.gov*, (703) 347–0755.
Mecoprop-p, Case Number 0377	EPA–HQ–OPP–2014–0361	Carolyn Smith, *smith.carolyn@epa.gov*, (703) 347–8325.
Methyl Bromide, Case Number 0335	EPA–HQ–OPP–2013–0269	Tiffany Green, *green.tiffany@epa.gov*, (703) 347–0314.
Permethrin, Case Number 2510	EPA–HQ–OPP–2011–0039	Ana Pinto, *pinto.ana@epa.gov*, (703) 347–8421.
Phenol and Salt, Case Number 4074	EPA–HQ–OPP–2012–0810	Peter Bergquist, *bergquist.peter@epa.gov*, (703) 347–8563.
Phenothrin, Case Number 0426	EPA–HQ–OPP–2011–0539	Alexandra Feitel, *feitel.alexandra@epa.gov*, (703) 347–8631.
Pinoxaden, Case Number 7266	EPA–HQ–OPP–2015–0603	Christina Scheltema, *scheltema.christina@epa.gov*, (703) 308–2201.
Prallethrin, Case Number 7418	EPA–HQ–OPP–2011–1009	Marisa Wright, *wright.marisa@epa.gov*, (703) 347–0463.
Pymetrozine, Case Number 7474	EPA–HQ–OPP–2013–0368	Carolyn Smith, *smith.carolyn@epa.gov*, (703) 347–8325.
Pyraclostrobin, Case Number 7034	EPA–HQ–OPP–2014–0051	Rachel Eberius, *eberius.rachel@epa.gov*, (703) 347–0492.
Pyraflufen-ethyl, Case Number 7259	EPA–HQ–OPP–2014–0415	Ana Pinto, *pinto.ana@epa.gov*, (703) 347–8421.
Tau-fluvalinate, Case Number 2295	EPA–HQ–OPP–2010–0915	Alexander Hazlehurst, *hazlehurst.alexander@epa.gov*, (703) 347–0221.
Tefluthrin, Case Number 7409	EPA–HQ–OPP–2012–0501	Carolyn Smith, *smith.carolyn@epa.gov*, (703) 347–8325.
Terbuthylazine, Case Number 2645	EPA–HQ–OPP–2010–0453	Rame Cromwell, *cromwell.rame@epa.gov*, (703) 308–9068.
Tetramethrin, Case Number 2660	EPA–HQ–OPP–2011–0907	Anna Romanovsky, *romanovsky.anna@epa.gov*, (703) 347–0203.
Thiabendazole and Salts, Case Number 2670	EPA–HQ–OPP–2014–0175	Kent Fothergill, *fothergill.kent@epa.gov*, (703) 347–8299.
Vegetable Oils, Case Number 8201	EPA–HQ–OPP–2009–0904	Bibiana Oe, *oe.bibiana@epa.gov*, (703) 347–8162.

The proposed interim registration review decisions for the chemicals in the table above were posted to the docket and the public was invited to submit any comments or new information. EPA addressed the comments or information received during the 60-day comment period for the proposed interim decisions in the discussion for each pesticide listed in the table. Comments from the 60-day comment period that were received may or may not have affected the Agency's interim decision. Pursuant to 40 CFR 155.58(c), the registration review case docket for the chemicals listed in the Table will remain open until all actions required in the interim decision have been completed.

Background on the registration review program is provided at: *http://www.epa.gov/pesticide-reevaluation.*

Authority: 7 U.S.C. 136 *et seq.*

Dated: October 7, 2020.

Mary Reaves,

Acting Director, Pesticide Re-Evaluation Division, Office of Pesticide Programs.

[FR Doc. 2020–23504 Filed 10–22–20; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0584; FRS 17170]

Information Collection Being Reviewed by the Federal Communications Commission Under Delegated Authority

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 (PRA) of 1995, the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection. 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 displays a currently valid 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 Office of Management and Budget (OMB) control number.

DATES: Written PRA comments should be submitted on or before December 22, 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 at (202) 418–2991.

OMB Control Number: 3060–0584.

Title: Administration of U.S. Certified Accounting Authorities in Maritime Mobile and Maritime Mobile-Satellite Radio Services, FCC Forms 44 and 45.

Form Number: FCC Form 44 and FCC Form 45.

Type of Review: Extension a currently approved collection.

Respondents: Business or other for-profit.

Number of Respondents and Responses: 10 respondents and 22 responses.

Estimated Time per Response: 1 hour–3 hours.

Frequency of Response: On occasion, annually and semi-annually reporting requirements; annual recordkeeping requirement.

Obligation to Respond: Mandatory. Statutory authority for this information collection is contained in 47 U.S.C. 154(i), 154(j), 161, 201–205, and 303(r).

Total Annual Burden: 24 hours.

Total Annual Cost: $225,000.

Privacy Act Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: Respondents concerned about disclosure of sensitive information in any submissions to the Commission may request confidential treatment pursuant to 47 CFR 0.459 of the Commission's rules.

Needs and Uses: The Commission will submit this information collection to the Office of Management and Budget (OMB) after this 60-day comment period in order to obtain the full three-year clearance from them.

The FCC has standards for accounting authorities in the maritime mobile and maritime-satellite radio services. The Commission will use the information to determine eligibility of applicants for certification as an accounting authority, to monitor activity, to ensure compliance, and to identify accounting authorities to the International Telecommunications Union. Respondents are entities seeking certification or those already certified to be accounting authorities.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2020–23458 Filed 10–22–20; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The public portions of the applications listed below, as well as other related filings required by the Board, if any, are available for immediate inspection at the Federal Reserve Bank(s) indicated below and at the offices of the Board of Governors. This information may also be obtained on an expedited basis, upon request, by contacting the appropriate Federal Reserve Bank and from the Board's Freedom of Information Office at *https://www.federalreserve.gov/foia/request.htm.* Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)).

Comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors, Ann E. Misback, Secretary of the Board, 20th Street and Constitution Avenue NW, Washington, DC 20551–0001, not later than November 23, 2020.

A. Federal Reserve Bank of Philadelphia (William Spaniel, Senior Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105–1521. Comments can also be sent electronically to *Comments.applications@phil.frb.org:*

1. *William Penn Bancorporation, Bristol, Pennsylvania;* to become a bank holding company by acquiring the voting shares of William Penn Bank, Bristol, Pennsylvania, in connection with the merger of William Penn, MHC, Bristol, Pennsylvania, a state chartered mutual bank holding company converting from the mutual to the stock form, with and into William Penn Bancorporation.

Board of Governors of the Federal Reserve System, October 20, 2020.

Yao-Chin Chao,

Assistant Secretary of the Board.

[FR Doc. 2020–23543 Filed 10–22–20; 8:45 am]

BILLING CODE P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The public portions of the applications listed below, as well as other related filings required by the Board, if any, are available for immediate inspection at the Federal Reserve Bank(s) indicated below and at the offices of the Board of Governors. This information may also be obtained on an expedited basis, upon request, by contacting the appropriate Federal Reserve Bank and from the Board's Freedom of Information Office at *https://www.federalreserve.gov/foia/request.htm.* Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)).

Comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors, Ann E. Misback, Secretary of the Board, 20th Street and Constitution Avenue NW, Washington, DC 20551–0001, not later than November 23, 2020.

A. Federal Reserve Bank of Chicago (Colette A. Fried, Assistant Vice President) 230 South LaSalle Street, Chicago, Illinois 60690–1414:

1. *First Secure Bank Group, Inc., Sugar Grove, Illinois,* to acquire Wonder Bancorp, Inc., and thereby indirectly acquire State Bank, both of Wonder Lake, Illinois.

Board of Governors of the Federal Reserve System, October 20, 2020.

Yao-Chin Chao,

Assistant Secretary of the Board.

[FR Doc. 2020–23542 Filed 10–22–20; 8:45 am]

BILLING CODE P

FEDERAL TRADE COMMISSION

Agency Information Collection Activities; Submission for OMB Review; Comment Request

AGENCY: Federal Trade Commission (''FTC'' or ''Commission'').

ACTION: Notice.

SUMMARY: The information collection requirements described below will be submitted to the Office of Management and Budget (''OMB'') for review, as required by the Paperwork Reduction Act (''PRA''). The FTC seeks public comments on proposed information requests sent pursuant to compulsory process to a combined ten or more of the largest domestic cigarette manufacturers and smokeless tobacco manufacturers. The information sought would include, among other things, data on annual sales and marketing expenditures. The current FTC clearance from the Office of Management and Budget (''OMB'') to conduct such information collection expires December 31, 2020. The Commission intends to ask OMB for

renewed three-year clearance to collect this information.

DATES: Comments on the proposed information requests must be received on or before November 23, 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. The *reginfo.gov* web link is a United States Government website produced by OMB and the General Services Administration (GSA). Under PRA requirements, OMB's Office of Information and Regulatory Affairs (OIRA) reviews Federal information collections.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the proposed collection of information should be addressed to Michael Ostheimer, Division of Advertising Practices, Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Avenue NW, Mailstop CC–10507, Washington, DC 20580, (202) 326–2699.

SUPPLEMENTARY INFORMATION:

Title: FTC Cigarette and Smokeless Tobacco Data Collection.

OMB Control Number: 3084–0134.

Type of Review: Extension of a currently approved collection.

On June 25, 2020, the FTC sought public comment on the information collection requirements associated with the Cigarette and Smokeless Tobacco Data Collection. 85 FR 38139. Four germane comments were received. Pursuant to the OMB regulations, 5 CFR part 1320, that implement the PRA, 44 U.S.C. 3501 *et seq.,* the FTC is providing this second opportunity for public comment while seeking OMB approval to renew the pre-existing clearance for the Cigarette and Smokeless Tobacco Data Collection.

In response to the June 25, 2020 Notice, the Commission received comments from the Campaign for Tobacco-Free Kids (''CTFK''), the American Lung Association (''ALA''), Truth Initiative, and Altria Client Services (''Altria'').

I. CTFK

The CTFK comment specifically noted the utility and importance of the Commission's Cigarette and Smokeless Tobacco Reports, and urged the agency to continue collecting and reporting industry sales and marketing expenditure data, which CTFK stated provide ''critical data to researchers, policymakers, advocates and the general public.'' CTFK additionally observed:

> The FTC is currently the only public source for data on cigarette and smokeless tobacco companies' marketing and promotional expenditures. No other agency collects and publishes such information directly from the companies, making the FTC reports the most accurate and reliable assessment of tobacco marketing and promotion expenditures available.

CTFK at 1. CTFK, however, suggested certain modifications to the Commission's reports. Specifically, CTFK recommended that the Commission: (1) Clarify in which category coupons that consumers obtain online are to be counted; (2) report data on a company-specific or brand-specific basis, rather than on a fully-aggregated basis; (3) require manufacturers to report expenditures related to corporate sponsorships and advertisements; and (4) publish reports within one year of data collection. *Id.* at 2. CTFK also requested that the FTC extend its data collection to include electronic cigarettes (''e-cigarettes'') and cigars.[1]

The Commission's proposed Orders clarify that expenditures on coupons delivered online should be reported together with coupons delivered by other means. The full impact of couponing by the major cigarette and smokeless tobacco manufacturers can only be seen if expenditures for all coupons are reported together, regardless of how those coupons are delivered to consumers.

Regarding CTFK's suggestion that data be reported on other than a fully-aggregated, nationwide basis, the cigarette and smokeless tobacco companies assert that those data are confidential and, as CTFK acknowledges, the Commission cannot publicly release trade secrets or certain commercial or financial information. *Id.* at 2, n.2.

The Commission has for a number of years required the recipients of its 6(b) Orders to report certain expenditures related to corporate sponsorships and advertisements made in the name of the company, rather than any of its brands.[2] The Commission has not included those data in its Cigarette and Smokeless Tobacco Reports, and has therefore decided to cease collecting this information.

Regarding CTFK's suggestion to publish reports within one year of data collection, the Commission always strives to publish the Cigarette and Smokeless Tobacco Reports as quickly as possible. It takes the recipients of its 6(b) Orders time to submit their reports and they may request extensions, such as this year due to the COVID–19 pandemic. After reviewing the resulting reports, staff often has to go back to one or more of the 6(b) Order recipients for clarifications and corrections. The data also requires analysis, and the reports require writing and review and approval at multiple levels. The Commission does in fact usually publish the Cigarette and Smokeless Tobacco Reports well within a year of when the data is first submitted.

II. ALA

The ALA comment stated that the Commission's Cigarette and Smokeless Tobacco Reports provide ''valuable information on cigarette and smokeless tobacco products sales and marketing that is used on an ongoing basis in the Lung Association's education and public policy activities related to preventing and reducing tobacco use.'' ALA at 1. ALA additionally observed:

> These data are also important for public health officials and other organizations working to reduce the terrible burden caused by tobacco. By understanding how much tobacco companies spend on marketing and the distribution channels they use, it allows public health officials to determine where and how best to deliver tobacco prevention and cessation messages.

Id.

III. Truth Initiative

Truth Initiative's comment stressed the critical importance and utility of the Cigarette and Smokeless Tobacco reports. Truth Initiative at 1. It said that the reports provide information that is not available elsewhere and is not duplicative of other data collections. *Id.* Truth Initiative believes the reports often provide the basis for strong public health policies with regard to tobacco use and marketing and such policies save lives. *Id.*

Truth Initiative, however, suggested certain modifications to the

[1] Two other commenters, ALA and Truth Initiative, made the same suggestion. The collection of data regarding e-cigarettes or cigars is beyond the scope of this proposed collection. Note though that the FTC has a separate ongoing study on e-cigarettes. *See* FTC Press Release, *FTC to Study E-Cigarette Manufacturers' Sales, Advertising, and Promotional Methods* (Oct. 3, 2019), *https://www.ftc.gov/news-events/press-releases/2019/10/ftc-study-e-cigarette-manufacturers-sales-advertising-promotional.*

[2] Both the cigarette and smokeless tobacco Orders required the recipients to report expenditures on ''public entertainment events (including, but not limited to, concerts and sporting events) bearing or otherwise displaying the name of the Company or any variation thereof but not bearing or otherwise displaying the name, logo, or an image of any portion of the package'' of any of its cigarettes or smokeless tobacco products, or otherwise referring to those products.

Commission's reports. Specifically, Truth Initiative recommended that the Commission: (1) Collect information regarding heated tobacco products with its cigarette Orders; (2) collect information regarding low nicotine cigarettes; (3) reinstate previously asked questions requesting lists of new and discontinued cigarette products; (4) collect information regarding nicotine pouches and lozenges that do not contain tobacco; (5) collect information regarding the flavors of smokeless tobacco products; (6) clarify that streaming shows are included in questions about product placement; (7) define ''youth'' as persons younger than 18 years of age and ''underage'' as persons younger than 21 years of age. *Id.* at 2–6.

The Commission agrees that heated, non-combusted tobacco products are an important emerging segment of the tobacco market. The Commission plans to monitor these products and will consider whether and how best to collect information about these products when the market has further developed to make such information collection warranted.

As for Truth Initiative's suggestion that the Commission collect information regarding low-nicotine cigarette products, none of the current recipients of the cigarette Orders sell such products. The Commission's Cigarette Reports focus on the largest cigarette manufacturers and do not attempt to present a complete picture of the cigarette market. There are numerous smaller manufacturers and importers of cigarettes to which the Commission does not direct its cigarette Orders. The Commission does not intend, at this time, to seek information specifically regarding low nicotine cigarettes or to direct an Order to the one company that has expressed an intention in marketing such products.

In 2017, the Commission determined that it no longer needed lists of cigarettes first sold or discontinued in a calendar year and it does not see a sufficient basis to revisit that decision.

As the Truth Initiative notes, nicotine pouches and lozenges are currently being marketed by some of the major smokeless tobacco companies, and are an important emerging segment of the tobacco market. *Id.* at 4. The Commission will add a question to its smokeless tobacco Orders about total unit and dollar sales of these products to help the agency assess whether collection of more complete information about such products would be warranted.

Given the information presented by the Truth Initiative regarding the popularity of flavored smokeless tobacco, especially among youth (*id.* at 4), and the Commission's collection of flavor information regarding cigarettes (and recently e-cigarettes), the Commission will modify its smokeless tobacco 6(b) Orders to seek information regarding the flavors of smokeless tobacco products.

The Commission believes that its product placement questions that ask about ''motion picture(s)'' and ''television show(s)'' cover ''original shows streamed via the internet.'' On the other hand, the Commission sees no harm in clarifying that is the case and intends to do so.

The Truth Initiative correctly points out that the federal minimum age to purchase tobacco is now 21. *Id.* at 6. The Commission will use the term ''underage persons'' in lieu of ''youth'' in its 6(b) Orders and define ''underage persons'' as persons younger than 21 years of age.

IV. Altria

Altria stated that the Commission should no longer collect any information from cigarette and smokeless tobacco manufacturers ''due to the Food and Drug Administration's . . . extensive, active regulatory authority over tobacco products under the Family Smoking Prevention and Tobacco Control Act.'' Altria at 1. Because FDA has the authority to require tobacco product manufacturers to submit additional information to promulgate additional regulations regarding advertising and promotion of tobacco products, Altria calls the Commission's collections ''superfluous'' and unnecessary ''burdens.'' *Id.* at 2. Altria also contends that ''responding to FTC's collection requests requires several full-time employees (across multiple departments and operating companies) to spend weeks compiling data, revising reports, and reviewing ledgers before preparing for submission to FTC'' and that this effort takes ''far longer than 180 hours'' estimated by the Commission as the ''average annual burden on manufacturers.'' *Id.* at 2.

The FTC staff and FDA staff have a long tradition of working together on the many areas where the two agencies share jurisdiction. However, since the FDA is not collecting cigarette or smokeless tobacco sales and marketing expenditure data like that required by the Commission's 6(b) Orders, there is no overlap or duplication with respect to such data. The Commission intends to continue collecting cigarette and smokeless tobacco sales and marketing expenditure data. To the extent that in the future FDA duplicates the FTC's data collection, the FTC can modify or cease its collection.

Altria contends that the Commission underestimates its burden in responding to the FTC's information collection and that its burden is ''far longer than 180 hours.'' The Commission's burden estimate of 180 hours was an average for the nine largest recipients of the Commission's information request. The recipients vary greatly in size, in the number of products that they sell, and in the extent and variety of their advertising and promotion. Our burden estimate clearly stated that the very largest recipients might require hundreds of hours. Altria, which owns Philip Morris USA and the U.S. Smokeless Tobacco Co., says on its website that its ''tobacco companies . . . have been the undisputed market leaders in the U.S. tobacco industry for decades.'' [3] Altria's comment is consistent with the number of hours that its Philip Morris subsidiary previously told FTC staff that it spent complying with the Commission's cigarette Order. All the other tobacco companies that responded to the FTC staff's latest inquiries reported spending substantially fewer hours. We also note that Altria is the recipient of two 6(b) Orders, one for cigarettes and one for smokeless tobacco. To err on the side of caution, the Commission will increase its burden estimate from 1,980 hours to 2,940 hours.

Burden Statement

Estimated Annual Burden: 2,940 hours.[4]

Estimated Number of Respondents: 15 6(b) recipients (maximum).[5]

[3] See *www.altria.com/about-altria?src=megaspotlight.*

[4] The Commission intends to use this PRA clearance renewal to collect information from the companies concerning their marketing and sales activities for the years 2021, 2022, and 2023. The Commission expects to issue compulsory process orders seeking this information annually, but it is possible that orders might not be issued in any given year and that orders seeking information for two years would be issued the next year. The figures set forth in this notice for the estimated hours and labor costs associated with this information collection represent average annual burden over the course of the prospective PRA clearance.

[5] Since three and possibly more of these 6(b) recipients are parent companies that have separately incorporated subsidiaries or affiliates that the FTC anticipates or expects that the parent companies will transmit the collection instrument to and seek information from, the proposal to send up to 15 6(b) Orders could equate to 20 ''persons'' under the PRA. *See* 5 CFR 1320.3(c)(4) (''[ten or more persons] . . . refers to the persons to whom a collection of information is addressed by the agency within any 12-month period, and to any independent entities to which the initial addressee may reasonably be expected to transmit the

Continued

These estimates include any time spent by separately incorporated subsidiaries and other entities affiliated with the ultimate parent companies that receive the information requests.

Estimated Average Burden per Year Per Request: 196 hours.

(a) Information requests to the four largest recipients [6] of the Commission's information request, at a per request average each year of 400 hours = 2,400 hours, cumulatively, per year; and

(b) Information requests to nine additional respondents, of smaller size, at a per request average each year of 60 hours = 540 hours, cumulatively, per year.

Estimated Annual Labor Cost: $294,000.

Estimated Capital or Other Non-Labor Cost: de minimis.

Request for Comment

Your comment—including your name and your state—will be placed on the public record of this proceeding. Because your comment will be made public, you are solely responsible for making sure that your comment does not include any sensitive personal information, such as anyone's Social Security number; date of birth; driver's license number or other state identification number, or foreign country equivalent; passport number; financial account number; or credit or debit card number. You are also solely responsible for making sure that your comment does not include any sensitive health information, such as medical records or other individually identifiable health information. In addition, your comment should not include any ''trade secret or any commercial or financial information which . . . is privileged or confidential''—as provided by Section 6(f) of the FTC Act, 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2)—including in particular competitively sensitive information such as costs, sales statistics, inventories, formulas, patterns, devices, manufacturing processes, or customer names.

Josephine Liu,

Assistant General Counsel for Legal Counsel.

[FR Doc. 2020–23515 Filed 10–22–20; 8:45 am]

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collection of information during that period, including . . . separately incorporated subsidiaries or affiliates.'').

[6] There are two tobacco companies that receive both a cigarette Order and a smokeless tobacco Order. Thus, this would equate to six requests for burden analysis.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–21–0728; Docket No. CDC–2020–0096]

Proposed Data Collection Submitted for Public Comment and Recommendations

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice with comment period.

SUMMARY: The Centers for Disease Control and Prevention (CDC), as part of its continuing effort to reduce public burden and maximize the utility of government information, invites the general public and other Federal agencies the opportunity to comment on a proposed and/or continuing information collection, as required by the Paperwork Reduction Act of 1995. This notice invites comment on a proposed information collection project titled National Notifiable Diseases Surveillance System—Revision—Center for Surveillance, Epidemiology and Laboratory Services (CSELS), Centers for Disease Control and Prevention (CDC). The purpose of this data collection is to provide the official source of statistics in the United States for nationally notifiable conditions. Data will be used to monitor the occurrence and spread of nationally notifiable conditions. Data will be gathered through electronic submissions of case notifications to CDC from public health departments from 50 states, New York City, Washington DC, five U.S. territories, and three freely associated states.

DATES: CDC must receive written comments on or before December 22, 2020.

ADDRESSES: You may submit comments, identified by Docket No. CDC–2020–0096 by any of the following methods:

- *Federal eRulemaking Portal: Regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS–D74, Atlanta, Georgia 30329.

Instructions: All submissions received must include the agency name and Docket Number. CDC will post, without change, all relevant comments to *Regulations.gov.*

Please note: Submit all comments through the Federal eRulemaking portal (*regulations.gov*) or by U.S. mail to the address listed above.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the information collection plan and instruments, contact Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS–D74, Atlanta, Georgia 30329; phone: 404–639–7118; Email: *omb@cdc.gov.*

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. In addition, the PRA also requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each new proposed collection, each proposed extension of existing collection of information, and each reinstatement of previously approved information collection before submitting the collection to the OMB for approval. To comply with this requirement, we are publishing this notice of a proposed data collection as described below.

The OMB is particularly interested in comments that will help:

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.
5. Assess information collection costs.

Proposed Project

National Notifiable Diseases Surveillance System (OMB Control No. 0920–0728, Exp. 04/30/2023)—Revision—Center for Surveillance, Epidemiology and Laboratory Services (CSELS), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The Public Health Services Act (42 U.S.C. 241) authorizes CDC to

disseminate nationally notifiable condition information. The National Notifiable Diseases Surveillance System (NNDSS) is based on data collected at the state, territorial and local levels as a result of legislation and regulations in those jurisdictions that require health care providers, medical laboratories, and other entities to submit health-related data on reportable conditions to public health departments. These reportable conditions, which include infectious and non-infectious diseases, vary by jurisdiction depending upon each jurisdiction's health priorities and needs. Each year, the Council of State and Territorial Epidemiologists (CSTE), supported by CDC, determines which reportable conditions should be designated nationally notifiable or under standardized surveillance.

CDC requests a three-year approval for a Revision for the NNDSS (OMB Control No. 0920–0728, Expiration Date 04/30/2023). This Revision includes requests for approval to: (1) Receive case notification data for Multisystem Inflammatory Syndrome (MIS) associated with Coronavirus Disease 2019 (COVID–19); (2) receive new disease-specific data elements for Anthrax, Brucellosis, Campylobacteriosis, Cholera, Cryptosporidiosis, Hansen's Disease, Leptospirosis, Melioidosis, MIS associated with COVID–19, COVID–19, S. Paratyphi Infection, S. Typhi Infection, Salmonellosis, STEC, Shigellosis, and Vibriosis; and (3) Receive new vaccine-related data elements for all conditions.

The NNDSS currently facilitates the submission and aggregation of case notification data voluntarily submitted to CDC from 60 jurisdictions: public health departments in every U.S. state, New York City, Washington DC, five U.S. territories (American Samoa, the Commonwealth of Northern Mariana Islands, Guam, Puerto Rico, and the U.S. Virgin Islands), and three freely associated states (Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau). This information is shared across jurisdictional boundaries and both surveillance and prevention and control activities are coordinated at regional and national levels.

Approximately 90% of case notifications are encrypted and submitted to NNDSS electronically from already existing databases by automated electronic messages. When automated transmission is not possible, case notifications are faxed, emailed, uploaded to a secure network or entered into a secure website. All case notifications that are faxed or emailed are done so in the form of an aggregate weekly or annual report, not individual cases. These different mechanisms used to send case notifications to CDC vary by the jurisdiction and the disease or condition. Jurisdictions remove most personally identifiable information (PII) before data are submitted to CDC, but some data elements (*e.g.,* date of birth, date of diagnosis, county of residence) could potentially be combined with other information to identify individuals. Private information is not disclosed unless otherwise compelled by law. All data are treated in a secure manner consistent with the technical, administrative, and operational controls required by the Federal Information Security Management Act of 2002 (FISMA) and the 2010 National Institute of Standards and Technology (NIST) Recommended Security Controls for Federal Information Systems and Organizations. Weekly tables of nationally notifiable diseases are available through CDC WONDER and *data.cdc.gov.* Annual summaries of finalized nationally notifiable disease data are published on CDC WONDER and *data.cdc.gov* and disease-specific data are published by individual CDC programs.

The burden estimates include the number of hours that the public health department uses to process and send case notification data from their jurisdiction to CDC. Specifically, the burden estimates include separate burden hours incurred for automated and non-automated transmissions, separate weekly burden hours incurred for modernizing surveillance systems as part of NNDSS Modernization Initiative (NMI) implementation, separate burden hours incurred for annual data reconciliation and submission, and separate one-time burden hours incurred for the addition of new diseases and data elements. The burden estimates for the one-time burden for reporting jurisdictions are for the addition of case notification data for MIS associated with COVID–19; disease-specific data elements for Anthrax, Brucellosis, Campylobacteriosis, Cholera, Cryptosporidiosis, Hansen's Disease, Leptospirosis, Melioidosis, MIS associated with COVID–19, COVID–19, *S.* Paratyphi Infection, *S.* Typhi Infection, Salmonellosis, STEC, Shigellosis, and Vibriosis; and vaccine data elements for all diseases. The estimated annual burden for the 257 respondents is 18,954 hours. The cost of the information collection is $830,400. The total burden hours increased from 18,414 to 18,954 since the last revision because there were more disease-specific data elements added in this revision as compared to the last revision.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondent	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hr)	Total burden (in hr)
States	Weekly (Automated)	50	52	20/60	867
States	Weekly (Non-automated)	10	52	2	1,040
States	Weekly (NMI Implementation)	50	52	4	10,400
States	Annual	50	1	75	3,750
States	One-time Addition of Diseases and Data Elements.	50	1	12	600
Territories	Weekly (Automated)	5	52	20/60	87
Territories	Weekly, Quarterly (Non-automated)	5	56	20/60	93
Territories	Weekly (NMI Implementation)	5	52	4	1,040
Territories	Annual	5	1	5	25
Territories	One-time Addition of Diseases and Data Elements.	5	1	12	60
Freely Associated States	Weekly (Automated)	3	52	20/60	52
Freely Associated States	Weekly, Quarterly (Non-automated)	3	56	20/60	56
Freely Associated States	Annual	3	1	5	15

ESTIMATED ANNUALIZED BURDEN HOURS—Continued

Type of respondent	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hr)	Total burden (in hr)
Freely Associated States	One-time Addition of Diseases and Data Elements.	3	1	12	36
Cities	Weekly (Automated)	2	52	20/60	35
Cities	Weekly (Non-automated)	2	52	2	208
Cities	Weekly (NMI Implementation)	2	52	4	416
Cities	Annual	2	1	75	150
Cities	One-time Addition of Diseases and Data Elements.	2	1	12	24
Total					18,954

Jeffrey M. Zirger,

Lead, Information Collection Review Office, Office of Scientific Integrity, Office of Science, Centers for Disease Control and Prevention.

[FR Doc. 2020–23454 Filed 10–22–20; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier: CMS–R–148]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Centers for Medicare & Medicaid Services, Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (the PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information (including each proposed extension or reinstatement of an existing collection of information) and to allow 60 days for public comment on the proposed action. Interested persons are invited to send comments regarding our burden estimates or any other aspect of this collection of information, including the necessity and utility of the proposed information collection for the proper performance of the agency's functions, the accuracy of the estimated burden, ways to enhance the quality, utility, and clarity of the information to be collected, and the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

DATES: Comments must be received by December 22, 2020.

ADDRESSES: When commenting, please reference the document identifier or OMB control number. To be assured consideration, comments and recommendations must be submitted in any one of the following ways:

1. *Electronically.* You may send your comments electronically to *http://www.regulations.gov.* Follow the instructions for ''Comment or Submission'' or ''More Search Options'' to find the information collection document(s) that are accepting comments.

2. *By regular mail.* You may mail written comments to the following address: CMS, Office of Strategic Operations and Regulatory Affairs, Division of Regulations Development, Attention: Document Identifier/OMB Control Number ___, Room C4–26–05, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, you may make your request using one of following:

1. Access CMS' website address at *https://www.cms.gov/Regulations-and-Guidance/Legislation/PaperworkReductionActof1995/PRA-Listing.html.*

2. Call the Reports Clearance Office at (410) 786–1326.

FOR FURTHER INFORMATION CONTACT: William N. Parham at (410) 786–4669.

SUPPLEMENTARY INFORMATION:

Contents

This notice sets out a summary of the use and burden associated with the following information collections. More detailed information can be found in each collection's supporting statement and associated materials (see **ADDRESSES**).

CMS–R–148 Limitations on Provider Related Donations and Health Care Related Taxes, Medicaid and Supporting Regulations in 42 CFR 433.68 Through 433.74

Under the PRA (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term ''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 requires federal agencies to publish a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice.

Information Collection

1. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Limitations on Provider Related Donations and Health Care Related Taxes, Medicaid and Supporting Regulations in 42 CFR 433.68 through 433.74; *Use:* States may elect to submit a waiver to CMS for the broad based and/or uniformity requirements for any health care related tax program which does not conform to the broad based and uniformity requirements. It is also the responsibility of each State to demonstrate that their tax program(s) do not violate the hold harmless provision. For a waiver to be approved and a determination that the hold harmless provision is not violated, States must submit written documentation which satisfies the regulatory requirements.

Without this information, the amount of FFP (Federal financial participation) payable to a State cannot be correctly determined; *Form Number:* CMS–R–148 (OMB control number: 0938–0618); *Frequency:* Quarterly and occasionally; *Affected Public:* State, Local, or Tribal Governments; *Number of Respondents:* 50; *Total Annual Responses:* 40; *Total Annual Hours:* 3,200. (For policy questions regarding this collection contact Stuart Goldstein at 410–786–0694.)

Dated: October 20, 2020.

William N. Parham, III,

Director, Paperwork Reduction Staff, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2020–23544 Filed 10–22–20; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier: CMS–10390]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Centers for Medicare & Medicaid Services, Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. 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 or reinstatement of an existing collection of information, and to allow a second opportunity for public comment on the notice. Interested persons are invited to send comments regarding the burden estimate or any other aspect of this collection of information, including the necessity and utility of the proposed information collection for the proper performance of the agency's functions, the accuracy of the estimated burden, ways to enhance the quality, utility, and clarity of the information to be collected, and the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

DATES: Comments on the collection(s) of information must be received by the OMB desk officer by November 23, 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.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, you may make your request using one of following:

1. Access CMS' website address at *https://www.cms.gov/Regulations-and-Guidance/Legislation/PaperworkReductionActof1995/PRA-Listing.html.*

2. Call the Reports Clearance Office at (410) 786–1326.

FOR FURTHER INFORMATION CONTACT: William Parham at (410) 786–4669.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term ''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 publish a 30-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice that summarizes the following proposed collection(s) of information for public comment:

1. *Type of Information Collection Request:* Revision of a currently approved collection without change; *Title of Information Collection:* Hospice Quality Reporting Program; *Use:* The Hospice Item Set (HIS) is a standardized, patient-level data collection tool developed specifically for use by hospices. It is currently used for the collection of quality measure data pertaining to the Hospice Quality Reporting Program (HQRP). Since April 1, 2017, hospices have been using the HIS V2.00.0 which specifies the collection of data items that support eight National Quality Forum (NQF) endorsed Quality Measures (QMs) and an additional measure pair for hospice. All Medicare-certified hospice providers are required to submit HIS admission and discharge records to CMS for each patient admission and discharge. The HIS contains data elements that are used by the CMS to calculate these measures and also allows CMS to collect quality data from hospices in compliance with Section 3004 of the Affordable Care Act. The information collection request was revised to remove Section O of the HIS discharge assessment now that we proposed to replace it with the claims-based Hospice Visits in the Last Days of Life quality measure. *Form Number:* CMS–10390 (OMB control number: 0938–1153); *Frequency:* On Occasion; *Affected Public:* State, Local, or Tribal Governments, Private Sector (not-for-profit institutions); individuals or households; *Number of Respondents:* 4,688; *Total Annual Responses:* 1,328,417; *Total Annual Hours:* 636,312. (For policy questions regarding this collection contact Cindy Massuda at (410) 786–0652.)

Dated: October 20, 2020.

William N. Parham, III,

Director, Paperwork Reduction Staff, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2020–23541 Filed 10–22–20; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Community Living

Agency Information Collection Activities; Submission for OMB Review; Public Comment Request; Title VI Program Performance Report (OMB 0985–0007)

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 reinstatement without change of the Title VI Program Performance Report.

DATES: Submit written comments on the collection of information by 11:59 p.m. (EST) or postmarked by November 23, 2020.

ADDRESSES: Submit written comments on the collection of information by:

(a) Email to: *OIRA_submission@omb.eop.gov*, Attn: OMB Desk Officer for ACL;

(b) fax to 202.395.5806, Attn: OMB Desk Officer for ACL; or

(c) 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: Leslie Green, Administration for Community Living, *leslie.green@acl.hhs.gov,* 202–868–9384.

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. ACL is responsible for administering the Title VI Program Performance Report. The purpose of this data collection is to fulfill the annual programmatic reporting required by the Title VI Part A/B and C grants to American Indians, Alaskan Native and Native Hawaiian Programs to provide nutrition, supportive services and caregiver services to elders and their caregivers.

Comments in Response to the 60-Day Federal Register Notice

ACL published a 60-day **Federal Register** Notice in the **Federal Register** soliciting public comments on this reinstatement without change request. The 60-day FRN published on July 15, 2020 Volume 85, Number 136, pages 42857–42858; ACL did not receive any public comments during the 60-day FRN.

The proposed data collection tools may be found on the ACL website for review at *https://www.acl.gov/about-acl/public-input.*

Estimated Program Burden

There are 282 respondents taking 3.49 hours each to complete the response.

ACL estimates the burden associated with this collection of information as follows:

Respondent/data collection activity	Number of respondents	Responses per respondent	Hours per response	Annual burden hours
Title VI PPR	282	1	3.49	984
Total:				984

Dated: October 15, 2020.

Mary Lazare,

Principal Deputy Administrator.

[FR Doc. 2020–23471 Filed 10–22–20; 8:45 am]

BILLING CODE 4154–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Community Living

Agency Information Collection Activities; Proposed Collection; Comment Request; State Health Insurance Assistance Program Annual Sub-Recipients Report; OMB #0985–New

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 information collection requirements related to the State Health Insurance Assistance Program Annual Sub-Recipients Report.

DATES: Submit written comments on the collection of information by November 23, 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 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: Margaret Flowers, Administration for Community Living, Washington, DC 20201, 202–795–7315, *Margaret.Flowers@acl.hhs.gov.*

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 State Health Insurance Assistance Program Annual Sub-Recipients Report. The purpose of this data collection is to collect sub-award data from grantees, including agency name, address, and annual federal funds received. Congress requires this data collection for program monitoring for the State Health Insurance Assistance Program (SHIP) under the Bipartisan Budget Act of 2018, SEC. 50207(b). This data collection allows the Administration for Community Living (ACL) and the Center for Innovation and Partnership (CIP) to communicate with Congress and the public on the SHIP network of agencies. This is a new data collection requiring State SHIP grantees to provide the amount of federal funds provided annually to each sub-contractor and sub-grantee that are delivering SHIP services. The data collected will be will be electronically posted on the ACL website to educate the network on who the SHIP state sub-recipients are and how much money they are receiving. SHIP grantees are located in each of the 50 states, the District of Columbia, Puerto Rico, Guam and the U.S. Virgin Islands. The respondents for this data collection are grantees who meet with Medicare beneficiaries and older adults' in-group settings and in one-on-one sessions to educate them on Medicare.

Comments in Response to the 60-Day Federal Register Notice

A notice published in the **Federal Register** on July 19, 2020 in FR 85 No. 148 pages 46123–46124. There were no public comments received during the 60-day FRN comment period.

To review the proposed data collection please visit the ACL website at *https://www.acl.gov/about-acl/public-input.*

Estimated Program Burden

ACL estimates the burden associated with this collection of information as follows:

Respondent/data collection activity	Number of respondents	Responses per respondent	Hours per response	Annual burden hours
	54	1	1	54
Total	54	1	1	54

Dated: October 15, 2020.

Mary Lazare,

Principal Deputy Administrator.

[FR Doc. 2020–23468 Filed 10–22–20; 8:45 am]

BILLING CODE 4154–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Community Living

Agency Information Collection Activities; Submission for OMB Review; Alzheimer's and Dementia Program Data Reporting Tool (ADP–DRT); OMB #0985–0022

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 Information Collection tools for information collection requirements related to Alzheimer's and Dementia Program Data Reporting Tool (ADP–DRT).

DATES: Submit written comments on the collection of information by 11:59 p.m. (EST) or postmarked by November 23, 2020.

ADDRESSES: Submit written comments on the collection of information by:

(a) Email to: *OIRA_submission@omb.eop.gov,* Attn: OMB Desk Officer for ACL;

(b) fax to 202.395.5806, Attn: OMB Desk Officer for ACL; or

(c) 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: Erin Long. Submit written comments on the collection of information to Administration for Community Living, Washington, DC 20201 Attention: Erin Long Phone: 202–795–7389 *Erin.Long@acl.hhs.gov.*

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 Older American's Act requires ACL to evaluate ''demonstration projects that support the objectives of this Act, including activities to bring effective demonstration projects to scale with a prioritization of projects that address the needs of underserved populations, and promote partnerships among aging services, community-based organizations, and Medicare and Medicaid providers, plans, and health (including public health) systems. (Section 201 (42 U.S.C. 3011) Sec. 127. Research and Evaluation). To fulfill the evaluation requirements and allow for optimal federal and state-level management of ACL's Alzheimer's Disease Program, specific information must be collected from grantees.

The current reporting tool is set to expire December 30, 2020. The Alzheimer's and Dementia Program (ADP) Project Officer has reviewed the current data collection procedures to ensure the acceptability of these items as appropriate and thorough evaluation of the program, while minimizing burden for grantees. The result of this process is the proposed modifications to the existing data collection tool. ACL is aware that different grantees have different data collection capabilities. Following the approval of the modified data collection tool, ACL will work with its grantees to offer regular training to ensure minimal burden.

Comments in Response to the 60-Day Federal Register Notice

ACL published both a 60-day and 30-day **Federal Register** Notice in the **Federal Register** soliciting public comments on this revision request. The 60-day FRN published on July 20, 2020 in volume 85 No. 137 pages 43241–43242. ACL received comments from one individual.

Comments on Proposed Collection: Alzheimer's and Dementia Program Data Reporting Tool (ADP–DRT) OMB #0985–0022.

General

It would be helpful if the explanation of categories and definitions for all data elements were part of this information collection (*i.e.,* PRA process). It is difficult to comment on estimated burden and utility of the information collection when the information being collected hasn't been fully explained. Also, definitions and data elements should be synchronized or crosswalked to those in the American Community Survey or another national collection to facilitate analyses across data collections.

PLWD & CG Served

CG data points—It is important to get a more fulsome profile of the caregivers to assess the impact caregiving has on their lives, their families, and those they care for. Understanding this data collection may not be for this purpose, a few extra data points could shed help expand the CG profile: employment status, # of chronic diseases, # of people cared for, # recent traumas experienced (*e.g.,* emotional, physical, etc.), etc.

There are sections on race and ethnicity. It's not clear what is meant by ''Minority Status'' or why it's needed. This section should be deleted to reduce burden.

Living arrangement—This section describes who the PLWD lives with but doesn't identify where the person is living. It would be helpful to know whether these individuals are living in a private home setting, an institutional setting such as a nursing home, supportive housing, or if they are experiencing homelessness. It would also be helpful to know where they are receiving most of their care—*i.e.,* in the home or outside of the home. Where people are receiving their care is relevant to the workforce and services needed to support them.

Professionals Trained

The note at the bottom states that ''Persons trained should not include . . . . Caregivers . . .'' but there are caregivers who are trained and licensed and some family caregivers who receive stipends from Medicaid and other programs. It's not clear if they would be excluded. Also, in the middle of the sheet there's a section on ''Total Units of Direct Service Delivered.'' How does

this relate to Professionals Trained? This heading may belong to the last worksheet.

Services & Expenditures

Assuming that grantees can accurately report these totals if they have more granular data, there wouldn't be much more burden added if grantees reported the details behind ''Total Units of Direct Service Delivered.'' This should be broken out by service/expenditure type. Also, there should be separate column for PLWD and for CG. As noted previously, direct services for PLWD should be separated from direct services for the CG to get a better understanding the impact AD caregiving on family members.

The proposed data collection tools may be found on the ACL website for review at *https://nadrc.acl.gov/node/226*.

Estimated Program Burden

ACL estimates the burden associated with this collection of information as follows:

Respondent/data collection activity	Number of respondents	Responses per respondent	Hours per response	Annual burden hours
Local Program Site	180	2	3.03	1,090.8
Grantee	90	2	6.93	1,247.4
Total				2,338.2

Dated: October 15, 2020.

Mary Lazare,

Principal Deputy Administrator.

[FR Doc. 2020–23472 Filed 10–22–20; 8:45 am]

BILLING CODE 4154–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2019–D–4212]

Wholesale Distributor Verification Requirement for Saleable Returned Drug Product and Dispenser Verification Requirements When Investigating a Suspect or Illegitimate Product—Compliance Policies; Guidance for Industry; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing the availability of a final guidance for industry entitled ''Wholesale Distributor Verification Requirement for Saleable Returned Drug Product and Dispenser Verification Requirements When Investigating a Suspect or Illegitimate Product—Compliance Policies.'' This guidance explains that FDA intends to extend the delay in enforcement described in the guidance entitled ''Wholesale Distributor Verification Requirement for Saleable Returned Drug Product—Compliance Policy,'' published in the **Federal Register** on September 24, 2019 (the 2019 Compliance Policy), which relates to Drug Supply Chain Security Act (DSCSA) provisions requiring wholesale distributors to verify the product identifier prior to further distributing returned product beginning on November 27, 2019. In addition, this guidance announces FDA's intended enforcement policy with respect to DSCSA provisions requiring dispensers to verify the product identifier for suspect or illegitimate product in the dispenser's possession or control beginning on November 27, 2020.

DATES: The announcement of the guidance is published in the **Federal Register** on October 23, 2020.

ADDRESSES: You may submit either electronic or written comments on Agency guidances at any time as follows:

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand Delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2019–D–4212 for ''Wholesale Distributor Verification Requirement for Saleable Returned Drug Product and Dispenser Verification Requirements When Investigating a Suspect or Illegitimate Product—Compliance Policies.'' Received comments will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available

for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240–402–7500.

You may submit comments on any guidance at any time (see 21 CFR 10.115(g)(5)).

Submit written requests for single copies of the guidance to the Division of Drug Information, Center for Drug Evaluation and Research, Food and Drug Administration, 10001 New Hampshire Ave., Hillandale Building, 4th Floor, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the guidance document.

FOR FURTHER INFORMATION CONTACT: Sarah Venti, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Silver Spring, MD 20993–0002, 301–796–3130, *drugtrackandtrace@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a guidance for industry entitled ''Wholesale Distributor Verification Requirement for Saleable Returned Drug Product and Dispenser Verification Requirements When Investigating a Suspect or Illegitimate Product—Compliance Policies.'' FDA does not intend to take action against wholesale distributors who do not, prior to November 27, 2023, verify the product identifier prior to further distributing returned product as required under the DSCSA (Title II of Pub. L. 113–54). This represents an additional 3-year delay from the delay set forth in the 2019 Compliance Policy in enforcement of the requirement for wholesale distributors to verify the product identifier prior to further distributing that returned product. In addition, FDA does not intend to take action against dispensers who do not verify the statutorily-designated portion of product identifiers of suspect or illegitimate product before November 27, 2023. This policy represents a 3-year delay in enforcement of the requirements for dispensers to verify the product identifier when investigating suspect or illegitimate product.

This guidance is being issued consistent with FDA's good guidance practices regulations (21 CFR 10.115). FDA is implementing this guidance without prior public comment because the Agency has determined that prior public participation is not feasible or appropriate (21 CFR 10.115(g)(2)). FDA made this determination because this guidance document provides information pertaining to statutory requirements that take effect November 27, 2020, for dispensers to verify the product identifier, including the standardized numerical identifier, for product in the dispenser's possession or control under section 582(d)(4)(A)(ii)(II) and (d)(4)(B)(iii) of the FD&C Act (21 U.S.C. 360eee–1(d)(4)(A)(ii)(II) and (d)(4)(B)(iii)). It is important that FDA provide this information before that date. Although this guidance document is immediately in effect, it remains subject to comment in accordance with the Agency's good guidance practices (21 CFR 10.115(g)(3)).

Beginning November 27, 2019, wholesale distributors were required, under section 582(c)(4)(D) (21 U.S.C. 360eee–1(c)(4)(D)) of the Federal Food, Drug, and Cosmetic Act (FD&C Act), to verify the product identifier, including the standardized numerical identifier, on each sealed homogeneous case of saleable returned product, or, if such product is not in a sealed homogeneous case, on each package of saleable returned product, prior to further distributing such returned product. In the **Federal Register** published September 24, 2019 (84 FR 50044), FDA issued a notice announcing the availability of the 2019 Compliance Policy. The 2019 Compliance Policy indicated the Agency's intent to take no enforcement action against wholesale distributors who are not in compliance with this requirement under section 582(c)(4)(D) of the FD&C Act before November 27, 2020.

Since the announcement of the 2019 Compliance Policy, FDA has received additional comments and feedback from wholesale distributors, as well as other trading partners and stakeholders, expressing concern with industry-wide readiness for implementation of the verification of saleable returned product requirement for wholesale distributors and the challenges stakeholders face with developing interoperable, electronic systems to enable such verification and achieve interoperability between networks. Specifically, comments received point out continuing challenges posed by the large volume of saleable returned product, explaining that wholesale distributors still need more time to test verification systems using real-time volumes of saleable returned product with all trading partners involved, as opposed to using small-scale pilot test projects. Additionally, wholesale distributors point to significant delays in testing these verification systems due to the competing priority of responding to the Coronavirus Disease 2019 (COVID–19) pandemic, namely the reassignment of logistics and supply chain experts from DSCSA matters to COVID–19 pandemic response. Given all these concerns, FDA recognizes that some wholesale distributors may need additional time beyond November 27, 2020, before they can begin verifying returned products prior to resale or other further distribution as required by section 582(c)(4)(D) of the FD&C Act in an efficient, secure, and timely manner.

To minimize possible disruptions in the distribution of certain prescription drugs in the United States, FDA has adopted the compliance policy described in this guidance. Under this compliance policy, FDA does not intend to take action before November 27, 2023, against wholesale distributors who do not verify a product identifier prior to further distribution of a package or sealed homogenous case of product as required by section 582(c)(4)(D) of the FD&C Act.

Additionally, section 582 of the FD&C Act requires certain trading partners (manufacturers, repackagers, wholesale distributors, and dispensers) to exchange transaction information, transaction history, and a transaction statement when engaging in transactions involving certain prescription drugs. Section 581(27)(E) of the FD&C Act (21 U.S.C. 360eee(27)(E)) requires that the transaction statement include a statement that the entity transferring ownership in a transaction had systems and processes in place to comply with verification requirements under section 582 of the FD&C Act. This guidance also

explains that, prior to November 27, 2023, FDA does not intend to take action against a wholesale distributor for providing a transaction statement to a subsequent purchaser of product on the basis that such wholesale distributor does not yet have systems and processes in place to comply with the saleable return verification requirements under section 582(c)(4)(D) of the FD&C Act. The guidance explains the scope of the compliance policy in further detail.

By extending the delay in enforcement initially provided in the 2019 Compliance Policy until November 27, 2023, FDA believes that wholesale distributors will be able to focus resources and efforts on the requirements for the enhanced drug distribution security system, provided for in section 582(g) of the FD&C Act and required by November 27, 2023. Instead of developing separate processes or infrastructures solely for the saleable return verification requirement, wholesale distributors can incorporate the saleable return verification requirements into enhanced verification required by 2023. Given this consideration, FDA has not adopted the approach suggested by some comments suggesting that the Agency revise the 2019 Compliance Policy to provide for a phased implementation of the saleable return verification requirements.

FDA also received comments requesting that we extend the scope of the 2019 Compliance Policy beyond wholesale distributors to also cover manufacturers and repackagers, asking FDA to not take enforcement action where manufacturers and repackagers are not in compliance with their verification of saleable returned product obligations under section 582(b)(4)(C) and (e)(4)(C) of the FD&C Act. At this time, we do not intend to broaden the scope of the 2019 Compliance Policy in this way because we believe the policies outlined in this guidance will provide appropriate flexibility. As all trading partners work towards enhanced system requirements that go into effect in 2023, wholesale distributors can continue to work with manufacturers and repackagers for enhanced verification requirements, including those for saleable returned product. FDA intends to issue additional guidance about the enhanced system for drug distribution security at a later date.

Finally, section 582 of the FD&C Act, as amended by the DSCSA, also established the requirements that specify how dispensers must investigate suspect and illegitimate product. As part of the investigation, section 582(d)(4)(A)(ii)(II) of the FD&C Act requires dispensers to verify the product identifier, including the standardized numerical identifier, of at least 3 packages or 10 percent of such suspect product, whichever is greater, or all packages, if there are fewer than 3, corresponds with the product identifier for such product in the dispenser's possession or control, beginning November 27, 2020. Section 582(d)(4)(B)(iii) of the FD&C Act requires dispensers to verify product as described in section 582(d)(4)(A)(ii), which includes the section 582(d)(4)(A)(ii)(II) requirement, in response to a notification of illegitimate product from FDA or a trading partner.

In response to comments received from stakeholders, this guidance also announces that FDA does not intend to take action before November 27, 2023, against dispensers who do not verify the statutorily-designated portion of product identifiers of suspect product as required by section 582(d)(4)(A)(ii)(II) of the FD&C Act, and that part of section 582(d)(4)(B)(iii) of the FD&C Act that requires dispensers to perform the same verification activities of section 582(d)(4)(A)(ii)(II) when responding to a notification of illegitimate product from FDA or another trading partner. FDA believes that dispensers can use the 3-year period to ensure the systems and processes that are put into place to meet the enhanced system requirements by November 27, 2023, will also fulfill all dispenser verification requirements under section 582(d)(4) of the FD&C Act.

This guidance represents the current thinking of FDA on ''Wholesale Distributor Verification Requirement for Saleable Returned Drug Product and Dispenser Verification Requirements When Investigating a Suspect or Illegitimate Product—Compliance Policies.'' It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations.

II. Paperwork Reduction Act of 1995

FDA tentatively concludes that this guidance contains no collection of information. Therefore, clearance by the Office of Management and Budget under the Paperwork Reduction Act of 1995 is not required.

III. Electronic Access

Persons with access to the internet may obtain the guidance at either *https://www.fda.gov/drugs/guidance-compliance-regulatory-information/guidances-drugs* or *https://www.regulations.gov.*

Dated: October 19, 2020.

Lauren K. Roth,

Acting Principal Associate Commissioner for Policy.

[FR Doc. 2020–23524 Filed 10–22–20; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2020–N–0862]

Captain Neill's Seafood, Inc.: Final Debarment Order

AGENCY: Food and Drug Administration

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is issuing an order under the Federal Food, Drug, and Cosmetic Act (FD&C Act) debarring Capt. Neill's Seafood, Inc. (Capt. Neill's or the Company) for a period of 5 years from importing articles of food or offering such articles for importation into the United States. FDA bases this order on a finding that Capt. Neill's was convicted, as defined in the FD&C Act, of a felony count under Federal law for conduct relating to the importation into the United States of an article of food. The Company was given notice of the proposed permanent debarment and an opportunity to request a hearing within the timeframe prescribed by regulation. As of 30 days after receipt of the notice (July 13, 2020), Capt. Neill's has not responded. Capt. Neill's failure to respond and request a hearing constitutes a waiver of the Company's right to a hearing concerning this matter.

DATES: This order is effective October 23, 2020.

ADDRESSES: Submit applications for termination of debarment to the Dockets Management Staff, Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240–402–7500.

FOR FURTHER INFORMATION CONTACT: Jaime Espinosa (ELEM–4029), Division of Enforcement, Office of Strategic Planning and Operational Policy, Office of Regulatory Affairs, Food and Drug Administration, 12420 Parklawn Dr., Rockville, MD 20857 or at *debarments@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

Section 306(b)(1)(C) of the FD&C Act (21 U.S.C. 335a(b)(1)(C)) permits FDA to debar an individual from importing an article of food or offering such an article

for import into the United States if FDA finds, as required by section 306(b)(3)(A) of the FD&C Act, that the individual has been convicted of a felony for conduct relating to the importation into the United States of any food.

On January 9, 2020, Capt. Neill's was convicted as defined in section 306(l)(1)(B) of the FD&C Act, in the U.S. District Court for the Eastern District of North Carolina, when the court accepted the Company's plea of guilty and entered judgment against it for the offense of violating the Lacey Act and Aiding and Abetting. This offense was in violation of 16 U.S.C. 3372(d)(1), 3373(d)(3)(A)(i) and (ii), and 18 U.S.C. 2.

FDA's finding that the debarment is appropriate is based on the felony conviction referenced herein. The factual basis for this conviction is as follows: As contained in the Indictment, filed on June 26, 2019, Capt. Neill's is a North Carolina corporation in the business of purchasing, processing, packaging, transporting, and selling seafood and seafood products, including crab meat from domestically harvested Atlantic blue crab, and products made from Atlantic blue crab. From as early as January 1, 2012 and continuing through December 31, 2015, Capt. Neill's purchased foreign crab meat from South American and Asia. Capt. Neill's employees repacked the foreign crab meat into containers labeled ''Product of USA.'' Capt. Neill's employees then knowingly sold those containers of foreign crab meat as jumbo domestically harvested blue crab to customers. During the relevant time frame, Capt. Neill's sold approximately 200,536 pounds of crab meat falsely labeled ''Product of USA'' with a total retail market value of $4,082,841.

As a result of this conviction FDA sent Capt. Neill's, by certified mail on May 6, 2020, a notice proposing to debar him for a period of 5 years from importing articles of food or offering such articles for import into the United States. The proposal was based on a finding under section 306(b)(1)(C) of the FD&C Act that Capt. Neill's felony conviction of violating the Lacey Act and Aiding and Abetting in violation 16 U.S.C. 3372(d)(1), 3373(d)(3)(A)(i) and (ii), and 18 U.S.C 2, constitutes conduct relating to the importation into the United States of an article of food because the offense involved Capt. Neill's employees falsely labeling crabmeat that was imported from foreign countries and purporting that the crabmeat was a ''Product of USA.''

The proposal was also based on a determination, after consideration of the relevant factors set forth in section 306(c)(3) of the FD&C Act, that Capt. Neill's should be subject to a 5-year period of debarment. The proposal also offered Capt. Neill's an opportunity to request a hearing, providing the Company 30 days from the date of receipt of the letter in which to file the request, and advised Capt. Neill's that failure to request a hearing constituted a waiver of the opportunity for a hearing and of any contentions concerning this action. Capt. Neill's failed to respond within the timeframe prescribed by regulation and has, therefore, waived the Company's opportunity for a hearing and waived any contentions concerning Capt. Neill's debarment (21 CFR part 12).

II. Findings and Order

Therefore, the Assistant Commissioner, Office of Human and Animal Food Operations, under section 306(b)(1)(C) of the FD&C Act, under authority delegated to the Assistant Commissioner, finds that Capt. Neill's has been convicted of a felony count under Federal law for conduct relating to the importation into the United States of an article of food and that the Company is subject to a 5-year period of debarment.

As a result of the foregoing finding, Capt. Neill's is debarred for a period of 5 years from importing articles of food or offering such articles for import into the United States, effective (see **DATES**). Pursuant to section 301(cc) of the FD&C Act (21 U.S.C. 331(cc)), the importing or offering for import into the United States of an article of food by, with the assistance of, or at the direction of Capt. Neill's Seafood, Inc. is a prohibited act.

Any application by Capt. Neill's for termination of debarment under section 306(d)(1) of the FD&C Act should be identified with Docket No. FDA–2020–N–0862 and sent to the Dockets Management Staff (see **ADDRESSES**). All such submissions are to be filed in four copies. The public availability of information in these submissions is governed by 21 CFR 10.20.

Publicly available submissions will be placed in the docket and will be viewable at *http://www.regulations.gov* or at the Dockets Management Staff (see **ADDRESSES**) between 9 a.m. and 4 p.m., Monday through Friday.

Dated: October 19, 2020.

Lauren K. Roth,

Acting Principal Associate Commissioner for Policy.

[FR Doc. 2020–23485 Filed 10–22–20; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2020–N–0861]

Phillip R. Carawan: Final Debarment Order

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is issuing an order under the Federal Food, Drug, and Cosmetic Act (FD&C Act) debarring Phillip R. Carawan for a period of 5 years from importing articles of food or offering such articles for importation into the United States. FDA bases this order on a finding that Mr. Carawan was convicted, as defined in the FD&C Act, of a felony count under Federal law for conduct relating to the importation into the United States of an article of food. Mr. Carawan was given notice of the proposed permanent debarment and an opportunity to request a hearing within the timeframe prescribed by regulation. As of June 13, 2020 (30 days after receipt of the notice), Mr. Carawan has not responded. Mr. Carawan's failure to respond and request a hearing constitutes a waiver of Mr. Carawan's right to a hearing concerning this matter.

DATES: This order is applicable October 23, 2020.

ADDRESSES: Submit applications for termination of debarment to the Dockets Management Staff, Food and Drug Administration, 5630 Fishers Lane, Room 1061, Rockville, MD 20852, 240–402–7500.

FOR FURTHER INFORMATION CONTACT: Jaime Espinosa (ELEM–4029) Division of Enforcement, Office of Strategic Planning and Operational Policy, Office of Regulatory Affairs, Food and Drug Administration, 12420 Parklawn Dr., Rockville, MD 20857, 240–402–8743 or at *debarments@fda.hhs.gov*.

SUPPLEMENTARY INFORMATION:

I. Background

Section 306(b)(1)(C) of the FD&C Act (21 U.S.C. 335a(b)(1)(C)) permits FDA to debar an individual from importing an article of food or offering such an article for import into the United States if FDA finds, as required by section 306(b)(3)(A) of the FD&C Act, that the individual has been convicted of a felony for conduct relating to the importation into the United States of any food.

On January 9, 2020, Mr. Carawan was convicted as defined in section 306(*l*)(1)(B) of the FD&C Act, in the U.S. District Court for the Eastern District of North Carolina, when the court accepted Mr. Carawan's plea of guilty and entered judgment against him for the offense of violating the Lacey Act and Aiding and Abetting. This offense was in violation of 16 U.S.C. 3372(d)(1) and 3373(d)(3)(A)(j) and 18 U.S.C. 2.

FDA's finding that the debarment is appropriate is based on the felony conviction referenced herein. The factual basis for this conviction is as follows: As contained in the Indictment, filed on June 26, 2019, Mr. Carawan served as the owner and operator, and acted as the President and Chief Executive Officer, of Capt. Neill's Seafood, Inc. (Capt. Neill's). Capt. Neill's is a North Carolina corporation in the business of purchasing, processing, packaging, transporting, and selling seafood and seafood products, including crab meat from domestically harvested Atlantic blue crab, and products made from Atlantic blue crab. From as early as January 1, 2012 and continuing through December 31, 2015, Mr. Carawan caused Capt. Neill's to purchase foreign crab meat from South American and Asia. Mr. Carawan directed Capt. Neill's employees to repackage the foreign crab meat into containers labeled ''Product of USA.'' Mr. Carawan then knowingly caused those containers of foreign crab meat to be sold as jumbo domestically harvested blue crab to customers. During the relevant time frame, Mr. Carawan caused the sale of approximately 200,536 pounds of crab meat falsely labeled ''Product of USA'' with a total retail market value of $4,082,841.

As a result of this conviction FDA sent Mr. Carawan, by certified mail on May 6, 2020, a notice proposing to debar him for a period of 5 years from importing articles of food or offering such articles for import into the United States. The proposal was based on a finding under section 306(b)(1)(C) of the FD&C Act that Mr. Carawan's felony conviction of violating the Lacey Act and Aiding and Abetting in violation of 16 U.S.C. 3372(d)(1) and 3373(d)(3)(A)(j) and 18 U.S.C 2, constitutes conduct relating to the importation into the United States of an article of food because the offense involved Mr. Carawan aiding and abetting the importation of foreign crab meat to be falsely labeled as ''Product of USA.''

The proposal was also based on a determination, after consideration of the relevant factors set forth in section 306(c)(3) of the FD&C Act, that Mr. Carawan should be subject to a 5-year period of debarment. The proposal also offered Mr. Carawan an opportunity to request a hearing, providing Mr. Carawan 30 days from the date of receipt of the letter in which to file the request, and advised Mr. Carawan that failure to request a hearing constituted a waiver of the opportunity for a hearing and of any contentions concerning this action. Mr. Carawan failed to respond within the timeframe prescribed by regulation and has, therefore, waived his opportunity for a hearing and waived any contentions concerning his debarment (21 CFR part 12).

II. Findings and Order

Therefore, the Assistant Commissioner, Office of Human and Animal Food Operations, under section 306(b)(1)(C) of the FD&C Act, under authority delegated to the Assistant Commissioner, finds that Mr. Carawan has been convicted of a felony count under Federal law for conduct relating to the importation into the United States of an article of food and that he is subject to a 5-year period of debarment.

As a result of the foregoing finding, Mr. Carawan is debarred for a period of 5 years from importing articles of food or offering such articles for import into the United States, effective (see **DATES**). Pursuant to section 301(cc) of the FD&C Act (21 U.S.C. 331(cc)), the importing or offering for import into the United States of an article of food by, with the assistance of, or at the direction of Phillip R. Carawan is a prohibited act.

Any application by Mr. Carawan for termination of debarment under section 306(d)(1) of the FD&C Act should be identified with Docket No. FDA–2020–N–0861 and sent to the Dockets Management Staff (see **ADDRESSSES**). All such submissions are to be filed in four copies. The public availability of information in these submissions is governed by 21 CFR 10.20.

Publicly available submissions will be placed in the docket, and will be viewable at *https://www.regulations.gov* or at the Dockets Management Staff (see **ADDRESSES**) between 9 a.m. and 4 p.m. Eastern time, Monday through Friday.

Dated: October 19, 2020.

Lauren K. Roth,

Acting Principal Associate Commissioner for Policy.

[FR Doc. 2020–23501 Filed 10–22–20; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Cardiovascular Sciences.

Date: November 17, 2020.

Time: 1:00 p.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Sara Ahlgren, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, RM 4136, Bethesda, MD 20892, 301–435–0904, *sara.ahlgren@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Innate Immunity, Host Defense and Vaccines.

Date: November 18, 2020.

Time: 1:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Deborah Hodge, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4207, MSC 7812, Bethesda, MD 20892, (301) 435–1238, *hodged@mail.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Vascular and Hematology.

Date: November 18, 2020.

Time: 2:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Larry Pinkus, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4132, MSC 7802, Bethesda, MD 20892, (301) 435–1214, *pinkusl@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR Panel: Improving Animal Models of Influenza Infection That Are Predictive of Human Immunity and Vaccination.

Date: November 18, 2020.

Time: 12:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Kenneth M. Izumi, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3204, MSC 7808, Bethesda, MD 20892, (301) 496–6980, *izumikm@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: The Cancer Drug Development & Therapeutics (CDDT).

Date: November 19–20, 2020.

Time: 9:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Lilia Topol, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6192, MSC 7804, Bethesda, MD 20892, 301–451–0131, *ltopol@mail.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: Drug Discovery for Aging, Neuropsychiatric and Neurologic Disorders.

Date: November 19–20, 2020.

Time: 9:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Aurea D. De Sousa, Ph.D., Scientific Review Officer, National Institutes of Health, Center for Scientific Review, 6701 Rockledge Drive, Room 5186, Bethesda, MD 20892, 301–827–6829, *aurea.desousa@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR–19–367: Maximizing Investigators' Research Award (R35—Clinical Trial Optional).

Date: November 19–20, 2020.

Time: 9:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Thomas Beres, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Rm. 5201, MSC 7840, Bethesda, MD 20892, 301–435–1175, *berestm@mail.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: Biological Chemistry, Biophysics, and Assay Development.

Date: November 19–20, 2020.

Time: 9:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: John Harold Laity, Ph.D., Scientific Review Officer, Center for Scientific Review, 6701 Rockledge Drive, Bethesda, MD 20892, 301–402–8254, *john.laity@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: Clinical Neurophysiology, Devices, Neuroprosthetics, and Biosensors.

Date: November 19–20, 2020.

Time: 9:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Cristina Backman, Ph.D., Scientific Review Officer, ETTN IRG Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5211, MSC 7846, Bethesda, MD 20892, 301–480–9069, *cbackman@mail.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: Health Informatics.

Date: November 19–20, 2020.

Time: 9:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Weijia Ni, Ph.D., Chief/Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3100, MSC 7808, Bethesda, MD 20892, 301–594–3292, *niw@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: Neuro/Psychopathology, Lifespan Development, and STEM Education.

Date: November 19–20, 2020.

Time: 9:30 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Elia K. Ortenberg, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3108, MSC 7816, Bethesda, MD 20892, (301) 827–7189, *femiaee@csr.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: October 19, 2020.

Tyeshia M. Roberson,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2020–23469 Filed 10–22–20; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Digestive Sciences Small Business Activities.

Date: November 19–20, 2020.

Time: 10:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Santanu Banerjee, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institute of Health, 6701 Rockledge Drive, Room 2106, Bethesda, MD 20892, (301) 435–5947, *banerjees5@mail.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; HD21–007: Development of Fertility Regulation Methods by Small Business.

Date: November 19, 2020.

Time: 10:00 a.m. to 11:30 a.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Yunshang Piao, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institute of Health, 6701 Rockledge Drive, Room 6184, Bethesda, MD 20892, (301) 402–8402, *piaoy3@mail.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR 20–101: Genomic Expert Curation Panels.

Date: November 20, 2020.

Time: 11:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Baishali Maskeri, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2022, Bethesda, MD 20892, (301) 827–2864, *maskerib@mail.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Training in Veterinary and Comparative Medicine.

Date: November 20, 2020.

Time: 11:00 a.m. to 3:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Mark Caprara, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5156, MSC 7844, Bethesda, MD 20892, (301) 613–5228, *capraramg@mail.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR–19–222: Small Grants for New Investigators to Promote Diversity in Health-Related Research (R21 Clinical Trial Optional).

Date: November 20, 2020.

Time: 12:00 p.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Jianxin Hu, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2156, MSC 7818, Bethesda, MD 20892, (301) 827–4417, *jianxinh@csr.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: October 19, 2020.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2020–23470 Filed 10–22–20; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

[1651–0078]

Agency Information Collection Activities: Automated Clearinghouse

AGENCY: U.S. Customs and Border Protection (CBP), Department of Homeland Security.

ACTION: 30-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.

DATES: Comments are encouraged and must be submitted no later than November 23, 2020 to be assured of consideration.

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.* This particular information collection can be found by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

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 proposed information collection was previously published in the **Federal Register** (85 FR 42419) on July 14, 2020, allowing for a 60-day comment period. This notice allows for an additional 30 days for public comments. 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: Automated Clearinghouse.

OMB Number: 1651–0078.

Form Number: CBP Form 400.

Current Actions: Extension.

Type of Review: Extension without change.

Affected Public: Companies enrolled in the Automated Broker Interface (ABI).

Abstract: The Automated Clearinghouse (ACH) allows participants in the Automated Broker Interface (ABI) to transmit daily statements, deferred tax, and bill payments electronically through a financial institution directly to a CBP account. ACH debit allows the payer to exercise more control over the payment process. In order to participate in ACH debit, filers must complete CBP Form 400, *ACH Application.* Participants also use this form to notify CBP of changes to bank information or contact information. The ACH procedure is authorized by 19 U.S.C. 58a–58c and 19 U.S.C. 66, and set forth in 19 CFR 24.25. CBP Form 400 is accessible at *https://www.cbp.gov/newsroom/publications/forms,* and is not being updated at this time.

Estimated Number of Respondents: 1,443.

Estimated Number of Annual Responses per Respondent: 2.

Estimated Number of Total Annual Responses: 2,886.

Estimated Time per Response: 5 minutes (0.083 hours).

Estimated Total Annual Burden Hours: 240.

Dated: October 19, 2020.

Seth D. Renkema,

Branch Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection.

[FR Doc. 2020–23462 Filed 10–22–20; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R3–ES–2020–N137; FXES11130300000–201–FF03E00000]

Endangered and Threatened Species; Receipt of Recovery Permit Applications

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of permit applications; request for comments.

SUMMARY: We, the U.S. Fish and Wildlife Service, have received applications for permits to conduct activities intended to enhance the propagation or survival of endangered or threatened species under the Endangered Species Act. We invite the public and local, State, Tribal, and Federal agencies to comment on these applications. Before issuing any of the requested permits, we will take into consideration any information that we receive during the public comment period.

DATES: We must receive your written comments on or before November 23, 2020.

ADDRESSES: *Document availability and comment submission:* Submit requests for copies of the applications and related documents, as well as any comments, by one of the following methods. All requests and comments should specify the applicant name(s) and application number(s) (*e.g.,* TEXXXXXX; see table in **SUPPLEMENTARY INFORMATION**):

- *Email: permitsR3ES@fws.gov.* Please refer to the respective application number (*e.g.,* Application No. TEXXXXXX) in the subject line of your email message.
- *U.S. Mail:* Regional Director, Attn: Nathan Rathbun, U.S. Fish and Wildlife Service, Ecological Services, 5600 American Blvd. West, Suite 990, Bloomington, MN 55437–1458.

FOR FURTHER INFORMATION CONTACT: Nathan Rathbun, 612–713–5343 (phone); *permitsR3ES@fws.gov* (email). Individuals who are hearing or speech impaired may call the Federal Relay Service at 1–800–877–8339 for TTY assistance.

SUPPLEMENTARY INFORMATION:

Background

The Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), prohibits certain activities with endangered and threatened species unless authorized by a Federal permit. The ESA and our implementing regulations in part 17 of title 50 of the Code of Federal Regulations (CFR) provide for the issuance of such permits and require that we invite public comment before issuing permits for activities involving endangered species.

A recovery permit issued by us under section 10(a)(1)(A) of the ESA authorizes the permittee to conduct activities with endangered species for scientific purposes that promote recovery or for enhancement of propagation or survival of the species. Our regulations implementing section 10(a)(1)(A) for these permits are found at 50 CFR 17.22 for endangered wildlife species, 50 CFR 17.32 for threatened wildlife species, 50 CFR 17.62 for endangered plant species, and 50 CFR 17.72 for threatened plant species.

Permit Applications Available for Review and Comment

We invite local, State, and Federal agencies; Tribes; and the public to comment on the following applications:

Application No.	Applicant	Species	Location	Activity	Type of take	Permit action
TE85465D	Consumers Energy, Jackson, MI.	Indiana bat (*Myotis sodalis*), Northern long-eared bat (*Myotis septentrionalis*).	MI	Conduct scientific research on the impacts of wind turbine smart curtailment, population management and monitoring.	Harass, kill, salvage	New.
TE33381D	Neosho National Fish Hatchery, Neosho, MO.	Hungerford's crawling water beetle (*Brychius hungerfordi*), Arkansas fatmucket (*Lampsilis powellii*), fat pocketbook (*Potamilus capax*), Neosho mucket (*Lampsilis rafinesqueana*), Ouachita rock pocketbook (*Arkansia wheeleri*), pink mucket (*Lampsilis abrupta*), rabbitsfoot (*Quadrula cylindrica cylindrica*), scaleshell (*Leptodea leptodon*), sheepnose (*Plethobasus cyphyus*), snuffbox (*Epioblasma triquetra*), spectaclecase (*Cumberlandia monodonta*), winged mapleleaf (*Quadrula fragosa*).	AR, KS, MI, MO, OK.	Conduct presence/ absence surveys, document habitat use, conduct population monitoring, evaluate impacts.	Capture, handle, hold, tag, propagate, culture, release, relocate, head-start, buccal swab.	New.

Public Availability of Comments

Written comments we receive become part of the administrative record associated with this action. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can request in your comment that we withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so. Moreover, all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public disclosure in their entirety.

Next Steps

If we decide to issue permits to any of the applicants listed in this notice, we will publish a notice in the **Federal Register**.

Authority

We publish this notice under section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Lori Nordstrom,

Assistant Regional Director, Ecological Services.

[FR Doc. 2020–23505 Filed 10–22–20; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–HQ–NWRS–2020–N096; FXRS126109HD000–201–FF09R23000; OMB Control Number 1018–New]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Programmatic Clearance for U.S. Fish and Wildlife Service Social Science Research

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act, we, the U.S. Fish and Wildlife Service (Service), are proposing a new information collection.

DATES: Interested persons are invited to submit comments on or before November 23, 2020.

ADDRESSES: Send your comments and suggestions on the information collection requirements to the Desk Officer for the Department of the Interior at OMB–OIRA at (202) 395–5806 (fax) or *OIRA_Submission@omb.eop.gov* (email). Please provide a copy of your comments to the Service Information Collection Clearance Officer, U.S. Fish and Wildlife Service, MS: PRB (JAO/3W), 5275 Leesburg Pike, Falls Church, VA 22041–3803 (mail); or by email to *Info_Coll@fws.gov.* Please reference OMB Control Number ''1018–Programmatic'' in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: Madonna L. Baucum, Service Information Collection Clearance Officer, by email at *Info_Coll@fws.gov,* or by telephone at (703) 358–2503. Individuals who are hearing or speech impaired may call the Federal Relay Service at 1–800–877–8339 for TTY assistance. You may also view the ICR at *http://www.reginfo.gov/public/do/PRAMain.*

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995 (PRA, 44 U.S.C. 3501 *et seq.*) and 5 CFR 1320.8(d)(1), we provide the general public and other Federal agencies with an opportunity to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

On April 17, 2020, we published in the **Federal Register** (86 FR 21450) a notice of our intent to request that OMB approve this information collection. In that notice, we solicited comments for 60 days, ending on June 16, 2020. No comments were received in response to that notice.

As part of our continuing effort to reduce paperwork and respondent burdens, we are again soliciting comments from the public and other Federal agencies on the proposed ICR that is described below. We are especially interested in public comment addressing the following:

(1) Whether or not the collection of information is necessary for the proper performance of the functions of the agency, including whether or not the information will have practical utility;

(2) The accuracy of our estimate of the burden for this collection of information, including the validity of the methodology and assumptions used;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) How might the agency minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of response.

Comments that you submit in response to this notice are a matter of public record. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Abstract: Improving customer experience with Federal services is part of the President's Management Agenda (OMB Circular A–11, Section 280, ''Managing Customer Experience and Improving Service Delivery''). The collection of information is necessary to enable the Service to garner customer and stakeholder feedback in an efficient, timely manner, in accordance with our commitment to improving service delivery. Additionally, this new programmatic clearance is needed in order to be more responsive to Secretarial Orders 3356 (hunting and fishing opportunities), 3362 (big game habitat), and 3366 (outdoor recreation). This proposed new collection of information will also allow the Service to improve customer service delivery and response. This is important because OMB Circular A–11 designates the Service as a High-Impact Service Provider.

The programmatic clearance applies to social science surveys, interviews, and focus groups designed to provide information to Service managers and practitioners to improve quality and utility of agency programs, services, and planning efforts. To ensure continuous improvement, Service activities and projects require ongoing systematic assessment of their design, implementation, and outcomes. Data from collections undertaken through the proposed programmatic clearance would provide information for planning, monitoring, and evaluating National Wildlife Refuge System efforts as well as efforts of other Service programs. The scope of this programmatic clearance includes individual surveys, focus groups, and interviews of refuge visitors, potential visitors, and residents of communities near Service-managed units, and stakeholders and partners, including tribal interests.

To qualify for the generic programmatic review process, survey questions must show a clear tie to Service management needs. The programmatic review may only be used for noncontroversial information collections that are unlikely to attract or include topics of significant public interest. We must obtain OMB approval of all surveys developed using the pre-approved suite of questions before the survey can be initiated. This suite of questions will be used to develop customer experience and satisfaction surveys to meet requirements of OMB Circular A–11, as well as commitments to respond to the above-named Secretarial Orders.

Title of Collection: Programmatic Clearance for U.S. Fish and Wildlife Service Social Science Research.

OMB Control Number: 1018–New.

Form Number: None.

Type of Review: New.

Respondents/Affected Public: Persons visiting units managed by the Service; potential visitors, including ''virtual visitors'' who access content from a Service website; local community members; educators taking part in programs both on and off Service lands; government officials representing the local area; landowners; partners; stakeholders; and tribal interests.

Respondent's Obligation: Voluntary.

Frequency of Collection: On occasion.

Total Estimated Annual Nonhour Burden Cost: None.

Mode	Annual estimates		
	Number of respondents	Completion time per response (avg. minutes)	Burden Hours**
On-site, mail, internet surveys*	20,333	20	6,778
Telephone surveys	833	25	347
All non-response surveys	784	5	65
Focus groups/In-person interviews	59	60	59
Annual Total	22,009		7,249
3 Year Total	66,027		21,747

* Includes 2-minute contact time for some surveys, interviews, and focus groups, and approximately 2,500 electronic surveys.
** All figures are rounded.

An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Dated: October 20, 2020.

Madonna Baucum,

Information Collection Clearance Officer, U.S. Fish and Wildlife Service.

[FR Doc. 2020–23499 Filed 10–22–20; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–HQ–NCTC–2020–N112; FXGO16610900600 (201) FF09X35000; OMB Control Number 1018–New]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Native Youth Community Adaptation and Leadership Congress

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, we, the U.S. Fish and Wildlife Service (Service), are proposing a new information collection in use without an OMB Control Number.

DATES: Interested persons are invited to submit comments on or before November 23, 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. Please provide a copy of your comments to the Service Information Collection Clearance Officer, U.S. Fish and Wildlife Service, MS: PRB/PERMA (JAO/3W), 5275 Leesburg Pike, Falls Church, VA 22041–3803 (mail); or by email to *Info_Coll@fws.gov.* Please reference OMB Control Number 1018–NYCALC in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: Madonna L. Baucum, Service Information Collection Clearance Officer, by email at *Info_Coll@fws.gov,* or by telephone at (703) 358–2503. Individuals who are hearing or speech impaired may call the Federal Relay Service at 1–800–877–8339 for TTY assistance. You may also view the information collection request (ICR) at *http://www.reginfo.gov/public/do/PRAMain.*

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995 (PRA, 44 U.S.C. 3501 *et seq.*) and 5 CFR 1320.8(d)(1), we provide the general public and other Federal agencies with an opportunity to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

On May 26, 2020, we published in the **Federal Register** (85 FR 31543) a notice of our intent to request that OMB approve this information collection. In that notice, we solicited comments for 60 days, ending on July 27, 2020. We received the following comments in response to that notice:

Comment 1: Comment received via email from Jean Public on May 26, 2020—Commenter believes taxpayer funds associated with the Native Youth Community Adaptation and Leadership Congress (NYCALC) Program should be used only for Alaska Natives.

Agency Response to Comment 1: No action was taken, as the NYCALC program is already open to Alaska Natives, with a strong emphasis on recruitment from Alaska.

As part of our continuing effort to reduce paperwork and respondent burdens, we are again soliciting comments from the public and other Federal agencies on the proposed ICR that is described below. We are especially interested in public comment addressing the following:

(1) Whether or not the collection of information is necessary for the proper performance of the functions of the agency, including whether or not the information will have practical utility;

(2) The accuracy of our estimate of the burden for this collection of information, including the validity of the methodology and assumptions used;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) How might the agency minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of response.

Comments that you submit in response to this notice are a matter of public record. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Abstract: The Service offers eligible Native American, Alaskan Native, and Pacific Islander high school students the opportunity to apply for the Native Youth Community Adaptation and Leadership Congress (Congress). The mission of the Congress is to develop future conservation leaders with the skills, knowledge, and tools to address environmental change and conservation challenges to better serve their schools and home communities. The Congress supports and operates under the following authorities:

- Executive Order (E.O.) 13175, ''Consultation and Coordination With Indian Tribal Governments'' (November 6, 2000);
- E.O. 13515, ''Increasing Participation of Asian Americans and Pacific Islanders in Federal Programs'' (October 14, 2009);
- E.O. 13592, ''Improving American Indian and Alaska Native Educational Opportunities and Strengthening Tribal Colleges and Universities'' (December 2, 2011);
- Public Law 116–9, Section 9003, ''John D. Dingell, Jr. Conservation, Management, and Recreation Act'' (March 12, 2019);
- 16 U.S.C. 1727b, Indian Youth Service Corps;
- White House Memorandum on Government-to-Government Relationships with Native Governments (September 27, 2004);
- Department of the Interior Secretarial Order (S.O.) 3206, ''American Indian Tribal Rights, Federal-Tribal Trust Responsibilities, and the Endangered Species Act'' (June 5, 1997);
- S.O. 3317, ''DOI Policy: Department of the Interior Policy on Consultation with Indian Tribes'' (December 1, 2011);
- S.O. 3335, ''Reaffirmation of the Federal Trust Responsibility to Federally Recognized Indian Tribes and Individual Indian Beneficiaries'' (August 20, 2014); and
- Service Policy 520 FW 1, ''Native American Policy'' (January 20, 2016).

The weeklong environmental conference fosters an inclusive, meaningful, and educational opportunity for aspiring Native youth leaders interested in addressing environmental issues facing Native American, Alaskan Native, and Pacific Islander communities. Eligible students—representing a diverse mix of Native communities from various geographic locations, both urban and rural—compete for the opportunity to represent their Native communities from across the country. The students learn about environmental change and conservation while strengthening their leadership skills for addressing conservation issues within their own Native communities.

Through a cooperative agreement with the New Mexico Wildlife Federation (NMWF), the Service solicits and evaluates applications from eligible students interested in applying for the program. The NMWF notifies successful applicants and arranges all travel for them. Information collected from each applicant via an online application administered by the NMWF includes:

- Applicant's full name, contact information, date of birth, and Tribal/community affiliation;
- Emergency contact information for applicant;
- Name and contact information of applicant's mentor;
- Applicant's school name and address;
- Applicant's current grade in school;
- Applicant's participation in extracurricular activities, school clubs, or community organizations;
- Applicant's volunteer experience; and
- Applicant's accomplishments or awards received.

Each applicant also provides essay responses to questions concerning topics such as environmental issues affecting his or her home/Tribal community, how or whether the environmental issues are addressed, and/or how, as a Native youth leader, he or she can lead the community in adapting to a changing environment. Successful applicants must also provide basic medical information to assure their health and safety while on site at the National Conservation Training Center for the Congress. The on-site nurse keeps this information strictly confidential, for use only in an emergency.

The following Federal partners assist and support the Service's administration of the Congress:

- The U.S. Department of the Interior—

—Bureau of Indian Affairs;
—Bureau of Land Management;
—National Park Service;
—United States Geological Survey;

- The U.S. Department of Agriculture—U.S. Forest Service;
- The U.S. Department of Commerce—National Oceanic and Atmospheric Administration;
- The Federal Emergency Management Agency; and
- The National Aeronautics and Space Administration.

Title of Collection: Native Youth Community Adaptation and Leadership Congress.

OMB Control Number: 1018–New.

Form Number: None.

Type of Review: Existing collection of information in use without an OMB Control Number.

Respondents/Affected Public: Eligible high school or college students interested in applying for the program.

Respondent's Obligation: Voluntary.

Frequency of Collection: On occasion.

Total Estimated Annual Nonhour Burden Cost: None.

Activity	Total annual responses	Completion time per response (hours)	Total annual burden hours
Application	105	4	420
Student Medical Information	100	.5	50
Totals	205	.....	470

An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Madonna Baucum,

Information Collection Clearance Officer, U.S. Fish and Wildlife Service.

[FR Doc. 2020–23498 Filed 10–22–20; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Geological Survey

[GX20EG33DW20300; OMB Control Number 1028–0111]

Agency Information Collection Activities; The National Map Corps (TNMCorps)—Volunteered Geographic Information Project

AGENCY: Geological Survey, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, we, the U.S. Geological Survey (USGS) are proposing to renew an information collection.

DATES: Interested persons are invited to submit comments on or before December 22, 2020.

ADDRESSES: Send your comments on this information collection request (ICR) by mail to U.S. Geological Survey, Information Collections Officer, 12201 Sunrise Valley Drive, MS 159, Reston, VA 20192; or by email to *gs-info_collections@usgs.gov.* Please reference OMB Control Number 1028–0111 in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Erin Korris by email at *ekorris@usgs.gov,* or by telephone at 303–202–4503.

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995, we provide the general public and other Federal agencies with an opportunity to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

We are soliciting comments on the proposed ICR that is described below. We are especially interested in public comment addressing the following issues: (1) Is the collection necessary to the proper functions of the USGS; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the USGS enhance the quality, utility, and clarity of the information to be collected; and (5) how might the USGS minimize the burden of this collection on the respondents, including through the use of information technology.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Abstract: The National Map Corps (TNMCorps) is the name of the U.S. Geological Survey (USGS) National Geospatial Program (NGP) project that encourages citizen participation in volunteer map data collection activities. TNMCorps uses crowdsourcing—new technologies and internet services to georeference structure points and share this information with others on map-based internet platforms—to produce volunteered geographic information (VGI). People participating in the crowd sourcing are considered part of the TNMCorps. In general, the National Structures Dataset (NSD) has been populated with the best available national data. This data has been exposed for initial improvement by TNMCorps volunteers via the online Map Editor (the instrument). In addition, the data goes through a tiered-editing process, which includes Peer Review and Advanced Editors. At each stage the data is passed through an automatic ''magic filter'' to look for data issues before being submitted into the NSD. In addition data goes through sampling for quality assurance procedures.

Data within the NSD is available to the USGS; as well as to the public, at no cost via The National Map and US Topo.

Data quality studies in 2012, 2014, and 2018 showed that the volunteers' actions were accurate and exceeded USGS quality standards. Volunteer-collected data showed an improvement in both location and attribute accuracy for existing data points. Completeness, or the extent to which all appropriate features were identified and recorded, was also improved.

Title of Collection: The National Map Corps—Volunteered Geographic Information Project.

OMB Control Number: 1028–0111.

Form Number: None.

Type of Review: Renewal of a currently approved collection.

Respondents/Affected Public: General public.

Total Estimated Number of Annual Respondents: 665.

Total Estimated Number of Annual Responses: 100,000.

Estimated Completion Time per Response: 12 minutes on average.

Total Estimated Number of Annual Burden Hours: 20,000.

Respondent's Obligation: Voluntary.

Frequency of Collection: On occasion.

Total Estimated Annual Nonhour Burden Cost: There are no ''non-hour cost'' burdens associated with this IC.

An agency may not conduct, or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq*).

David Brostuen,

Acting Director, National Geospatial Technical Operations Center USGS.

[FR Doc. 2020–23459 Filed 10–22–20; 8:45 am]

BILLING CODE 4338–11–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[212A2100DD/AAKC001030/A0A501010.999900253G]

Final Environmental Impact Statement and Final Conformity Determination for the Tejon Indian Tribe's Proposed Fee-to-Trust Acquisition and Casino Resort Project, Kern County, California

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of availability.

SUMMARY: This notice advises the public that the Bureau of Indian Affairs (BIA), as lead agency, with the Tejon Indian Tribe (Tribe), Kern County (County), National Indian Gaming Commission (NIGC), and the U.S. Environmental Protection Agency (EPA) serving as cooperating agencies, intends to file a Final Environmental Impact Statement (FEIS) with the EPA in connection with

the Tribe's application for transfer into trust by the United States of approximately 306 acres for gaming and other purposes to be located west of the Town of Mettler, Kern County, California.

DATES: The Record of Decision for the proposed action will be issued on or after 30 days from the date the EPA publishes its Notice of Availability in the **Federal Register**. The BIA must receive any comments on the FEIS before that date.

ADDRESSES: You may submit written comments:

- *By mail to:* Amy Dutschke, Regional Director, Bureau of Indian Affairs, Pacific Region, 2800 Cottage Way, Sacramento, CA 95825. Please include your name, return address, and ''FEIS Comments, Tejon Indian Tribe Casino Project'' on the first page of your written comments.
- *By email to:* Chad Broussard, Environmental Protection Specialist, Bureau of Indian Affairs, at *chad.broussard@bia.gov,* using ''FEIS Comments, Tejon Indian Tribe Casino Project'' as the subject of your email.

FOR FURTHER INFORMATION CONTACT: Chad Broussard, Environmental Protection Specialist, Bureau of Indian Affairs, Pacific Regional Office, telephone: (916) 978–6165; email: *chad.broussard@bia.gov.* Information is also available at *www.tejoneis.com.*

SUPPLEMENTARY INFORMATION: The BIA published the Notice of Availability for the Draft EIS in the **Federal Register** and the Bakersfield Californian on June 12, 2020 (85 FR 35948). The BIA held a virtual public hearing on July 8, 2020.

Background: The Proposed Project consists of the following components: (1) The Department of the Interior's (Department) transfer of approximately 306 acres from fee to trust status pursuant to Section 5 of the Indian Reorganization Act (25 U.S.C. 5108); (2) issuance of a determination by the Secretary of the Interior pursuant to Section 20 of the Indian Gaming Regulatory Act determining whether a gaming facility on the project site would be in the best interest of the Tribe and its members and not detrimental to the surrounding community (25 U.S.C. 2719(b)(1)(A)); (3) the approval of a management contract by the Chairman of the National Indian Gaming Commission pursuant to 25 U.S.C. 2711; and (4) the development of the trust parcel with a casino, hotel, convention center, multipurpose event space, several restaurant facilities, parking facilities, a recreational vehicle (RV) park, fire and sheriff stations, and associated facilities.

The following alternatives are considered in the FEIS: (1) Proposed Project; (2) Reduced Intensity Hotel and Casino; (3) Organic Farm; (4) Alternate Site for the Proposed Project; and (5) No Action Alternative. The BIA has selected Alternative A1, the Proposed Project, as the Preferred Alternative as discussed in the FEIS.

Environmental issues addressed in the FEIS include geology and soils, water resources, air quality, biological resources, cultural and paleontological resources, socioeconomic conditions (including environmental justice), transportation and circulation, land use, public services, noise, hazardous materials, aesthetics, cumulative effects, and indirect and growth inducing effects.

The information and analysis contained in the FEIS, as well as its evaluation and assessment of the Preferred Alternative, will assist the Department in its review of the issues presented in the Tribe's application. Selection of the Preferred Alternative does not indicate the Department's final decision because the Department must complete its review process. The Department's review process consists of (1) issuing the notice of availability of the FEIS; (2) issuing a Record of Decision no sooner than 30 days following publication of a Notice of Availability of the FEIS by the EPA in the **Federal Register**; (3) issuing a Secretarial Determination pursuant to Section 20 of the Indian Gaming Regulatory Act that determines whether the Tribe's gaming facility would be in the best interest of the Tribe and its members and is not detrimental to the surrounding community, 25 U.S.C. 2719(b)(1)(A); (4) requesting the Governor of California's concurrence with the Secretarial Determination; and (5) issuing a final decision on the transfer of the proposed site from fee to trust status pursuant to Section 5 of the Indian Reorganization Act, 25 U.S.C. 5108. The National Indian Gaming Commission will separately consider the Tribe's application for a management contract pursuant to 25 CFR part 533.

In accordance with Section 176 of the Clean Air Act (42 U.S.C. 7506), and the EPA general conformity regulations 40 CFR part 93, subpart B, a Final Conformity Determination (FCD) has been prepared for the proposed project. The Clean Air Act requires Federal agencies to ensure that their actions conform to applicable implementation plans for achieving and maintaining the National Ambient Air Quality Standards for criteria air pollutants. The BIA has prepared an FCD for the proposed action/project described above. The FCD is included in Appendix Z of the FEIS.

Locations where the FEIS is Available for Review: The FEIS is available for review at *www.tejoneis.com.* Contact information is listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice.

Public Comment Availability: Comments, including names and addresses of respondents, will be available for public review. Before including your address, telephone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask in your comment that your personal identifying information be withheld from public review, the BIA cannot guarantee that this will occur.

Authority: This notice is published pursuant to Sec. 1503.1 of the Council of Environmental Quality Regulations (40 CFR parts 1500 through 1508) and Sec. 46.305 of the Department of the Interior Regulations (43 CFR part 46), implementing the procedural requirements of the NEPA of 1969, as amended (42 U.S.C. 4371, *et seq.*), and is in the exercise of authority delegated to the Assistant Secretary—Indian Affairs by 209 DM 8. This notice is also published in accordance with 40 CFR 93.155, which provides reporting requirements for conformity determinations.

Tara Sweeney,

Assistant Secretary—Indian Affairs.

[FR Doc. 2020–23497 Filed 10–22–20; 8:45 am]

BILLING CODE 4337–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[212A2100DD/AAKC001030/A0A501010.999900253G]

Final Environmental Impact Statement for the Little River Band Trust Acquisition and Casino Project, Township of Fruitport, Muskegon County, Michigan

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of availability.

SUMMARY: This notice advises the public that the Bureau of Indian Affairs (BIA) as lead agency, with the Township of Fruitport, County of Muskegon, Little River Band of Ottawa Indians (Tribe), and Federal Highway Administration serving as cooperating agencies, intends

to file a Final Environmental Impact Statement (FEIS) with the U.S. Environmental Protection Agency (EPA) in connection with the Tribe's application requesting the transfer into trust by the United States of approximately 60 acres of land for gaming and other purposes in the Township of Fruitport, County of Muskegon, Michigan.

DATES: The Record of Decision for the proposed action will be issued on or after 30 days from the date the EPA will publish its Notice of Availability in the **Federal Register**. The BIA must receive any comments on the FEIS before that date.

ADDRESSES: You may mail comments to Ms. Tammie Poitra, Midwest Regional Director, Bureau of Indian Affairs, Midwest Region, Norman Pointe II Building, 5600 West American Boulevard, Suite 500, Bloomington, MN 55347. Please include your name, return address, and the caption: ''FEIS Comments, Little River Band Trust Acquisition and Casino Project,'' on the first page of your written comments.

FOR FURTHER INFORMATION CONTACT: Mr. Scott Doig, Regional Environmental Scientist, Division of Environmental, Facilities, Safety and Cultural Resource Management (DEFSCRM), Bureau of Indian Affairs, Midwest Region, Norman Pointe II Building, 5600 West American Boulevard, Suite 500, Bloomington, MN 55347; phone: (612) 725–4514; email: *scott.doig@bia.gov.* Information is also available online at *www.littlerivereis.com.*

SUPPLEMENTARY INFORMATION: The BIA published a Notice of Availability for the Draft EIS in the **Federal Register** on November 21, 2018 (83 FR 58783), and on December 12, 2018, held a public hearing for the proposed project at Fruitport Middle School, 3113 East Pontaluna Road, Fruitport, Michigan 49415. On March 18, 2019, the BIA reopened the public comment period until April 17, 2019 (84 FR 9807).

Background: The Proposed Project consists of the following components: (1) The Department of the Interior's (Department) transfer of approximately 60 acres from fee to trust status pursuant to Section 5 of the Indian Reorganization Act (25 U.S.C. 5108); (2) issuance of a determination by the Secretary of the Interior pursuant to Section 20 of the Indian Gaming Regulatory Act determining whether a gaming facility on the project site would be in the best interest of the Tribe and its members and not detrimental to the surrounding community (25 U.S.C. 2719(b)(1)(A)); and (3) development of the trust parcel and adjacent land owned by the Tribe, totaling approximately 86.5 acres, with a variety of uses including a casino, hotel, conference center, parking, and other supporting facilities.

The following alternatives are considered in the FEIS: (1) Proposed Project; (2) Reduced Intensity Alternative; (3) Non-Gaming Alternative; (4) Custer Site Alternative; and (5) No Action/No Development. The BIA has selected Alternative 1, the Proposed Project, as the Preferred Alternative as discussed in the FEIS.

Environmental issues addressed in the FEIS include geology and soils, water resources, air quality, biological resources, cultural and paleontological resources, socioeconomic conditions (including environmental justice), transportation and circulation, land use, public services, noise, hazardous materials, aesthetics, cumulative effects, and indirect and growth-inducing effects.

The information and analysis contained in the FEIS, as well as its evaluation and assessment of the Preferred Alternative, will assist the Department in its review of the issues presented in the Tribe's application. Selection of the Preferred Alternative does not indicate the Department's final decision because the Department must complete its review process. The Department's review process consists of (1) issuing the notice of availability of the FEIS; (2) issuing a Record of Decision no sooner than 30 days following publication of the Notice of Availability of the FEIS by the EPA in the **Federal Register**; (3) issuing a Secretarial Determination pursuant to Section 20 of the Indian Gaming Regulatory Act that determines whether the Tribe's gaming facility would be in the best interest of the Tribe and its members and is not detrimental to the surrounding community, 25 U.S.C. 2719(b)(1)(A); (4) requesting the Governor of Michigan's concurrence with the Secretarial Determination; and (5) issuing a final decision on the transfer of the proposed site from fee to trust status pursuant to Section 5 of the Indian Reorganization Act, 25 U.S.C. 5108.

Locations where the FEIS is available for review: The FEIS will be available for review at the Fruitport Public Library located at 605 Eclipse Blvd., Fruitport, Michigan 53511, and online at *www.littlerivereis.com.* Contact information is listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice. Individual paper copies of the DEIS will be provided only upon payment of applicable printing expenses by the requestor for the number of copies requested.

Public comment availability: Comments, including names and addresses of respondents, will be available for public review at the BIA address shown in the **ADDRESSES** section, during regular business hours by appointment only, 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask in your comment that your personal identifying information be withheld from public review, the BIA cannot guarantee that this will occur.

Authority: This notice is published pursuant to Sec. 1503.1 of the Council of Environmental Quality Regulations (40 Code of Federal Regulations [CFR] parts 1500 through 1508) and Sec. 46.305 of the Department of the Interior Regulations (43 CFR part 46), implementing the procedural requirements of the NEPA of l969, as amended (42 U.S.C. 4371, *et seq.*), and is in the exercise of authority delegated to the Assistant Secretary—Indian Affairs by 209 DM 8.

Tara Sweeney,

Assistant Secretary—Indian Affairs.

[FR Doc. 2020–23508 Filed 10–22–20; 8:45 am]

BILLING CODE 4337–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[L19900000.PO0000.LLWO320.20X; OMB Control Number 1004–0169]

Agency Information Collection Activities; Use and Occupancy Under the Mining Laws

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, we, the Bureau of Land Management (BLM) are proposing to renew an information collection.

DATES: Interested persons are invited to submit comments on or before December 22, 2020.

ADDRESSES: Send your comments on this information collection request (ICR) by mail to Faith Bremner, Senior Regulatory Analyst, U.S. Department of the Interior, Bureau of Land

Management, 1849 C Street NW, Washington, DC 20240; or by email to *fbremner@blm.gov.* Please reference Office of Management and Budget (OMB) Control Number 1004–0169 in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Tom Kilbey by email at *tkilbey@blm.gov,* or by telephone at 602–417–9349. Individuals who are hearing or speech impaired may call the Federal Relay Service at 1–800–877–8339 for TTY assistance. You may also view the ICR at *http://www.reginfo.gov/public/do/PRAMain.*

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995 (PRA, 44 U.S.C. 3501 *et seq.*) and 5 CFR 1320.8(d)(1), all information collections require approval under the PRA. We may not conduct or sponsor and you are not required to respond to a collection of information unless it displays a currently valid OMB control number.

As part of our continuing effort to reduce paperwork and respondent burdens, we invite the public and other Federal agencies to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

We are especially interested in public comment addressing the following:

(1) Whether or not the collection of information is necessary for the proper performance of the functions of the agency, including whether or not the information will have practical utility;

(2) The accuracy of our estimate of the burden for this collection of information, including the validity of the methodology and assumptions used;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) How might the agency minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of response.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Abstract: This information collection enables the BLM to regulate the use and occupancy of unpatented hardrock mining claims, and to take any action necessary to prevent unnecessary or undue degradation of public lands as a result of such use or occupancy. The BLM collects information from mining claimants who want to undertake the activities that are necessary in order to locate a mining claim or mill site.

Title of Collection: Use and Occupancy Under the Mining Laws.

OMB Control Number: 1004–0169.

Form Number: None.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: Mining claimants.

Total Estimated Number of Annual Respondents: 70.

Total Estimated Number of Annual Responses: 70.

Estimated Completion Time per Response: 4 hours.

Total Estimated Number of Annual Burden Hours: 280.

Respondent's Obligation: Required to obtain or retain a benefit.

Frequency of Collection: Once.

Total Estimated Annual Nonhour Burden Cost: None.

An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Faith Bremner,

Senior Regulatory Analyst.

[FR Doc. 2020–23489 Filed 10–22–20; 8:45 am]

BILLING CODE 4310–84–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLAK940000.L14100000.BX0000.21X.LXSS001L0100]

Filing of Plats of Survey: Alaska

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of official filing.

SUMMARY: The plats of survey of lands described in this notice are scheduled to be officially filed in the Bureau of Land Management (BLM), Alaska State Office, Anchorage, Alaska. The surveys, which were executed at the request of the Bureau of Indian Affairs and BLM, are necessary for the management of these lands.

DATES: The BLM must receive protests by November 23, 2020.

ADDRESSES: You may buy a copy of the plats from the BLM Alaska Public Information Center, 222 W. 7th Avenue, Mailstop 13, Anchorage, AK 99513. Please use this address when filing written protests. You may also view the plats at the BLM Alaska Public Information Center, Fitzgerald Federal Building, 222 W. 8th Avenue, Anchorage, Alaska, at no cost.

FOR FURTHER INFORMATION CONTACT: Thomas B. O'Toole, Chief, Branch of Cadastral Survey, Alaska State Office, Bureau of Land Management, 222 W. 7th Avenue, Anchorage, AK 99513; 907–271–4231; *totoole@blm.gov.* People who use a telecommunications device for the deaf may call the Federal Relay Service (FRS) at 1–800–877–8339 to contact the BLM 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:

Copper River Meridian, Alaska

T. 12 N., R. 20 E., Correction of Survey Plat, dated September 4, 2020, corrects the label of lots 2 and 3 of section 34, as depicted on the township plat accepted for the Director on July 15, 1980

T. 16 S., R. 4 W., accepted September 17, 2020

U.S. Survey No. 14501, accepted September 10, 2020, situated in T. 20 N., R. 11 E.

U.S. Survey No. 14504, accepted September 18, 2020, situated in T. 26 N., R. 14 E.

Seward Meridian, Alaska

T. 7 N., R. 9 E., Correction of Survey Plat, dated September 16, 2020, corrects the label AREA A to read TRACT A, as depicted on the township plat officially filed February 12, 1998

U.S. Survey No. 9083, Correction of Survey Plat, dated October 6, 2020, corrects the Parcels Area in the plat memorandum on sheet 1 of 4 sheets, situated in T. 13 N., R. 4 W., as depicted on the township plat officially filed March 12, 2009

U.S. Survey No. 14480, Cancelation of survey plat, dated October 16, 2020, officially filed February 15, 2018, situated in T. 8 S., R. 32 W.

U.S. Survey No. 14480, accepted October 16, 2020, situated in T. 8 S., R. 32 W.

A person or party who wishes to protest one or more plats of survey identified above must file a written notice of protest with the State Director for the BLM in Alaska. The notice of protest must identify the plat(s) of survey that the person or party wishes to protest. You must file the notice of protest before the scheduled date of official filing for the plat(s) of survey being protested. The BLM will not consider any notice of protest filed after the scheduled date of official filing. A notice of protest is considered filed on the date it is received by the State Director for the BLM in Alaska during regular business hours; 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 a protest, if not filed with the notice of protest, must be filed with the State Director for the BLM in Alaska within 30 calendar days after the notice of protest is filed.

If a notice of protest against a plat of survey is received prior to the scheduled date of official filing, the official filing of the plat 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 dismissal or resolution of all protests of the plat.

Before including your address, phone number, email address, or other personally identifiable information in a notice of protest or statement of reasons, you should be aware that the documents you submit, including your personally identifiable information, may be made publicly available in their entirety at any time. While you can ask the BLM to withhold your personally identifiable information from public review, we cannot guarantee that we will be able to do so.

Authority: 43 U.S.C. Chap. 3.

Thomas B. O'Toole,

Chief Cadastral Surveyor, Alaska.

[FR Doc. 2020–23518 Filed 10–22–20; 8:45 am]

BILLING CODE 4310–JA–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLORV00000.L10200000.XZ0000. LXSSH1050000.20X.HAG 20–0088]

Notice of Public Meeting for the John Day-Snake Resource Advisory Council Planning Subcommittee and the John Day-Snake Resource Advisory Council

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of public meetings.

SUMMARY: In accordance with the Federal Land Policy and Management Act of 1976 and the Federal Advisory Committee Act of 1972, the U.S. Department of the Interior, Bureau of Land Management's (BLM) John Day-Snake Resource Advisory Council (RAC) Planning Subcommittee and John Day-Snake RAC will meet as indicated below.

DATES: The John Day-Snake RAC Planning Subcommittee will meet at 6 p.m. PST Thursday, December 10, 2020, via Zoom conference. The John Day-Snake RAC will meet Thursday and Friday, February 18 and 19, 2021, starting at 1 p.m. PST Thursday, February 18, and 8 a.m. PST Friday, February 19. A public comment period will be offered both days of the meeting.

ADDRESSES: The Planning Subcommittee Zoom meeting details will be published on the RAC web page at least 10 days in advance of the meeting at *https://www.blm.gov/get-involved/resource-advisory-council/near-you/oregon-washington/john-day-rac.* The RAC meeting on February 18–19, 2021, will be held at the Prineville BLM offices, 3050 NE 3rd Street, Prineville, OR 97754. A virtual option may be offered for this meeting if public health restrictions are in place. Further details will be available at *https://www.blm.gov/get-involved/resource-advisory-council/near-you/oregon-washington/john-day-rac.*

FOR FURTHER INFORMATION CONTACT: Larisa Bogardus, Public Affairs Officer, 3100 H Street, Baker City, OR 97814; 541–219–6863; *lbogardus@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 15-member John Day-Snake RAC was chartered and appointed by the Secretary of the Interior. Their diverse perspectives are represented in commodity, conservation, and general interests. They provide advice to the BLM and, as needed, to the U.S. Forest Service resource managers regarding management plans and proposed resource actions on public land in the John Day-Snake area.

The Planning Subcommittee was established to gather information, conduct research, and analyze relevant issues and facts on selected topics for future consideration by the RAC. The Subcommittee's primary goal is to provide information to the RAC members that allows them to better respond to time-sensitive issues, such as responding to an environmental document within the public comment period. No decisions are made at the subcommittee level.

Standing RAC meeting agenda items include management of energy and minerals, timber, rangeland and grazing, commercial and dispersed recreation, wildland fire and fuels, and wild horses and burros; review of and/or recommendations regarding proposed actions by Vale or Prineville BLM districts and the Wallowa-Whitman, Umatilla, Malheur, Ochoco, and Deschutes National Forests; and any other business that may reasonably come before the RAC.

Information to be distributed to the RAC is requested prior to the start of each meeting. Final agendas will be posted online at *https://www.blm.gov/get-involved/resource-advisory-council/near-you/oregon-washington/john-day-rac* at least one week prior to the meeting.

The Designated Federal Officer attends all calls and meetings, takes minutes, and publishes these minutes on the RAC web page at *https://www.blm.gov/get-involved/resource-advisory-council/near-you/oregon-washington/john-day-rac.*

All calls and meetings are open to the public in their entirety. The public may send written comments to the subcommittee and RAC in response to material presented. Comments can be mailed to: BLM Vale District; Attn. Don Gonzalez; 100 Oregon Street; Vale, OR 97918.

Public Disclosure of Comments: Before including your address, phone number, email address, or other personal identifying information in your comments, please be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee we will be able to do so.

Authority: 43 CFR 1784.4–2.

Donald N. Gonzalez,

Vale District Manager.

[FR Doc. 2020–23549 Filed 10–22–20; 8:45 am]

BILLING CODE 4310–33–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–1472 (Final)]

Difluoromethane (R–32) from China; Revised Schedule for the Subject Investigation

AGENCY: United States International Trade Commission.

ACTION: Notice.

DATES: October 19, 2020.

FOR FURTHER INFORMATION CONTACT: Ahdia Bavari (202–205–3191), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*https://www.usitc.gov*). The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION: Effective August 27, 2020, the Commission published its schedule for the final phase of this investigation (85 FR 55688, September 9, 2020). The Commission is revising its schedule.

The Commission's revised dates in the schedule are as follows: Requests to appear at the hearing must be filed with the Secretary to the Commission not later than January 8, 2021. If deemed necessary, the prehearing conference will be held on January 11, 2021. The hearing will be held on January 14, 2021 at 9:30 a.m. The deadline for filing posthearing briefs is January 21, 2021.

For further information concerning this proceeding, see the Commission's notice cited above and the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A and C (19 CFR part 207).

Authority: This investigation is being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to § 207.21 of the Commission's rules.

By order of the Commission.

Issued: October 19, 2020.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2020–23460 Filed 10–22–20; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1203]

Certain Rolled-Edge Rigid Plastic Food Trays; Notice of Commission Determination Not To Review an Initial Determination Finding Ningbo Linhua Plastic Co., Ltd. in Default; Request for Written Submissions on Remedy, the Public Interest, and Bonding

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission (''Commission'') has determined not to review an initial determination (''ID'') (Order No. 7) finding Ningbo Linhua Plastic Co., Ltd. (''Ningbo''), the last remaining respondent, in default. Accordingly, the Commission requests written submissions from the parties, interested government agencies, and interested persons on the issues of remedy, the public interest, and bonding, under the schedule set forth below.

FOR FURTHER INFORMATION CONTACT: Amanda Fisherow, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–2737. 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 June 23, 2020, based on a complaint filed by Clearly Clean Products, LLC of South Windsor, Connecticut and Converter Manufacturing, LLC of Orwigsburg, Pennsylvania (''Complainants''). 85 FR 37689–90 (June 23, 2020). The complaint alleges a violation of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 (''section 337''), by reason of infringement of certain claims of U.S. Patent Nos. 9,908,281 and 10,562,680. The notice of investigation named the following respondents: Eco Food Pak (USA), Inc. of Chino, California and Ningbo Linhua Plastic Co., Ltd. of Fenghua, China (''Ningbo''). The Commission's Office of Unfair Import Investigations (''OUII'') also was named as a party.

The complaint and notice of investigation were served on Ningbo on July 7, 2020. On August 20, 2020, Complainants filed a motion for an order to show cause why Ningbo should not be found in default for failing to respond to the complaint and notice of investigation. On September 8, 2020, the ALJ ordered Ningbo to show cause why it should not be found in default and Ningbo did not file a response.

On October 6, 2020, the ALJ issued the subject ID (Order No. 7) finding Ningbo in default. The ID notes that Ningbo is the last remaining respondent and the ID terminates the investigation. No party petitioned for review of the ID.

The Commission has determined not to review the ID. Ningbo is in default.

Ningbo is the sole remaining respondent in this investigation. Section 337(g)(1) and Commission Rule 210.16(c) authorize the Commission to order relief against a respondent found in default, unless, after considering the public interest, it finds that such relief should not issue.

In connection with the final disposition of this investigation, the statute authorizes issuance of, *inter alia,* (1) an exclusion order that could result in the exclusion of the subject articles from entry into the United States; and/or (2) a cease and desist order that could result in the respondent being required to cease and desist from engaging in unfair acts in the importation and sale of such articles. Accordingly, the Commission is interested in receiving written submissions that address the form of remedy, if any, that should be ordered. If a party seeks exclusion of an article from entry into the United States for purposes other than entry for consumption, the party should so indicate and provide information establishing that activities involving other types of entry either are adversely affecting it or likely to do so. For background, see *Certain Devices for Connecting Computers via Telephone Lines,* Inv. No. 337–TA–360, USITC Pub. No. 2843, Comm'n Op. at 7–10 (Dec. 1994).

The statute requires the Commission to consider the effects of that remedy upon the public interest. The public interest factors the Commission will consider include the effect that an exclusion order and/or cease and desist orders would have on: (1) The public health and welfare, (2) competitive conditions in the U.S. economy, (3) U.S. production of articles that are like or directly competitive with those that are

subject to investigation, and (4) U.S. consumers. The Commission is therefore interested in receiving written submissions that address the aforementioned public interest factors in the context of this investigation.

If the Commission orders some form of remedy, the U.S. Trade Representative, as delegated by the President, has 60 days to approve, disapprove, or take no action on the Commission's determination. *See* Presidential Memorandum of July 21, 2005, 70 FR 43251 (July 26, 2005). During this period, the subject articles would be entitled to enter the United States under bond, in an amount determined by the Commission and prescribed by the Secretary of the Treasury. The Commission is therefore interested in receiving submissions concerning the amount of the bond that should be imposed if a remedy is ordered.

Written Submissions: Parties to the investigation, interested government agencies, and any other interested parties are encouraged to file written submissions on the issues of remedy, the public interest, and bonding.

In their initial submissions, Complainants are also requested to identify the remedy sought and Complainants and OUII are requested to submit proposed remedial orders for the Commission's consideration. Complainants are further requested to state the dates that the Asserted Patents expire, to provide the HTSUS subheadings under which the accused products are imported, and to supply the identification information for all known importers of the products at issue in this investigation. The initial written submissions and proposed remedial orders must be filed no later than close of business on November 3, 2020. Reply submissions must be filed no later than the close of business on November 10, 2020. Opening submissions are limited to 15 pages. Reply submissions are limited to 10 pages. No further submissions on any of these issues will be permitted unless otherwise ordered by the Commission.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above. The Commission's paper filing requirements in 19 CFR 210.4(f) are currently waived. 85 FR 15798 (March 19, 2020). Submissions should refer to the investigation number (Inv. No. 337–TA–1203) in a prominent place on the cover page and/or the first page. (*See* Handbook for Electronic Filing Procedures, *https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf*). Persons with questions regarding filing should contact the Secretary, (202) 205–2000.

Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. A redacted non-confidential version of the document must also be filed simultaneously with any confidential filing. All information, including confidential business information and documents for which confidential treatment is properly sought, submitted to the Commission for purposes of this investigation may be disclosed to and used: (i) By the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel, solely for cybersecurity purposes. All contract personnel will sign appropriate nondisclosure agreements. All nonconfidential written submissions will be available for public inspection on EDIS.

The Commission vote for this determination took place on October 20, 2020.

While temporary remote operating procedures are in place in response to COVID–19, the Office of the Secretary is not able to serve parties that have not retained counsel or otherwise provided a point of contact for electronic service. Accordingly, pursuant to Commission Rules 201.16(a) and 210.7(a)(1) (19 CFR 201.16(a), 210.7(a)(1)), the Commission orders that the Complainants complete service for any party/parties without a method of electronic service noted on the attached Certificate of Service and shall file proof of service on the Electronic Document Information System (EDIS).

The authority for the Commission's determination is contained in Section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in Part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.

Issued: October 20, 2020.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2020–23548 Filed 10–22–20; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–731]

Importer of Controlled Substances Application: Mylan Technologies Inc.

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of application.

SUMMARY: Mylan Technologies Inc. has applied to be registered as an importer of basic class(es) of controlled substance(s). Refer to Supplemental Information listed below for further drug information.

DATES: Registered bulk manufacturers of the affected basic class(es), and applicants therefore, may file written comments on or objections to the issuance of the proposed registration on or before November 23, 2020. Such persons may also file a written request for a hearing on the application on or before November 23, 2020.

ADDRESSES: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/DPW, 8701 Morrissette Drive, Springfield, Virginia 22152. All requests for a hearing must be sent to: Drug Enforcement Administration, Attn: Administrator, 8701 Morrissette Drive, Springfield, Virginia 22152. All requests for a hearing should also be sent to: (1) Drug Enforcement Administration, Attn: Hearing Clerk/OALJ, 8701 Morrissette Drive, Springfield, Virginia 22152; and (2) Drug Enforcement Administration, Attn: DEA Federal Register Representative/DPW, 8701 Morrissette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 1301.34(a), this is notice that on October 6, 2020, Mylan Technologies Inc., 110 Lake Street, Saint Albans, Vermont 05478–2266, applied to be registered as an importer of the following basic class(es) of controlled substance(s):

Controlled substance	Drug code	Schedule
Methylphenidate	1724	II
Fentanyl	9801	II

The company plans to import the listed controlled substances in finished dosage form (FDF) from foreign sources for analytical testing and clinical trials in which the foreign FDF will be compared to the company's own domestically manufactured FDF. This analysis is required to allow the company to export domestically manufactured finished dosage form to foreign markets. No other activity for these drug codes is authorized for this registration.

Approval of permit applications will occur only when the registrant's business activity is consistent with what is authorized under 21 U.S.C. 952(a)(2). Authorization will not extend to the import of Food and Drug Administration-approved or non-approved finished dosage forms for commercial sale.

William T. McDermott,

Assistant Administrator.

[FR Doc. 2020–23511 Filed 10–22–20; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Office of the Attorney General

Designation of Criminal Division as ''Designated Authority'' Under an Agreement With the United Kingdom; AG Order No. 4876–2020

AGENCY: Department of Justice.

ACTION: Notice of Attorney General designation.

SUMMARY: The Agreement between the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland on Access to Electronic Data for the Purpose of Countering Serious Crime (the ''U.S.-U.K. CLOUD Agreement'' or ''Agreement'') defines ''Designated Authority'' for the United States as the government entity designated by the Attorney General and assigns certain responsibilities to the Designated Authority. This notice designates the Criminal Division as the Designated Authority for purposes of the Agreement.

DATES: The designation made by this notice is effective October 23, 2020.

FOR FURTHER INFORMATION CONTACT: Vaughn Ary, Director, Office of International Affairs, Criminal Division, U.S. Department of Justice, Washington, DC 20005; Telephone (202) 514–0000.

SUPPLEMENTARY INFORMATION: On October 3, 2019, the Home Secretary of the United Kingdom and the Attorney General of the United States signed the U.S.-U.K. CLOUD Agreement. A copy of the U.S.-U.K. CLOUD Agreement is available at: *https://www.justice.gov/dag/cloudact.* In accordance with the Clarifying Lawful Overseas Use of Data Act, Public Law 115–141, Div. V, Section 105(a) (March 23, 2018), 18 U.S.C. 2523 (''CLOUD Act''), the Agreement will enter into force on the date of the later note completing an exchange of diplomatic notes between the parties indicating that each has taken the steps necessary to bring the Agreement into force. *See* 85 FR 12578 (Mar. 3, 2020) (providing notice that the Attorney General notified Congress that he had certified the U.S.-U.K. CLOUD Agreement, in accordance with the terms of the CLOUD Act, on January 10, 2020, allowing it to become operative not earlier than 180 days later) and Article 16 of the U.S.-U.K. CLOUD Agreement (addressing entry in force). The Agreement assigns certain responsibilities to the ''Designated Authority'' for each country. Article 1.8 defines ''Designated Authority,'' for the United States, as ''the governmental entity designated . . . by the Attorney General.''

Designation of the Criminal Division as the Designated Authority

In accordance with Article 1.8 of the U.S.-U.K. CLOUD Agreement, the Attorney General hereby designates the Criminal Division of the Department of Justice as the Designated Authority for the United States under the Agreement.

Dated: October 19, 2020.

William P. Barr,

Attorney General.

[FR Doc. 2020–23556 Filed 10–20–20; 4:15 pm]

BILLING CODE 4410–14–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Under the Clean Air Act

On October 19, 2020, the Department of Justice lodged a proposed Consent Decree with the Court for the Western District of Texas, San Antonio Division in the lawsuit entitled *United States of America* v. *Valero Energy Corporation, et al.,* Civil Action No. Case 5:20–cv–01237.

In its Complaint, the United States alleges Valero violated Section 211 of the Clean Air Act (''CAA'') and its implementing regulations at 40 CFR part 80, arising from the production and importation of gasoline and diesel fuel that did not meet certain fuel standards or programmatic requirements. The violations occurred at 11 refineries located in Louisiana, Texas, Tennessee, New Jersey, Arkansas, and Indiana and one import facility located in New York.

The proposed Consent Decree, which resolves all violations alleged in the Complaint, recovers a civil penalty of $2,850,000. Injunctive relief secured by the proposed Consent Decree requires development and implementation of a company-wide Fuels Management System to facilitate Valero's production of gasoline and diesel fuel in accordance with the CAA and the Fuels Regulations. The proposed Consent Decree also includes mitigation projects estimated to reduce volatile organic compound emissions from certain Valero facilities by 22.72 tons per year.

The publication of this notice opens a period for public comment on the Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States of America* v. *Valero Energy Corporation, et al.,* D.J. Ref. No. 90–5–2–1–111769. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments:	*Send them to:*
By email	*pubcomment-ees.enrd@usdoj.gov.*
By mail	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

During the public comment period, the Consent Decree may be examined and downloaded at this Justice Department website: *https://www.justice.gov/enrd/consent-decrees.* We will provide a paper copy of the Consent Decree upon written request and payment of reproduction costs.

Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Please enclose a check or money order for $12.50 (0.25 cents per page reproduction cost) payable to the United States Treasury for a copy of the Consent Decree with appendices. For a paper copy without the appendices, the cost is $9.25.

Jeffrey Sands,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2020–23450 Filed 10–22–20; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF JUSTICE

Office of Justice Programs

[OJP (OJJDP) Docket No. 1786]

Meeting of the Federal Advisory Committee on Juvenile Justice

AGENCY: Office of Juvenile Justice and Delinquency Prevention, Office of Justice Programs, Department of Justice.

ACTION: Notice of meeting.

SUMMARY: The Office of Juvenile Justice and Delinquency Prevention has scheduled a meeting of the Federal Advisory Committee on Juvenile Justice (FACJJ).

DATES: Wednesday November 18, 2020 at 10:00 a.m.–12:00 p.m. ET.

ADDRESSES: This meeting will be a virtual meeting. To register for the meeting, please visit the website, *www.facjj.ojp.gov.*

FOR FURTHER INFORMATION CONTACT: Visit the website for the FACJJ at *www.facjj.ojp.gov* or contact Keisha Kersey, Designated Federal Official (DFO), OJJDP, by telephone (202) 532–0124, email at *keisha.kersey@ojp.usdoj.gov;* or Maegen Barnes, Program Manager/Federal Contractor, by telephone (732) 948–8862, email at *Maegen.barnes@bixal.com.* Please note that the above phone numbers are not toll free.

SUPPLEMENTARY INFORMATION: The Federal Advisory Committee on Juvenile Justice (FACJJ), established pursuant to Section 3(2)A of the Federal Advisory Committee Act (5 U.S.C. App. 2), will meet to carry out its advisory functions under Section 223(f)(2)(C–E) of the Juvenile Justice and Delinquency Prevention Act of 2002. The FACJJ is composed of representatives from the states and territories. FACJJ member duties include: Reviewing Federal policies regarding juvenile justice and delinquency prevention; advising the OJJDP Administrator with respect to particular functions and aspects of OJJDP; and advising the President and Congress with regard to State perspectives on the operation of OJJDP and Federal legislation pertaining to juvenile justice and delinquency prevention. More information on the FACJJ may be found at *www.facjj.ojp.gov.*

FACJJ meeting agendas are available on *www.facjj.ojp.gov.* Agendas will generally include: (a) Opening remarks and introductions; (b) Presentations and discussion; and (c) member announcements.

Should issues arise with online registration, or to register by email, the public should contact Maegen Barnes, Program Manager/Federal Contractor (see above for contact information). If submitting registrations via email, attendees should include all of the following: Name, Title, Organization/Affiliation, Full Address, Phone Number, Fax and Email. The meeting will be held via a video conferencing platform. Registration for this is also found online at *www.facjj.ojp.gov.*

Interested parties may submit written comments and questions in advance for the FACJJ to Keisha Kersey (DFO) at the contact information above. All comments and questions should be submitted no later than 5:00 p.m. ET on Monday, November 16, 2020.

The FACJJ will limit public statements if they are found to be duplicative. Written questions submitted by the public while in attendance will also be considered by the FACJJ.

Keisha Kersey,

Designated Federal Official, Office of Juvenile Justice and Delinquency Prevention.

[FR Doc. 2020–23510 Filed 10–22–20; 8:45 am]

BILLING CODE 4410–18–P

DEPARTMENT OF JUSTICE

Justice Programs Office

[OMB Number 1121–0149]

Agency Information Collection Activities; Proposed Collection Comments Requested; 2020 National Survey of Prosecutors (NSP)

AGENCY: Bureau of Justice Statistics, Office of Justice Programs, Department of Justice.

ACTION: 30-Day notice.

SUMMARY: The Department of Justice (DOJ), Office of Justice Programs, Bureau of Justice Statistics, will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. Following publication of the 60-day notice, BJS received two sets of substantive comments. The first requested that the survey obtain information on prosecutors' handling of appellate cases. The second requested that the survey collect demographic characteristics of defendants. BJS determined that adding these questions would be too burdensome for respondents. Additionally, new items require cognitive testing which at this point would result in a significant delay to launching the survey. Thus, no items were added to the instrument or changed.

DATES: Comments are encouraged and will be accepted for 30 days until November 23, 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.

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Bureau of Justice Statistics, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Reinstatement of the National Survey of Prosecutors (NSP).

(2) *The Title of the Form/Collection:* 2020 National Survey of Prosecutors (NSP–20).

(3) *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* The form number for the questionnaire is NSP–20. The applicable component within the Department of Justice is the Bureau of Justice Statistics, in the Office of Justice Programs.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Respondents will be local prosecutors who handle criminal cases in State courts. Prosecutors represent the local government in deciding who is charged with a crime, the type and number of charges filed, whether or not to offer a plea, and providing sentencing recommendations for those convicted of crimes. Since 1990, the NSP has been the only recurring national statistical program that captures the administrative and operational characteristics of the prosecutorial function in the State criminal justice system. Similar to previous iterations, the NSP–20 will gather national statistics on local prosecutor office staffing, budgets, and caseloads. Additionally, the NSP–20 will collect data on emerging topics such as the utilization of diversion programs and specialty courts. BJS plans to publish this information in reports and reference it when responding to queries from the U.S. Congress, Executive Office of the President, the U.S. Supreme Court, state officials, international organizations, researchers, students, the media, and others interested in criminal justice statistics.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* An office-level survey will be sent to approximately 750 respondents. At the time of the 60-day notice, the expected burden was about 60 minutes per respondent.

(6) *An estimate of the total public burden (in hours) associated with the collection:* At the time of the 60-day notice, there was an estimated 1,000 total burden hours associated with this collection.

If additional information is required contact: Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, 3E.405A, Washington, DC 20530.

Dated: October 20, 2020.

Melody Braswell,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2020–23545 Filed 10–22–20; 8:45 am]

BILLING CODE 4410–30–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Hazard Communication

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting this Occupational Safety and Health Administration (OSHA)-sponsored information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before November 23, 2020.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

Comments are invited on: (1) Whether the collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (2) if the information will be processed and used in a timely manner; (3) the accuracy of the agency's estimates of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (4) ways to enhance the quality, utility and clarity of the information collection; and (5) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

FOR FURTHER INFORMATION CONTACT: Crystal Rennie by telephone at 202–693–0456, or by email at *DOL_PRA_PUBLIC@dol.gov.*

SUPPLEMENTARY INFORMATION: The purpose of the Hazard Communication Standard (HCS) (29 CFR 1910.1200) and its collection of information requirements is to ensure that the hazards of chemicals produced or imported are evaluated and that information concerning these hazards is transmitted to employers and employees. The standard requires all employers to establish hazard communications programs, to transmit information on the hazards of chemicals to their employees by means of container labels, safety data sheets and training programs. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on July 21, 2020 (85 FR 44108).

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid OMB Control Number. *See* 5 CFR 1320.5(a) and 1320.6.

DOL seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOL notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

Agency: DOL–OSHA.

Title of Collection: Hazard Communication.

OMB Control Number: 1218–0072.

Affected Public: Private Sector, Business or other for-profits institutions.

Total Estimated Number of Respondents: 5,018,316.

Total Estimated Number of Responses: 72,518,339.

Total Estimated Annual Time Burden: 6,557,766 hours.

Total Estimated Annual Other Costs Burden: $25,070,956.

Authority: 44 U.S.C. 3507(a)(1)(D).

Crystal Rennie,

Acting Departmental Clearance Officer.

[FR Doc. 2020–23451 Filed 10–22–20; 8:45 am]

BILLING CODE 4510–26–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (20–087)]

Performance Review Board, Senior Executive Service (SES)

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Notice of membership of SES Performance Review Board.

SUMMARY: The Civil Service Reform Act of 1978 requires that appointments of individual members to the Performance Review Board (PRB) be published in the **Federal Register**.

The performance review function for the SES in NASA is being performed by the NASA PRB.

SUPPLEMENTARY INFORMATION: The following individuals are serving on the Board:

Performance Review Board

Chairperson, Associate Administrator, NASA Headquarters
Deputy Associate Administrator, NASA Headquarters
Chief Human Capital Center, NASA Headquarters
Director, Executive Services, NASA Headquarters
Associate Administrator for Science Mission Directorate, NASA Headquarters
Associate Administrator for Diversity and Equal Opportunity, NASA Headquarters
Chief Financial Officer, NASA Headquarters
Center Director, NASA Marshall Space Flight Center

Deborah F. Bloxon,

Federal Register Liaison Officer.

[FR Doc. 2020–23547 Filed 10–22–20; 8:45 am]

BILLING CODE 7510–13–P

NUCLEAR REGULATORY COMMISSION

680th Meeting of the Advisory Committee on Reactor Safeguards (ACRS)

In accordance with the purposes of Sections 29 and 182b of the Atomic Energy Act (42 U.S.C. 2039, 2232b), the Advisory Committee on Reactor Safeguards (ACRS) will hold meetings on November 4–7, 2020. As part of the coordinated government response to combat the COVID–19 public health emergency, the Committee will conduct virtual meetings. The public will be able to participate in any open sessions via 1–866–822–3032, pass code 8272423#.

Wednesday, November 4, 2020

2:00 p.m.–2:05 p.m.: Opening Remarks by the ACRS Chairman (Open)—The ACRS Chairman will make opening remarks regarding the conduct of the meeting.

2:05 p.m.–4:15 p.m.: Review of latest update of Branch Technical Position 7–19, ''Guidance for Evaluation of Diversity and Defense-In Depth in Digital Computer-Based I&C Systems'' (Open)—The Committee will have presentations and discussion with representatives from Nuclear Energy Institute and NRC staff regarding the subject topic.

4:30 p.m.–6:00 p.m.: Commission Meeting Preparation (Open)—The Committee will have discussion and practice of draft presentations regarding the subject topic.

Thursday, November 5, 2020

9:30 a.m.–11:30 a.m.: Regulatory Guide 1.200 Revision on Review and Approval of New Methods for Light-Water Reactors (Open)—The Committee will have presentations and discussion with representatives from the industry and NRC staff regarding the subject topic.

11:45 a.m.–3:30 p.m.: Information Session on the OKLO combined license application including the AURORA reactor design (Open/Closed)—The Committee will have presentations and discussion by the applicant regarding the subject topic. [*Note:* Pursuant to 5 U.S.C 552b(c)(4), a portion of this session may be closed in order to discuss and protect information designated as proprietary.]

4:00 p.m.–6:30 p.m.: Preparation of ACRS Reports (Open/Closed)—The Committee will continue its discussion of proposed ACRS reports. [*Note:* Pursuant to 5 U.S.C 552b(c)(4), a portion of this session may be closed in order to discuss and protect information designated as proprietary.]

Friday, November 6, 2020

9:30 a.m.–11:30 a.m.: Future ACRS Activities/Report of the Planning and Procedures Subcommittee and Reconciliation of ACRS Comments and Recommendations/Preparation of Reports (Open/Closed)—The Committee will hear discussion of the recommendations of the Planning and Procedures Subcommittee regarding items proposed for consideration by the Full Committee during future ACRS meetings, and/or proceed to preparation of reports as determined by the Chairman. [*Note:* Pursuant to 5 U.S.C. 552b(c)(2) and (6), a portion of this meeting may be closed to discuss organizational and personnel matters that relate solely to internal personnel rules and practices of the ACRS, and information the release of which would constitute a clearly unwarranted invasion of personal privacy.]

[*Note:* Pursuant to 5 U.S.C 552b(c)(4), a portion of this session may be closed in order to discuss and protect information designated as proprietary.]

11:30 a.m.–6:00 p.m.: Preparation of ACRS Reports and Commission Meeting (Open/Closed)—The Committee will continue its discussion of proposed ACRS reports and Commission Meeting preparation. [*Note:* Pursuant to 5 U.S.C 552b(c)(4), a portion of this session may be closed in order to discuss and protect information designated as proprietary.]

Saturday, November 7, 2020

9:30 a.m.–2:00 p.m.: Preparation of ACRS Reports (Open/Closed)—The Committee will continue its discussion of proposed ACRS reports. [*Note:* Pursuant to 5 U.S.C 552b(c)(4), a portion of this session may be closed in order to discuss and protect information designated as proprietary.]

[*Note:* Pursuant to 5 U.S.C. 552b(c)(2) and (6), portions of this meeting may be closed to discuss organizational and personnel matters that relate solely to internal personnel rules and practices of the ACRS, and information the release of which would constitute a clearly unwarranted invasion of personal privacy.]

Procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on June 13, 2019 (84 FR 27662). In accordance with those procedures, oral or written views may be presented by members of the public, including representatives of the nuclear industry. Persons desiring to make oral statements should notify Quynh Nguyen, Cognizant ACRS Staff and the Designated Federal Officer (Telephone: 301–415–5844, Email: *Quynh.Nguyen@nrc.gov*), 5 days before the meeting, if possible, so that appropriate arrangements can be made to allow necessary time during the meeting for such statements. In view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with the Cognizant ACRS staff if such rescheduling would result in major inconvenience.

An electronic copy of each presentation should be emailed to the Cognizant ACRS Staff at least one day before meeting.

In accordance with Subsection 10(d) of Public Law 92–463 and 5 U.S.C. 552b(c), certain portions of this meeting may be closed, as specifically noted above. Use of still, motion picture, and television cameras during the meeting

may be limited to selected portions of the meeting as determined by the Chairman. Electronic recordings will be permitted only during the open portions of the meeting.

ACRS meeting agendas, meeting transcripts, and letter reports are available through the NRC Public Document Room (PDR) at *pdr.resource@nrc.gov,* or by calling the PDR at 1–800–397–4209, or from the Publicly Available Records System component of NRC's Agencywide Documents Access and Management System (ADAMS) which is accessible from the NRC website at *https://www.nrc.gov/reading-rm/adams.html* or *https://www.nrc.gov/reading-rm/doc-collections/#ACRS/.*

Video teleconferencing service is available for observing open sessions of ACRS meetings. Those wishing to use this service should contact Thomas Dashiell, ACRS Audio Visual Technician (301–415–7907), between 7:30 a.m. and 3:45 p.m. (Eastern Time), at least 10 days before the meeting to ensure the availability of this service. Individuals or organizations requesting this service will be responsible for telephone line charges and for providing the equipment and facilities that they use to establish the video teleconferencing link. The availability of video teleconferencing services is not guaranteed.

Note: This notice is late due to the COVID–19 public health emergency and current health precautions which required the Committee to prepare for the meeting to be held remotely.

Russell E. Chazell,

Federal Advisory Committee Management Officer, Office of the Secretary.

[FR Doc. 2020–23486 Filed 10–22–20; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–338 and 50–339; NRC–2020–0234]

Notice of Intent To Conduct Scoping Process and Prepare Environmental Impact Statement; Virginia Electric and Power Company; North Anna Power Station, Unit Nos. 1 and 2

AGENCY: Nuclear Regulatory Commission.

ACTION: Intent to conduct scoping process and prepare environmental impact statement; public scoping meeting and request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) will conduct a scoping process to gather information necessary to prepare an environmental impact statement (EIS) to evaluate the environmental impacts for the subsequent license renewal of the operating licenses for North Anna Power Station, Unit Nos. 1 and 2 (North Anna). The NRC is seeking stakeholder input on this action and has scheduled a public scoping meeting that will take place as an online webinar.

DATES: The NRC will hold a public scoping meeting as an online webinar on November 4, 2020, from 1:00 p.m. to 3:00 p.m. Eastern Standard Time (EST). Submit comments on the scope of the EIS by November 23, 2020. Comments received after November 23, 2020 will be considered if it is practical to do so, but assurance of consideration cannot be given to comments received after this date.

ADDRESSES: You may submit comments by any of the following methods (unless this document describes a different method for submitting comments on a specific subject):

- *Federal Rulemaking Website:* Go to *https://www.nrc.gov* and search for Docket ID NRC–2020–0234. Address questions about Docket IDs in *Regulations.gov* to Jennifer Borges; telephone: 301–287–9127; email: *Jennifer.Borges@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *Mail comments to:* Office of Administration, Mail Stop TWFN7A60M, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001. For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Tam Tran, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–3617, email: *Tam.Tran@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2020–0234 when contacting the NRC about the availability of information regarding this document. You may obtain publicly available information related to this document by any of the following methods:

- *Federal Rulemaking Website:* Go to *https://regulations.gov* and search for Docket ID NRC–2020–0234.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the NRC Library at *https://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced in this document (if that document is available in ADAMS) is provided the first time that a document is referenced. Virginia Electric and Power Co.'s (Dominion) application for subsequent renewal of the North Anna licenses can be found in (ADAMS Package Accession No. ML20246G703).
- *Attention:* The PDR, where you may examine and order copies of public documents is currently closed. You may submit your request to the PDR via email at *PDR.Resource@nrc.gov* or call 1–800–397–4209 between 8:00 a.m. and 4:00 p.m. (EST), Monday through Friday, except Federal holidays.

B. Submitting Comments

The NRC encourages electronic comment submission through the Federal Rulemaking website (*https://www.regulations.gov*). Please include Docket ID NRC–2020–0234 in your comment submission in order to ensure that the NRC is able to make your comment submission available to the public in this docket.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at *https://www.regulations.gov* as well as enter the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment submissions into ADAMS.

II. Discussion

On August 24, 2020 Dominion submitted to the NRC an application for subsequent license renewal (SLR) of Renewed Facility Operating License Nos. NPF–4 and NPF–7 for an additional 20 years of operation at North Anna Power Station, Unit Nos. 1 and 2 (ADAMS Package Accession No. ML20246G703). Dominion's submission initiated the NRC's proposed action: To grant or deny Dominion's SLR application for renewed power reactor operating licenses, which, if granted, would authorize North Anna to operate for an additional 20 years. The North Anna units are pressurized water reactors designed by Westinghouse Electric Corporation and are located in Louisa County, Virginia. The current renewed operating license for Unit No. 1 expires at midnight on April 1, 2038, and the current renewed operating license for Unit No. 2 expires at midnight on August 21, 2040. The SLR application was submitted pursuant to part 54 of title 10 of the *Code of Federal Regulations* (10 CFR) and included an environmental report (ER). A notice of receipt and availability of the application was published in the **Federal Register** on September 21, 2020 (85 FR 59334). A notice of acceptance for docketing of the application and opportunity for hearing regarding subsequent license renewal of the North Anna operating licenses was published in the **Federal Register** on October 15, 2020 (85 FR 65438) and is available in *Regulations.gov* by searching for Docket ID NRC–2020–0201.

III. Request for Comments

This notice informs the public of the NRC's intention to conduct environmental scoping and prepare an EIS related to Dominion's SLR application, and to provide the public an opportunity to participate in the environmental scoping process, as defined in 10 CFR 51.29.

The regulations in 36 CFR 800.8, ''Coordination with the National Environmental Policy Act,'' allow agencies to use their National Environmental Policy Act of 1969 (NEPA) process to fulfill the requirements of Section 106 of the National Historic Preservation Act (NHPA). Therefore, pursuant to 36 CFR 800.8(c), the NRC intends to use its process and documentation for the preparation of the EIS on the proposed action to comply with Section 106 of the NHPA in lieu of the procedures set forth at 36 CFR 800.3 through 800.6.

In accordance with 10 CFR 51.53(c) and 10 CFR 54.23, Dominion submitted an ER as part of the SLR application. The ER was prepared pursuant to 10 CFR part 51 and is publicly available (ADAMS Accession No. ML20246G698). The ER may also be viewed on the internet at *https://www.nrc.gov/reactors/operating/licensing/renewal/subsequent-license-renewal.html.* In addition, the SLR application including the ER are available for public review on the website of the Louisa County Library at *https://jmrl.org/br-louisa.htm.*

The NRC intends to gather the information necessary to prepare a plant-specific supplement to the NRC's NUREG–1437, ''Generic Environmental Impact Statement for License Renewal of Nuclear Plants'' (GEIS), related to the application for subsequent license renewal of the North Anna operating licenses for an additional 20 years beyond the period specified in each of the current renewed licenses. The NRC is required by 10 CFR 51.95 to prepare a plant-specific supplement to the GEIS in connection with the renewal of an operating license. This notice is being published in accordance with NEPA and the NRC's regulations found at 10 CFR part 51.

The supplement to the GEIS will evaluate the environmental impacts of subsequent license renewal for North Anna Unit Nos. 1 and 2, and reasonable alternatives thereto. Possible alternatives to the proposed action include the no action alternative and reasonable alternative energy sources.

As part of its environmental review process, the NRC will first conduct scoping for the supplement to the GEIS and, as soon as practicable thereafter, will prepare a draft supplement to the GEIS for public comment. Participation in the scoping process by members of the public and local, State, Tribal, and Federal government agencies is encouraged. The scoping process for the supplement to the GEIS will be used to accomplish the following:

a. Define the proposed action, which is to be the subject of the supplement to the GEIS;

b. Determine the scope of the supplement to the GEIS and identify the significant issues to be analyzed in depth;

c. Identify and eliminate from detailed study those issues that are peripheral or are not significant; or were covered by a prior environmental review;

d. Identify any environmental assessments and other ElSs that are being or will be prepared that are related to, but are not part of, the scope of the supplement to the GEIS being considered;

e. Identify other environmental review and consultation requirements related to the proposed action;

f. Indicate the relationship between the timing of the preparation of the environmental analyses and the Commission's tentative planning and decision-making schedule;

g. Identify any cooperating agencies and, as appropriate, allocate assignments for preparation and schedules for completing the supplement to the GEIS to the NRC and any cooperating agencies; and

h. Describe how the supplement to the GEIS will be prepared, including any contractor assistance to be used.

The NRC invites the following entities to participate in scoping:

a. The applicant, Dominion;

b. Any Federal agency that has jurisdiction by law or special expertise with respect to any environmental impact involved or that is authorized to develop and enforce relevant environmental standards;

c. Affected State and local government agencies, including those authorized to develop and enforce relevant environmental standards;

d. Any affected Indian Tribe;

e. Any person who requests or has requested an opportunity to participate in the scoping process; and

f. Any person who has petitioned or intends to petition for leave to intervene under 10 CFR 2.309.

IV. Public Scoping Meeting

In accordance with 10 CFR 51.26(b), the scoping process for an EIS may include a public scoping meeting to help identify significant issues related to a proposed activity and to determine the scope of issues to be addressed in an EIS.

The NRC is announcing that it will hold a public scoping meeting as an online webinar, for the North Anna subsequent license renewal supplement to the GEIS. The webinar will offer a telephone line for members of the public to provide comments. A court reporter will record and transcribe all comments received during the webinar. To be considered, comments must be provided either at the transcribed public meeting or in writing, as discussed in the **ADDRESSES** section of this document. The date and time for the public scoping webinar are as follows:

Meeting	Date	Time	Location
Public Scoping Webinar	11/4/2020	1:00 p.m. to 3:00 p.m. (EST) ..	Webinar Information: *https://usnrc.webex.com.* Event number: 199 753 7173. Telephone Bridge Line: 1–800–369–2157. Participant Passcode: 525781#.

The public scoping meeting will include: (1) An overview by the NRC staff of the environmental and safety review processes, the proposed scope of the supplement to the GEIS, and the proposed review schedule; and (2) the opportunity for interested government agencies, organizations, and individuals to submit comments or suggestions on environmental issues or the proposed scope of the North Anna subsequent license renewal supplement to the GEIS.

Persons interested in attending this online webinar should monitor the NRC's Public Meeting Schedule at *https://www.nrc.gov/pmns/mtg* for additional information, agendas for the meeting, and access information for the webinar. Participants should register in advance of the meeting by visiting the website *https://usnrc.webex.com* and using the event number provided in this notice. A confirmation email will be generated providing additional details and a link to the webinar. Please contact Tam Tran no later than November 2, 2020, if accommodations or special equipment is needed to attend or to provide comments, so that the NRC staff can determine whether the request can be accommodated.

Participation in the scoping process for the North Anna subsequent license renewal supplement to the GEIS does not entitle participants to become parties to the proceeding to which the supplement to the GEIS relates. Matters related to participation in any hearing are outside the scope of matters to be discussed at this public meeting.

Dated: October 19, 2020.

For the Nuclear Regulatory Commission.

Robert B. Elliott,

Chief, Environmental Review License Renewal Branch, Division of Rulemaking, Environment, and Financial Support, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 2020–23463 Filed 10–22–20; 8:45 am]

BILLING CODE 7590–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–90219; File No. SR–FINRA–2020–036]

Self-Regulatory Organizations; Financial Industry Regulatory Authority, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Extend the Pilot Program Related to FINRA Rule 11892 (Clearly Erroneous Transactions in Exchange-Listed Securities)

October 19, 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 October 16, 2020, the Financial Industry Regulatory Authority, Inc. (''FINRA'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by FINRA. 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

FINRA is proposing to extend the current pilot program related to FINRA Rule 11892 (Clearly Erroneous Transactions in Exchange-Listed Securities) (''Clearly Erroneous Transaction Pilot'' or ''Pilot'') until April 20, 2021.

The text of the proposed rule change is available on FINRA's website at *http://www.finra.org,* at the principal office of FINRA 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, FINRA 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. FINRA 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

FINRA is proposing a rule change to extend the current pilot program related to FINRA Rule 11892 governing clearly erroneous transactions in exchange-listed securities until the close of business on April 20, 2021. Extending the Pilot would provide FINRA and the national securities exchanges additional time to consider a permanent proposal for clearly erroneous transaction reviews.

On September 10, 2010, the Commission approved, on a pilot basis, changes to FINRA Rule 11892 that, among other things: (i) Provided for uniform treatment of clearly erroneous transaction reviews in multi-stock events involving twenty or more securities; and (ii) reduced the ability of FINRA to deviate from the objective standards set forth in the rule.[3] In 2013, FINRA adopted a provision designed to address the operation of the Plan to Address Extraordinary Market Volatility Pursuant to Rule 608 of Regulation NMS (''Plan'').[4] Finally, in 2014, FINRA adopted two additional provisions addressing (i) erroneous transactions that occur over one or more trading days that were based on the same fundamentally incorrect or grossly misinterpreted information resulting in a severe valuation error; and (ii) a disruption or malfunction in the operation of the facilities of a self-regulatory organization or responsible single plan processor in connection with the transmittal or receipt of a trading halt.[5]

On April 9, 2019, FINRA filed a proposed rule change to untie the

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 62885 (September 10, 2010), 75 FR 56641 (September 16, 2010) (Order Approving File No. SR–FINRA–2010–032).

[4] *See* Securities Exchange Act Release No. 68808 (February 1, 2013), 78 FR 9083 (February 7, 2013) (Notice of Filing and Immediate Effectiveness of File No. SR–FINRA–2013–012).

[5] *See* Securities Exchange Act Release No. 72434 (June 19, 2014), 79 FR 36110 (June 25, 2014) (Order Approving File No. SR–FINRA–2014–021).

effectiveness of the Clearly Erroneous Transaction Pilot from the effectiveness of the Plan, and to extend the Pilot's effectiveness to the close of business on October 18, 2019.[6] On October 18, 2019, FINRA filed a proposed rule change to extend the Pilot's effectiveness until April 20, 2020.[7] On March 27, 2020, FINRA filed a proposed rule change to extend the pilot's effectiveness until October 20, 2020.[8] FINRA now is proposing to further extend the Pilot until April 20, 2021, so that market participants can continue to benefit from the more objective clearly erroneous transaction standards under the Pilot.[9] Extending the Pilot also would provide more time to permit FINRA and the other self-regulatory organizations to consider what changes, if any, to the clearly erroneous transaction rules are appropriate.[10]

FINRA has filed the proposed rule change for immediate effectiveness and has requested that the SEC waive the requirement that the proposed rule change not become operative for 30 days from the date of filing, so that FINRA can implement the proposed rule change immediately.

2. Statutory Basis

FINRA believes that the proposed rule change is consistent with the provisions of Section 15A(b)(6) of the Act,[11] which requires, among other things, that FINRA rules must be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade and, in general, to protect investors and the public interest. FINRA believes that the proposed rule change promotes just and equitable principles of trade in that it promotes transparency and uniformity across markets concerning the review of transactions as clearly erroneous. FINRA believes that extending the Pilot under FINRA Rule 11892, until April 20, 2021, would help assure consistent results in handling erroneous trades across the U.S. equities markets, thus furthering fair and orderly markets, the protection of investors and the public interest. Based on the foregoing, FINRA believes the Clearly Erroneous Transaction Pilot should continue to be in effect while FINRA and the national securities exchanges consider a permanent proposal for clearly erroneous transaction reviews.

B. Self-Regulatory Organization's Statement on Burden on Competition

FINRA does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposal would ensure the continued, uninterrupted operation of harmonized clearly erroneous transaction rules across the U.S. equities markets while FINRA and the national securities exchanges consider further amendments to these rules. FINRA understands that the national securities exchanges also will file similar proposals to extend their clearly erroneous execution pilot programs, as applicable. Thus, the proposed rule change will help to ensure consistency across market centers without implicating any competitive issues.

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

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act[12] and Rule 19b–4(f)(6) thereunder.[13]

A proposed rule change filed under Rule 19b–4(f)(6)[14] normally does not become operative prior to 30 days after the date of the filing. However, Rule 19b–4(f)(6)(iii)[15] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. FINRA has asked the Commission to waive the 30-day operative delay so that the proposed rule change may become effective and operative immediately upon filing. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest, as it will allow the current clearly erroneous execution pilot program to continue uninterrupted, without any changes, while FINRA and the other national securities exchanges consider a permanent proposal for clearly erroneous execution reviews. For this reason, the Commission hereby waives the 30-day operative delay and designates the proposed rule change as operative upon filing.[16]

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–FINRA–2020–036 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange

[6] *See* Securities Exchange Act Release No. 85612 (April 11, 2019), 84 FR 16107 (April 17, 2019) (Notice of Filing and Immediate Effectiveness of File No. SR–FINRA–2019–011).

[7] *See* Securities Exchange Act Release No. 87344 (October 18, 2019), 84 FR 57076 (October 24, 2019) (Notice of Filing and Immediate Effectiveness of File No. SR–FINRA–2019–025).

[8] *See* Securities Exchange Act Release No. 88495 (March 27, 2020), 85 FR 18608 (April 2, 2020) (Notice of Filing and Immediate Effectiveness of File No. SR–FINRA–2020–008).

[9] If the pilot period is not either extended or approved as permanent, the version of Rule 11892 prior to SR–FINRA–2010–032 shall be in effect, and the amendments set forth in SR–FINRA–2014–021 and the provisions of Supplementary Material .03 of the rule shall be null and void.

[10] *See* Securities Exchange Act Release No. 85623 (April 11, 2019), 84 FR 16086 (April 17, 2019) (Order Approving the Eighteenth Amendment to the National Market System Plan to Address Extraordinary Market Volatility).

[11] 15 U.S.C. 78*o*–3(b)(6).

[12] 15 U.S.C. 78s(b)(3)(A).

[13] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. FINRA has satisfied this requirement.

[14] 17 CFR 240.19b–4(f)(6).

[15] 17 CFR 240.19b–4(f)(6)(iii).

[16] For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–FINRA–2020–036. 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 FINRA. 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–FINRA–2020–036 and should be submitted on or before November 13, 2020.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[17]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2020–23456 Filed 10–22–20; 8:45 am]

BILLING CODE 8011–01–P

[17] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–90223]

Order Granting Conditional Exemptive Relief, Pursuant to Section 36 of the Securities Exchange Act of 1934 (''Exchange Act'') and Rule 608(e) of Regulation NMS Under the Exchange Act, Relating to the Reporting of Allocations Pursuant to the National Market System Plan Governing the Consolidated Audit Trail

October 19, 2020.

I. Introduction

By letter dated August 27, 2020, BOX Exchange LLC, Cboe BYX Exchange, Inc., Cboe BZX Exchange, Inc., Cboe EDGA Exchange, Inc., Cboe EDGX Exchange, Inc., Cboe C2 Exchange, Inc., Cboe Exchange, Inc., Financial Industry Regulatory Authority, Inc. (''FINRA''), Investors Exchange LLC, Long Term Stock Exchange, Inc., MEMX LLC, Miami International Securities Exchange LLC, MIAX Emerald, LLC, MIAX PEARL, LLC, NASDAQ BX, LLC, Nasdaq GEMX, LLC, Nasdaq ISE, LLC, Nasdaq MRX, LLC, NASDAQ PHLX LLC, The NASDAQ Stock Market LLC, New York Stock Exchange LLC, NYSE American LLC, NYSE Arca, Inc., NYSE Chicago, Inc., and NYSE National, Inc. (collectively, the ''Participants'') requested that the Securities and Exchange Commission (''Commission'' or ''SEC'') grant them exemptive relief from the National Market System Plan Governing the Consolidated Audit Trail (''CAT NMS Plan''),[1] pursuant to its authority under Section 36 of the Securities Exchange Act of 1934 (''Exchange Act'') [2] and Rule 608(e) of Regulation NMS under the Exchange Act, from certain allocation reporting requirements of Sections 6.4(d)(ii)(A)(1) and (2) of the CAT NMS Plan.[3]

Section 36 of the Exchange Act grants the Commission the authority, with certain limitations, to ''conditionally or unconditionally exempt any person, security, or transaction . . . from any provision or provisions of [the Exchange Act] or of any rule or regulation thereunder, to the extent that such exemption is necessary or appropriate in the public interest, and is consistent with the protection of investors.'' [4] Under Rule 608(e) of Regulation NMS, the Commission may ''exempt from [Rule 608], either unconditionally or on specified terms and conditions, any self-regulatory organization, member thereof, or specified security, if the Commission determines that such exemption is consistent with the public interest, the protection of investors, the maintenance of fair and orderly markets and the removal of impediments to, and perfection of the mechanism of, a national market system.'' [5]

For the reasons set forth below, this Order grants the Participants' request for an exemption from Sections 6.4(d)(ii)(A)(1) and (2) of the CAT NMS Plan as set forth in the August 27, 2020 Exemption Request, subject to certain conditions.

II. Background

Pursuant to Section 6.4(d)(ii)(A) of the CAT NMS Plan, each Participant must, through its Compliance Rule, require its Industry Members to record and report to the Central Repository, if the order is executed, in whole or in part: (1) An Allocation Report; [6] (2) the SRO-Assigned Market Participant Identifier of the clearing broker or prime broker, if applicable; and the (3) CAT-Order-ID of any contra-side order(s). Accordingly, the Participants have implemented Compliance Rules that, among other things, require their Industry Members that are executing brokers to submit to the Central Repository, among other things, Allocation Reports and the SRO-Assigned Market Participant Identifier of the clearing broker or prime broker, if applicable.[7]

III. Request for Relief

In the August 27, 2020 Exemption Request, the Participants request that the Participants be permitted to implement an alternative approach to reporting allocations to the Central Repository, the ''Allocation Alternative.'' Under the Allocation Alternative, any Industry Member that performs an allocation to a client

[1] The CAT NMS Plan was approved by the Commission, as modified, on November 15, 2016. *See* Securities Exchange Act Release No. 79318 (November 15, 2016), 81 FR 84696 (November 23, 2016).

[2] 15 U.S.C. 78mm(a)(1).

[3] *See* letter from the Participants to Vanessa Countryman, Secretary, Commission, dated August 27, 2020 (the ''August 27, 2020 Exemption Request''). Unless otherwise noted, capitalized terms are used as defined in the CAT NMS Plan.

[4] 15 U.S.C. 78mm(a)(1).

[5] 17 CFR 242.608(e).

[6] Section 1.1 of the CAT NMS Plan defines an ''Allocation Report'' as ''a report made to the Central Repository by an Industry Member that identifies the Firm Designated ID for any account(s), including subaccount(s), to which executed shares are allocated and provides the security that has been allocated, the identifier of the firm reporting the allocation, the price per share of shares allocated, the side of shares allocated, the number of shares allocated to each account, and the time of the allocation; provided for the avoidance of doubt, any such Allocation Report shall not be required to be linked to particular orders or executions.''

[7] *See, e.g.,* Cboe Exchange, Inc. Rule 7.22(a)(2)(A); New York Stock Exchange LLC Rule 6830(a)(2)(A).

account would be required through their Compliance Rules to submit an Allocation Report to the Central Repository when shares/contracts are allocated to the client account regardless of whether the Industry Member was involved in executing the underlying order(s). Under the Allocation Alternative, an ''Allocation'' would be defined as: (1) The placement of shares/contracts into the same account for which an order was originally placed; or (2) the placement of shares/contracts into an account based on allocation instructions (*e.g.,* subaccount allocations, delivery versus payment (''DVP'') allocations). Pursuant to this definition and the proposed Allocation Alternative, an Industry Member that performs an Allocation to an account that is not a client account, such as proprietary accounts and events including step outs,[8] or correspondent flips,[9] would not be required to submit an Allocation Report to the Commission for that allocation, but could do so on a voluntary basis. The Participants propose to allow Industry Members to report Allocations to accounts other than client accounts, but if Industry Members report such Allocations, such Allocations must be marked as Allocations to accounts other than client accounts.[10]

A. Executing Brokers and Allocation Reports

To implement the Allocation Alternative, the Participants request exemptive relief from Section 6.4(d)(ii)(A)(1) of the CAT NMS Plan, to the extent that the provision requires each Participant to, through its Compliance Rule, require its Industry Members that are executing brokers, who do not perform Allocations, to record and report to the Central Repository, if the order is executed, in whole or in part, an Allocation Report. Under the Allocation Alternative, when an Industry Member other than an executing broker (*e.g.,* a prime broker or clearing broker) performs an Allocation, that Industry Member would be required to submit the Allocation Report to the Central Repository. When an executing broker performs an Allocation for an order that is executed, in whole or in part, the burden of submitting an Allocation Report to the Central Repository would remain with the executing broker under the Allocation Alternative. In certain circumstances this would result in multiple Allocation Reports—the executing broker (if self-clearing) or its clearing firm would report individual Allocation Reports identifying the specific prime broker to which shares/contracts were allocated and then each prime broker would itself report an Allocation Report identifying the specific customer accounts to which the shares/contracts were finally allocated.

The Participants state that granting exemptive relief from submitting Allocation Reports for executing brokers who do not perform an Allocation, and requiring the Industry Member other than the executing broker that is performing the Allocation to submit such Allocation Reports, is consistent with the basic approach taken by the Commission in adopting Rule 613. Specifically, the Participants believe that the Commission sought to require each broker-dealer and exchange that touches an order to record the required data with respect to actions it takes on the order.[11] Without the proposed exemptive relief, executing brokers that do not perform Allocations would be required to submit Allocation Reports. In addition, the Participants state because shares/contracts for every execution must be allocated to an account by the clearing broker, there would be no loss of information by shifting the reporting obligation from the executing broker to the clearing broker.

B. Identity of Prime Broker

To implement the Allocation Alternative, the Participants request exemptive relief from Section 6.4(d)(ii)(A)(2) of the CAT NMS Plan, to the extent that the provision requires each Participant to, through its Compliance Rule, require its Industry Members to record and report to the Central Repository, if an order is executed, in whole or in part, the SRO-Assigned Market Participant Identifier of the prime broker, if applicable. Currently, under the CAT NMS Plan, an Industry Member is required to report the SRO-Assigned Market Participant Identifier of the clearing broker or prime broker in connection with the execution of an order, and such information would be part of the order's lifecycle, rather than in an Allocation Report that is not linked to the order's lifecycle.[12] Under the Allocation Alternative, the identity of the prime broker would be required to be reported by the clearing broker on the Allocation Report, and, in addition, the prime broker itself would be required to report the ultimate allocation, which the Participants believe would provide more complete information.

The Participants state that associating a prime broker with a specific execution, as is currently required by the CAT NMS Plan, does not reflect how the allocation process works in practice as allocations to a prime broker are done post-trade and are performed by the clearing broker of the executing broker. The Participants also state that with the implementation of the Allocation Alternative, it would be duplicative for the executing broker to separately identify the prime broker for allocation purposes.

The Participants state that if a particular customer only has one prime broker, the identity of the prime broker can be obtained from the customer and account information through the DVP accounts for that customer that contain the identity of the prime broker. The Participants further state that Allocation Reports related to those executions would reflect that shares/contracts were allocated to the single prime broker. The Participants believe that there is no loss of information through the implementation of the Allocation Alternative compared to what is required in the CAT NMS Plan and that this approach does not decrease the regulatory utility of the CAT for single prime broker circumstances.

In cases where a customer maintains relationships with multiple prime brokers, the Participants assert that the executing broker will not have information at the time of the trade as to which particular prime broker may be allocated all or part of the execution.[13] Under the Allocation Alternative, the executing broker (if self-clearing) or its

[8] ''A step-out allows a broker-dealer to allocate all or part of a client's position from a previously executed trade to the client's account at another broker-dealer. In other words, a step-out functions as a client's position transfer, rather than a trade; there is no exchange of shares and funds and no change in beneficial ownership.'' *See* FINRA, Trade Reporting Frequently Asked Questions, at Section 301, *available at: https://www.finra.org/filing-reporting/market-transparency-reporting/trade-reporting-faq.*

[9] Correspondent clearing flips are the movement of a position from an executing broker's account to a different account for clearance and settlement, allowing a broker-dealer to execute a trade through another broker-dealer and settle the trade in its own account. *See, e.g.,* The Depository Trust & Clearing Corporation, Correspondent Clearing, *available at: https://www.dtcc.com/clearing-services/equities-trade-capture/correspondent-clearing.*

[10] The Participants state that a ''client account'' is any account that is not owned or controlled by the Industry Member.

[11] *See* Securities Exchange Act Release No. 67457 (July 18, 2012), 77 FR 45722, 45748 (Aug. 1, 2012).

[12] The Participants are not requesting exemptive relief relating to the reporting of the SRO-Assigned Market Participant Identifier of clearing brokers.

[13] Based on discussions with members of the Advisory Committee, the Participants understand that multiple prime broker arrangements are common, particularly with respect to customers that are large funds. August 27, 2020 Exemption Request, *supra* note 3, at 5, n.13.

clearing firm would report individual Allocation Reports identifying the specific prime broker to which shares/contracts were allocated and then each prime broker would itself report an Allocation Report identifying the specific customer accounts where the shares/contracts were ultimately allocated. To determine the prime broker for a customer, a regulatory user would query the customer and account database using the customer's CCID to obtain all DVP accounts for the CCID at broker-dealers. The Participants state that when a customer maintains relationships with multiple prime brokers, the customer typically has a separate DVP account with each prime broker, and the identities of those prime brokers can be obtained from the customer and account information.

C. Additional Conditions to Exemptive Relief

Currently, the definition of Allocation Report in the CAT NMS Plan only refers to shares. To implement the Allocation Alternative, the Participants propose to require that all required elements of Allocation Reports apply to both shares and contracts, as applicable, for all Eligible Securities. Specifically, Participants would require the reporting of the following in each Allocation Report: (1) The FDID for the account receiving the allocation, including subaccounts; (2) the security that has been allocated; (3) the identifier of the firm reporting the allocation; (3) the price per share/contracts of shares/contracts allocated; (4) the side of shares/contracts allocated; (4) the number of shares/contracts allocated; and (5) the time of the allocation.

Furthermore, to implement the Allocation Alternative, the Participants propose to require the following information on all Allocation Reports: (1) Allocation ID, which is the internal allocation identifier assigned to the allocation event by the Industry Member; (2) trade date; (3) settlement date: (4) IB/correspondent CRD Number (if applicable); (5) FDID of new order(s) (if available in the booking system); [14] (6) allocation instruction time (optional); (7) if the account meets the definition of institution under FINRA Rule 4512(c); [15] (8) type of allocation (allocation to a custody account, allocation to a DVP account, step out, correspondent flip, allocation to a firm owned or controlled account, or other non-reportable transactions (*e.g.,* option exercises, conversions); (9) for DVP allocations, custody broker-dealer clearing number (prime broker) if the custodian is a U.S. broker-dealer, DTCC number if the custodian is a U.S. bank, or a foreign indicator, if the custodian is a foreign entity; and (10) if an allocation was cancelled, a cancel flag, which indicates that the allocation was cancelled, and a cancel timestamp, which represents the time at which the allocation was cancelled.

IV. Discussion

The Commission believes that granting exemptive relief from Sections 6.4(d)(ii)(A)(1) and (2) of the CAT NMS Plan as set forth below to allow for the Allocation Alternative, subject to the conditions described herein, is appropriate in the public interest and consistent with the protection of investors, and that pursuant to Rule 608(e), this exemption is consistent with the public interest, the protection of investors, the maintenance of fair and orderly markets and the removal of impediments to, and the perfection of a national market system.

A. Executing Brokers and Allocation Reports

The Commission is granting the Participants an exemption from the requirement that the Participants, through their Compliance Rule, require executing brokers to submit Allocation Reports. The Commission understands that executing brokers that are not self-clearing do not perform allocations themselves, and such allocations are handled by prime and/or clearing brokers, and these executing brokers therefore do not possess the requisite information to provide Allocation Reports. Correspondingly, the Commission believes that it is appropriate to condition this exemption on the Participants adopting Compliance Rules that require prime and/or clearing brokers to submit Allocation Reports when such brokers perform allocations. The Commission believes granting exemptive relief would improve efficiency and reduce the costs and burdens of reporting allocations for Industry Members because the reporting obligation would belong to the Industry Member with the requisite information, and executing brokers that do not have the information required to provide an Allocation Report would not be required to develop the infrastructure and processes required to obtain, store and report the information. This exemptive relief should not reduce the regulatory utility of CAT because an Allocation Report would still be submitted covering each executed trade allocated to a client account, which in certain circumstances could still result in multiple Allocation Reports,[16] just not necessarily by the executing broker.

B. Identity of Prime Broker

The Commission believes that exempting Participants from the requirement that they, through their Compliance Rules, require executing brokers to provide the SRO-Assigned Market Participant Identifier of the prime broker is appropriate because, as stated by the Participants, allocations are done on a post-trade basis and the executing broker will not have the requisite information at the time of the trade. Because an executing broker, in certain circumstances, does not have this information at the time of the trade, this relief relieves executing brokers of the burdens and costs of developing infrastructure and processes to obtain this information in order to meet the contemporaneous reporting requirements of the CAT NMS Plan.[17]

The Commission believes that, although executing brokers would no longer be required to provide this information, regulators will still be able to determine the prime broker(s) associated with orders through querying the customer and account information database. If an executing broker has only one prime broker, the identity of the prime broker can be obtained from the customer and account information associated with the executing broker. For customers with multiple prime brokers, the identity of the prime brokers can be obtained from the customer and account information

[14] The Participants propose that for scenarios where the Industry Member responsible for reporting the Allocation has the FDID of the related new order(s) available, such FDID must be reported. This would include scenarios in which: (1) The FDID structure of the top account and subaccounts is known to the Industry Member responsible for reporting the Allocation(s); and (2) the FDID structure used by the IB/Correspondent when reporting new orders is known to the clearing firm reporting the related Allocations.

[15] FINRA Rule 4512(c) states the for purposes of the rule, the term ''institutional account'' means the account of: (1) A bank, savings and loan association, insurance company or registered investment company; (2) an investment adviser registered either with the SEC under Section 203 of the Investment Advisers Act or with a state securities commission (or any agency or office performing like functions); or (3) any other person (whether a natural person, corporation, partnership, trust or otherwise) with total assets of at least $50 million.

[16] As noted above, under the Allocation Alternative, for certain executions, the executing broker (if self-clearing) or its clearing firm would report individual Allocation Reports identifying the specific prime broker to which shares/contracts were allocated and then each prime broker would itself report an Allocation Report identifying the specific customer accounts to which the shares/contracts were finally allocated.

[17] *See* CAT NMS Plan, *supra* note 1, at Section 6.4(b)(i).

which will list the prime broker, if there is one, that is associated with each account.

C. Additional Conditions for Exemptive Relief

The Commission is granting the relief conditioned upon the adoption of Compliance Rules that implement the reporting requirements of the Allocation Alternative. The Commission believes that the proposed definition of Allocation is reasonable. The Commission is also exempting Participants from the requirement that they amend their Compliance Rules to require Industry Members to report Allocations for accounts other than client accounts. The Commission believes that allocations to client accounts, and not allocations to proprietary accounts or events such as step-outs and correspondent flips,[18] provide regulators the necessary information to detect abuses in the allocation process because it would provide regulators with detailed information regarding the fulfillment of orders submitted by clients, while reducing reporting burdens on broker-dealers. For example, Allocation Reports would be required for allocations to registered investment advisor and money manager accounts. The Commission further believes that the proposed approach should facilitate regulators' ability to distinguish Allocation Reports relating to allocations to client accounts from other Allocation Reports because Allocations to accounts other than client accounts would have to be identified as such. This approach could reduce the time CAT Reporters expend to comply with CAT reporting requirements and lower costs by allowing broker-dealers to use existing business practices.

The Commission is conditioning this exemption on the Participants amending their Compliance Rules to require additional elements in Allocation Reports.[19] These additional elements would enhance the utility of CAT by providing more information related to allocations and will ultimately assist market surveillance, market reconstructions, and examinations. The Commission further believes that applying the requirements for Allocation Reports to contracts in addition to shares is appropriate because CAT reporting requirements apply to both options and equities.

The proposed approach described in the August 27, 2020 Exemption Request would require Participants to amend their Compliance Rules to require Industry Members to provide Allocation Reports to the Central Repository any time they perform Allocations to a client account, whether or not the Industry Member was the executing broker for the trades. The Participants also would be required to amend their Compliance Rules to require their Industry Members reporting the Allocation Reports to include the additional elements set forth above on all Allocation Reports, in addition to those elements currently required under the CAT NMS Plan.

Based on the foregoing, the Commission believes that, pursuant to Section 36 of the Exchange Act, this exemption is appropriate in the public interest and consistent with the protection of investors, and that pursuant to Rule 608(e), this exemption is consistent with the public interest, the protection of investors, the maintenance of fair and orderly markets and the removal of impediments to, and the perfection of a national market system.

Accordingly, *it is hereby ordered*, pursuant to Section 36(a)(1) of the Exchange Act,[20] and Rule 608(e) of the Exchange Act [21] and with respect to the proposed Allocation Alternative specifically described above, that the Participants are granted an exemption from the requirements set forth in Section 6.4(d)(ii)(A)(1) and (2) of the CAT NMS Plan, subject to the conditions described above.

By the Commission.

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2020–23467 Filed 10–22–20; 8:45 am]

BILLING CODE 8011–01–P

[18] *See, supra* notes 8 and 9.

[19] Specifically, the Participants would be required to modify their Compliance Rules such that all required elements of Allocation Reports apply to both shares and contracts, as applicable, for all Eligible Securities. In addition, the Participants would be required to modify their Compliance Rules so that Allocation Reports include the following additional elements: (1) Allocation ID, which is the internal allocation identifier assigned to the allocation event by the Industry Member; (2) trade date; (3) settlement date: (4) IB/correspondent CRD Number (if applicable); (5) FDID of new order(s) (if available in the booking system); (6) allocation instruction time (optional); (7) if account meets the definition of institution under FINRA Rule 4512(c); (8) type of allocation (allocation to a custody account, allocation to a DVP account, step out, correspondent flip, allocation to a firm owned or controlled account, or other non-reportable transactions (*e.g.,* option exercises, conversions); (9) for DVP allocations, custody broker-dealer clearing number (prime broker) if the custodian is a U.S. broker-dealer, DTCC number if the custodian is a U.S. bank, or a foreign indicator, if the custodian is a foreign entity; and (10) if an allocation was cancelled, a cancel flag, which indicates if the allocation was cancelled, and a cancel timestamp, which represents the time at which the allocation was cancelled.

[20] 15 U.S.C. 78mm(a)(1).

[21] 17 CFR 242.608(e).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–90218; File No. SR–BX–2020–030]

Self-Regulatory Organizations; Nasdaq BX, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Make Technical Amendments to the Options Listing Rules

October 19, 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 October 8, 2020, Nasdaq BX, Inc. (''BX'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Options 4, Section 3, ''Criteria for Underlying Securities,'' Options 4, Section 5, ''Series of Options Contracts Open for Trading,'' and Options 4, Section 6, which is currently reserved, to relocate certain rule text and make other minor technical amendments.

The text of the proposed rule change is available on the Exchange's website at *https://listingcenter.nasdaq.com/rulebook/bx/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

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Options 4, Section 3, ''Criteria for Underlying Securities,'' Options 4, Section 5, ''Series of Options Contracts Open for Trading,'' and Options 4, Section 6, which is currently reserved, to relocate certain rule text and make other minor technical amendments.

Options 4, Section 3

The Exchange proposes to amend Options 4, Section 3(1)(i) to add the words ''or ETNs'' after the phrase ''collectively known as ''Index-Linked Securities'' '' for additional clarity. The Exchange believes that this addition of ''ETNs'' will assist Participants in locating this rule text.

Options 4, Section 5

Relocate Rule Text

The Exchange proposes to relocate certain portions of the Supplementary Material to Options 4, Section 5 in order that rule text related to certain strike listing programs be placed with related rule text. Proposed relocated rule text is not being amended with this proposal.

The Exchange proposes to relocate Supplementary Material .11 within Options 4, Section 5 to new Options 4, Section 5(a)(1).

The Exchange proposes to relocate Supplementary Material .14 within Options 4, Section 5 to new Options 4, Section 5(e).

The Exchange proposes to relocate Supplementary Material .12 within Options 4, Section 5 to new Options 4, Section 5(f).

The Exchange proposes to relocate Supplementary Material .02 within Options 4, Section 5 to new Options 4, Section 6.

The Exchange proposes to relocate Supplementary Material .07 within Options 4, Section 5 to new Options 4, Section 5(h).

The Exchange proposes to relocate Supplementary Material .08 within Options 4, Section 5 to new Options 4, Section 5(i).

The Exchange proposes to relocate Options 4, Section 5(d)(iv) to Supplementary Material .02 within Options 4, Section 5 and add a title ''$2.50 Strike Price Interval Program.'' [3]

The Exchange proposes to delete the first sentence of Supplementary Material .03(e) within Options 4, Section 5, which provides ''The interval between strike prices on Short Term Option Series shall be the same as the strike prices for series in that same option class that expire in accordance with the normal monthly expiration cycle.'' The Exchange notes that this rule text is not necessary because with the relocation of the strike listing rules for Short Term Option Series, which are proposed to be relocated from Supplementary Material .12 of Options 4, Section 5 to new Options 4, Section 5(f), the reference becomes unnecessary.

The Exchange proposes to relocate Supplementary Material .13 within Options 4, Section 5 to the end of Supplementary .03(e) of Options 4, Section 5.

Other Technical Amendments

The Exchange proposes to relocate a period currently after the term ''Section'' to after the number ''5''. The Exchange proposes to update certain outdated citations to rule text within Options 4, Section 5. The Exchange proposes to lowercase the term ''customer'' within Options 4, Section 5(c). The Exchange proposes to re-number and re-letter certain sections for consistency, and remove reserved sections from the rule. The Exchange proposes to utilize the defined term ''Commission'' [4] within Options 4, Section 5(f). The Exchange proposes to remove a stray ''6'' within Options 4, Section 5(g). The Exchange proposes to add the words ''Long-Term Options Series or'' before the term ''LEAPS'' and add quotation marks in that same sentence within current Supplementary Material .01(b)(v) at Options 5, Section 5 which is being renumbered as Supplementary Material .01(b)(5) at Options 5, Section 5.

Options 4, Section 6

The Exchange proposes to amend Options 4, Section 6, which is currently reserved. Similar to Nasdaq ISE, LLC (''ISE''), the Exchange proposes to relocate current Supplementary Material .02 to Options 4, Section 5 to new Options 4, Section 6 and title the section ''Select Provisions of Options Listing Procedures Plan.'' The Exchange proposes to update and conform the rule text of current Supplementary Material .02 to Options 4, Section 5 to mirror the rule text within ISE Options 4, Section 6. The Exchange proposes to add this sentence. ''A complete copy of the current OLPP may be accessed at: *http://www.optionsclearing.com/products/options_listing_proceduresplan.pdf*'' to the end of proposed Options 4, Section 6(a) to provide greater detail. The Exchange also proposes to add a clause which provides that, ''The series exercise price range limitations contained in subparagraph (a) above do not apply with regard to: The listing of Flexible Exchange Options,'' similar to ISE. In addition to renumbering this section to correspond to ISE's numbering, the Exchange proposes additional rule text which mirrors ISE's rule text which states,

(iii) The Exchange may designate up to five options classes to which the series exercise price range may be up to 100% above and below the price of the underlying security (which underlying security price shall be determined in accordance with subparagraph (i) above). Such designations shall be made on an annual basis and shall not be removed during the calendar year unless the options class is delisted by the Exchange, in which case the Exchange may designate another options class to replace the delisted class. If a designated options class is delisted by the Exchange but continues to trade on at least one options exchange, the options class shall be subject to the limitations on listing new series set forth in subparagraph (i) above unless designated by another exchange.

(iv) If the Exchange that has designated five options classes pursuant to subparagraph (iii) above requests that one or more additional options classes be excepted from the limitations on listing new series set forth in subparagraph (i) above, the additional options class(es) shall be so designated upon the unanimous consent of all exchanges that trade the options class(es). Additionally, pursuant to the Exchange's request, the percentage range for the listing of new series may be increased to more than 100% above and below the price of the underlying security for an options class, by the unanimous consent of all exchanges that trade the designated options class.

Exceptions for an additional class or for an increase of the exercise price range shall apply to all standard expiration months existing at the time of the vote, plus the next standard expiration month to be added, and also to any non-standard expirations that occur prior to the next standard monthly expiration.

The Exchange believes that the addition of this rule text will harmonize BX's Rule to ISE's Options 4, Section 6 and also memorialize certain aspects of the Options Listing Procedures Plan so that market participants will have ease of reference in locating language concerning the Options Listing Procedures Plan.

[3] The Exchange proposes to relocate current Supplementary Material .02 to Options 4, Section 5 to new Options 4, Section 6, as described below.

[4] The terms ''Commission'' or ''SEC'' mean the Securities and Exchange Commission (SEC), established pursuant to the Act. *See* General 1(b)(8).

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[5] in general, and furthers the objectives of Section 6(b)(5) of the Act,[6] in particular, in that it is designed to promote just and equitable principles of trade, 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 make a non-substantive amendment to Options 4, Section 3 to add the more commonly used term ''ETN'' next to ''Index-Linked Securities'' will allow Participants to search the rule text using the term ''ETN''.

Amending Options 4, Section 5 to relocate rule text within the related listing program will make the rule easier to understand. The rule text being relocated is not amended by this proposal. The remainder of the rule changes within Options 4, Section 5 are non-substantive and intended to provide clarity to the rule text.

Relocating current Supplementary Material .02 to Options 4, Section 5 to new Options 4, Section 6 and titling the section ''Select Provisions of Options Listing Procedures Plan'' will harmonize BX's listing rules with those of ISE. Further, the Exchange believes that the addition of rule text within Options 4, Section 6, similar to ISE Options 4, Section 6, will provide market participants with ease of reference in locating language concerning the Options Listing Procedures Plan.

The Exchange believes that the proposed amendments are consistent with the Act and the protection of investors and the general public because the amendments bring greater clarity to BX's listing rules.

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 proposed rule changes are non-substantive and are intended to provide greater clarity.

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.

[5] 15 U.S.C. 78f(b).

[6] 15 U.S.C. 78f(b)(5).

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act[7] and Rule 19b–4(f)(6) thereunder.[8]

A proposed rule change filed pursuant to Rule 19b–4(f)(6) under the Act[9] normally does not become operative for 30 days after the date of its filing. However, Rule 19b–4(f)(6)(iii)[10] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has requested that the Commission waive the 30-day operative delay. As the proposed rule change raises no novel issues and promotes clarity and consistency within the Exchange's options listing rules, the Commission believes that waiver of the 30-day operative delay is consistent with the protection of investors and the public interest. Accordingly, the Commission hereby waives the operative delay and designates the proposed rule change operative upon filing.[11]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule change should be approved or disapproved.

[7] 15 U.S.C. 78s(b)(3)(A).

[8] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[9] 17 CFR 240.19b–4(f)(6).

[10] 17 CFR 240.19b–4(f)(6)(iii).

[11] For purposes only of waiving the 30-day operative delay, the Commission also has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

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–BX–2020–030 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–BX–2020–030. 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–BX–2020–030, and should be submitted on or before November 13, 2020.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[12]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2020–23455 Filed 10–22–20; 8:45 am]

BILLING CODE 8011–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #16662 and #16663; California Disaster Number CA–00327]

Presidential Declaration Amendment of a Major Disaster for Public Assistance Only for the State of California

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 4.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for Public Assistance Only for the State of California (FEMA–4558–DR), dated 08/22/2020.

Incident: Wildfires.

Incident Period: 08/14/2020 through 09/26/2020.

DATES: Issued on 10/18/2020.

Physical Loan Application Deadline Date: 10/21/2020.

Economic Injury (EIDL) Loan Application Deadline Date: 05/24/2021.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: The notice of the President's major disaster declaration for Private Non-Profit organizations in the State of California, dated 08/22/2020, is hereby amended to include the following areas as adversely affected by the disaster.

Primary Counties: Sierra, Trinity, Tuolumne.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Number 59008)

Cynthia Pitts,

Acting Associate Administrator for Disaster Assistance.

[FR Doc. 2020–23478 Filed 10–22–20; 8:45 am]

BILLING CODE 8026–03–P

[12] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #16706 and #16707; Louisiana Disaster Number LA–00105]

Presidential Declaration of a Major Disaster for the State of Louisiana

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for the State of Louisiana (FEMA–4570–DR), dated 10/16/2020.

Incident: Hurricane Delta.

Incident Period: 10/06/2020 through 10/10/2020.

DATES: Issued on 10/16/2020.

Physical Loan Application Deadline Date: 12/15/2020.

Economic Injury (EIDL) Loan Application Deadline Date: 07/16/2021.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the President's major disaster declaration on 10/16/2020, applications for disaster loans may be filed at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Parishes (Physical Damage and Economic Injury Loans): Acadia, Calcasieu, Cameron, Jefferson Davis, Vermilion

Contiguous Parishes/Counties (Economic Injury Loans Only):

Louisiana: Allen, Beauregard, Evangeline, Iberia, Lafayette, Saint Landry

Texas: Jefferson, Newton, Orange

The Interest Rates are:

	Percent
For Physical Damage:	
Homeowners With Credit Available Elsewhere	2.375
Homeowners Without Credit Available Elsewhere	1.188
Businesses With Credit Available Elsewhere	6.000
Businesses Without Credit Available Elsewhere	3.000
Non-Profit Organizations With Credit Available Elsewhere	2.750
Non-Profit Organizations Without Credit Available Elsewhere	2.750
For Economic Injury:	
Businesses & Small Agricultural Cooperatives Without Credit Available Elsewhere	3.000
Non-Profit Organizations Without Credit Available Elsewhere	2.750

The number assigned to this disaster for physical damage is 167068 and for economic injury is 167070.

(Catalog of Federal Domestic Assistance Number 59008)

Cynthia Pitts,

Acting Associate Administrator for Disaster Assistance.

[FR Doc. 2020–23480 Filed 10–22–20; 8:45 am]

BILLING CODE 8026–03–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #16603 and #16604; California Disaster Number CA–00325]

Presidential Declaration Amendment of a Major Disaster for the State of California

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 7.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for the State of California (FEMA–4558–DR), dated 08/22/2020.

Incident: Wildfires.

Incident Period: 08/14/2020 through 09/26/2020.

DATES: Issued on 10/18/2020.

Physical Loan Application Deadline Date: 11/23/2020.

Economic Injury (EIDL) Loan Application Deadline Date: 05/24/2021.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: The notice of the President's major disaster declaration for the State of California, dated 08/22/2020, is hereby amended to include the following areas as adversely affected by the disaster:

Primary Counties (Physical Damage and Economic Injury Loans): Trinity

Contiguous Counties (Economic Injury Loans Only):

California: Humboldt, Siskiyou

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Number 59008)

Cynthia Pitts,

Acting Associate Administrator for Disaster Assistance.

[FR Doc. 2020–23476 Filed 10–22–20; 8:45 am]

BILLING CODE 8026–03–P

SMALL BUSINESS ADMINISTRATION

Advisory Committee on Veterans Business Affairs; Committee Member Nominations Sought Notice

AGENCY: U.S. Small Business Administration.

ACTION: Notice of open nominations for veteran small business owners and veteran service organization representatives for the Advisory Committee on Veterans Business Affairs.

SUMMARY: The U.S. Small Business Administration seeks member nominations from veteran owned small businesses and veteran service organizations to serve on the Advisory Committee on Veterans Business Affairs.

DATES: Nomination applications due by 11:59 p.m. (EST), November 16, 2020.

ADDRESSES: Send nominations to *veteransbusiness@sba.gov.*

SUPPLEMENTARY INFORMATION: The U.S. Small Business Administration (SBA) seeks member nominations from veteran owned small businesses and veteran service organizations (VSO) to serve on the Advisory Committee on Veterans Business Affairs (ACVBA).

Additional Information: Nominations of eligible applicants must complete the following documents:

1. SBA Form 898 (08–08) *https://www.sba.gov/document/sba-form-898-advisory-committee-membership-nominee-information-form.*

2. Current biography with political affiliation stated.

The completed documents will need to scanned and emailed to *veteransbusiness@sba.gov.* The submission deadline for nominations is November 16, 2020. The SBA Administrator will appoint individuals who will serve on the ACVBA for a period of three years.

The Veterans Entrepreneurship and Small Business Development Act of 1999—Public Law 106–50—established the ACVBA to serve as an independent source of advice and policy recommendations on veteran owned small business opportunities. Through an annual report, the ACVBA reports to the SBA Administrator, SBA's Associate Administrator for Veterans Business Development, the Congress, the President, and other U.S. policy makers. The ACVBA is comprised of 15 members—eight members represent veteran owned small business and seven members represent veteran service or military organizations. Learn more about the ACVBA by reviewing the ACVBA charter at Advisory Committee on Veterans Business Affairs.

On Aug. 13, 2014, the Office of Management and Budget (OMB) published in the **Federal Register** revised guidance on individuals who are not eligible to serve on federal advisory committees. In accordance with OMB guidance, the President directed agencies and departments in the Executive Branch not to appoint or re-appoint federally registered lobbyists to advisory committees and other boards and commissions.

Nicole Nelson,

SBA Committee Management Officer.

[FR Doc. 2020–23536 Filed 10–22–20; 8:45 am]

BILLING CODE 8026–03–P

DEPARTMENT OF STATE

[Public Notice 11233]

30-Day Notice of Proposed Information Collection: Medical Examination for Visa or Refugee Applicant

ACTION: Notice of request for public comment and submission to OMB of proposed collection of information.

SUMMARY: The Department of State is seeking Office of Management and Budget (OMB) approval for the information collections described below. In accordance with the Paperwork Reduction Act of 1995 and implementing OMB guidance, we are requesting comments on this collection from all interested individuals and organizations. The purpose of this notice is to allow 30 days for public comment.

DATES: Submit comments up to November 23, 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: Megan Herndon, Senior Regulatory Coordinator, Visa Services, Bureau of Consular Affairs, at (202) 485–7586 or *PRA_BurdenComments@state.gov.*

SUPPLEMENTARY INFORMATION:

- *Title of Information Collection:* Medical Examination for Visa or Refugee Applicant.
- *OMB Control Number:* 1405–0113.
- *Type of Request:* Revision of a Currently Approved Collection.
- *Originating Office:* CA/VO.
- *Form Number:* Forms DS–2054, DS–3030, DS–3025, DS–3026.
- *Respondents:* Visa and Refugee Applicants.
- *Estimated Number of Respondents:* 110,412.
- *Estimated Number of Responses:* 110,412.
- *Average Time per Response:* 1 hour.
- *Total Estimated Burden Time:* 110,412 annual hours.
- *Frequency:* Once per respondent.[1]
- *Obligation to respond:* Required to Obtain or Retain a Benefit.

We are soliciting public comments to permit the Department to:

- Evaluate whether the proposed information collection is necessary for the proper functions of the Department.
- Evaluate the accuracy of our estimate of the time and cost burden of this proposed collection, including the validity of the methodology and assumptions used.
- Enhance the quality, utility, and clarity of the information to be collected.
- Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Please note that comments submitted in response to this Notice are public record. Before including any detailed personal information, you should be aware that your comments as submitted, including your personal information, will be available for public review.

Abstract of Proposed Collection

Forms for this collection are completed by panel physicians for refugees, aliens seeking immigrant visas, and for some aliens seeking nonimmigrant visas to the United States. The collection records medical

[1] The majority of applicants only need to complete medical examinations, and therefore these forms once. However, medical exams are valid for a period of three to six months from the examination date. Therefore, if an applicant's medical examination expires prior to travel, then the applicant may need to undergo a new medical examination and therefore complete the forms more than once.

information necessary to determine whether refugees or visa applicants have medical conditions affecting the applicant's eligibility for a visa, or affecting the public health and requiring treatment.

Methodology

A panel physician, contracted by the consular post, in accordance with instructions issued by the Centers for Disease Control and Prevention (''CDC''), performs the medical examination of the applicant and completes the forms. Upon completing the applicant's medical examination, the examining panel physician submits a report to the consular officer on the DS–2054, Medical Examination for Immigrant or Refugee Applicant, and associated worksheets. The entire medical package (all forms that comprise the panel physician medical examination) for visa applicants identified by a panel physician as having a CLASS A or CLASS B medical condition is shared with CDC, in paper form or electronically. The only documentation related to the panel physician examination that is not shared with CDC are the X-ray results, which panel physicians provide directly to the applicants and are not a part of the visa package. None of the medical package for visa applicants who are not identified as having a CLASS A or CLASS B medical condition is systematically shared with CDC. On a case by case basis, information from the medical package could be shared with CDC if specific information is necessary for the administration or enforcement of U.S. law, consistent with INA 222(f), 8 U.S.C. 1202(f).

Edward J. Ramotowski,

Deputy Assistant Secretary, Bureau of Consular Affairs, Department of State.

[FR Doc. 2020–23495 Filed 10–22–20; 8:45 am]

BILLING CODE 4710–06–P

DEPARTMENT OF STATE

[Public Notice 11232]

30-Day Notice of Proposed Information Collection: Electronic Medical Examination for Visa Applicant

ACTION: Notice of request for public comment and submission to OMB of proposed collection of information.

SUMMARY: The Department of State (''Department'') is seeking Office of Management and Budget (''OMB'') approval for the information collection described below. In accordance with the Paperwork Reduction Act of 1995 and implementing OMB guidance, we are requesting comments on this collection from all interested individuals and organizations. The purpose of this notice is to allow 30 days for public comment.

DATES: Submit comments up to November 23, 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: Megan Herndon, Senior Regulatory Coordinator, Visa Services, Bureau of Consular Affairs at (202) 485–7586 or *PRA_BurdenComments@state.gov.*

SUPPLEMENTARY INFORMATION:

- *Title of Information Collection:* Electronic Medical Examination for Visa Applicant.
- *OMB Control Number:* 1405–0230.
- *Type of Request:* Revision of a Currently Approved Collection.
- *Originating Office:* CA/VO.
- *Form Number:* DS–7794.
- *Respondents:* Panel Physician/Visa Applicants.
- *Estimated Number of Respondents:* 580,330.
- *Estimated Number of Responses:* 580,330.
- *Average Time per Response:* 1 hour.
- *Total Estimated Burden Time:* 580,330 annual hours.
- *Frequency:* Once per respondent.[1]
- *Obligation to Respond:* Required to Obtain or Retain a Benefit.

We are soliciting public comments to permit the Department to:

- Evaluate whether the proposed information collection is necessary for the proper functions of the Department.
- Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used.
- Enhance the quality, utility, and clarity of the information to be collected.
- Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Please note that comments submitted in response to this Notice are public record. Before including any detailed personal information, you should be aware that your comments as submitted, including your personal information, will be available for public review.

Abstract of Proposed Collection

This electronic collection records medical information necessary to determine whether visa applicants have medical conditions affecting the applicant's eligibility for a visa.

Methodology

Approved panel physicians will be granted access to an eMedical system by the Department to conduct medical examinations for visa eligibility determinations. The pilot program for the eMedical system launched in September 2018. The eMedical system was rolled out in six waves, the first wave of the rollout was in July 2019, and the final wave was in May 2020. Immigrant visa applicants with a completed and submitted DS–260, Application for Immigrant Visa and Alien Registration will have their medical exam results submitted to the Department via the eMedical system. The panel physician will input the exam information into the eMedical portal and it will be transmitted to the Department for visa adjudication and retained in the Department's systems consistent with the Department's record disposition schedule for visas. The entire medical package (all forms that comprise the panel physician medical examination) for visa applicants identified by a panel physician as having a CLASS A or CLASS B medical condition is shared with the Centers for Disease Control and Prevention (CDC), in paper, or electronically. The only documentation related to the panel physician examination that is not shared with CDC is the X-ray results, which panel physicians provide directly to the visa applicants and are not a part of the visa package. None of the medical package for visa applicants who are not identified as having a CLASS A or CLASS B medical condition is systematically shared with CDC. On a case by case basis, information from the medical package could be shared with CDC if specific information is necessary for the administration or enforcement of

[1] The majority of applicants only need to complete medical examinations, and therefore these forms once. However, medical exams are valid for a period of three to six months from the examination date. Therefore, if an applicant's medical examination expires prior to travel, then the applicant may need to undergo a new medical examination and therefore complete the forms more than once.

U.S. law, consistent with INA 222(f), 8 U.S.C. 1202(f).

Edward J. Ramotowski,

Deputy Assistant Secretary, Bureau of Consular Affairs, Department of State.

[FR Doc. 2020–23494 Filed 10–22–20; 8:45 am]

BILLING CODE 4710–06–P

STATE JUSTICE INSTITUTE

Grant Guideline, Notice

AGENCY: State Justice Institute.

ACTION: Grant Guideline for FY 2021.

SUMMARY: This guideline sets forth the administrative, programmatic, and financial requirements attendant to Fiscal Year 2021 State Justice Institute grants.

DATES: October 23, 2020.

FOR FURTHER INFORMATION CONTACT: Jonathan Mattiello, Executive Director, State Justice Institute, 11951 Freedom Drive, Suite 1020, Reston, VA 20190, 571–313–8843; *jonathan.mattiello@sji.gov.*

SUPPLEMENTARY INFORMATION: Pursuant to the State Justice Institute Act of 1984 (42 U.S.C. 10701 *et seq.*), the State Justice Institute is authorized to award grants, cooperative agreements, and contracts to State and local courts, nonprofit organizations, and others for the purpose of improving the quality of justice in the state courts of the United States.

The following Grant Guideline is adopted by the State Justice Institute for FY 2021.

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I. Eligibility

Pursuant to the State Justice Institute Act of 1984 (42 U.S.C. 10701 *et seq.*), the State Justice Institute (SJI) is authorized to award grants, cooperative agreements, and contracts to State and local courts, nonprofit organizations, and others for the purpose of improving the quality of justice in the State courts of the United States.

SJI is authorized by Congress to award grants, cooperative agreements, and contracts to the following entities and types of organizations:

- State and local courts and their agencies (42 U.S.C. 10705(b)(1)(A)).
- National nonprofit organizations controlled by, operating in conjunction with, and serving the judicial branches of State governments (42 U.S.C. 10705(b)(1)(B)).
- National nonprofit organizations for the education and training of judges and support personnel of the judicial branch of State governments (42 U.S.C. 10705(b)(1)(C)). An applicant is considered a national education and training applicant under section 10705(b)(1)(C) if:
  - The principal purpose or activity of the applicant is to provide education and training to State and local judges and court personnel; and
  - The applicant demonstrates a record of substantial experience in the field of judicial education and training.
- Other eligible grant recipients (42 U.S.C. 10705 (b)(2)(A) through (D)).
  - Provided that the objectives of the project can be served better, SJI is also authorized to make awards to:

(a) Nonprofit organizations with expertise in judicial administration,

(b) Institutions of higher education,

(c) Individuals, partnerships, firms, corporations (for-profit organizations must waive their fees),

(d) Private agencies with expertise in judicial administration.

  - SJI may also make awards to State or local agencies and institutions other than courts for services that cannot be adequately provided through nongovernmental arrangements (42 U.S.C. 10705(b)(3)).

SJI is prohibited from awarding grants to Federal, tribal, and international courts.

II. Grant Application Deadlines

The SJI Board of Directors makes awards on a Federal fiscal year quarterly basis. Applications may be submitted at any time but will be considered for award based only on the timetable below:

TABLE 1—APPLICATION DEADLINES BY FEDERAL FISCAL YEAR QUARTER

Federal fiscal year quarter	Application due date
1	November 1.
2	February 1.
3	May 1.
4	August 1.

To be considered timely, an application must be submitted by the application deadline noted above. Applicants must use the SJI Grants Management System (GMS) to submit all applications and post-award documents. The SJI GMS is accessible at *https://gms.sji.gov.* The SJI urges applicants to submit applications at least 72 hours prior to the application due date to allow time for the applicant to receive an application acceptance message and to correct in a timely fashion any problems that may arise, such as missing or incomplete forms.

Questions related to the SJI Grant Program or the SJI GMS should be directed to *contact@sji.gov.*

III. The Mission of the State Justice Institute

The State Justice Institute Authorization Act of 1984 (42 U.S.C. 10701 *et seq.*) established SJI to improve the administration of justice in the State courts of the United States. Incorporated in the State of Virginia as a private, nonprofit corporation, SJI is charged, by statute, with the responsibility to:

- Direct a national program of financial assistance designed to ensure that each citizen of the United States is provided ready access to a fair and effective system of justice;
- Foster coordination and cooperation with the Federal judiciary;
- Promote recognition of the importance of the separation of powers doctrine to an independent judiciary; and
- Encourage education for judges and support personnel of State court systems through national and State organizations.

To accomplish these broad objectives, SJI is authorized to provide funding to State courts, national organizations that support and are supported by State courts, national judicial education organizations, and other organizations that can assist in improving the quality of justice in the State courts.

Through the award of grants, contracts, and cooperative agreements, SJI is authorized to perform the following activities:

- Support technical assistance, demonstrations, special projects, research, and training to improve the administration of justice in the State courts;
- Provide for the preparation, publication, and dissemination of information regarding State judicial systems;
- Participate in joint projects with Federal agencies and other private grantors;
- Evaluate or provide for the evaluation of programs and projects to determine their impact upon the quality of criminal, civil, and juvenile justice and the extent to which they have contributed to improving the quality of justice in the State courts;

• Encourage and assist in furthering judicial education; and

• Encourage, assist, and serve in a consulting capacity to State and local courts in the development, maintenance, and coordination of criminal, civil, and juvenile justice programs and services.

SJI is supervised by a Board of Directors appointed by the U.S. President, with the advice and consent of the U.S. Senate. The SJI Board of Directors is statutorily composed of six judges; a State court administrator; and four members of the public, no more than two of the same political party. Additional information about SJI, including a list of members of the SJI Board of Directors, is available at *https://www.sji.gov.*

A. Priority Investment Areas

The SJI Board of Directors has established Priority Investment Areas for grant funding. SJI will allocate significant financial resources through grant-making for these Priority Investment Areas. The Priority Investment Areas are applicable to all grant types. SJI strongly encourages potential grant applicants to consider projects addressing one or more of these Priority Investment Areas and to integrate the following factors into each proposed project:

• Evidence based, data-driven decision making;

• Cross-sector collaboration;

• Systemic approaches (as opposed to standalone programs);

• Ease of replication; and

• Sustainability.

For FY 2021, the Priority Investment Areas are listed below in no specific order.

1. Opioids and Other Dangerous Drugs, and Behavioral Health Responses

• *Behavioral Health Disparities*—Research indicates that justice-involved persons have significantly greater proportions of mental, substance use, and co-occurring disorders than are found in the public. SJI supports cross-sector collaboration and information sharing that emphasizes policies and practices designed to improve court responses to justice-involved persons with behavioral health and other co-occurring needs.

2. Promoting Access to Justice and Procedural Fairness

• *Self-Represented Litigation*—SJI promotes court-based solutions to address increases in self-represented litigants; helps make courts more user-friendly by simplifying court forms; provides one-on-one assistance; develops guides, handbooks, and instructions on how to proceed; develops court-based self-help centers; and uses internet technologies to increase access. These projects are improving outcomes for litigants and saving valuable court resources.

• *Language Access*—SJI supports language access in the State courts through remote interpretation (outside the courtroom), interpreter training and certification, courtroom services (plain language forms, websites, etc.), and addressing the requirements of Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d *et seq.*) and the Omnibus Crime Control and Safe Streets Act (34 U.S.C. 10101 *et seq.*).

• *Procedural Fairness*—A fundamental role of courts is to ensure fair processes and just outcomes for litigants. SJI promotes the integration of research-based procedural fairness principles, policies, and practices into State court operations to increase public trust and confidence in the court system, reduce recidivism, and increase compliance with court orders.

3. Reducing Disparities and Protecting Victims, Underserved, and Vulnerable Populations

• *Human Trafficking*—SJI addresses the impact of Federal and State human trafficking laws on the State courts, and the challenges faced by State courts in dealing with cases involving trafficking victims and their families. These efforts are intended to empower State courts to identify victims, link them with vital services, and hold traffickers accountable.

• *Rural Justice*—Rural areas and their justice systems routinely have fewer resources and more barriers than their urban counterparts, such as availability of services, lack of transportation, and smaller workforces. Programs and practices that are effective in urban areas are often inappropriate and or lack supported research for implementation in rural areas. SJI supports rural courts by identifying promising and best practices, and promoting resources, education, and training opportunities uniquely designed for rural courts and court users.

• *Guardianship, Conservatorship, and Elder Issues*—SJI assists courts in improving court oversight of guardians and conservators for the elderly and incapacitated adults through visitor programs, electronic reporting, and training.

• *Disparities in Justice*—SJI supports research and data-driven approaches that examine statutory requirements, policies, and practices that result in disparities for justice-involved persons. These disparities can be because of inequities in socio-economic, racial, ethnic, gender, age, health, or other factors. In addition to identifying disparities, SJI promotes systemic approaches to reducing disparities.

4. Advancing Justice Reform

• *Criminal Justice Reform*—SJI assists State courts in taking a leadership role in reviewing fines, fees, and bail practices to ensure processes are fair and access to justice is assured; implements alternative forms of sanction; develops processes for indigency review; promotes transparency, governance, and structural reforms that promote access to justice, accountability, and oversight; and implements innovative diversion and re-entry programs that serve to improve outcomes for justice-involved persons and the justice system.

• *Juvenile Justice Reform*—SJI supports innovative projects that advance best practices in handling dependency and delinquency cases; promote effective court oversight of juveniles in the justice system; address the impact of trauma on juvenile behavior; assist the courts in identification of appropriate provision of services for juveniles; and address juvenile re-entry.

• *Family and Civil Justice Reform*—SJI promotes court-based solutions for the myriad of civil case types, such as domestic relations, housing, employment, debt collection, which are overwhelming court dockets.

5. Transforming Courts

• *Emergency Response and Recovery*—Courts must be prepared for natural disasters and public health emergencies, such as pandemics. SJI supports projects that look to the future of judicial service delivery by identifying and replicating innovations and alternate means of conducting court business because of pandemics and natural disasters such as hurricanes, earthquakes, and wildfires.

• *Cybersecurity*—Courts must also be prepared for cyberattacks on court systems, such as denial of service and ransomware attacks on court case management systems, websites, and other critical information technology infrastructure. SJI supports projects that assist courts in preparing for, and responding to, these attacks, and share lessons learned to courts across the United States.

• *Technology*—SJI promotes and supports innovative technology projects that will improve court processes and procedures, including technology projects that streamline case filing and

management processes, thereby reducing time and costs to litigants and the courts; provide online access to courts to litigants so that disputes can be resolved more efficiently; and make structural changes to court services that enable them to evolve into an online environment.

• *Training, Education, and Workforce Development*—State courts require a workforce that is adaptable to public demands for services. SJI supports projects that focus on the tools needed to enable judges, court managers, and staff to lead their courts in future reform efforts.

IV. Grant Types

SJI supports five types of grants: Project, Technical Assistance (TA), Curriculum Adaptation and Training (CAT), Strategic Initiatives Grants (SIG) Program, and the Education Support Program (ESP). A brief description of each type of grant is below.

A. Project Grant

Project grants are intended to support innovative education and training, research and evaluation, demonstration, and technical assistance projects that can improve the administration of justice in State courts locally or nationwide. Project grants may ordinarily not exceed $300,000 or 36 months in duration. Examples of expenses not covered by Project grants include the salaries, benefits, or travel of full- or part-time court employees. Funding may not be used for the ordinary, routine operations of court systems.

Applicants for Project grants must contribute a cash match of not less than 50 percent of the total cost of the proposed project. This means that grant awards by SJI must be matched at least dollar for dollar by grant applicants. Applicants may contribute the required cash match directly or in cooperation with third parties. Funding from other Federal departments or agencies may not be used for cash match.

B. Technical Assistance (TA) Grant

TA grants are intended to provide State or local courts, or regional court associations, with sufficient support to obtain expert assistance to diagnose a problem, develop a response to that problem, and implement any needed changes. TA grants may not exceed $50,000 or 12 months in duration. In calculating project duration, applicants are cautioned to fully consider the time required to issue a request for proposals, negotiate a contract with the selected provider, and execute the project. Funds may not be used for salaries, benefits, or travel of full- or part-time court employees.

Applicants for TA grants are required to contribute a total match of not less than 50 percent of the grant amount requested, of which 20 percent must be cash. For example, an applicant seeking a $50,000 TA grant must provide a $25,000 match, of which up to $20,000 can be in-kind and not less than $5,000 must be cash. Funding from other Federal departments and agencies may not be used for cash match.

C. Curriculum Adaptation and Training (CAT) Grant

CAT grants are intended to: (1) Enable courts or national court associations to modify and adapt model curricula, course modules, or conference programs to meet States' or local jurisdictions' educational needs; train instructors to present portions or all of the curricula; and pilot-test them to determine their appropriateness, quality, and effectiveness; or (2) conduct judicial branch education and training programs, led by either expert or in-house personnel, designed to prepare judges and court personnel for innovations, reforms, and/or new technologies recently adopted by grantee courts. CAT grants may not exceed $30,000 or 12 months in duration. Examples of expenses not covered by CAT grants include the salaries, benefits, or travel of full-or part-time court employees.

Applicants for CAT grants are required to contribute a match of not less than 50 percent of the grant amount requested, of which 20 percent must be cash. For example, an applicant seeking a $30,000 CAT grant must provide a $15,000 match, of which up to $12,000 can be in-kind and not less than $3,000 must be cash. Funding from other Federal departments and agencies may not be used for cash match.

D. Strategic Initiatives Grant (SIG)

The SIG program provides SJI with the flexibility to address national court issues as they occur and develop solutions to those problems. This is an innovative approach where SJI uses its expertise and the expertise and knowledge of its grantees to address key issues facing State courts across the United States.

The funding is used for grants or contractual services and is handled at the discretion of the SJI Board of Directors and staff. SJI requires the submission of a concept paper prior to the full application process. *Only applicants that submit an approved concept paper will be invited to submit a full application for funding. Potential applicants are strongly encouraged to contact SJI prior to submitting a concept paper for guidance on this initial step.*

E. Education Support Program (ESP) for Judges and Court Managers

The ESP is intended to enhance the skills, knowledge, and abilities of State court judges and court managers by enabling them to attend out-of-state, or to enroll in online, educational and training programs sponsored by national and State providers they could not otherwise attend or take online because of limited State, local, and personal budgets. The program covers only the cost of tuition up to a maximum of $1,000 per course.

The ESP is administered by the National Judicial College (NJC) and the National Center for State Courts (NCSC)/Institute for Court Management (ICM), in partnership with SJI. For NJC courses, register online at *https://www.judges.org/courses.* For ICM courses, register online at *https://www.ncsc.org/education-and-careers/icm-courses.* During the respective registration processes, each website will ask if you need a scholarship to participate. Follow the online instructions to request tuition assistance.

V. Application and Submission Information

This section describes in detail what an application should include. An applicant should anticipate that if it fails to submit an application that contains all the specified project components, it may negatively affect the review of the application. Applicants must use the SJI GMS to submit all applications and post-award documents. The SJI GMS is accessible at *https://gms.sji.gov.*

A. Application Components

Applicants for SJI grants must submit the following forms and/or documents via the SJI GMS:

1. Application Form (Form A)

The application form requests basic information regarding the proposed project, the applicant, and the total amount of funding requested from SJI. It also requires the signature of an individual authorized to certify on behalf of the applicant that the information contained in the application is true and complete; submission of the application has been authorized by the applicant; and, if funding for the proposed project is approved, the applicant will comply with the requirements and conditions of the award, including the assurances set

forth in Form D in section V.A.4, *Assurances (Form D)* of this guideline.

2. Certificate of State Approval (Form B)

An application from a State or local court must include a copy of Form B signed by the State's chief justice or State court administrator. The signature denotes that the proposed project has been approved by the State's highest court or the agency or council it has designated. Further, the signature denotes, if applicable, a cash match reduction has been requested, and that if SJI approves funding for the project, the court or the specified designee will receive, administer, and be accountable for the awarded funds.

3. Budget Form (Form C)

Applicants must provide a detailed budget and a budget narrative providing an explanation of the basis for the estimates in each budget category. If funds from other sources are required to conduct the project, either as match or to support other aspects of the project, the source, current status of the request, and anticipated decision date must be provided.

4. Assurances (Form D)

Form D lists the statutory, regulatory, and policy requirements with which recipients of SJI funds must comply.

5. Disclosure of Lobbying Activities (Form E)

Applicants other than units of State or local government are required to disclose whether they, or another entity that is part of the same organization as the applicant, have advocated a position before Congress on any issue, and to identify the specific subjects of their lobbying efforts.

6. Project Abstract

The abstract should highlight the purposes, goals, methods, and anticipated benefits of the proposed project. It should not exceed one single-spaced page and should be uploaded on the ''Attachments'' tab in SJI GMS.

7. Program Narrative

The program narrative for an application may not exceed 25 double-spaced pages on 8½ by 11-inch paper with 1-inch margins, using a standard 12-point font. The pages should be numbered. This page limit does not include the forms, the abstract, the budget narrative, or any additional attachments. The program narrative should address the following, noting any specific areas to address by grant type:

a. Statement of need. The applicant must explain the critical need facing the applicant, and how SJI funds will enable the applicant to meet this critical need. The applicant must also explain why State or local resources are not sufficient to fully support the costs of the project.

The applicant must provide a verified source for the data that supports the statement of the problem (*i.e.,* Federal, State, and local databases). The discussion should include specific references to the relevant literature and to the experience in the field. SJI continues to make all grant reports and most grant products available online through the NCSC Library and Digital Archive. Applicants are required to conduct a search of the NCSC Library and Digital Archive on the topic areas they are addressing. This search should include SJI-funded grants and previous projects not supported by SJI. Searches for SJI grant reports and other State court resources begin with the NCSC Library section. Applicants must discuss the results of their research, how they plan to incorporate the previous work into their proposed project, and if the project will differentiate from prior work.

b. Project grants. If the project is to be conducted in any specific location(s), the applicant should discuss the particular needs of the project site(s) the project would address and why existing programs, procedures, services, or other resources do not meet those needs.

If the project is not site-specific, the applicant should discuss the problems that the proposed project would address, and why existing programs, procedures, services, or other resources cannot adequately resolve those problems. In addition, the applicant should describe how, if applicable, the project will be sustained in the future through existing resources.

c. TA grants. The applicant should explain why State or local resources are unable to fully support the modification and presentation of the model curriculum. The applicant should also describe the potential for replicating or integrating the adapted curriculum in the future using State or local funds once it has been successfully adapted and tested. In addition, the applicant should describe how, if applicable, the project will be sustained in the future through existing resources.

d. CAT grants (curriculum adaptation). The applicant should explain why State or local resources are unable to fully support the modification and presentation of the model curriculum. The applicant should also describe the potential for replicating or integrating the adapted curriculum in the future using State or local funds once it has been successfully adapted and tested.

e. CAT grant (training). The applicant should describe the court reform or initiative prompting the need for training. The applicant should also discuss how the proposed training will help the applicant implement planned changes at the court, and why State or local resources are not sufficient to fully support the costs of the required training.

f. SIG grants. Applicants should detail the origin of the project (*i.e.,* requested by SJI or a request to SJI) and provide a detailed description about the issue of national impact the proposed project will address, including any evaluations, reports, resolutions, or other data to support the need statement.

B. Project Description and Objectives

The applicant should include a clear, concise statement of what the proposed project is intended to accomplish and how those objectives will be met. The applicant should delineate the tasks to be performed in achieving the project objectives and the methods to be used for accomplishing each task.

The applicant must describe how the proposed project addresses one or more Priority Investment Areas. If the project does not address one or more Priority Investment Areas, the applicant must provide an explanation as to why not.

1. Application Details by Project Type

a. Project grants. The applicant should include detailed descriptions of tasks, methods, and evaluations. For example:

- *Research and evaluation projects.* The applicant should include the data sources, data collection strategies, variables to be examined, and analytic procedures to be used for conducting the research or evaluation and ensuring the validity and general applicability of the results. For projects involving human subjects, the discussion of methods should address the procedures for obtaining respondents' informed consent, ensuring the respondents' privacy and freedom from risk or harm, and protecting others who are not the subjects of research but would be affected by the research. If the potential exists for risk or harm to human subjects, a discussion should be included that explains the value of the proposed research and the methods to be used to minimize or eliminate such risk. Refer to section VIII.R.3, *Human Subject Protection* of this guideline for additional information.

• *Education and training projects.* The applicant should include the adult education techniques to be used in designing and presenting the program, including the teaching and learning objectives of the educational design, the teaching methods to be used, and the opportunities for structured interaction among the participants; how faculty would be recruited, selected, and trained; the proposed number and length of the conferences, courses, seminars, or workshops to be conducted and the estimated number of persons who would attend them; the materials to be provided and how they would be developed; and the cost to participants.

• *Demonstration projects.* The applicant should include the demonstration sites and the reasons they were selected or, if the sites have not been chosen, how they would be identified; how the applicant would obtain the cooperation of demonstration sites; and how the program or procedures would be implemented and monitored.

• *Technical assistance projects.* The applicant should explain the types of assistance that would be provided, the particular issues and problems for which assistance would be provided, the type of assistance determined, how suitable providers would be selected and briefed, and how reports would be reviewed.

b. TA grants. The applicant must identify which organization or individual will be hired to provide the assistance, and how the consultant was selected. The applicant must describe the tasks the consultant will perform, and how the tasks will be accomplished.

If a consultant has not yet been identified, the applicant must describe the procedures and criteria that will be used to select the consultant (applicants are expected to follow their jurisdictions' normal procedures for procuring consultant services).

If the consultant has been identified, the applicant should provide a letter from that individual or organization documenting interest in and availability for the project, as well as the consultant's ability to complete the assignment within the proposed time frame and for the proposed cost. The consultant must agree to submit a detailed written report to the court and SJI upon completion of the technical assistance. The applicant should then describe the steps that have been or will be taken to facilitate implementation of the consultant's recommendations upon completion of the technical assistance.

The applicant should then address the following questions:

• What specific tasks will the consultant(s) and court staff undertake?

• What is the schedule for completion of each required task and the entire project?

• How will the applicant oversee the project and provide guidance to the consultant, and who at the court or regional court association would be responsible for coordinating all project tasks and submitting quarterly progress and financial status reports?

c. CAT grants (curriculum adaptation). The applicant must provide the title of the curriculum that will be adapted and identify the entity that originally developed the curriculum. Applicants should allow at least 90 days between the potential award date and the date of the proposed program to allow sufficient time for planning. This period of time should be reflected in the project timeline. The applicant must also address the following questions:

• Why is this education program needed at the present time?

• What are the project's goals?

• What are the learning objectives of the adapted curriculum?

• What program components would be implemented, and what types of modifications, if any, are anticipated in length, format, learning objectives, teaching methods, or content?

• Who would be responsible for adapting the model curriculum?

• Who would the participants be, how many would there be, how would they be recruited, and from where would they come (*e.g.,* from a single local jurisdiction, from across the State, from a multi-State region, from across the nation)?

The applicant should also provide the proposed timeline, including the project start and end dates, the date(s) the judicial branch education program will be presented, and the process that will be used to modify and present the program. The applicant should also identify who will serve as faculty, and how they were selected, in addition to the measures taken to facilitate subsequent presentations of the program.

d. CAT grants (training). The applicant must identify the tasks the trainer(s) will be expected to perform, which organization or individual will be hired, and, if in-house personnel are not the trainers, how the trainer will be selected.

If a trainer has not yet been identified, the applicant must describe the procedures and criteria that will be used to select the trainer.

If the trainer has been identified, the applicant should provide a letter from that individual or organization documenting interest in and availability for the project, as well as the trainer's ability to complete the assignment within the proposed time frame and for the proposed cost.

In addition, the applicant should address the following questions:

• What specific tasks would the trainer and court staff or regional court association members undertake?

• What presentation methods will be used?

• What is the schedule for completion of each required task and the entire project?

• How will the applicant oversee the project and provide guidance to the trainer, and who at the court or affiliated with the regional court association would be responsible for coordinating all project tasks and submitting quarterly progress and financial status reports?

• The applicant should explain what steps have been or will be taken to coordinate the implementation of the training. For example, if the support or cooperation of specific court, regional court association officials, committees, other agencies, funding bodies, organizations, or a court other than the applicant will be needed to adopt the reform and initiate the proposed training, how will the applicant secure their involvement in the development and implementation of the training?

e. SIG grants. The applicant should expand upon the project description and objectives described in the approved concept paper. Any and all feedback and questions submitted by the SJI Board of Directors and staff during the review of the concept paper should also be incorporated into the project design.

2. Dissemination Plan

The application must (1) explain how and to whom the products would be disseminated; describe how they would benefit the State courts, including how they could be used by judges and court personnel; (2) identify development, production, and dissemination costs covered by the project budget; and (3) present the basis on which products and services developed or provided under the grant would be offered to the court community and the public at large (*i.e.,* whether products would be distributed at no cost to recipients, or if costs are involved, the reason for charging recipients and the estimated price of the product). Ordinarily, applicants should schedule all product preparation and distribution activities within the project period.

The type of product to be prepared depends on the nature of the project. For example, in most instances, the products of a research, evaluation, or demonstration project should include (1) an article summarizing the project findings that is publishable in a journal serving the courts community nationally, (2) an executive summary that would be disseminated to the project's primary audience, or (3) both an article and executive summary. Applicants proposing to conduct empirical research or evaluation projects with national import should describe how they would make their data available for secondary analysis after the grant period.

The curricula and other products developed through education and training projects should be designed for use by others and again by the original participants in the course of their duties. Applicants proposing to develop web-based products should provide for sending a notice and description of the document to the appropriate audiences to alert them to the availability of the website or electronic product (*i.e.,* a written report with a reference to the website).

Applicants must submit a final draft of all written grant products to SJI for review and approval at least 30 days before the products are submitted for publication or reproduction. For products in website or multimedia format, applicants must provide for SJI review of the product at the treatment, script, rough-cut, and final stages of development, or their equivalents. No grant funds may be obligated for publication or reproduction of a final grant product without the written approval of SJI. Project products should be submitted to SJI electronically in HTML or PDF format.

Applicants must also include in all project products a prominent acknowledgment that support was received from SJI and a disclaimer paragraph such as, ''This [document, film, videotape, etc.] was developed under [grant/cooperative agreement] number SJI–[insert number] from the State Justice Institute. The points of view expressed are those of the [author(s), filmmaker(s), etc.] and do not necessarily represent the official position or policies of the State Justice Institute.'' The ''SJI'' logo must appear on the front cover of a written product or in the opening frames of a website or other multimedia product, unless SJI approves another placement. The SJI logo can be downloaded from SJI's website: *https://www.sji.gov.*

3. Staff Capability and Organizational Capacity

An applicant that is not a State or local court and has not received a grant from SJI within the past 3 years should indicate whether it is either (1) a national non-profit organization controlled by, operating in conjunction with, and serving the judicial branches of State governments, or (2) a national non-profit organization for the education and training of State court judges and support personnel. If the applicant is a non-judicial unit of Federal, State, or local government, it must explain whether the proposed services could be adequately provided by non-governmental entities.

Applicants that have not received a grant from SJI within the past 3 years should include a statement describing their capacity to administer grant funds, including the financial systems used to monitor project expenditures (and income, if any), a summary of their past experience in administering grants, and any resources or capabilities that they have that would particularly assist in the successful completion of the project.

Unless requested otherwise, an applicant that has received a grant from SJI within the past 3 years should describe only the changes in its organizational capacity, tax status, or financial capability that may affect its capacity to administer a grant. If the applicant is a non-profit organization (other than a university), it must also provide documentation of its 501(c)(3) tax-exempt status as determined by the Internal Revenue Service and a copy of a current certified audit report. For the purpose of this requirement, ''current'' means no earlier than 2 years prior to the present calendar year.

The applicant should include a summary of the training and experience of the key staff members and consultants that qualify them for conducting and managing the proposed project. Resumes of identified staff should be attached to the application. If one or more key staff members and consultants are not known at the time of the application, a description of the criteria that would be used to select persons for these positions should be included. The applicant should also identify the person who would be responsible for managing and reporting on the financial aspects of the proposed project.

4. Evaluation

Projects should include an evaluation plan to determine whether the project met its objectives. The evaluation should be designed to provide an objective and independent assessment of the effectiveness or usefulness of the training or services provided; the impact of the procedures, technology, or services tested; or the validity and applicability of the research conducted. The evaluation plan should be appropriate to the type of project proposed considering the nature, scope, and magnitude of the project.

5. Sustainability

Describe how the project will be sustained after SJI assistance ends. The sustainability plan should describe how current collaborations and evaluations will be used to leverage ongoing resources. SJI encourages applicants to ensure sustainability by coordinating with local, State, and other Federal resources.

C. Budget and Matching State Contribution

Applicants must complete a budget in the SJI GMS and upload a budget narrative. The budget narrative should provide the basis for all project-related costs and the sources of any match, as required. The budget narrative should thoroughly and clearly describe every category of expense listed. SJI expects proposed budgets to be complete, cost effective, and allowable (*e.g.,* reasonable, allocable, and necessary for project activities).

1. Justification of Personnel Compensation. The applicant should set forth the amount of time the individuals who would staff the proposed project would devote, the annual salary of each of those persons, and the number of work days per year used for calculating the amount of time or daily rates of those individuals. The applicant should explain any deviations from current rates or established written organizational policies. No grant funds or cash match may be used to pay the salary and related costs for a current or new employee of a court or other unit of government because such funds would constitute a supplantation of State or local funds in violation of 42 U.S.C. 10706(d)(1); this includes new employees hired specifically for the project. The salary and any related costs for a current or new employee of a court or other unit of government may only be accepted as in-kind match.

2. Fringe Benefit Computation. For non-governmental entities, the applicant should provide a description of the fringe benefits provided to employees. If percentages are used, the authority for such use should be presented, as well as a description of the elements included in the determination of the percentage rate.

3. Consultant/Contractual Services and Honoraria. The applicant should describe the tasks each consultant would perform, the estimated total amount to be paid to each consultant, the basis for compensation rates (*e.g.,* the number of days multiplied by the daily consultant rates), and the method for selection. Prior written SJI approval is required for any consultant rate in excess of $800 per day; SJI funds may not be used to pay a consultant more than $1,100 per day. Honorarium payments must be justified in the same manner as consultant payments.

4. Travel. Transportation costs and per diem rates must comply with the policies of the applicant organization. If the applicant does not have an established travel policy, then travel rates must be consistent with those established by the Federal Government. The budget narrative should include an explanation of the rate used, including the components of the per diem rate and the basis for the estimated transportation expenses. The purpose of the travel should also be included in the narrative.

5. Equipment. Grant funds may be used to purchase only the equipment necessary to demonstrate a new technological application in a court or that is otherwise essential to accomplishing the objectives of the project. In other words, grant funds cannot be used strictly for the purpose of purchasing equipment. Equipment purchases to support basic court operations will not be approved. The applicant should describe the equipment to be purchased or leased and explain why the acquisition of that equipment is essential to accomplish the project's goals and objectives. The narrative should clearly identify which equipment is to be leased and which is to be purchased. The method of procurement should also be described.

6. Supplies. The applicant should provide a general description of the supplies necessary to accomplish the goals and objectives of the grant. In addition, the applicant should provide the basis for the amount requested for this expenditure category.

7. Construction. Construction expenses are prohibited.

8. Postage. Anticipated postage costs for project-related mailings, including distribution of the final product(s), should be described in the budget narrative. The cost of special mailings, such as for a survey or for announcing a workshop, should be distinguished from routine mailing costs. The bases for all postage estimates should be included in the budget narrative.

9. Printing/Photocopying. Anticipated costs for printing or photocopying project documents, reports, and publications should be included in the budget narrative, along with the bases used to calculate these estimates.

10. Indirect Costs. Indirect costs are only applicable to organizations that are not State courts or government agencies. Recoverable indirect costs are limited to no more than 75 percent of a grantee's direct personnel costs, *i.e.,* salaries plus fringe benefits. Applicants should describe the indirect cost rates applicable to the grant in detail. If costs often included within an indirect cost rate are charged directly (*e.g.,* a percentage of the time of senior managers to supervise project activities), the applicant should specify that these costs are not included within its approved indirect cost rate. If the applicant has an indirect cost rate or allocation plan approved by any Federal granting agency, a copy of the approved rate agreement must be attached to the application.

11. Matching Requirements. SJI grants require a match, which is the portion of project costs not borne by SJI and includes both cash and/or in-kind matches as outlined in this paragraph. A cash match is the direct outlay of funds by the grantee or a third party to support the project. Other Federal department and agency funding may not be used for cash match. An in-kind match consists of contributions of time and/or services of current staff members, new employees, space, supplies, etc., made to the project by the grantee or others (*e.g.,* advisory board members) working directly on the project. An in-kind match can also consist of that portion of the grantee's federally approved indirect cost rate that exceeds the limit of permitted charges (75 percent of salaries and benefits).

The grantee is responsible for ensuring that the total amount of match proposed is contributed. If a proposed contribution is not fully met, SJI may reduce the award amount accordingly, to maintain the ratio originally provided for in the award agreement. The match should be expended at the same rate as SJI funding.

a. Project grants. Applicants must contribute a cash match of not less than 50 percent of the total cost of the proposed project. This means that grant awards by SJI must be matched at least dollar for dollar by grant applicants. For example, if the total proposed project is $200,000, SJI provides $100,000 in funds and the applicant match must be at least $100,000. Applicants may contribute the required cash match directly or in cooperation with third parties.

b. TA grants. Applicants are required to contribute a total match of not less than 50 percent of the grant amount requested, of which 20 percent must be cash. For example, an applicant seeking a $50,000 TA grant must provide a $25,000 match, of which up to $20,000 can be in-kind and not less than $5,000 must be cash.

c. CAT grants. Applicants are required to contribute a match of not less than 50 percent of the grant amount requested, of which 20 percent must be cash. For example, an applicant seeking a $30,000 CAT grant must provide a $15,000 match, of which up to $12,000 can be in-kind and not less than $3,000 must be cash.

d. SIG grants. State and local courts and non-court units of government must provide a dollar for dollar cash match for SIG Projects. Matching funds may not be required for SIG projects that are awarded to non-court or non-governmental entities.

12. Letters of Support. Written assurances of support or cooperation should accompany the application letter if the support or cooperation of agencies, funding bodies, organizations, or courts other than the applicant would be needed in order for the consultant to perform the required tasks. Applicants may also submit memorandums of agreement or understanding, as appropriate.

13. Project Timeline. A project timeline detailing each project objective, activity, expected completion date, and responsible person or organization should be included. The plan should include the starting and completion date for each task; the time commitments to the project of key staff and their responsibilities regarding each project task; and the procedures that would ensure that all tasks are performed on time, within budget, and at the highest level of quality. In preparing the project timeline, applicants should make certain that all project activities, including publication or reproduction of project products and their initial dissemination, would occur within the proposed project period. The project timeline must also provide for the submission of Quarterly Progress and Financial Reports within 30 days after the close of each calendar quarter, as well as submission of all final closeout documents. The project timeline may be included in the program narrative or provided as a separate attachment.

14. Other Attachments. Resumes of key project staff may also be included. Additional background material should be attached only if it is essential to

impart a clear understanding of the proposed project. Numerous and lengthy appendices are strongly discouraged.

D. Application Review Information

1. Selection Criteria. In addition to the criteria detailed below, SJI will consider whether the applicant is a State or local court, a national court support or education organization, a non-court unit of government, or other type of entity eligible to receive grants under SJI's enabling legislation; the availability of financial assistance from other sources for the project; the diversity of subject matter; geographic diversity; the level and nature of the match that would be provided; reasonableness of the proposed budget; the extent to which the proposed project would also benefit the Federal courts or help State or local courts enforce Federal constitutional and legislative requirements; and the level of appropriations available to SJI in the current year and the amount expected to be available in succeeding fiscal years, when determining which projects to support.

2. Project Grant Applications. Project grant applications will be rated based on the criteria set forth below:

- Soundness of the methodology.
- Demonstration of need for the project.
- Appropriateness of the proposed evaluation design.
- If applicable, the key findings and recommendations of the most recent evaluation and the proposed responses to those findings and recommendations.
- Applicant's management plan and organizational capabilities.
- Qualifications of the project's staff.
- Products and benefits resulting from the project, including the extent to which the project will have long-term benefits for State courts across the nation.
- Degree to which the findings, procedures, training, technology, or other results of the project can be transferred to other jurisdictions.
- Reasonableness of the proposed budget.
- Demonstration of cooperation and support of other agencies that may be affected by the project.

3. Technical Assistance (TA) Grant Applications. TA grant applications will be rated based on the following criteria:

- Whether the assistance would address a critical need of the applicant.
- Soundness of the technical assistance approach to the problem.
- Qualifications of the consultant(s) to be hired or the specific criteria that will be used to select the consultant(s).
- Commitment of the court or association to act on the consultant's recommendations.
- Reasonableness of the proposed budget.

4. Curriculum Adaptation and Training (CAT) Grant Applications. CAT grant applications will be rated based on the following criteria:

- Goals and objectives of the proposed project.
- How the training would address a critical need of the court or association.
- Need for outside funding to support the program.
- Soundness of the approach in achieving the project's educational or training objectives.
- Integration of distance learning and technology in project design and delivery.
- Qualifications of the trainer(s) to be hired or the specific criteria that will be used to select the trainer(s) (training project only).
- Likelihood of effective implementation and integration of the modified curriculum into the State or local jurisdiction's ongoing educational programming (curriculum adaptation project only).
- Commitment of the court or association to the training program (training project only).
- Expressions of interest by judges and/or court personnel, as demonstrated by letters of support.

5. Strategic Initiative Grant (SIG) Applications. SIG applications will be rated based on the following criteria:

- Goals and objectives of the proposed project.
- Demonstration of need for the project.
- Degree to which the project addresses a current national court issue.
- Level of innovation in addressing the identified need.
- Potential impact on the court community.
- Qualifications of the consultant(s) engaged to manage the project.

6. Review Process. SJI reviews the application to make sure that the information presented is reasonable, understandable, measurable, and achievable, as well as consistent with this guideline. Applications must meet basic minimum requirements. Although specific requirements may vary by grant type, the following are common requirements applicable to all SJI grant applications:

- Must be submitted by an eligible type of applicant.
- Must request funding within funding constraints of each grant type (if applicable).
- Must be within statutorily allowable expenditures.
- Must include all required forms and documents.
- The SJI Board of Directors reviews all applications and makes final funding decisions. The decision to fund a project is solely that of the SJI Board of Directors.

7. Notification of SJI Board of Directors Decision. The Chairman of the Board signs grant awards on behalf of SJI. SJI will notify applicants regarding the SJI Board of Directors' decisions to award, defer, or deny their respective applications. If requested, SJI conveys the key issues and questions that arose during the review process. A decision by the SJI Board of Directors to deny an application may not be appealed, but it does not prohibit resubmission of a proposal in a subsequent funding cycle.

8. Response to Notification of Award. Grantees have 30 days from the date they were notified about their award to respond to any revisions requested by the SJI Board of Directors. If the requested revisions (or a reasonable schedule for submitting such revisions) have not been submitted to SJI within 30 days after notification, the award may be rescinded, and the application presented to the SJI Board of Directors for reconsideration. Special Conditions, in the form of incentives or sanctions, may also be used in other situations.

VI. How To Apply

Applicants must use the SJI GMS to submit all applications and post-award documents. SJI urges applicants to submit applications at least 72 hours prior to the application due date in order to allow time for the applicant to receive an application acceptance message, and to correct in a timely fashion any problems that may arise, such as missing or incomplete forms. Files must be in .doc, .docx, .xls, .xlsx, .pdf, .jpg, or .png format. Individual file size cannot exceed 5 MB.

A. Submission Steps

Applicants (except for ESP) must register with the SJI GMS to submit applications for funding consideration. Below are the basic steps for submission:

(1) Access the SJI GMS and complete the information required to create an account.

(2) If you already have an account, log in and create a new application.

(3) Complete all required forms and upload all required documents:

- Application Form.
- Certificate of State Approval.
- Budget and Budget Narrative.
- Assurances.
- Disclosure of Lobbying Activities.
- Project Abstract.

- Program Narrative.
- Attachments.
  - Letters of Support.
  - Project Timeline.
  - Resumes.
  - Indirect Cost Approval.
  - Other Attachments.

(4) Certify and submit the application to SJI for review.

VII. Post Award Reporting Requirements

All required reports and documents must be submitted via the SJI GMS.

A. Quarterly Reporting Requirements

Recipients of SJI funds must submit Quarterly Progress and Financial Status Reports within 30 days of the close of each calendar quarter (that is, no later than January 30, April 30, July 30, and October 30).

1. Program Progress Reports. Program Progress Reports must include a narrative description of project activities during the calendar quarter; the relationship between those activities, the task schedule, and objectives set forth in the approved application or an approved adjustment thereto; any significant problem areas that have developed and how they will be resolved; and the activities scheduled during the next reporting period. Failure to comply with the requirements of this provision could result in the termination of a grantee's award.

2. Financial Reporting. A Financial Status Report is required from all grantees for each active quarter on a calendar-quarter basis. This report is due within 30 days after the close of the calendar quarter. It is designed to provide financial information relating to SJI funds, State and local matching shares, project income, and any other sources of funds for the project, as well as information on obligations and outlays.

B. Request for Reimbursement of Funds

Awardees will receive funds on a reimbursable, U.S. Treasury ''check-issued'' or electronic funds transfer (EFT) basis. Upon receipt, review, and approval of a Request for Reimbursement by SJI, payment will be issued directly to the grantee or its designated fiscal agent. Requests for reimbursements, along with the instructions for its preparation, and the SF 3881 Automated Clearing House (ACH/Miscellaneous Payment Enrollment Form for EFT) are available in the SJI GMS.

1. Accounting System. Awardees are responsible for establishing and maintaining an adequate system of accounting and internal controls and for ensuring that an adequate system exists for each of its sub-grantees and contractors. An acceptable and adequate accounting system:

- Properly accounts for receipt of funds under each grant awarded and the expenditure of funds for each grant by category of expenditure (including matching contributions and project income).
- Assures that expended funds are applied to the appropriate budget category included within the approved grant.
- Presents and classifies historical costs of the grant as required for budgetary and evaluation purposes.
- Provides cost and property controls to assure optimal use of grant funds.
- Is integrated with a system of internal controls adequate to safeguard the funds and assets covered, check the accuracy and reliability of the accounting data, promote operational efficiency, and assure conformance with any general or special conditions of the grant.
- Meets the prescribed requirements for periodic financial reporting of operations.
- Provides financial data for planning, control, measurement, and evaluation of direct and indirect costs.

C. Final Progress Report

The Final Progress Report should describe the project activities during the final calendar quarter of the project and the close-out period, including to whom project products have been disseminated; provide a summary of activities during the entire project; specify whether all the objectives set forth in the approved application or an approved adjustment have been met and, if any of the objectives have not been met, explain why not; and discuss what, if anything, could have been done differently that might have enhanced the impact of the project or improved its operation. In addition, grantees are required to submit electronic copies of the final products related to the project (*e.g.,* reports, curriculum, etc.). These reporting requirements apply at the conclusion of every grant.

VIII. Compliance Requirements

A. Advocacy

No funds made available by SJI may be used to support or conduct training programs for the purpose of advocating particular non-judicial public policies or encouraging non-judicial political activities (42 U.S.C. 10706(b)).

B. Approval of Key Staff

If the qualifications of an employee or consultant assigned to a key project staff position are not adequately described in the application or if there is a change of a person assigned to such a position, the recipient must submit a description of the qualifications of the newly assigned person to SJI. Prior written approval of the qualifications of the new person assigned to a key staff position must be received from SJI before the salary or consulting fee of that person and associated costs may be paid or reimbursed from grant funds.

C. Audit

Recipients of SJI grants must provide for an annual fiscal audit which includes an opinion on whether the financial statements of the grantee present fairly its financial position and its financial operations are in accordance with generally accepted accounting principles. If requested, a copy of the audit report must be made available electronically to SJI.

D. Budget Revisions

Budget revisions among direct cost categories that (1) transfer grant funds to an unbudgeted cost category, or (2) individually or cumulatively exceed 5 percent of the approved original budget or the most recently approved revised budget require prior SJI approval. Refer to section X, *Grant Adjustments* of this guideline for additional details about the process to modify the project budget.

E. Conflict of Interest

Personnel and other officials connected with SJI-funded programs must adhere to the following requirements:

- An official or employee of a recipient court or organization must not participate personally through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise in any proceeding, application, request for a ruling or other determination, contract, grant, cooperative agreement, claim, controversy, or other particular matter in which SJI funds are used, where, to his or her knowledge, he or she or his or her immediate family, partners, organization other than a public agency in which he or she is serving as officer, director, trustee, partner, or employee or any person or organization with whom he or she is negotiating or has any arrangement concerning prospective employment, has a financial interest.
- In the use of SJI project funds, an official or employee of a recipient court or organization must avoid any action which might result in or create the appearance of:

▪ Using an official position for private gain; or

▪ Affecting adversely the confidence of the public in the integrity of the SJI program.

• Requests for proposals or invitations for bids issued by a recipient of SJI funds or a sub-grantee or subcontractor will provide notice to prospective bidders that the contractors who develop or draft specifications, requirements, statements of work, and/or requests for proposals for a proposed procurement will be excluded from bidding on or submitting a proposal to compete for the award of such procurement.

F. Inventions and Patents

If any patentable items, patent rights, processes, or inventions are produced during the course of SJI-sponsored work, such fact must be promptly and fully reported to SJI. Unless there is a prior agreement between the grantee and SJI on the disposition of such items, SJI will determine whether protection of the invention or discovery must be sought.

G. Lobbying

Funds awarded to recipients by SJI must not be used, indirectly or directly, to influence Executive orders or similar promulgations by Federal, State, or local agencies; or to influence the passage or defeat of any legislation by Federal, State, or local legislative bodies (42 U.S.C. 10706(a)).

It is the policy of the SJI Board of Directors to award funds only to support applications submitted by organizations that would carry out the objectives of their applications in an unbiased manner. Consistent with this policy and the provisions of 42 U.S.C. 10706, SJI will not knowingly award a grant to an applicant that has, directly or through an entity that is part of the same organization as the applicant, advocated a position before Congress on the specific subject matter of the application.

H. Matching Requirements

All grant recipients are required to provide a match. A match is the portion of project costs not borne by SJI. A match includes both cash and in-kind contributions. Cash match is the direct outlay of funds by the grantee or a third party to support the project. In-kind match for State and local courts or other units of government consists of contributions of time and/or services of current staff members, new employees, space, supplies, etc., made to the project by the grantee or others (*e.g.,* advisory board members) working directly on the project. Generally, these same items are considered cash match for non-governmental entities. For non-governmental entities, federally approved indirect cost rate may be used as an in-kind match for that portion of the rate that exceeds the limit of permitted charges for indirect costs (75 percent of salaries and benefits).

Under normal circumstances, allowable match may be incurred only during the project period. The amount and nature of required match depends on the type of grant. Refer to section V.C.11, *Matching Requirements* of this guideline for details by grant type.

The grantee is responsible for ensuring that the total amount of match proposed is contributed. If a proposed contribution is not fully met, SJI may reduce the award amount accordingly, to maintain the ratio originally provided for in the award agreement. Match should be expended at the same rate as SJI funding.

The SJI Board of Directors looks favorably upon any unrequired match contributed by applicants when making grant decisions. The match requirement may be waived in exceptionally rare circumstances upon the request of the chief justice of the highest court in the State, or the highest ranking official in the requesting organization, and approval by the SJI Board of Directors (42 U.S.C. 10705(d)). The SJI Board of Directors encourages all applicants to provide the maximum amount of cash and in-kind match possible, even if a waiver is approved. The amount and nature of match are criteria in the grant selection process.

Other Federal department and agency funding may not be used for cash match.

I. Nondiscrimination

No person may, on the basis of race, sex, national origin, disability, color, or creed be excluded from participation in, denied the benefits of, or otherwise subjected to discrimination under any program or activity supported by SJI funds. Recipients of SJI funds must take any measures necessary immediately to effectuate this provision.

J. Political Activities

No recipient may contribute or make available SJI funds, program personnel, or equipment to any political party or association, or the campaign of any candidate for public or party office. Recipients are also prohibited from using funds in advocating or opposing any ballot measure, initiative, or referendum. Officers and employees of recipients must not intentionally identify SJI or recipients with any partisan or nonpartisan political activity associated with a political party or association, or the campaign of any candidate for public or party office (42 U.S.C. 10706(a)).

K. Products

1. Acknowledgment, Logo, and Disclaimer. Recipients of SJI funds must acknowledge prominently on all products developed with grant funds that support was received from the SJI. The ''SJI'' logo must appear on the front cover of a written product, or in the opening frames of a multimedia product, unless another placement is approved in writing by SJI. This includes final products printed or otherwise reproduced during the grant period, as well as re-printings or reproductions of those materials following the end of the grant period. A camera-ready logo sheet is available on SJI's website: *https://www.sji.gov/forms/.*

Recipients also must display the following disclaimer on all grant products: ''This [document, film, videotape, etc.] was developed under [grant/cooperative agreement] number SJI-[insert number] from the State Justice Institute. The points of view expressed are those of the [author(s), filmmaker(s), etc.] and do not necessarily represent the official position or policies of the State Justice Institute.''

a. Project grants. In addition to other required grant products and reports, recipients must provide a one-page executive summary of the project. The summary should include a background on the project, the tasks undertaken, and the outcome. In addition, the summary should provide the performance metrics that were used during the project, and how performance will be measured in the future.

b. TA grants. Grantees must submit a final report that explains how it intends to act on the consultant's recommendations, as well as a copy of the consultant's written report. Both should be submitted in electronic format.

c. CAT grants. Grantees must submit an electronic version of the agenda or schedule, outline of presentations and/or relevant instructor's notes; copies of overhead transparencies, Microsoft PowerPoint presentations, or other visual aids; exercises, case studies, and other background materials; hypotheticals, quizzes, and other materials involving the participants; manuals, handbooks, conference packets, and evaluation forms; and suggestions for replicating the program, including possible faculty or the preferred qualifications or experience of those selected as faculty, developed

under the grant at the conclusion of the grant period, along with a final report that includes any evaluation results and explains how the grantee intends to present the educational program in the future, as well as the consultant's or trainer's report. All items should be submitted in electronic format.

2. Charges for Grant-Related Products/Recovery of Costs. SJI's mission is to support improvements in the quality of justice and foster innovative, efficient solutions to common issues faced by all courts. SJI has recognized and established procedures for supporting research and development of grant products (*e.g.,* a report, curriculum, video, software, database, or website) through competitive grant awards based on merit review of proposed projects. To ensure that all grants benefit the entire court community, projects SJI considers worthy of support (in whole or in part) are required to be disseminated widely and available for public consumption. This includes open-source software and interfaces. Costs for development, production, and dissemination are allowable as direct costs to SJI.

Applicants should disclose their intent to sell grant-related products in the application. Grantees must obtain SJI's prior written approval of their plans to recover project costs through the sale of grant products. Written requests to recover costs ordinarily should be received during the grant period and should specify the nature and extent of the costs to be recouped, the reason that such costs were not budgeted (if the rationale was not disclosed in the approved application), the number of copies to be sold, the intended audience for the products to be sold, and the proposed sale price. If the product is to be sold for more than $25, the written request should also include a detailed itemization of costs that will be recovered and a certification that the costs were not supported by either SJI grant funds or grantee matching contributions.

In the event that the sale of grant products results in revenues that exceed the costs to develop, produce, and disseminate the product, the revenue must continue to be used for the authorized purposes of SJI-funded project or other purposes consistent with the State Justice Institute Act that have been approved by SJI.

L. Copyrights

Except as otherwise provided in the terms and conditions of a SJI award, a recipient is free to copyright any books, publications, or other copyrightable materials developed in the course of a SJI-supported project, SJI must reserve a royalty-free, nonexclusive, and irrevocable right to reproduce, publish, or otherwise use, and to authorize others to use, the materials for purposes consistent with the State Justice Institute Act.

M. Due Date

All products and, for TA and CAT grants, consultant and/or trainer reports are to be completed and distributed not later than the end of the award period, not the 90-day closeout period. The 90-day closeout period is intended only for grantee final reporting and to liquidate obligations.

N. Distribution

In addition to the distribution specified in the grant application, grantees must send an electronic version of all products in HTML or PDF format to SJI.

O. Original Material

All products prepared as the result of SJI-supported projects must be originally developed material unless otherwise specified in the award documents. Material not originally developed that is included in such products must be properly identified, whether the material is in a verbatim or extensive paraphrase format.

P. Prohibition Against Litigation Support

No funds made available by SJI may be used directly or indirectly to support legal assistance to parties in litigation, including cases involving capital punishment.

Q. Reporting Requirements

All reports must be submitted via the SJI GMS as detailed below:

1. Quarterly Progress and Financial Status Reports. Recipients of SJI funds must submit Quarterly Progress and Financial Status Reports within 30 days of the close of each calendar quarter (that is, no later than January 30, April 30, July 30, and October 30). The Quarterly Progress Reports must include a narrative description of project activities during the calendar quarter; the relationship between those activities, the task schedule, and objectives set forth in the approved application or an approved adjustment thereto; any significant problem areas that have developed and how they will be resolved; and the activities scheduled during the next reporting period. Failure to comply with the requirements of this provision could result in the termination of a grantee's award.

2. Quarterly Financial Reporting. The quarterly financial report must be submitted in accordance with section VII.A.2, *Financial Reporting* of this guideline. A final project Progress Report and Financial Status Report must be submitted within 90 days after the end of the grant period.

R. Research

1. Availability of Research Data for Secondary Analysis. Upon request, grantees must make available for secondary analysis backup files containing research and evaluation data collected under a SJI grant and the accompanying code manual. Grantees may recover the actual cost of duplicating and mailing, or otherwise transmitting, the data set and manual from the person or organization requesting the data. Grantees may provide the requested data set in the format in which it was created and analyzed.

2. Confidentiality of Information. Except as provided by Federal law other than the State Justice Institute Act, no recipient of financial assistance from SJI may use or reveal any research or statistical information furnished under the Act by any person and identifiable to any specific private person for any purpose other than the purpose for which the information was obtained. Such information and copies thereof will be immune from legal process, and must not, without the consent of the person furnishing such information, be admitted as evidence or used for any purpose in any action, suit, or other judicial, legislative, or administrative proceedings.

3. Human Subject Protection. Human subjects are defined as individuals who are participants in an experimental procedure or who are asked to provide information about themselves, their attitudes, feelings, opinions, and/or experiences through an interview, questionnaire, or other data collection technique. All research involving human subjects must be conducted with the informed consent of those subjects and in a manner that will ensure their privacy and freedom from risk or harm and the protection of persons who are not subjects of the research but would be affected by it, unless such procedures and safeguards would make the research impractical. In such instances, SJI must approve procedures designed by the grantee to provide human subjects with relevant information about the research after their involvement and to minimize or eliminate risk or harm to those subjects due to their participation.

4. Supplantation and Construction. To ensure that SJI funds are used to

supplement and improve the operation of State courts, rather than to support basic court services, SJI funds must not be used for the following purposes:

- To supplant State or local funds supporting a program or activity (such as paying the salary of court employees who would be performing their normal duties as part of the project, or paying rent for space which is part of the court's normal operations).
- To construct court facilities or structures.
- Solely to purchase equipment.

5. Suspension or Termination of Funding. After providing a recipient reasonable notice and opportunity to submit written documentation demonstrating why fund termination or suspension should not occur, SJI may terminate or suspend funding of a project that fails to comply substantially with the Act, the Grant Guideline, or the terms and conditions of the award (42 U.S.C. 10708(a)).

6. Title to Property. At the conclusion of the project, title to all expendable and nonexpendable personal property purchased with SJI funds must vest in the recipient court, organization, or individual that purchased the property if certification is made to and approved by SJI that the property will continue to be used for the authorized purposes of the SJI-funded project or other purposes consistent with the State Justice Institute Act. If such certification is not made or SJI disapproves such certification, title to all such property with an aggregate or individual value of $1,000 or more must vest in SJI, which will direct the disposition of the property.

IX. Financial Requirements

The purpose of this section is to establish accounting system requirements and offer guidance on procedures to assist all grantees, sub-grantees, contractors, and other organizations in:

- Complying with the statutory requirements for the award, disbursement, and accounting of funds.
- Complying with regulatory requirements of SJI for the financial management and disposition of funds.
- Generating financial data to be used in planning, managing, and controlling projects.
- Facilitating an effective audit of funded programs and projects.

A. Supervision and Monitoring Responsibilities

All grantees receiving awards from SJI are responsible for the management and fiscal control of all funds. Responsibilities include accounting for receipts and expenditures, maintaining adequate financial records, and refunding expenditures disallowed by audits. If the project includes subawards, the grantees responsibilities also include:

1. Reviewing Financial Operations. The grantee or its designee should be familiar with, and periodically monitor, its sub-grantee's financial operations, records system, and procedures. Particular attention should be directed to the maintenance of current financial data.

2. Recording Financial Activities. The sub-grantee's grant award or contract obligation, as well as cash advances and other financial activities, should be recorded in the financial records of the grantee or its designee in summary form. Sub-grantee expenditures should be recorded on the books of the State supreme court or evidenced by report forms duly filed by the sub-grantee. Matching contributions provided by sub-grantees should likewise be recorded, as should any project income resulting from program operations.

3. Budgeting and Budget Review. The grantee or its designee should ensure that each sub-grantee prepares an adequate budget as the basis for its award commitment. The State supreme court should maintain the details of each project budget on file.

4. Accounting for Match. The grantee or its designee will ensure that sub-grantees comply with the match requirements specified in this guideline.

5. Audit Requirement. The grantee or its designee is required to ensure that sub-grantees meet the necessary audit requirements set forth by SJI.

6. Reporting Irregularities. The grantee, its designees, and its sub-grantees are responsible for promptly reporting to SJI the nature and circumstances surrounding any financial irregularities discovered.

B. Accounting System

The grantee is responsible for establishing and maintaining an adequate system of accounting and internal controls, and for ensuring that an adequate system exists for each of its sub-grantees and contractors. An acceptable and adequate accounting system:

- Properly accounts for receipt of funds under each grant awarded and the expenditure of funds for each grant by category of expenditure (including matching contributions and project income).
- Assures that expended funds are applied to the appropriate budget category included within the approved grant.
- Presents and classifies historical costs of the grant as required for budgetary and evaluation purposes.
- Provides cost and property controls to assure optimal use of grant funds.
- Is integrated with a system of internal controls adequate to safeguard the funds and assets covered, check the accuracy and reliability of the accounting data, promote operational efficiency, and assure conformance with any general or special conditions of the grant.
- Meets the prescribed requirements for periodic financial reporting of operations.
- Provides financial data for planning, control, measurement, and evaluation of direct and indirect costs.

C. Total Cost Budgeting and Accounting

Accounting for all funds awarded by SJI must be structured and executed on a ''Total Project Cost'' basis. That is, total project costs, including SJI funds, State and local matching shares, and any other fund sources included in the approved project budget serve as the foundation for fiscal administration and accounting. Grant applications and financial reports require budget and cost estimates based on total costs.

1. Timing of Matching Contributions. Matching contributions should be applied at the same time as the obligation of SJI funds. Ordinarily, the full matching share must be obligated during the award period; however, with the written permission of SJI, contributions made following approval of the grant by the SJI Board of Directors but before the beginning of the grant may be counted as match. If a proposed cash or in-kind match is not fully met, SJI may reduce the award amount accordingly to maintain the ratio of grant funds to matching funds stated in the award agreement.

2. Records for Match. All grantees must maintain records that clearly show the source, amount, and timing of all matching contributions. In addition, if a project has included, within its approved budget, contributions that exceed the required matching portion, the grantee must maintain records of those contributions in the same manner as it does SJI funds and required matching shares. For all grants made to State and local courts, the State supreme court has primary responsibility for grantee/sub-grantee compliance with the requirements of this section.

3. Maintenance and Retention of Records. All financial records, including supporting documents, statistical records, and all other information pertinent to grants, sub-grants, cooperative agreements, or contracts

under grants, must be retained by each organization participating in a project for at least 3 years for purposes of examination and audit. State supreme courts may impose record retention and maintenance requirements in addition to those prescribed in this section.

4. Coverage. The retention requirement extends to books of original entry, source documents supporting accounting transactions, the general ledger, subsidiary ledgers, personnel and payroll records, canceled checks, and related documents and records. Source documents include copies of all grant and sub-grant awards, applications, and required grantee/sub-grantee financial and narrative reports. Personnel and payroll records must include the time and attendance reports for all individuals reimbursed under a grant, sub-grant, or contract, whether they are employed full-time or part-time. Time and effort reports are required for consultants.

5. Retention Period. The 3-year retention period starts from the date of the submission of the final expenditure report.

6. Maintenance. Grantees and sub-grantees are expected to see that records of different fiscal years are separately identified and maintained so that requested information can be readily located. Grantees and sub-grantees are also obligated to protect records adequately against fire or other damage. When records are stored away from the grantee's/sub-grantee's principal office, a written index of the location of stored records should be on hand, and ready access should be assured.

7. Access. Grantees and sub-grantees must give any authorized representative of SJI access to and the right to examine all records, books, papers, and documents related to a SJI grant.

8. Project-Related Income. Records of the receipt and disposition of project-related income must be maintained by the grantee in the same manner as required for the project funds that gave rise to the income and must be reported to SJI (see section VII.A.2, *Financial Reporting* of this guideline). The policies governing the disposition of the various types of project-related income are listed below.

a. Interest. A State and any agency or instrumentality of a State, including institutions of higher education and hospitals, will not be held accountable for interest earned on advances of project funds. When funds are awarded to sub-grantees through a State, the sub-grantees are not held accountable for interest earned on advances of project funds. Local units of government and nonprofit organizations that are grantees must refund any interest earned. Grantees must ensure minimum balances in their respective grant cash accounts.

b. Royalties. The grantee or sub-grantee may retain all royalties received from copyrights or other works developed under projects or from patents and inventions unless the terms and conditions of the grant provide otherwise.

c. Registration and tuition fees. Registration and tuition fees may be considered as cash match with prior written approval from SJI. Estimates of registration and tuition fees, and any expenses to be offset by the fees, should be included in the application budget forms and narrative.

d. Income from the sale of grant products. If the sale of products occurs during the project period, the income may be treated as cash match with the prior written approval of SJI. The costs and income generated by the sales must be reported on the Quarterly Progress Financial Status Reports and documented in an auditable manner. Whenever possible, the intent to sell a product should be disclosed in the application or reported to SJI in writing once a decision to sell products has been made. The grantee must request approval to recover its product development, reproduction, and dissemination costs (see section VIII.K.2, *Charges for Grant-Related Products/Recovery of Costs* of this guideline).

e. Other. Other project income will be treated in accordance with disposition instructions set forth in the grant's terms and conditions.

D. Payments and Financial Reporting Requirements

The procedures and regulations set forth below are applicable to all SJI grant funds and grantees.

1. Request for Reimbursement of Funds. Grantees will receive funds on a reimbursable, U.S. Department of Treasury ''check-issued'' or EFT basis. Upon receipt, review, and approval of a Request for Reimbursement (Form R) by SJI, payment will be issued directly to the grantee or its designated fiscal agent. The Form R, along with the instructions for its preparation, and the SF 3881 Automated Clearing House (ACH/Miscellaneous Payment Enrollment Form for EFT), are available for download and submission in the SJI GMS.

2. Financial Reporting.

a. General requirements. To obtain financial information concerning the use of funds, SJI requires that grantees/sub-grantees submit timely reports for review.

b. Due dates and contents. A Financial Status Report is required from all grantees for each active quarter on a calendar-quarter basis. This report is due within 30 days after the close of the calendar quarter. It is designed to provide financial information relating to SJI funds, State and local matching shares, project income, and any other sources of funds for the project, as well as information on obligations and outlays. The Financial Status Report (Form F), along with instructions, are accessible in the SJI GMS. If a grantee requests substantial payment for a project prior to the completion of a given quarter, SJI may request a brief summary of the amount requested, by object class, to support the Request for Reimbursement.

c. Consequences of non-compliance with submission requirement. Failure of the grantee to submit required financial and progress reports may result in suspension or termination of grant reimbursement.

E. Allowability of Costs

1. Costs Requiring Prior Approval.

a. Pre-agreement costs. The written prior approval of SJI is required for costs considered necessary but which occur prior to the start date of the project period.

b. Equipment. Grant funds may be used to purchase or lease only that equipment essential to accomplishing the goals and objectives of the project. The written prior approval of SJI is required when (1) the amount of automated data processing equipment to be purchased or leased exceeds $10,000 or (2) the software to be purchased exceeds $3,000.

c. Consultants. The written prior approval of SJI is required when the rate of compensation to be paid a consultant exceeds $800 a day. SJI funds may not be used to pay a consultant more than $1,100 per day.

d. Budget revisions. Budget revisions among direct cost categories that (1) transfer grant funds to an unbudgeted cost category or (2) individually or cumulatively exceed 5 percent of the approved original budget or the most recently approved revised budget require prior SJI approval.

2. Travel Costs. Transportation and per diem rates must comply with the policies of the grantee. If the grantee does not have an established written travel policy, then travel rates must be consistent with those established by the U.S. General Services Administration. Grant funds may not be used to cover the transportation or per diem costs of

a member of a national organization to attend an annual or other regular meeting, or conference of that organization.

3. Indirect Costs. Indirect costs are only applicable to organizations that are not State courts or government agencies. These are costs of an organization that are not readily assignable to a particular project but are necessary to the operation of the organization and the performance of the project. The cost of operating and maintaining facilities, depreciation, and administrative salaries are examples of the types of costs that are usually treated as indirect costs. Although SJI's policy requires all costs to be budgeted directly, it will accept indirect costs if a grantee has an indirect cost rate approved by a Federal agency. However, recoverable indirect costs are limited to no more than 75 percent of a grantee's direct personnel costs (salaries plus fringe benefits).

a. Approved plan available.

• A copy of an indirect cost rate agreement or allocation plan approved for a grantee during the preceding 2 years by any Federal granting agency on the basis of allocation methods substantially in accord with those set forth in the applicable cost circulars must be submitted to SJI.

• Where flat rates are accepted in lieu of actual indirect costs, grantees may not also charge expenses normally included in overhead pools (*e.g.,* accounting services, legal services, building occupancy and maintenance, etc.) as direct costs.

F. Audit Requirements

1. Implementation. Grantees must provide for an annual fiscal audit. This requirement also applies to a State or local court receiving a sub-grant from the State supreme court. Audits conducted using generally accepted auditing standards in the United States will satisfy the requirement for an annual fiscal audit. The audit must be conducted by an independent Certified Public Accountant, or a State or local agency authorized to audit government agencies. The audit report must be made available to SJI electronically, if requested.

2. Resolution and Clearance of Audit Reports. Timely action on recommendations by responsible management officials is an integral part of the effectiveness of an audit. Each grantee must have policies and procedures for acting on audit recommendations by designating officials responsible for:

• Follow-up.

• Maintaining a record of the actions taken on recommendations and time schedules.

• Responding to and acting on audit recommendations.

• Submitting periodic reports to SJI on recommendations and actions taken.

3. Consequences of Non-Resolution of Audit Issues. Ordinarily, SJI will not make a subsequent grant award to an applicant that has an unresolved audit report involving SJI awards. Failure of the grantee to resolve audit questions may also result in the suspension or termination of payments for active SJI grants to that organization.

G. Closeout of Grants

1. Grantee Closeout Requirements. Within 90 days after the end date of the grant or any approved extension thereof, the following documents must be submitted to SJI by grantees:

a. Financial status report. The final report of expenditures must have no unliquidated obligations and must indicate the exact balance of unobligated funds. Any unobligated or unexpended funds will be de-obligated from the award by SJI. Final payment requests for obligations incurred during the award period must be submitted to SJI prior to the end of the 90-day closeout period.

b. Final progress report. This report should describe the project activities during the final calendar quarter of the project and the closeout period, including to whom project products have been disseminated; provide a summary of activities during the entire project; specify whether all the objectives set forth in the approved application or an approved adjustment have been met and, if any of the objectives have not been met, explain why not; and discuss what, if anything, could have been done differently that might have enhanced the impact of the project or improved its operation. These reporting requirements apply at the conclusion of every grant.

2. Extension of Closeout Period. Upon the written request of the grantee, SJI may extend the closeout period to assure completion of the grantee's closeout requirements. Requests for an extension must be submitted at least 14 days before the end of the closeout period and must explain why the extension is necessary, and what steps will be taken to assure that all the grantee's responsibilities will be met by the end of the extension period. Extensions must be submitted via the SJI GMS as Grant Adjustments.

X. Grant Adjustments

All requests for programmatic or budgetary adjustments requiring SJI approval must be submitted by the project director in a timely manner (ordinarily 30 days prior to the implementation of the adjustment being requested). All requests for changes from the approved application will be carefully reviewed for both consistency with this guideline and the enhancement of grant goals and objectives. Failure to submit adjustments in a timely manner may result in the termination of a grantee's award.

A. Grant Adjustments Requiring Prior Written Approval

The following Grant Adjustments require the prior written approval of SJI:

• Budget revisions among direct cost categories that (1) transfer grant funds to an unbudgeted cost category or (2) individually or cumulatively exceed 5 percent of the approved original budget or the most recently approved revised budget.

• A change in the scope of work to be performed or the objectives of the project.

• A change in the project site.

• A change in the project period, such as an extension of the grant period or extension of the final financial or progress report deadline.

• Satisfaction of special conditions, if required.

• A change in or temporary absence of the project director.

• The assignment of an employee or consultant to a key staff position whose qualifications were not described in the application, or a change of a person assigned to a key project staff position.

• A change in or temporary absence of the person responsible for managing and reporting on the grant's finances.

• A change in the name of the grantee organization.

• A transfer or contracting out of grant-supported activities.

• A transfer of the grant to another recipient.

• Pre-agreement costs.

• The purchase of ADA equipment and software.

• Consultant rates.

• A change in the nature or number of the products to be prepared or the way a product would be distributed.

B. Requests for Grant Adjustments

All grantees must promptly notify SJI, in writing, of events or proposed changes that may require adjustments to the approved project design. In requesting an adjustment, the grantee

must set forth the reasons and basis for the proposed adjustment and any other information the program manager determines would help SJI's review. All requests for Grant Adjustments must be submitted via the SJI GMS.

C. Notification of Approval/Disapproval

If the request is approved, the grantee will be sent a Grant Adjustment signed by the SJI Executive Director. If the request is denied, the grantee will be sent a written explanation of the reasons for the denial.

D. Changes in the Scope of the Grant

Major changes in scope, duration, training methodology, or other significant areas must be approved in advance by SJI. A grantee may make minor changes in methodology, approach, or other aspects of the grant to expedite achievement of the grant's objectives with subsequent notification to SJI.

E. Date Changes

A request to change or extend the grant period must be made at least 30 days in advance of the end date of the grant. A revised task plan should accompany a request for an extension of the grant period, along with a revised budget if shifts among budget categories will be needed. A request to change or extend the deadline for the final financial report or final progress report must be made at least 14 days in advance of the report deadline.

F. Temporary Absence of the Project Director

Whenever an absence of the project director is expected to exceed a continuous period of 1 month, the plans for the conduct of the project director's duties during such absence must be approved in advance by SJI. This information must be provided in a letter signed by an authorized representative of the grantee or sub-grantee at least 30 days before the departure of the project director, or as soon as it is known that the project director will be absent. The grant may be terminated if arrangements are not approved in advance by SJI.

G. Withdrawal of or Change in Project Director

If the project director relinquishes or expects to relinquish active direction of the project, SJI must be notified immediately. In such cases, if the grantee or sub-grantee wishes to terminate the project, SJI will forward procedural instructions upon notification of such intent. If the grantee wishes to continue the project under the direction of another individual, a statement of the candidate's qualifications should be sent to SJI for review and approval. The grant may be terminated if the qualifications of the proposed individual are not approved in advance by SJI.

H. Transferring or Contracting Out of Grant-Supported Activities

No principal activity of a grant-supported project may be transferred or contracted out to another organization without specific prior approval by SJI. All such arrangements must be formalized in a contract or other written agreement between the parties involved. Copies of the proposed contract or agreement must be submitted for prior approval to SJI at the earliest possible time. The contract or agreement must state, at a minimum, the activities to be performed, the time schedule, the policies and procedures to be followed, the dollar limitation of the agreement, and the cost principles to be followed in determining what costs, both direct and indirect, will be allowed. The contract or other written agreement must not affect the grantee's overall responsibility for the direction of the project and accountability to SJI.

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Jonathan D. Mattiello,

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[FR Doc. 2020–23555 Filed 10–22–20; 8:45 am]

BILLING CODE 6820–SC–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket Number MARAD–2018–0088]

Center of Excellence for Domestic Maritime Workforce; Notice of Opportunity To Apply for Training and Education Designation

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Notice.

SUMMARY: This notice invites eligible and qualified training entities to apply to the Maritime Administration (MARAD) for designation as a Center of Excellence for Domestic Maritime Workforce Training and Education (CoE). The National Defense Authorization Act of 2018 (the Act) provided the Secretary of Transportation with the discretionary authority to designate eligible and qualified entities as CoEs. CoE designations will serve to assist the maritime industry in obtaining and maintaining the highest quality workforce. On March 6, 2020, the agency published a final notice in the **Federal Register** announcing its voluntary program to identify and recommend qualified training providers for CoE designation and the agency intent to obtain a current Office of Management and Budget (OMB) control number for the information collection requirements resulting from this action. OMB has since approved an information collection control number for collecting CoE applications. The purpose of this notice is to solicit applications from eligible and qualified training entities for CoE designation.

DATES: Applications, including all supporting information and documents, must be submitted by 8:00 p.m. E.D.T. on December 22, 2020.

ADDRESSES: Applications, including all supporting information and documents, must be submitted via electronic mail to *CoEDMWTE@dot.gov.* The original application letter, including one copy of all supporting information and documents, may also be submitted by mail addressed to U.S. Department of Transportation, Maritime Administration, Deputy Associate Administrator for Maritime Education and Training, Attention: CoE Designation Program,1200 New Jersey Avenue SE, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Nuns Jain, Maritime Administration, at *Nuns.Jain@dot.gov* or at 757–322–5801. You may send mail to Nuns Jain at Maritime Administration, Building 19,

Suite 300, 7737 Hampton Boulevard, Norfolk, VA 23505.

SUPPLEMENTARY INFORMATION: Following the enactment of the National Defense Authorization Act of 2018, Public Law 115–91 (the ''Act''), codified at 46 U.S.C. 54102, MARAD developed a procedure to recommend to the Secretary the designation of eligible institutions as Centers of Excellence for Domestic Maritime Workforce Training and Education (CoE). Pursuant to the Act, the Secretary of Transportation may designate certain eligible and qualified training entities as CoEs and may subsequently execute Cooperative Agreements with CoE designees. Authority to administer the CoE program is delegated to MARAD in 49 CFR 1.93(a).

Qualified training entities seeking to be designated as a CoE need to apply to MARAD. MARAD has developed this policy to provide interested parties with comprehensive agency guidance on how to apply for CoE designation and how the CoE program will be administered. Applications should include information to demonstrate that the applicant institution meets certain eligibility requirements, selection criteria, and qualitative attributes consistent with Section 3507 of the Act.

The MARAD application procedure and program details are listed below and are also available to the public on its website at *https://www.maritime.dot.gov/education/maritime-centers-excellence.*

Prior Federal Action

As the first step in developing a CoE policy, MARAD issued a **Federal Register** notice requesting comments on its proposed application process entitled Centers of Excellence for Domestic Maritime Workforce Training and Education, 83 FR 25109 (May 31, 2018). In response to the notice, we received 18 written comments. On July 19, 2019, MARAD published another notice (84 FR 34994) in which MARAD responded to comments received and sought comments on the proposed policy to which five comments were received. On March 6, 2020, MARAD published its final CoE designation policy in the **Federal Register** (85 FR 13231) in which MARAD responded to comments received and sought new comments to the Office of Management and Budget on the information collection requirements in the CoE designation policy to which no comments were received. All the unabridged comments are available for review electronically at *www.regulations.gov* by searching DOT Docket Id ''MARAD–2018–0088'' or by visiting the DOT Docket, Room PL–401, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except for Federal Holidays.

Applicant Assistance

To assist applicants to be designated as a Center of Excellence for Domestic Maritime Workforce Training and Education, please find below MARAD's policy to include recommendations on how best to apply.

MARAD Center of Excellence for Domestic Maritime Workforce Training and Education Designation Policy

This policy describes the process through which MARAD will exercise its discretionary authority to designate Centers of Excellence for Domestic Maritime Workforce Training and Education.

How To Be Designated a Center of Excellence for Domestic Maritime Workforce Training and Education

Introduction

The Secretary of Transportation, acting through the Maritime Administrator, may designate certain eligible and qualified training entities as Centers of Excellence for Domestic Maritime Workforce Training and Education (CoE) and may subsequently execute Cooperative Agreements with CoE designees. MARAD has developed the CoE Program to provide interested parties with comprehensive agency guidance on how best to apply for CoE designation. However, conformity with this CoE applicant guidance, except to the extent that it references statutory requirements, is voluntary only. MARAD will review and consider all applications it receives and may contact applicants with questions to assist in reviewing their applications. The CoE Program is a voluntary program. Each eligible and qualified training entity is free to decide whether it wishes to participate in the program and apply for a CoE designation.

Eligible training entities seeking to be designated as a CoE are welcome to apply with MARAD. The application should include information to demonstrate that the applicant institution meets certain eligibility criteria, designation requirements, and attributes consistent with 46 U.S.C. 54102.

Key Terms

The following list of key terms are either directly taken from the statute or have been developed by MARAD or from comments received from the public during our earlier notice and comment period. The list is intended to assist applicants by providing context and insight into the approval process. If you believe that your institution qualifies for CoE designee status under an alternate interpretation or by qualifications not otherwise clearly articulated in the statute, please provide a cogent justification for any such alternative and it will be given due consideration during our review.

1. ''Afloat Career'' is a term developed by MARAD to mean a career as a merchant mariner compensated for service aboard a vessel in the U.S. Maritime Industry.

2. ''Arctic'' as explicitly stated in the statute means all United States and foreign territory north of the Arctic Circle and all United States territory north and west of the boundary formed by the Porcupine, Yukon, and Kuskokwim Rivers; all contiguous seas, including the Arctic Ocean and the Beaufort, Bering, and Chukchi Seas; and the Aleutian chain. [Section 112 of the Arctic Research and Policy Act of 1984, codified at 15 U.S.C. 4111];

3. ''Ashore Career'' is a term developed by MARAD to mean a shore-based compensated occupation in the United States Maritime Industry.

4. ''Community or Technical College'' is interpreted by MARAD to mean an institution of higher education that—

a. admits as regular students, persons who are beyond the age of compulsory school attendance, or are enrolled in a high school and concurrently are participating in a dual credit or similar program, in the State in which the institution is located or in an adjoining State or region; and

b. has primary focus on awarding Associate (or equivalent) degrees; and

c. provides an educational program that is acceptable for full credit toward a bachelor's or equivalent degree or that may culminate in a professional or technical certificate or credential, stackable certificates and credentials, and/or two-year degree;

5. ''Maritime Training Center'' is interpreted by MARAD to mean a training institution that:

a. Does not grant baccalaureate or higher levels of academic degree;

b. is not a ''Community or Technical College''; and

c. provides a structured program of training courses to prepare students and/or enhance their skills for Afloat Careers and/or Ashore Careers in the United States Maritime Industry.

6. ''Mississippi River System'' is interpreted by MARAD to mean the mostly riverine network of the United States which includes the Mississippi River, and all connecting waterways,

natural tributaries and distributaries. The system includes the Arkansas, Illinois, Missouri, Ohio, Red, Allegheny, Tennessee, Wabash and Atchafalaya rivers. Important connecting waterways include the Illinois Waterway, the Tennessee-Tombigbee Waterway, and the Gulf Intracoastal Waterway.

7. ''Operated by, or under the supervision of, a State'' is interpreted by MARAD to mean operated by or under the supervision of a public entity of a State government or one of its subdivisions, as well as county governments, and city or local governments;

a. ''operated by'' a State is interpreted by MARAD to mean that the State controls or provides direct oversight to the Maritime Training Center or the Community or Technical College through:

i. a State charter process, or other equivalent documents and system; and

ii. a State oversight body.

b. ''under the supervision of a State'' is interpreted by MARAD to mean that the State oversees in some manner the Maritime Training Center or the Community or Technical College through at least one of the following means:

i. Accreditation or similar review, validation, and approval by a public entity of the State government or one of its subdivisions as well as, county governments, and city or local governments;

ii. Registration approval by a State Apprenticeship Agency (SAA), in accordance with 29 CFR part 29, of an apprenticeship program offered by the Maritime Training Center to qualified students from the public; or

iii. Other means which demonstrate to MARAD that the State is supervising the educational process for which a CoE designation is sought.

c. ''State'' is interpreted by MARAD to mean a State of the United States, the District of Columbia, Guam, Puerto Rico, the Virgin Islands, American Samoa, the Northern Mariana Islands, and any other territory or possession of the United States.

d. ''United States Maritime Industry'' is a term developed by MARAD that includes all segments of the maritime-related transportation system of the United States, both in domestic and foreign trade, coastal and inland waters, as well as non-commercial maritime activities, such as pleasure boating, marine sciences (including all scientific research vessels) and all of the industries that support such uses, including, but not limited to vessel construction and repair, vessel operations, ship logistics supply, berthing, port operations, port intermodal operations, marine terminal operations, vessel design, marine brokerage, marine insurance, marine financing, chartering, maritime-oriented supply chain operations, offshore industry and maritime-oriented research and development.

Applicant Information

1. Who is eligible to apply for designation as a center of excellence for domestic maritime workforce training and education (CoE)?

Participation in the CoE program is entirely voluntary for an eligible educational institution. An eligible educational institution is not required to seek a CoE designation. Under the statute, an educational institution that provides training and education for the domestic maritime workforce is eligible to apply so long as it meets the following criteria:

a. An institution located in a State that borders on at least one of the following bodies of water:

1. Gulf of Mexico;
2. Atlantic Ocean;
3. Long Island Sound;
4. Pacific Ocean;
5. Great Lakes;
6. Mississippi River System;
7. Arctic; or
8. Gulf of Alaska.

b. The institution is:

1. A Community or Technical College; or

2. A Maritime Training Center—

i. Operated by, or under the supervision of a State; and

ii. With a maritime training program in operation in its curriculum on 12/12/2017; or

3. A group of Community or Technical Colleges and/or Maritime Training Centers that:

i. Consists only of members that meet the eligibility criteria at (1)(a) and either (1)(b)(1) or (1)(b)(2), and the selection criteria under (2);

ii. Names a member of such group as a lead entity. The lead entity will serve as the primary point of contact with MARAD and will be responsible for all duties, including administrative, legal and financial, as related to the CoE designation. For example, the lead entity is responsible for submitting the CoE application, responding to any inquiries from MARAD, and coordinating and executing any cooperative agreements with MARAD; and

iii. Has a legally binding agreement signed by all members. That agreement must include the name of the group, which will receive the CoE designation if one is granted, and list the lead entity and its responsibilities consistent with (ii) of this section.

2. How does MARAD interpret the selection criteria for CoE designation?

I. Assuming no alternative qualifications are provided, MARAD will consider applicants eligible for designation if they can demonstrate compliance with all the following criteria:

a. The academic programs offered by the institution include:

1. One or more Afloat Career preparation tracks in the United States Maritime Industry, and/or

2. One or more Ashore Career preparation tracks in the United States Maritime Industry.

b. Applicant institutions offering Afloat Career and/or Ashore Career tracks have been accredited as follows:

1. ''Community or Technical Colleges'' hold current accreditation of the institution from a Regional Accreditation Agency or a Nationally Recognized Agency on the list of Accrediting Agencies approved by the U.S. Department of Education.

2. ''Maritime Training Centers'' hold current accreditation—

i. *either* of the institution, from a Regional Accreditation Agency or a Nationally Recognized Agency on the list of Accrediting Agencies approved by the U.S. Department of Education; *or*

ii. of the maritime training program offered by the institution from either:

A. The State Apprenticeship Agency (SAA) in accordance with 29 CFR part 29,

B. the State's Department of Education or equivalent State agency,

C. the United States Coast Guard (USCG), or

D. other appropriate external review body which is specifically authorized to review and validate post-secondary education programs and is acceptable to MARAD.

c. As applicable, maintain USCG approval for the merchant mariner training program and/or merchant mariner training course(s) offered by the institution.

d. Provide data and statistics to demonstrate institutional and/or program effectiveness. This should include, but is not limited to, recruitment data, past/current enrollment (trends), attrition rates, student program completion data, post-program job and placement statistics (to the extent available to the institution), and program effectiveness feedback from students, faculty, alumni, and other stakeholders.

e. As applicable, maintain authorization and/or endorsement of the

program and/or course(s) by an applicable professional society or industry body (including, but not limited to Welding, Electrician, Electronics, Maritime Construction, Maritime Logistics, Maritime Systems, etc.) to issue industry accepted certifications that reflect professional recognition of the level of educational or technical skill achievement.

II. Additional factors to be considered may include the following qualitative attributes fostered by the institution:

a. Supporting workforce needs of the local, state, or regional economy;

b. Building Science, Technology, Engineering, and Math (STEM) competencies of local/future workforce through maritime programs to meet emerging local, regional, and national economic interests;

c. Promoting diversity and inclusion among the student body;

d. Offering a broad-based curriculum and stackable credentials where applicable;

e. Engaging and/or collaborating with the maritime industry including, but not limited to employers, associations, and other industry organizations or partners;

f. Engaging and/or collaborating with employer-led maritime training practices and programs through Sector Partnerships as authorized in the 2014 Workforce Innovation and Opportunity Act Section 3(26);

g. Engaging and/or collaborating with local and regional maritime high schools or other high schools with maritime, maritime related, Career Technical Education (CTE) or STEM programs;

h. Engaging and/or collaborating with maritime academies as appropriate and other applicable institutions or organizations for advanced proficiency and higher education; and

i. Conducting other significant domestic maritime workforce development related activities.

3. What agreement may MARAD execute with a designated CoE?

Designation as a COE does not entitle any entity to any federal funding and does not necessarily lead to a cooperative agreement with MARAD. The Maritime Administrator, or designee, may enter into a cooperative agreement with a CoE to support maritime workforce training and education, including but not limited to, efforts of the CoE to:

a. Recruit, admit, and train students;

b. Recruit and train faculty;

c. Expand or enhance facilities;

d. Create new maritime career pathways;

e. Award students credit for prior experience, including military service;

f. Expand and improve employer-led maritime training practices and programs through the establishment of Sector Partnerships as authorized in the 2014 Workforce Innovation and Opportunity Act Section 3(26); and

g. Conduct such other CoE activities that are determined by MARAD to further maritime workforce training and education.

4. What specific assistance may MARAD offer to a designated CoE under a cooperative agreement?

By entering into a cooperative agreement, MARAD may be able to offer the following types of assistance:

a. Donation of surplus equipment to CoEs that also meet the requirements of 46 U.S.C. 51103(b)(2)(C);

b. Temporary use of MARAD vessels and assets for indoctrination, training, and assistance, subject to availability and approval by MARAD and the Department of Defense when applicable. For any CoE requests relating to temporary use of a MARAD Training Ship operated by a State Maritime Academy, the MARAD approval process will include consultation with that Academy;

c. Availability of MARAD subject matter experts to address students when feasible; and

d. Funding, to the extent such funds are properly appropriated and made available for this purpose.

Implementation and Administration

MARAD will evaluate the applicant's supporting documentation and either approve or disapprove the request for designation. During the evaluation of the application and the supporting documentation, MARAD may request clarifications or additional information from the applicant. Upon approval, the Maritime Administrator or his/her designee will make a designation. MARAD will thereafter publish the CoE's name and contact information on its website. After issuance of the designation, MARAD may enter into a cooperative agreement with the CoE.

5. When and where should I submit my application for designation?

a. MARAD will publish notifications in the **Federal Register** and on its website at the beginning of March each year seeking applications on or before June 1. This should provide applicants a minimum of 60 days to prepare and submit their applications.

b. An eligible training entity seeking designation as a CoE may submit applications, including all supporting information and documents, by email to *CoEDMWTE@dot.gov* or by mail addressed as follows: Department of Transportation, Maritime Administration, Deputy Associate Administrator for Maritime Education and Training, Attention: CoE Designation Program, 1200 New Jersey Ave. SE, Washington, DC 20590.

6. How will I know the outcome of my designation request application?

MARAD will notify each applicant of the status of their designation request. During the evaluation period, MARAD may request clarification or additional information from the applicant.

7. Does my CoE designation expire?

CoE designations are identified by year (*e.g.,* X has been designated a Center of Excellence for Domestic Maritime Workforce Training and Education for 2020). Successful applicants can apply each year for designation.

How To Apply for a CoE Designation

8. What should be included in my CoE designation application?

Special Instructions: To assist MARAD in its review of your application and to ensure that your application is identified as complete, your institution should provide only concise and relevant information and supporting documentation to demonstrate your eligibility and compliance with the statutory designation criteria. To that end, MARAD encourages your institution to ensure that each responsive section and each page of any document or enclosure in your application clearly references the question number(s) and section(s) listed in this guidance and or the statute. See the below examples:

Example 1. ''*Mar Ex*'' *is eligible for the CoE program as a community college. (Q10, Section I(c)). Please find enclosed our Articles of Incorporation, Certificate of Status, State supervision and validation document. (Q10, Section I(c)(1–3).*

Example 2. ''*Mar Ex*'' *is enclosing the following supporting documents to demonstrate that our Maritime Training Center offers Afloat Track programs and that we are State accredited. (Q10, Section I(e)(2)): U.S. Department of Education Accrediting Agency XYZ accreditation (Q10, Section I(e)(2)(i).*

Information To Include in Your Application

Including the following information will greatly assist our review process:

1. Letter applying for CoE designation from the Chief Executive of the applicant institution.

2. Applicant contact information:

a. Legal name of applicant institution and address.

b. Chief executive's name, position title, address, phone number(s) and email.

c. Points of contact (POC) name(s), position titles, phone number(s), emails.

3. Indicate if the applicant institution is claiming eligibility for the CoE program as a ''Community or Technical College'' or ''Maritime Training Center'', and submit the following supporting information and documents:

a. Charter, Articles of Incorporation, Certificate of Incorporation, or equivalent, if applicable.

b. Certificate of Status (also known as Certificate of Existence or Certificate of Good Standing), a document issued by a State official (usually the Secretary of State), if applicable.

c. State operation or State supervision validation documents, if applicable.

d. Non-Profit certification, if applicable.

e. Accreditation approval letter(s) from an accrediting agency(ies).

f. Approval letter from a State Apprenticeship Agency (SAA) in accordance with 29 CFR part 29, if applicable.

g. Approval letter from the State's Department of Education or equivalent State agency, if applicable.

h. Approval letter from the United States Coast Guard (USCG), if applicable.

i. ISO 9001 or other quality management certification (Maritime Training Centers only), if applicable.

j. Data and statistics to demonstrate institutional effectiveness. This should include, but not be limited to, recruitment data, past/current enrollment (trends), attrition rates, student program completion data, post-program job and placement statistics (to the extent available to the institution), and program effectiveness feedback from students, faculty, alumni, and other stakeholders.

4. Indicate that the applicant offers one or more Afloat Career preparation tracks and/or one or more Ashore Career preparation tracks in the United States Maritime Industry and submit the following supporting information:

a. Program summary;

b. A description of applicable courses offered (only relevant maritime related program-specific pages from the catalogue);

c. If applicable, letters of authorization and/or endorsement of the course/program and/or course(s) by an applicable professional society or industry body (including, but not limited to Welding, Electrician, Electronics, Maritime Construction, Maritime Logistics, Maritime Systems, etc.) to issue industry accepted certifications that reflect a professionally recognized level of educational or technical skill achievement; and

d. Any other relevant supporting documentation.

Note: Applicant institutions offering both Ashore and Afloat Career tracks are encouraged to submit supporting information for both tracks.

5. Applicant institutions offering Afloat Career and/or Ashore Career tracks should indicate that they have satisfied accreditation requirements, as set forth below:

a. ''Community and Technical Colleges'' hold current accreditation of the institution from a Regional Accreditation Agency or a Nationally Recognized Agency on the list of Accrediting Agencies approved by the U.S. Department of Education.

b. ''Maritime Training Centers'' hold current accreditation—

i. either of the institution from a Regional Accreditation Agency or a Nationally Recognized; Agency on the list of Accrediting Agencies approved by the U.S. Department of Education; or

ii. of the maritime training program offered by the institution from one or more of the following:

A. A State Apprenticeship Agency (SAA) in accordance with 29 CFR part 29,

B. the State's Department of Education or equivalent State agency,

C. the United States Coast Guard (USCG), if applicable; or

D. other appropriate external review body which is specifically authorized to review and validate post-secondary education programs and is acceptable to MARAD.

6. All applicant institutions may submit a brief narrative statement for one or more qualitative attributes fostered by the institution to accomplish the following:

a. Support the workforce needs of the local, state, or regional economy;

b. Build the STEM (Science, Technology, Engineering, and Math) competencies of local/future workforce to meet emerging local, regional, and national economic interests;

c. Promote diversity and inclusion among the student body;

d. Offer a broad-based curriculum and stackable credentials, where applicable;

e. Engage and/or collaborate with the maritime industry, including, but not limited to employers, associations, and other industry organizations or partners;

f. Engage and/or collaborate with employer-led maritime training practices and programs through Sector Partnerships as authorized in the 2014 Workforce Innovation and Opportunity Act Section 3(26);

g. Engage and/or collaborate with local and regional maritime high schools with maritime, maritime related, Career Technical Education (CTE) or STEM programs;

h. Engage and/or collaborate with maritime academies and other institutions or organizations for advanced proficiency and higher education; and

i. Conduct other significant domestic maritime workforce development related activities.

7. All applicant institutions may provide any relevant endorsements, awards, recognition and significant accomplishments in support of their application.

Nothing in this policy requires MARAD to exercise its discretionary authority under 46 U.S.C. 54102. This policy establishes a voluntary program in which successful applicants may be designated as a Center of Excellence for Domestic Maritime Workforce Training and Education (CoE).

Paperwork Reduction Act

The information collection requirements in the final CoE designation policy have been approved under information collection number 2133–0549 by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995, 44 U.S.C. 3501, *et seq.* In accordance with 5 CFR 1320.5(b)(2)(i), persons are not required to provide information to the Government unless the information collection displays a current and valid OMB control number. This application process is operating under the following current and valid OMB control number: 2133–0549.

(Authority: The National Defense Authorization Act of 2018, Pub. L. 115–91 (December 12, 2017), 46 U.S.C. 54102, The Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35, as amended, 49 CFR 1.49)

Dated: October 20, 2020.

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2020–23490 Filed 10–22–20; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2020–0064; Notice 1]

Mercedes-Benz USA, LLC, Receipt of Petition for Decision of Inconsequential Noncompliance

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Receipt of petition.

SUMMARY: Mercedes-Benz AG and Mercedes-Benz USA, LLC, (collectively, ''Mercedes-Benz'') have determined that certain model year (MY) 2020 Mercedes-Benz GLS 580 motor vehicles do not fully comply with Federal Motor Vehicle Safety Standard (FMVSS) No. 118, *Power-operated Window, Partition, and Roof Panel Systems.* Mercedes-Benz filed a noncompliance report dated May 11, 2020, and subsequently petitioned NHTSA on June 3, 2020, for a decision that the subject noncompliance is inconsequential as it relates to motor vehicle safety. This notice announces receipt of Mercedes-Benz's petition.

DATES: Send comments on or before November 23, 2020.

ADDRESSES: Interested persons are invited to submit written data, views, and arguments on this petition. Comments must refer to the docket and notice number cited in the title of this notice and submitted by any of the following methods:

- *Mail:* Send comments by mail addressed to the U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.
- *Hand Delivery:* Deliver comments by hand to the U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590. The Docket Section is open on weekdays from 10 a.m. to 5 p.m. except for Federal holidays.
- *Electronically:* Submit comments electronically by logging onto the Federal Docket Management System (FDMS) website at *https://www.regulations.gov/.* Follow the online instructions for submitting comments.
- Comments may also be faxed to (202) 493–2251.

Comments must be written in the English language, and be no greater than 15 pages in length, although there is no limit to the length of necessary attachments to the comments. If comments are submitted in hard copy form, please ensure that two copies are provided. If you wish to receive confirmation that comments you have submitted by mail were received, please enclose a stamped, self-addressed postcard with the comments. Note that all comments received will be posted without change to *https://www.regulations.gov,* including any personal information provided.

All comments and supporting materials received before the close of business on the closing date indicated above will be filed in the docket and will be considered. All comments and supporting materials received after the closing date will also be filed and will be considered to the fullest extent possible.

When the petition is granted or denied, notice of the decision will also be published in the **Federal Register** pursuant to the authority indicated at the end of this notice.

All comments, background documentation, and supporting materials submitted to the docket may be viewed by anyone at the address and times given above. The documents may also be viewed on the internet at *https://www.regulations.gov* by following the online instructions for accessing the docket. The docket ID number for this petition is shown in the heading of this notice.

DOT's complete Privacy Act Statement is available for review in a **Federal Register** notice published on April 11, 2000 (65 FR 19477–78).

SUPPLEMENTARY INFORMATION:

I. Overview

Mercedes-Benz has determined that certain MY 2020 Mercedes-Benz GLS 580 motor vehicles do not fully comply with the requirements of paragraph S6(a)(1) of FMVSS No. 118, *Power-operated Window, Partition, and Roof Panel Systems* (49 CFR 571.118). Mercedes-Benz filed a noncompliance report dated May 11, 2020, pursuant to 49 CFR part 573, *Defect and Noncompliance Responsibility and Reports.* Mercedes-Benz subsequently petitioned NHTSA on June 3, 2020, for an exemption from the notification and remedy requirements of 49 U.S.C. Chapter 301 on the basis that this noncompliance is inconsequential as it relates to motor vehicle safety, pursuant to 49 U.S.C. 30118(d) and 30120(h) and 49 CFR part 556, *Exemption for Inconsequential Defect or Noncompliance.*

This notice of receipt of Mercedes-Benz's petition is published under 49 U.S.C. 30118 and 30120 and does not represent any Agency decision or other exercise of judgment concerning the merits of the petition.

II. Vehicles Involved

Approximately 22 MY 2020 Mercedes-Benz GLS 580 motor vehicles manufactured between February 8, 2019, and September 20, 2019, are potentially involved.

III. Noncompliance

Mercedes-Benz explains that the noncompliance is that the automatic reversal systems and actuation devices for the sunroofs in the subject vehicles do not fully comply with paragraph S6(a)(1) of FMVSS No. 118. Specifically, when the vehicle's ''car wash mode'' is activated by using the central touch display in the center console, the sunroof may close automatically.

IV. Rule Requirements

Paragraph S6(a)(1) of FMVSS No. 118 includes the requirements relevant to this petition. An actuation device must not cause a window, partition, or roof panel to begin to close from any open position when tested using a stainless steel sphere having a surface finish between 8 and 4 micro inches and a radius of 20 mm ± 0.2 mm, place the surface of the sphere against any portion of the actuation device.

V. Summary of Mercedes-Benz's Petition

The following views and arguments presented in this section, ''V. Summary of Mercedes-Benz's Petition,'' are the views and arguments provided by Mercedes-Benz. They have not been evaluated by the Agency and do not reflect the views of the Agency. Mercedes-Benz describes the subject noncompliance and contends that the noncompliance is inconsequential as it relates to motor vehicle safety.

In support of its petition, Mercedes-Benz submitted the following reasoning:

1. FMVSS No. 118 is intended to reduce the likelihood of injuries that may arise due to the accidental operation of power-operated windows, sunroofs, and other moveable partitions. The particular provision at issue here, S6(a), is focused on preventing the inadvertent movement of powered windows, partitions, and roof panels if a child inadvertently leans on or against the actuation device. The provisions were intended to simulate a child's knee pressing against the actuation device at a particular level of force to ensure that it does not close. By its terms, the standard applies to vertically mounted switches, including those located in the vehicle's console or central touch display as in this case.

2. Due to their specific operating parameters, even though the buttons used to activate car wash mode do not meet the performance requirement of paragraph S6(a),

the condition does not create an increased safety risk. As an initial matter, the car wash mode feature must first be activated by the user. Car wash mode is not automatically enabled unless and until the operator activates the feature by affirmatively accepting the option and turning the feature on. Thus, unless car wash mode is already active within the vehicle, the condition described above cannot occur.

3. Once the vehicle has initialized car wash mode, the feature can only be activated through a series of steps using either the vehicle's central touch display or from a touchpad located in the center console. Activating car wash mode is a multi-step process and the process varies depending on the current menu contained on the display screen. For example, if car wash mode has been programmed by the user inside the ''favorites'' menu, then a series of two touches is needed to activate car wash mode. In all other cases, the operator would first need to change the display screen to the vehicle menu first and from there, navigate to the car wash mode icon. In either case, car wash mode will not become active unless each of these steps is executed in the corresponding order. Because of the complexity involved in navigating through the required sequence of events there is an extremely low likelihood of the car wash mode being inadvertently activated in the first place.

4. Further, the sunroofs in the subject vehicles contain an auto-reverse feature. Upon detecting an object or obstruction inside the sunroof, it will automatically stop and reverse course and fully retract. While the sunroofs do not meet the requirements of paragraph S5, they are certified to the European standard UN–R–21. The European standard incorporates many of the performance features included in the automatic reversal function contained in FMVSS No. 118, paragraph S5. The sunroofs in the subject vehicles will automatically reverse prior to exerting 100 Newtons of pinch force, and consistent with the options provided at paragraph S5.2, the sunroof will either retract to a position at least as wide as the initial position before closing or will allow a 200-mm rod to be inserted in the gap.

5. The Agency has previously granted petitions for inconsequential treatment for FMVSS No. 118 involving similar circumstances and vehicle features. NHTSA granted a petition by General Motors involving a noncompliance with FMVSS No. 118, paragraph S4(e), where for 60 seconds after the vehicles are started, an issue with the sunroof module would allow the sunroof to close via the control button if the engine is turned off and a front door is opened. In that instance, in order to activate the sunroof, a series of specific steps must be taken in order and the steps must be completed within a 60-second time frame. *See* Decision Granting Petition for Inconsequential Noncompliance by General Motors 73 FR 22459 (April 25, 2008). In granting the petition, the Agency found that the potential for entrapment in a power operated sunroof presented less of a risk of entrapment than power-operated windows because, in general, sunroofs are less physically accessible than power-operated windows. The decision also focused on the presence of an auto-reverse feature, which would reverse the movement of the sunroof before it exerted a pressure of 100 Newtons. In granting the motion, the Agency noted the presence of this auto-reverse feature as one that would further reduce the risk of entrapment.

6. Much like the conditions present in the General Motors vehicles, the noncompliance in the car wash mode feature of the subject vehicles similarly does not create an increased safety risk. Assuming that the function has been initialized by the operator, a series of specific and coordinated steps must occur in order to activate car wash mode. If those steps are not carried out in the precise order required, then the car wash mode program will not be activated. Even in the unlikely event that the car wash mode function is inadvertently activated, there is no enhanced risk of injury because of the sunroof auto-reverse feature.

Mercedes-Benz concludes by again contending that the subject noncompliance is inconsequential as it relates to motor vehicle safety, and that its petition to be exempted from providing notification of the noncompliance, as required by 49 U.S.C. 30118, and a remedy for the noncompliance, as required by 49 U.S.C. 30120, should be granted.

NHTSA notes that the statutory provisions (49 U.S.C. 30118(d) and 30120(h)) that permit manufacturers to file petitions for a determination of inconsequentiality allow NHTSA to exempt manufacturers only from the duties found in sections 30118 and 30120, respectively, to notify owners, purchasers, and dealers of a defect or noncompliance and to remedy the defect or noncompliance. Therefore, any decision on this petition only applies to the subject vehicles that Mercedes-Benz no longer controlled at the time it determined that the noncompliance existed. However, any decision on this petition does not relieve vehicle distributors and dealers of the prohibitions on the sale, offer for sale, or introduction or delivery for introduction into interstate commerce of the noncompliant vehicles under their control after Mercedes-Benz notified them that the subject noncompliance existed.

(Authority: 49 U.S.C. 30118, 30120: delegations of authority at 49 CFR 1.95 and 501.8)

Otto G. Matheke III,

Director, Office of Vehicle Safety Compliance.

[FR Doc. 2020–23512 Filed 10–22–20; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2020–0082; Notice 1]

Volkswagen Group of America, Inc., Receipt of Petition for Decision of Inconsequential Noncompliance

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Receipt of petition.

SUMMARY: Volkswagen Group of America, Inc. (Volkswagen), has determined that certain model year (MY) 2019–2020 Audi A6, MY 2019–2020 Audi A7, and MY 2020 Audi A6 Allroad motor vehicles do not fully comply with Federal Motor Vehicle Safety Standard (FMVSS) No. 110, *Tire Selection and Rims and Motor Home/Recreation Vehicle Trailer Load Carrying Capacity Information for Motor Vehicles with a GVWR of 4,536 Kilograms (10,000 pounds) or Less.* Volkswagen filed a noncompliance report dated May 20, 2020. Volkswagen simultaneously petitioned NHTSA on May 20, 2020, for a decision that the subject noncompliance is inconsequential as it relates to motor vehicle safety. This notice announces receipt of Volkswagen's petition.

DATES: Send comments on or before November 23, 2020.

ADDRESSES: Interested persons are invited to submit written data, views, and arguments on this petition. Comments must refer to the docket and notice number cited in the title of this notice and submitted by any of the following methods:

- *Mail:* Send comments by mail addressed to the U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.
- *Hand Delivery:* Deliver comments by hand to the U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590. The Docket Section is open on weekdays from 10 a.m. to 5 p.m. except for Federal holidays.
- *Electronically:* Submit comments electronically by logging onto the Federal Docket Management System (FDMS) website at *https://www.regulations.gov/.* Follow the online instructions for submitting comments.
- Comments may also be faxed to (202) 493–2251.

Comments must be written in the English language, and be no greater than 15 pages in length, although there is no limit to the length of necessary attachments to the comments. If comments are submitted in hard copy form, please ensure that two copies are provided. If you wish to receive confirmation that comments you have submitted by mail were received, please enclose a stamped, self-addressed postcard with the comments. Note that all comments received will be posted without change to *https://www.regulations.gov,* including any personal information provided.

All comments and supporting materials received before the close of business on the closing date indicated above will be filed in the docket and will be considered. All comments and supporting materials received after the closing date will also be filed and will be considered to the fullest extent possible.

When the petition is granted or denied, notice of the decision will also be published in the **Federal Register** pursuant to the authority indicated at the end of this notice.

All comments, background documentation, and supporting materials submitted to the docket may be viewed by anyone at the address and times given above. The documents may also be viewed on the internet at *https://www.regulations.gov* by following the online instructions for accessing the docket. The docket ID number for this petition is shown in the heading of this notice.

DOT's complete Privacy Act Statement is available for review in a **Federal Register** notice published on April 11, 2000 (65 FR 19477–78).

SUPPLEMENTARY INFORMATION:

I. Overview: Volkswagen has determined that certain MY 2019–2020 Audi A6, MY 2019–2020 Audi A7, and MY 2020 Audi A6 Allroad motor vehicles do not fully comply with the requirements of paragraph S4.3(c) of FMVSS No. 110, *Tire Selection and Rims and Motor Home/Recreation Vehicle Trailer Load Carrying Capacity Information for Motor Vehicles with a GVWR of 4,536 Kilograms (10,000 pounds) or Less* (49 CFR 571.110). Volkswagen filed a noncompliance report dated May 20, 2020, pursuant to 49 CFR part 573, *Defect and Noncompliance Responsibility and Reports.* Volkswagen simultaneously petitioned NHTSA on May 20, 2020, for an exemption from the notification and remedy requirements of 49 U.S.C. Chapter 301 on the basis that this noncompliance is inconsequential as it relates to motor vehicle safety, pursuant to 49 U.S.C. 30118(d) and 30120(h) and 49 CFR part 556, *Exemption for Inconsequential Defect or Noncompliance.*

This notice of receipt of Volkswagen's petition is published under 49 U.S.C. 30118 and 30120 and does not represent any Agency decision or other exercise of judgment concerning the merits of the petition.

II. Vehicles Involved: Approximately 652 MY 2019–2020 Audi A6, MY 2019–2020 Audi A7, and MY 2020 Audi A6 Allroad motor vehicles, manufactured between September 24, 2018, and May 14, 2020, are potentially involved.

III. Noncompliance: Volkswagen explains that the noncompliance is that the subject vehicles are equipped with a tire placard label (located on the driver's side B-pillar) that was incorrectly printed to include cold tire inflation pressure information for a spare tire that is not present in the affected vehicles and therefore, does not meet the requirements specified in paragraph S4.3(c) of FMVSS No. 110. Specifically, since the subject vehicles are not equipped with a spare tire, the tire placard label should contain the word ''none'' in the cold tire inflation pressure section.

IV. Rule Requirements: Paragraph S4.3(c) of FMVSS No. 110 includes the requirements relevant to this petition. Vehicle manufacturer's recommended cold tire inflation pressure for front, rear, and spare tires, are subject to the limitations of paragraph S4.3.4. For full-size spare tires, the statement ''see above'' may, at the manufacturer's option replace manufacturer's recommended cold tire inflation pressure. If no spare tire is provided, the word ''none'' must replace the manufacturer's recommended cold tire inflation pressure.

V. Summary of Volkswagen's Petition: The following views and arguments presented in this section, ''V. Summary of Volkswagen's Petition'', are the views and arguments provided by Volkswagen. They have not been evaluated by the Agency and do not reflect the views of the Agency. Volkswagen described the subject noncompliance and stated their belief that the noncompliance is inconsequential as it relates to motor vehicle safety.

In support of its petition, Volkswagen submitted the following reasoning:

1. The MY 2019–2020 Audi A6, the MY 2019–2020 Audi A7, and the MY 2020 Audi A6 Allroad vehicles are not equipped with a spare tire. The required tire placard label, located on the driver's side B-Pillar, was misprinted and does not contain the word ''none'' in the cold tire inflation pressure location for the spare tire, as required under 49 CFR part 571.110 S4.3(c). As the vehicle is not equipped with a spare tire, there is no actual effect on drivability, vehicle safety, or tire wear.

2. Volkswagen submits that the condition described above is inconsequential as it relates to motor vehicle safety because the information misprinted on the tire placard label is applicable to a component (spare tire) which is not equipped in the vehicle. There is no effect on drivability, vehicle safety, or tire wear.

3. Volkswagen says that as of May 15, 2020, the condition has been corrected.

4. Affected vehicles held at the factory have been corrected, and unsold units in dealer inventory will be corrected prior to sale. Additionally, Volkswagen is not aware of any field or customer complaints related to this condition, nor has it been made aware of any accidents or injuries that have occurred as a result of this issue.

Volkswagen concluded by expressing the belief that the subject noncompliance is inconsequential as it relates to motor vehicle safety, and that its petition to be exempted from providing notification of the noncompliance, as required by 49 U.S.C. 30118, and a remedy for the noncompliance, as required by 49 U.S.C. 30120, should be granted.

NHTSA notes that the statutory provisions (49 U.S.C. 30118(d) and 30120(h)) that permit manufacturers to file petitions for a determination of inconsequentiality allow NHTSA to exempt manufacturers only from the duties found in sections 30118 and 30120, respectively, to notify owners, purchasers, and dealers of a defect or noncompliance and to remedy the defect or noncompliance. Therefore, any decision on this petition only applies to the subject vehicles that Volkswagen no longer controlled at the time it determined that the noncompliance existed. However, any decision on this petition does not relieve vehicle distributors and dealers of the prohibitions on the sale, offer for sale, or introduction or delivery for introduction into interstate commerce of the noncompliant vehicles under their control after Volkswagen notified them that the subject noncompliance existed.

(Authority: 49 U.S.C. 30118, 30120: delegations of authority at 49 CFR 1.95 and 501.8)

Otto G. Matheke III,

Director, Office of Vehicle Safety Compliance.

[FR Doc. 2020–23509 Filed 10–22–20; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Notice of OFAC Sanctions Actions

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the names of one or more persons that have been placed on OFAC's Specially Designated Nationals and Blocked Persons List based on OFAC's determination that one or more applicable legal criteria were satisfied. All property and interests in property subject to U.S. jurisdiction of these persons are blocked, and U.S. persons are generally prohibited from engaging in transactions with them.

DATES: See **SUPPLEMENTARY INFORMATION** section for effective date(s).

FOR FURTHER INFORMATION CONTACT: OFAC: Associate Director for Global Targeting, tel.: 202–622–2420; Assistant Director for Sanctions Compliance & Evaluation, tel.: 202–622–2490; or the Assistant Director for Licensing, tel.: 202–622–2480.

SUPPLEMENTARY INFORMATION:

Electronic Availability

The Specially Designated Nationals and Blocked Persons List and additional information concerning OFAC sanctions programs are available on OFAC's website (*www.treas.gov/ofac*).

Notice of OFAC Actions

On March 19, 2020, OFAC determined that the property and interests in property subject to U.S. jurisdiction of the following persons are blocked under the relevant sanctions authorities listed below.

BILLING CODE 4810–AL–P

Entities

1. SWISSOL TRADE DMCC (Arabic: .سويسول ترايد م.د.م.س), Dubai, United Arab Emirates; Additional Sanctions Information - Subject to Secondary Sanctions; Registration Number DMCC-612148 (United Arab Emirates) [IRAN-EO13846] (Linked To: NATIONAL IRANIAN OIL COMPANY).

   Designated pursuant to section 1(a)(ii) of Executive Order 13846 of August 6, 2018, "Reimposing Certain Sanctions With Respect to Iran," 83 FR 38939, 3 CFR, 2019 Comp., p. 854 (E.O. 13846), for on or after November 5, 2018 having materially assisted, sponsored, or provided financial, material, or technological support for, or goods and services in support of, the NATIONAL IRANIAN OIL COMPANY.

2. ALPHABET INTERNATIONAL DMCC, Unit No. 451, DMCC Business Centre, Dubai, United Arab Emirates; Additional Sanctions Information - Subject to Secondary Sanctions; Registration Number DMCC-388799 (United Arab Emirates) [IRAN-EO13846] (Linked To: NATIONAL IRANIAN OIL COMPANY).

   Designated pursuant to section 1(a)(ii) of E.O. 13846, for on or after November 5, 2018 having materially assisted, sponsored, or provided financial, material, or technological support for, or goods and services in support of, the NATIONAL IRANIAN OIL COMPANY.

3. PETRO GRAND FZE, Al Hamra Industrial Zone FZ, Ras Al Khaimah, United Arab Emirates; Additional Sanctions Information - Subject to Secondary Sanctions [IRAN-EO13846] (Linked To: NATIONAL IRANIAN OIL COMPANY).

   Designated pursuant to section 1(a)(ii) of E.O. 13846, for on or after November 5, 2018 having materially assisted, sponsored, or provided financial, material, or technological support for, or goods and services in support of, the NATIONAL IRANIAN OIL COMPANY.

4. ALAM ALTHRWA GENERAL TRADING LLC (a.k.a. ALAM ALTHRWA LLC CO), Plot No. 124-579, Dubai, United Arab Emirates; P.O. Box 91310, Dubai, United Arab Emirates; Office M22, Al Dana Center, Al Maktoum Road, Deira, Dubai, Dubai, United Arab Emirates; Mina Al Fahal, PDO Gate No. 2 Al Qurum, PC: 116, Muscat, Oman; Website www.alamalthrwa.com; Additional Sanctions Information - Subject to

Secondary Sanctions; Registration Number 573469 (United Arab Emirates) [IRAN-EO13846] (Linked To: NATIONAL IRANIAN OIL COMPANY).

Designated pursuant to section 1(a)(ii) of E.O. 13846, for on or after November 5, 2018 having materially assisted, sponsored, or provided financial, material, or technological support for, or goods and services in support of, the NATIONAL IRANIAN OIL COMPANY.

5. ALWANEO L.L.C. CO. (a.k.a. ALWANEO CO. L.L.C.; a.k.a. ALWANEO TRADE DMCC), Plot No. 133-257, Dubai, United Arab Emirates; Additional Sanctions Information - Subject to Secondary Sanctions [IRAN-EO13846] (Linked To: NATIONAL IRANIAN OIL COMPANY).

Designated pursuant to section 1(a)(ii) of E.O. 13846, for on or after November 5, 2018 having materially assisted, sponsored, or provided financial, material, or technological support for, or goods and services in support of, the NATIONAL IRANIAN OIL COMPANY.

Dated: March 19, 2020.

Andrea M. Gacki,

Director, Office of Foreign Assets Control.

Editorial Note: This document was received for publication by the Office of the Federal Register on October 19, 2020.

[FR Doc. 2020–23461 Filed 10–22–20; 8:45 am]

BILLING CODE 4810–AL–C

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0212]

Agency Information Collection Activity: Veterans Mortgage Life Insurance Statement (VA Form 29–8636)

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice. This notice solicits comments on information needed from veterans who have received Specially Adapted Housing Grants to decline Veterans Mortgage Life Insurance (VMLI) or to provide information upon which the insurance premium can be based.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before December 22, 2020.

ADDRESSES: Submit written comments on the collection of information through Federal Docket Management System (FDMS) at *www.Regulations.gov* or to Nancy J. Kessinger, Veterans Benefits Administration (20M33), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420 or email to *nancy.kessinger@va.gov.* Please refer to ''OMB Control No. 2900–0212'' in any correspondence. During the comment period, comments may be viewed online through FDMS.

FOR FURTHER INFORMATION CONTACT: Danny S. Green at (202) 421–1354.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995, Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Authority: Public Law 104–13; 44 U.S.C. 3501–3521.

Title: Veterans Mortgage Life Insurance Statement.

OMB Control Number: 2900–0212.

Type of Review: Extension of a previously approved collection.

Abstract: This form is used by Veterans who have received Specially Adapted Housing Grants to decline VMLI. The information on the form is required by law, 38 U.S.C. Section 806.

Affected Public: Individuals and households.

Estimated Annual Burden: 250 hours.

Estimated Average Burden per Respondent: 15 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 1,000.

By direction of the Secretary.

Danny S. Green,

VA Clearance Officer, Office of Quality, Performance and Risk, Department of Veterans Affairs.

[FR Doc. 2020–23483 Filed 10–22–20; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0515]

Agency Information Collection Activity: Maintenance of Records

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995, this notice announces that the Veterans Benefits Administration, Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden and it includes the actual data collection instrument.

DATES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. Refer to ''OMB Control No. 2900–0515.

FOR FURTHER INFORMATION CONTACT: Danny S. Green, (202) 421–1354 or email *Danny.Green2@va.gov.* Please refer to ''OMB Control No. 2900–0515'' in any correspondence.

SUPPLEMENTARY INFORMATION:

Authority: 38 CFR 36.4317.

Title: Maintenance of Records Under 38 CFR 36.4333.

OMB Control Number: 2900–0515.

Type of Review: Reinstatement.

Abstract: The Department of Veterans Affairs (VA) Loan Guaranty program guarantees loans made by private lenders to Veterans for the purchase, construction, and refinancing of homes owned and occupied by Veterans. Under 38 CFR 36.4333, VA requires holders to maintain and lenders to retain all records pertaining to loans guaranteed by VA. Under this same authority, VA has a right to inspect, examine, or audit, at a reasonable time and place, such records to ensure program participants are in compliance with applicable laws, regulations, policies, procedures and contract provisions. VA utilizes the data collected through loan audits to require corrective actions by lenders and holders who failed to adhere to VA regulations and statutes. It also uses the data collected through this authority to provide annual feedback to lenders, through the Lender Scorecard, on certain loan characteristics such as interest rate, fees and charges, audit results, etc., as compared to the national average of all VA lenders.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published at 85 FR 162, August 20, 2020, on page 51554.

Affected Public: Individuals or Households.

Estimated Annual Burden: 17,500 hours.

Estimated Average Burden per Respondent: 30 minutes.

Frequency of Response: One time.

Estimated Number of Respondents: 35,000.

By direction of the Secretary.

Danny S. Green,

VA Clearance Officer, Office of Quality, Performance and Risk, Department of Veterans Affairs.

[FR Doc. 2020–23477 Filed 10–22–20; 8:45 am]

BILLING CODE 8320–01–P

FEDERAL REGISTER

Vol. 85 Friday,
No. 206 October 23, 2020

Part II

Department of Defense
General Services Administration
National Aeronautics and Space Administration

48 CFR Chapter 1
Federal Acquisition Regulations; Final Rules

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Chapter 1

[Docket No. FAR–2020–0051, Sequence No. 7]

Federal Acquisition Regulation; Federal Acquisition Circular 2021–02; Introduction

AGENCY: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Summary presentation of final rules.

SUMMARY: This document summarizes the Federal Acquisition Regulation (FAR) rules agreed to by the Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) in this Federal Acquisition Circular (FAC) 2021–02. A companion document, the *Small Entity Compliance Guide* (SECG), follows this FAC.

DATES: For effective date see the separate documents, which follow.

ADDRESSES: The FAC, including the SECG, is available via the internet at *https://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: The analyst whose name appears in the table below in relation to the FAR case. For information pertaining to status or publication schedules, contact the Regulatory Secretariat Division at 202–501–4755 or *GSARegSec@gsa.gov.*

RULE LISTED IN FAC 2021–02

Item	Subject	FAR case	Analyst
I	Removal of FAR Appendix	2020–003	Boyer.
II	Removal of Obsolete Definitions	2020–002	Uddowla.
III	Update to Excess Personal Property Procedures	2019–019	Uddowla.
IV	Reserve Officer Training Corps and Military Recruiting on Campus	2018–021	Delgado.
V	Documentation of Market Research	2020–006	Francis.
VI	Taxes—Foreign Contracts in Afghanistan	2018–023	Funk.
VII	Recreational Services on Federal Lands	2019–002	Funk.
VIII	Technical Amendments.		

SUPPLEMENTARY INFORMATION: Summaries for each FAR rule follow. For the actual revisions and/or amendments made by these FAR rules, refer to the specific item numbers and subjects set forth in the documents following these item summaries. FAC 2021–02 amends the FAR as follows:

Item I—Removal of FAR Appendix (FAR Case 2020–003)

This final rule removes FAR references to the FAR appendix and the FAR looseleaf. The FAR appendix at an earlier time contained a copy of the Cost Accounting Standards Board regulations. These remain available at 48 CFR chapter 99. There is no effect on small entities. The FAR loose-leaf version is now published online at *https://www.acquisition.gov.* It is no longer published as a paper loose-leaf version.

Item II—Removal of Obsolete Definitions (FAR Case 2020–002)

This final rule amends the FAR to remove the definitions of the terms ''annual receipts'' and ''number of employees'' in FAR 19.101. The Small Business Administration (SBA) published a final rule at 84 FR 66561 on December 5, 2019, amending its regulations to update these terms in 13 CFR part 121 as part of SBA's implementation of the Small Business Runway Extension Act of 2018. The definitions in FAR 19.101 conflict with SBA's revised regulation and are not needed in the FAR as these terms relate to determinations made by SBA, not contracting officers. In addition, this final rule moves the definition of ''affiliates,'' as used with regard to small business size determination, to appropriate locations in the FAR.

Item III—Update To Excess Personal Property Procedures (FAR Case 2019–019)

This final rule amends the FAR to update internal Government procedures on how agencies can locate excess personal property and to remove obsolete requirements. Specifically, this rule removes references to catalogs and bulletins issued by GSA, the use of a discontinued GSA form, and the ability to the examine reports and samples of excess personal property in GSA regional offices. Instead, the rule identifies the website through which agencies can find information on available excess personal property. Additionally, this rule updates the name of the offices handling excess personal property within GSA and provides a website containing contact information for those offices.

Item IV—Reserve Officer Training Corps and Military Recruiting on Campus (FAR Case 2018–021)

This final rule implements 10 U.S.C. 983, which prohibits the award of certain Federal contracts to institutions of higher education that prohibit Reserve Officer Training Corps (ROTC) units or military recruiting on campus.

This final rule will not have a significant economic impact on a substantial number of small entities.

Item V—Documentation of Market Research (FAR Case 2020–006)

This final rule amends the FAR to implement section 818 of the National Defense Authorization Act for Fiscal Year 2020, which requires the head of the agency to document the results of market research in a manner appropriate for the size and complexity of the acquisition.

Item VI—Taxes—Foreign Contracts in Afghanistan (FAR Case 2018–023)

This final rule amends the FAR to add two new clauses that notify contractors of requirements relating to Afghanistan taxes or similar charges when contracts are being performed in Afghanistan. Agreements established with the Islamic Republic of Afghanistan exempt the United States Forces and the North Atlantic Treaty Organization (NATO) Forces, and their contractors from

liability for Afghanistan taxes and similar charges (*e.g.* customs, duties, fees). These clauses were previously in the Defense Federal Acquisition Regulation Supplement and are now elevated to the FAR to eliminate the need for agency unique supplemental regulations and ensure unified guidance among the affected agencies consistent with the purpose of the FAR.

Item VII—Recreational Services on Federal Lands (FAR Case 2019–002)

This final rule amends FAR 22.1903(b)(2) and FAR clause 52.222–55(c)(2) to conform to a Department of Labor rule by adding seasonal recreational services or seasonal recreational equipment rental for the general public on Federal lands under contracts or contract-like instruments entered into with the Federal Government, to the list of exemptions from the requirements of Executive Order 13658, Establishing a Minimum Wage for Contractors. The current minimum wage is $10.80 per hour. Lodging and food services are not exempted. Both rules implement Executive Order 13838, Exemption from Executive Order 13658 for Recreational Services on Federal Lands.

Item VIII—Technical Amendments

Editorial changes are made at FAR 4.2102, 52.213–4, 52.252–5, 52.252–6, and 53.228.

William F. Clark,

Director, Office of Government-wide Acquisition Policy, Office of Acquisition Policy, Office of Government-wide Policy.

Federal Acquisition Circular (FAC) 2021–02 is issued under the authority of the Secretary of Defense, the Administrator of General Services, and the Administrator of National Aeronautics and Space Administration.

Unless otherwise specified, all Federal Acquisition Regulation (FAR) and other directive material contained in FAC 2021–02 is effective October 23, 2020 except for Items I through VIII, which are effective November 23, 2020.

Kim Herrington,

Acting Principal Director, Defense Pricing and Contracting, Department of Defense.

Jeffrey A. Koses,

Senior Procurement Executive/Deputy CAO, Office of Acquisition Policy, U.S. General Services Administration.

William G. Roets, II,

Acting Assistant Administrator, Office of Procurement, National Aeronautics and Space Administration.

[FR Doc. 2020–21694 Filed 10–22–20; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 1, 15, 28, 30, 42, and 44

[FAC 2021–02; FAR Case 2020–003; Item I; Docket No. FAR–2020–0003, Sequence 1]

RIN 9000–AO06

Federal Acquisition Regulation: Removal of FAR Appendix

AGENCY: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Final rule.

SUMMARY: DoD, GSA, and NASA are issuing a final rule amending the Federal Acquisition Regulation (FAR) to remove references to the FAR appendix. The Cost Accounting Standards Board regulations remain available in the Code of Federal Regulations. This final rule also deletes the few additional references to the FAR ''looseleaf''.

DATES: *Effective:* November 23, 2020.

FOR FURTHER INFORMATION CONTACT: Mr. Bryon Boyer, Procurement Analyst, at 817–850–5580 or by email at *bryon.boyer@gsa.gov* for clarification of content. For information pertaining to status or publication schedules, contact the Regulatory Secretariat Division at 202–501–4755. Please cite FAC 2021–02, FAR Case 2020–003.

SUPPLEMENTARY INFORMATION:

I. Background

The FAR appendix was created in 1988 (July 20, 1988, FAC 84–38) as ''appendix A to part 30.'' It was relabeled ''appendix B'' in 1992 (August 31, 1992, FAR Case 92–18), and eventually as just ''the appendix'' (July 25, 1997 technical amendment). The appendix does not appear in the Code of Federal Regulations other than as references to it. The appendix appears in the version of the FAR currently available online at *https://www.acquisition.gov/browse/index/far.* The original purpose of the appendix was to provide an easy way for readers to read the Cost Accounting Standards (CAS) Board regulations at 48 CFR chapter 99, that are heavily referenced in FAR part 30. That is no longer necessary. Users are able to access 48 CFR chapter 99 easily online at the electronic Code of Federal Regulation (eCFR) website (*https://www.ecfr.gov*). The CAS Board regulations no longer appear in the appendix in full text. Therefore, references throughout the FAR to the CAS Board regulations being in the appendix are out of date. For all the regulation locations where ''FAR appendix'' is deleted, the citation to 48 CFR chapter 99 will be maintained to direct the workforce to the supporting regulation. To further help the workforce, *Acquisition.gov* is being updated to include hyperlinks for all ''48 CFR chapter 99'' citations.

This final rule also deletes the few additional references to the FAR ''looseleaf'', because the FAR loose-leaf version is now published online at *https://www.acquisition.gov.* It is no longer published as a paper loose-leaf version.

II. Publication of This Final Rule for Public Comment Is Not Required by Statute

''Publication of proposed regulations'', 41 U.S.C. 1707, is the statutory provision in title 41 that applies to the publication of the Federal Acquisition Regulation. Subsection 1707(a)(1) requires that a procurement policy, regulation, procedure or form (including an amendment or modification thereof) must be published for public comment if it relates to the expenditure of appropriated funds, and has either a significant effect beyond the internal operating procedures of the agency issuing the policy, regulation, procedure or form, or has a significant cost or administrative impact on contractors or offerors. This final rule is not required to be published for public comment, because the deletions of references to ''the appendix'' in the FAR ''loose-leaf'' are administrative and do not have a significant effect on the public or Government. As explained in the background section, users are directed to the eCFR to access the information that is at 48 CFR chapter 99, as it is no longer in ''the appendix.''

III. Applicability to Contracts at or Below the Simplified Acquisition Threshold (SAT) and for Commercial Items, Including Commercially Available Off-The-Shelf (COTS) Items

This rule amends the FAR to delete references to ''the appendix'' in the FAR ''loose-leaf.'' The amendments are administrative in nature and do not change the applicability or the text of any FAR solicitation provisions or contract clauses.

IV. Executive Orders 12866 and 13563

Executive Orders (E.O.s) 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is

necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). E.O. 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This is not a significant regulatory action and, therefore, was not subject to review under section 6(b) of E.O. 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

V. Executive Order 13771

This rule is not subject to E.O. 13771, Reducing Regulation and Controlling Regulatory Costs, because this rule is not a significant regulatory action under E.O. 12866.

VI. Regulatory Flexibility Act

Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule under 41 U.S.C. 1701(a)(1) (see section II of this preamble), the analytical requirements of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) are not applicable. Accordingly, no regulatory flexibility analysis is required and none has been prepared.

VII. Paperwork Reduction Act

The rule does not contain any information collection requirements that require the approval of the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. chapter 35).

List of Subjects in 48 CFR Parts 1, 15, 28, 30, 42, and 44

Government procurement.

William F. Clark,

Director, Office of Government-wide Acquisition Policy, Office of Acquisition Policy, Office of Government-wide Policy.

Therefore, DoD, GSA, and NASA amend 48 CFR parts 1, 15, 28, 30, 42, and 44 as set forth below:

■ 1. The authority citation for 48 CFR parts 1, 15, 28, 30, 42, and 44 continues to read as follows:

Authority: 40 U.S.C. 121(c); 10 U.S.C. chapter 137; and 51 U.S.C. 20113.

PART 1—FEDERAL ACQUISITION REGULATIONS SYSTEM

■ 2. Amend section 1.105–1 by revising paragraph (a) to read as follows:

1.105–1 Publication and code arrangement.

(a) The FAR is published in—

(1) The daily issue of the **Federal Register**;

(2) Cumulated form in the Code of Federal Regulations (CFR); and

(3) A separate edition available at *https://www.acquisition.gov/browse/index/far.*

* * * * *

1.201–1 [Amended]

■ 3. Amend section 1.201–1 in paragraph (e)(6) by removing ''and printing for distribution''.

1.201–2 [Amended]

■ 4. Amend section 1.201–2 in paragraph (a) by removing ''print, publish,'' and ''loose-leaf'' and adding ''publish'' and ''separate online'' in their places, respectively.

1.402 [Amended]

■ 5. Amend section 1.402 by removing ''Chapter 99 (FAR Appendix)'' and adding ''chapter 99'' in its place.

PART 15—CONTRACTING BY NEGOTIATION

15.404–1 [Amended]

■ 6. Amend section 15.404–1 in paragraph (c)(2)(iv) by removing ''Chapter 99 (Appendix to the FAR looseleaf edition)'' and adding ''chapter 99'' in its place.

PART 28—BONDS AND INSURANCE

28.301 [Amended]

■ 7. Amend section 28.301 in paragraph (a)(1) by removing ''48 CFR 9004.416 (appendix B, FAR loose-leaf edition)'' and adding ''48 CFR 9004.416'' in its place.

PART 30—COST ACCOUNTING STANDARDS ADMINISTRATION

30.000 [Amended]

■ 8. Amend section 30.000 by removing ''(FAR appendix)'' twice.

30.101 [Amended]

■ 9. Amend section 30.101 by removing paragraphs (c) and (d).

30.201 [Amended]

■ 10. Amend section 30.201 by removing ''(FAR appendix)'' twice.

30.201–1 [Amended]

■ 11. Amend section 30.201–1 in paragraph (a) by removing ''(FAR appendix)''.

30.201–2 [Amended]

■ 12. Amend section 30.201–2 by removing ''(FAR appendix)''.

30.201–3 [Amended]

■ 13. Amend section 30.201–3 by—
■ a. Removing from paragraph (a) ''(FAR appendix)'';
■ b. Removing from paragraph (b) ''(FAR appendix)'' twice; and
■ c. Removing from paragraph (c) ''(FAR Appendix)''.

30.201–4 [Amended]

■ 14. Amend section 30.201–4 by—
■ a. Removing from paragraph (a)(1) ''(FAR appendix)'' twice;
■ b. Removing from paragraph (a)(2) ''(FAR appendix)'';
■ c. Removing from paragraph (b)(1) ''(FAR Appendix)'';
■ d. Removing from paragraph (b)(2) ''(FAR appendix)'';
■ e. Removing from paragraph (e)(1) ''(FAR appendix)'' three times; and
■ f. Removing from paragraph (e)(2) ''(FAR appendix)'' twice.

30.201–5 [Amended]

■ 15. Amend section 30.201–5 in paragraph (d) by removing ''(FAR Appendix)''.

30.201–6 [Amended]

■ 16. Amend section 30.201–6 by removing ''(FAR appendix)''.

30.201–7 [Amended]

■ 17. Amend section 30.201–7 by removing ''(FAR appendix)''.

30.202–1 [Amended]

■ 18. Amend section 30.202–1 by removing ''(FAR appendix)''.

30.202–2 [Amended]

■ 19. Amend section 30.202–2 by removing ''(FAR appendix)''.

30.202–3 [Amended]

■ 20. Amend section 30.202–3 by removing ''(FAR appendix)''.

30.202–4 [Amended]

■ 21. Amend section 30.202–4 by removing ''(FAR appendix)''.

30.202–5 [Amended]

■ 22. Amend section 30.202–5 by removing ''(FAR appendix)''.

30.202–6 [Amended]

■ 23. Amend section 30.202–6 in paragraph (a) by removing ''(FAR appendix)''.

30.202–7 [Amended]

■ 24. Amend section 30.202–7 in paragraph (a) introductory text by removing ''(FAR Appendix)''.

30.202–8 [Amended]

■ 25. Amend section 30.202–8 in paragraph (b) by removing ''(FAR appendix)''.

Subpart 30.3 [Amended]

■ 26. Amend subpart 30.3 by removing from the note ''(FAR appendix)''.

Subpart 30.4 [Amended]

■ 27. Amend subpart 30.4 by removing from the note ''(FAR appendix)''.

Subpart 30.5 [Amended]

■ 28. Amend subpart 30.5 by removing from the note ''(FAR appendix)''.

30.602 [Amended]

■ 29. Amend section 30.602 in paragraph (a) by removing ''(FAR Appendix)''.

PART 42—CONTRACT ADMINISTRATION AND AUDIT SERVICES

42.302 [Amended]

■ 30. Amend section 42.302 in paragraph (a)(11) by removing ''Chapter 99 (FAR Appendix)'' and adding ''chapter 99'' in its place.

PART 44—SUBCONTRACTING POLICIES AND PROCEDURES

44.305–3 [Amended]

■ 31. Amend section 44.305–3 in paragraph (a)(2) by removing ''(Appendix B, FAR loose-leaf edition''.

[FR Doc. 2020–21695 Filed 10–22–20; 8:45 am]

BILLING CODE 6820–ep–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 2, 9, 19, and 52

[FAC 2021–02; FAR Case 2020–002; Item II; Docket No. FAR–2020–0002; Sequence No. 1]

RIN 9000–AO05

Federal Acquisition Regulation: Removal of Obsolete Definitions

AGENCY: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Final rule.

SUMMARY: DoD, GSA, and NASA are issuing a final rule to amend the Federal Acquisition Regulation (FAR) to remove the definitions of the terms ''annual receipts'' and ''number of employees'' in the regulations regarding small business programs and to move the definition of ''affiliates,'' as used with regard to small business size determination, to appropriate locations in the FAR.

DATES: *Effective:* November 23, 2020.

FOR FURTHER INFORMATION CONTACT: Ms. Mahruba Uddowla, Procurement Analyst, at 703–605–2868 or by email at *mahruba.uddowla@gsa.gov* for clarification of content. For information pertaining to status or publication schedules, contact the Regulatory Secretariat Division at 202–501–4755. Please cite FAC 2021–02, FAR Case 2020–002.

SUPPLEMENTARY INFORMATION:

I. Background

DoD, GSA, and NASA are amending the FAR to remove the definitions of ''annual receipts'' and ''number of employees'' at FAR 19.101. These definitions unnecessarily duplicate the Small Business Administration (SBA) regulation at 13 CFR part 121. In addition, these definitions in the FAR are outdated, following the publication of SBA's final rule at 84 FR 66561 on December 5, 2019.

SBA's final rule amended 13 CFR part 121 to implement Public Law 115–324 (the ''Small Business Runway Extension Act of 2018''), which amended section 3(a)(2)(C)(ii)(II) of the Small Business Act (15 U.S.C. 632(a)(2)(C)(ii)(II)) to modify the requirements for proposed small business size standards. SBA's final rule modifies its method for calculating average annual receipts used to prescribe size standards for small businesses by changing the calculation of average annual receipts for all of SBA's receipts-based size standards, and for other agencies' proposed receipts-based size standards, from a 3-year averaging period to a 5-year averaging period. SBA has independent statutory authority to issue size standards.

While the definitions of ''annual receipts'' and ''number of employees'' are listed in part 19 of the FAR, they are not necessary for contracting officers, as SBA has sole responsibility for prescribing how these terms are used to determine small business size. The contracting officer's responsibility is to select the applicable North American Industry Classification Standards (NAICS) code and size standard for a given acquisition and to verify that a business concern has represented its business size for the acquisition. Therefore, DoD, GSA, and NASA are removing these redundant, obsolete definitions from the FAR.

Currently, the term ''affiliates'' only appears in the definitions of ''annual receipts'' and ''number of employees'' in FAR 19.101; it is not used anywhere else in part 19. Upon the removal of those definitions from FAR 19.101, ''affiliates'' will no longer be used in FAR part 19. As such, the definition is no longer required in section 19.101. However, since the term is used in multiple other locations in the FAR, the definition for ''affiliates,'' as used with regard to small business size determination, will be moved to these locations.

II. Discussion and Analysis

Subpart 19.1, Size Standards, is amended to remove the definitions of ''annual receipts'' and ''number of employees.'' As explained in section I of this preamble, these definitions are not necessary for contracting officers since SBA determines small business size standards, as well as whether a specific business is small under those standards. Subpart 19.1 is also amended to remove the definition of ''affiliates'' since the term will no longer be used in the subpart.

Instead, the definition of ''affiliates'' is being incorporated into the definitions of ''small business concern'' at FAR part 2, FAR provisions 52.212–3 and 52.219–1, and FAR clauses 52.219–6, 52.219–7, and 52.219–28, which is where the term ''affiliates'' is used with regard to small business size determination.

III. Publication of This Final Rule for Public Comment Is Not Required by Statute

The statute that applies to the publication of the FAR is the Office of Federal Procurement Policy statute (codified at title 41 of the United States Code). Specifically, 41 U.S.C. 1707(a)(1) requires that a procurement policy, regulation, procedure, or form (including an amendment or modification thereof) must be published for public comment if it relates to the expenditure of appropriated funds, and has either a significant effect beyond the internal operating procedures of the agency issuing the policy, regulation, procedure, or form, or has a significant cost or administrative impact on contractors or offerors. While this final rule relates to the expenditure of appropriated funds, it is not required to be published for public comment, because it does not have a significant effect or impose any requirements on contractors or offerors. The rule removes

two definitions that unnecessarily duplicate SBA's regulation and moves another definition from one part of the FAR to other parts where the term being defined is actually used.

IV. Applicability to Contracts at or Below the Simplified Acquisition Threshold (SAT) and for Commercial Items, Including Commercially Available Off-The-Shelf (COTS) Items

This rule amends the FAR to remove the definitions of ''annual receipts'' and ''number of employees'' at section 19.101, as well as moving the definition of ''affiliates,'' as used with regard to small business size determination, from 19.101 to other locations in the FAR where the term is actually used. This rule does not change the applicability or the text of any FAR solicitation provisions or contract clauses.

V. Executive Orders 12866 and 13563

Executive Orders (E.O.s) 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). E.O. 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This is not a significant regulatory action and, therefore, was not subject to review under Section 6(b) of E.O. 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

VI. Executive Order 13771

This final rule is not subject to E.O. 13771, Reducing Regulation and Controlling Regulatory Costs, because this rule is not a significant regulatory action under E.O. 12866.

VII. Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) does not apply to this rule, because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule under 41 U.S.C. 1707(a)(1) (see section III. of this preamble). Accordingly, no regulatory flexibility analysis is required and none has been prepared.

VIII. Paperwork Reduction Act

The rule does not contain any information collection requirements that require the approval of the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. chapter 35).

List of Subjects in 48 CFR Parts 2, 9, 19, and 52

Government procurement.

William F. Clark,

Director, Office of Government-wide Acquisition Policy, Office of Acquisition Policy, Office of Government-wide Policy.

Therefore, DoD, GSA, and NASA amend 48 CFR parts 2, 9, 19, and 52 as set forth below:

■ 1. The authority citation for 48 CFR parts 2, 9, 19, and 52 continues to read as follows:

Authority: 40 U.S.C. 121(c); 10 U.S.C. chapter 137; and 51 U.S.C. 20113.

PART 2—DEFINITIONS OF WORDS AND TERMS

■ 2. Amend section 2.101 in paragraph (b)(2) by—

■ a. In the definition ''Affiliates'':

■ i. Removing from paragraph (1) ''For the use in subpart 9.4'' and adding ''For use in subpart 9.4'' in its place; and

■ ii. Revising paragraph (2); and

■ b. Revising the definition ''Small business concern''.

The revisions read as follows:

2.101 Definitions.

* * * * *

Affiliates * * *

(2) For use of affiliates in size determinations, see the definition of ''small business concern'' in this section.

* * * * *

Small business concern—

(1) Means a concern, including its affiliates, that is independently owned and operated, not dominant in the field of operation in which it is bidding on Government contracts, and qualified as a small business under the criteria and size standards in 13 CFR part 121 (see 19.102). Such a concern is ''not dominant in its field of operation'' when it does not exercise a controlling or major influence on a national basis in a kind of business activity in which a number of business concerns are primarily engaged. In determining whether dominance exists, consideration must be given to all appropriate factors, including volume of business, number of employees, financial resources, competitive status or position, ownership or control of materials, processes, patents, license agreements, facilities, sales territory, and nature of business activity. (See 15 U.S.C. 632.)

(2) *Affiliates,* as used in this definition, means business concerns, one of whom directly or indirectly controls or has the power to control the others, or a third party or parties control or have the power to control the others. In determining whether affiliation exists, consideration is given to all appropriate factors including common ownership, common management, and contractual relationships. SBA determines affiliation based on the factors set forth at 13 CFR 121.103.

* * * * *

PART 9—CONTRACTOR QUALIFICATIONS

9.104–3 [Amended]

■ 3. Amend section 9.104–3 by removing from the first sentence of paragraph (c) ''*Affiliates* in 19.101'' and adding ''*Small business concern* in 2.101'' in its place.

PART 19—SMALL BUSINESS PROGRAMS

19.101 [Removed and Reserved]

■ 4. Remove and reserve section 19.101.

PART 52—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

■ 5. Amend section 52.212–3 by—

■ a. Revising the date of the provision; and

■ b. In paragraph (a), revising the definition ''Small business concern''.

The revisions read as follows:

52.212–3 Offeror Representations and Certifications—Commercial Items.

* * * * *

Offeror Representations and Certifications—Commercial Items (Nov 2020)

* * * * *

(a) * * *

Small business concern—

(1) Means a concern, including its affiliates, that is independently owned and operated, not dominant in the field of operation in which it is bidding on Government contracts, and qualified as a small business under the criteria in 13 CFR part 121 and size standards in this solicitation.

(2) *Affiliates,* as used in this definition, means business concerns, one of whom directly or indirectly controls or has the power to control the others, or a third party or parties control or have the power to control the others. In determining whether affiliation exists, consideration is given to all appropriate factors including common ownership, common management, and contractual relationships. SBA determines affiliation based on the factors set forth at 13 CFR 121.103.

* * * * *

■ 6. Amend section 52.212–5 by—

■ a. Revising the date of the clause;

■ b. Removing from paragraph (b)(14)(i) ''(MAR 2020)'' and adding ''(NOV 2020)'' in its place;
■ c. Removing from paragraph (b)(15)(i) ''(MAR 2020)'' and adding ''(NOV 2020)'' in its place; and
■ d. Removing from paragraph (b)(22)(i) ''(MAY 2020)'' and adding ''(NOV 2020)'' in its place.

The revision reads as follows:

52.212–5 Contract Terms and Conditions Required To Implement Statutes or Executive Orders—Commercial Items.

* * * * *

Contract Terms and Conditions Required To Implement Statutes or Executive Orders—Commercial Items (Nov 2020)

* * * * *

■ 7. Amend section 52.219–1 by—
■ a. Revising the date of the provision; and
■ b. In paragraph (a), revising the definition ''Small business concern''.

The revisions read as follows:

52.219–1 Small Business Program Representations.

* * * * *

Small Business Program Representations (Nov 2020)

(a) * * *

Small business concern—

(1) Means a concern, including its affiliates, that is independently owned and operated, not dominant in the field of operation in which it is bidding on Government contracts, and qualified as a small business under the criteria in 13 CFR part 121 and the size standard in paragraph (b) of this provision.

(2) *Affiliates,* as used in this definition, means business concerns, one of whom directly or indirectly controls or has the power to control the others, or a third party or parties control or have the power to control the others. In determining whether affiliation exists, consideration is given to all appropriate factors including common ownership, common management, and contractual relationships. SBA determines affiliation based on the factors set forth at 13 CFR 121.103.

* * * * *

■ 8. Amend section 52.219–6 by revising the date of the clause and paragraph (a) to read as follows:

52.219–6 Notice of Total Small Business Set-Aside.

* * * * *

Notice of Total Small Business Set-Aside (Nov 2020)

(a) *Definition. Small business concern,* as used in this clause—

(1) Means a concern, including its affiliates, that is independently owned and operated, not dominant in the field of operation in which it is bidding on Government contracts, and qualified as a small business under the size standards in this solicitation.

(2) *Affiliates,* as used in paragraph (a)(1) of this clause, means business concerns, one of whom directly or indirectly controls or has the power to control the others, or a third party or parties control or have the power to control the others. In determining whether affiliation exists, consideration is given to all appropriate factors including common ownership, common management, and contractual relationships. SBA determines affiliation based on the factors set forth at 13 CFR 121.103.

* * * * *

■ 9. Amend section 52.219–7 by revising the date of the clause and paragraph (a) to read as follows:

52.219–7 Notice of Partial Small Business Set-Aside.

* * * * *

Notice of Partial Small Business Set-Aside (Nov 2020)

(a) *Definition. Small business concern,* as used in this clause—

(1) Means a concern, including its affiliates, that is independently owned and operated, not dominant in the field of operation in which it is bidding on Government contracts, and qualified as a small business under the size standards in this solicitation.

(2) *Affiliates,* as used in paragraph (a)(1) of this clause, means business concerns, one of whom directly or indirectly controls or has the power to control the others, or a third party or parties control or have the power to control the others. In determining whether affiliation exists, consideration is given to all appropriate factors including common ownership, common management, and contractual relationships. SBA determines affiliation based on the factors set forth at 13 CFR 121.103.

* * * * *

■ 10. Amend section 52.219–28 by—
■ a. Revising the date of the clause; and
■ b. In paragraph (a), revising the definition ''Small business concern''.

The revisions read as follow:

52.219–28 Post-Award Small Business Program Rerepresentation.

* * * * *

Post-Award Small Business Program Rerepresentation (Nov 2020)

(a) * * *

S*mall business concern*—

(1) Means a concern, including its affiliates, that is independently owned and operated, not dominant in the field of operation in which it is bidding on Government contracts, and qualified as a small business under the criteria in 13 CFR part 121 and the size standard in paragraph (d) of this clause. Such a concern is ''not dominant in its field of operation'' when it does not exercise a controlling or major influence on a national basis in a kind of business activity in which a number of business concerns are primarily engaged. In determining whether dominance exists, consideration shall be given to all appropriate factors, including volume of business, number of employees, financial resources, competitive status or position, ownership or control of materials, processes, patents, license agreements, facilities, sales territory, and nature of business activity.

(2) *Affiliates,* as used in this definition, means business concerns, one of whom directly or indirectly controls or has the power to control the others, or a third party or parties control or have the power to control the others. In determining whether affiliation exists, consideration is given to all appropriate factors including common ownership, common management, and contractual relationships. SBA determines affiliation based on the factors set forth at 13 CFR 121.103.

* * * * *

[FR Doc. 2020–21696 Filed 10–22–20; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Part 8

[FAC 2021–02; FAR Case 2019–019; Item III; Docket No. FAR 2019–0019, Sequence No. 1]

RIN 9000–AO02

Federal Acquisition Regulation: Update to Excess Personal Property Procedures

AGENCY: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Final rule.

SUMMARY: DoD, GSA, and NASA are issuing a final rule to amend the Federal Acquisition Regulation (FAR) to update internal Government procedures on how agencies can locate excess personal property and to remove obsolete requirements.

DATES: *Effective:* November 23, 2020.

FOR FURTHER INFORMATION CONTACT: Ms. Mahruba Uddowla, Procurement Analyst, at 703–605–2868, or by email at *mahruba.uddowla@gsa.gov* for clarification of content. For information pertaining to status or publication schedules, contact the Regulatory Secretariat Division at 202–501–4755 or *GSARegSec@gsa.gov.* Please cite FAC 2021–02, FAR Case 2019–019.

SUPPLEMENTARY INFORMATION:

I. Background

DoD, GSA, and NASA are amending the FAR to update internal Government procedures related to excess personal property and to remove obsolete requirements. FAR part 2 defines ''excess personal property'' to mean any personal property under the control of a Federal agency that the agency head determines is not required for its needs or for the discharge of its responsibilities. Excess personal property is a mandatory source of supply for Federal agencies (see FAR 8.002). Agencies are required to satisfy their requirements for supplies from the excess personal property of other agencies, when practicable, before initiating a contract action. This rule updates FAR guidance on obtaining information about available excess personal property to reflect the current processes and sources established by GSA Federal Acquisition Service's Office of Personal Property Management (PPMO), which helps agencies dispose of personal property that is no longer needed and alternately helps agencies acquire this excess personal property.

Federal policy and procedures relating to excess personal property are found in the Federal Management Regulations at 41 CFR part 102–36. FAR subpart 8.1, Excess Personal Property, contains information to ensure the acquisition workforce is aware of the Government's policies on the use of excess personal property and provides the workforce with references to find more information about excess personal property.

FAR subpart 8.1 has not been substantively amended since its original publication in 1983. As a result, the subpart reflects outdated and obsolete procedures, such as agencies having to submit GSA Form 1539, Request for Excess Personal Property, to get information on the availability of excess personal property; the GSA Form 1539 was discontinued in 1997. Similarly, agencies can no longer look at ''reports and samples'' of excess personal property in GSA regional offices or at excess personal property ''catalogs and bulletins'' issued by GSA.

Based on input from the PPMO, FAR subpart 8.1 is amended to reflect current practices for making excess personal property information available to agencies (*i.e.,* GSAXcess®) and how agencies can contact the PPMO.

Specifically, this rule removes references to catalogs and bulletins issued by GSA, the use of a discontinued GSA form, and the ability to the examine reports and samples of excess personal property in GSA regional offices. Instead, the rule identifies the website through which agencies can find information on available excess personal property. Additionally, this rule updates the name of the offices handling excess personal property within GSA and provides a website containing contact information for those offices.

II. Applicability to Contracts at or Below the Simplified Acquisition Threshold (SAT) and for Commercial Items, Including Commercially Available Off-The-Shelf (COTS) Items

This rule simply removes and updates obsolete guidance that is used solely for the internal operating procedures of the Government. This rule does not impose any new requirements on contracts at or below the SAT, or to acquisitions for commercial items, including COTS items.

III. Publication of This Final Rule for Public Comment Is Not Required by Statute

The statutory provision that applies to the publication of the FAR is 41 U.S.C. 1707. Specifically, 41 U.S.C. 1707(a)(1) requires that a procurement policy, regulation, procedure or form (including an amendment or modification thereof) must be published for public comment if it relates to the expenditure of appropriated funds, and has either a significant effect beyond the internal operating procedures of the agency issuing the policy, regulation, procedure, or form, or has a significant cost or administrative impact on contractors or offerors. This final rule is not required to be published for public comment, because DoD, GSA, and NASA are merely removing and updating obsolete information in the FAR that is used solely for the internal operating procedures of the Government.

IV. Executive Orders 12866 and 13563

Executive Orders (E.O.s) 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). E.O. 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This rule is not a significant regulatory action and therefore, this rule was not subject to the review of the Office of Information and Regulatory Affairs under section 6(b) of E.O. 12866. This rule is not a major rule under 5 U.S.C. 804.

V. Executive Order 13771

This final rule is not subject to E.O. 13771, Reducing Regulation and controlling Regulatory Costs, because this rule is not a significant regulatory action under E.O. 12866.

VI. Regulatory Flexibility Act

Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule under 41 U.S.C. 1707(a)(1) (see section III. of this preamble), the analytical requirements of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) are not applicable. Accordingly, no regulatory flexibility analysis is required, and none has been prepared.

VII. Paperwork Reduction Act

This rule does not contain any information collection requirements that require the approval of the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. chapter 35).

List of Subjects in 48 CFR Part 8

Government procurement.

William F. Clark,

Director, Office of Government-wide Acquisition Policy, Office of Acquisition Policy, Office of Government-wide Policy.

Therefore, DoD, GSA, and NASA amend 48 CFR part 8 as set forth below:

PART 8—REQUIRED SOURCES OF SUPPLIES AND SERVICES

■ 1. The authority citation for 48 CFR part 8 continues to read as follows:

Authority: 40 U.S.C. 121(c); 10 U.S.C. chapter 137; and 51 U.S.C. 20113.

8.102 [Amended]

■ 2. Amend section 8.102 by removing the word ''must'' twice and adding ''shall'' in their places, respectively.

■ 3. Revise section 8.103 to read as follows:

8.103 Information on available excess personal property.

Information regarding the availability of excess personal property can be obtained through—

(a) Reviewing and requesting available excess personal property in GSAXcess® (see *https://gsaxcess.gov*); and

(b) Personal contact with GSA or the activity holding the property.

■ 4. Amend section 8.104 by—

■ a. Removing ''102–36.90'' and ''regional office'' and adding ''102–

36.220'' and ''Personal Property Management office'' in their places, respectively.

■ b. Adding a sentence at the end of the section.

The addition reads as follows:

8.104 Obtaining nonreportable property.

* * * Visit *www.gsa.gov/ppmo* for contact information.

[FR Doc. 2020–21697 Filed 10–22–20; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 9, 12, 13, 43, and 52

[FAC 2021–02; FAR Case 2018–021; Item IV; Docket FAR–2019–0031, Sequence No. 1]

RIN 9000–AN79

Federal Acquisition Regulation: Reserve Officer Training Corps and Military Recruiting on Campus

AGENCY: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Final rule.

SUMMARY: DoD, GSA, and NASA are issuing a final rule amending the Federal Acquisition Regulation (FAR) to implement the United States Code section that prohibits the award of certain Federal contracts to institutions of higher education that prohibit Reserve Officer Training Corps units or military recruiting on campus.

DATES: *Effective:* November 23, 2020.

FOR FURTHER INFORMATION CONTACT: Ms. Zenaida Delgado, Procurement Analyst, at 202–969–7207 or *zenaida.delgado@gsa.gov* for clarification of content. For information pertaining to status or publication schedules, contact the Regulatory Secretariat Division at 202–501–4755 or *GSARegSec@gsa.gov.* Please cite FAC 2021–02, FAR Case 2018–021.

SUPPLEMENTARY INFORMATION:

I. Background

DoD, GSA, and NASA published a proposed rule on September 24, 2019, at 84 FR 49974, to implement 10 U.S.C. 983, which prohibits the award of certain Federal contracts with covered funds to institutions of higher education that prohibit Reserve Officer Training Corps (ROTC) units or military recruiting on campus.

''Covered funds'' is defined in 10 U.S.C. 983 to be any funds made available for DoD, Department of Transportation, Department of Homeland Security, or National Nuclear Security Administration of the Department of Energy, the Central Intelligence Agency, or for any department or agency in which regular appropriations are made in the Departments of Labor, Health and Human Services, Education, and Related Agencies Appropriations Act. None of these covered funds may be provided by contract or grant to an institution of higher education (including any sub-element of such institution) that has a policy or practice (regardless of when implemented) that either prohibits, or in effect prevents, the Secretary of Defense from establishing or operating a Senior ROTC at that institution (or any sub-element of that institution); or that either prohibits, or in effect prevents, a student at that institution (or any sub-element of that institution) from enrolling in a ROTC unit at another institution of higher education.

The statute has similar sanctions against these covered funds being provided to an institution of higher education (or any sub-element of an institution) that has a policy or practice (regardless of when implemented) that either prohibits, or in effect prevents, the Secretary of a Military Department or Secretary of Homeland Security from gaining access to campuses, or access to students (who are 17 years of age or older) on campuses, for purposes of military recruiting, where such policy or practice denies the military recruiter access that is at least equal in quality and scope to the access to campuses and students provided to any other employer; or access to information pertaining to the students' names, addresses, telephone listings, dates and places of birth, levels of education, academic majors, degrees received, and the most recent educational institution enrolled in by the student.

The meaning and effect of the term ''equal in quality and scope'' was explained in the U.S. Supreme Court decision in *Rumsfeld* v. *Forum for Academic and Institutional Rights, Inc.,* 126 S. Ct. 1297 (2006). The term means the same access to campus and students provided by the school to any other nonmilitary recruiters or employers receiving the most favorable access. The focus is not on the content of a school's recruiting policy, but instead on the result achieved by the policy and compares the access provided military recruiters to that provided other recruiters. Therefore, compliance with 10 U.S.C. 983 would be considered insufficient if the policy results in a greater level of access for other recruiters than for the military.

The statute provides an exception whereby any Federal funding provided to an institution of higher education or to an individual that is available solely for student financial assistance, related administrative costs, or costs associated with attendance may be used for the purpose for which the funding is provided.

Four respondents submitted comments on the proposed rule.

II. Discussion and Analysis

The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (the Councils) reviewed the public comments in the development of the final rule. A discussion of the comments is provided as follows:

A. Summary of Changes

There are no changes as a result of comments on the proposed rule. Technical changes were made to the proposed rule.

B. Analysis of Public Comments

Comment: All four respondents strongly supported the proposed FAR rule.

Response: Noted.

C. Other Changes

Made technical changes at FAR 9.405–1, 12.503, and 13.005.

Added language at FAR 9.110–4(b) and 43.105(c) to highlight that the prohibition does not apply to acquisitions at or below the simplified acquisition threshold or to acquisitions of commercial items, including commercially available off-the-shelf items.

Included an exception for contractors that have been declared ineligible pursuant to 10 U.S.C. 983 with a pointer reference to FAR 9.110 and 9.405–1(b), at FAR 9.400(b).

Moved the ''Institution of higher education'' definition within the FAR clause at 52.209–14(a) to place the definitions in alphabetical order.

III. Expected Impact of the Final Rule

DoD, GSA, and NASA do not expect a cost impact on the public or institutions of higher learning or on the Government because covered agencies already have regulations in place to address their statutory responsibilities. These agencies and the public will be required to comply with the same requirement, but the requirement will now be located in the FAR.

IV. Applicability to Contracts at or Below the Simplified Acquisition Threshold (SAT) and for Commercial Items, Including Commercially Available Off-The-Shelf (COTS) Items

DoD, GSA, and NASA do not intend to apply the requirements of 10 U.S.C. 983 at or below the simplified acquisition threshold or to contracts for the acquisitions of commercial items.

A. Applicability to Contracts at or Below the Simplified Acquisition Threshold

Section 1905 of title 41 of the United States Code 41 U.S.C. 1905 governs the applicability of laws to contracts or subcontracts in amounts not greater than the simplified acquisition threshold. It is intended to limit the applicability of laws to such contracts or subcontracts. Section 1905 provides that if a provision of law contains criminal or civil penalties, specifically refers to section 1905 and provides that the law shall nevertheless be applicable to contracts or subcontracts below the simplified acquisition threshold, or if the FAR Council makes a written determination that it is not in the best interest of the Federal Government to exempt contracts or subcontracts at or below the simplified acquisition threshold, the law will apply to them. Section 1983 of title 10 does not contain criminal or civil penalties, nor expressly refer to section 1905 of title 41, and the FAR Council does not intend to make the requisite determination. Therefore, this rule does not apply at or below the simplified acquisition threshold.

B. Applicability to Contracts for the Acquisition of Commercial Items, Including COTS Items

Section 1906 of title 41 governs the applicability of laws to contracts for the acquisition of commercial items, and is intended to limit the applicability of laws to contracts for the acquisition of commercial items. Section 1906 provides that if a provision of law contains criminal or civil penalties, specifically refers to section 1906 and provides that it shall nevertheless be applicable to contracts for the procurement of commercial items, or if the FAR Council makes a written determination that it is not in the best interest of the Federal Government to exempt commercial item contracts, the provision of law will apply to contracts for the acquisition of commercial items. Likewise, 41 U.S.C. 1907 governs the applicability of laws to COTS items, and provides the same criteria for determining whether a provision of law applies to COTS items, except that the Administrator for Federal Procurement Policy is charged with making the decision whether it is in the best interest of the Government to apply a provision of law to acquisitions of COTS items in the FAR. As noted above with respect to section 1905, section 983 of title 10 does not impose civil or criminal penalties. Nor does it refer to sections 1906 or 1907 of title 41. The FAR Council and the Administrator for Federal Procurement Policy do not intend to make the requisite determinations. Therefore, this rule does not apply to the acquisition of commercial items, including COTS items. This rule adds 10 U.S.C. 983 to the list at FAR 12.503 of laws inapplicable to contracts for the acquisition of commercial items. The law is not added to the lists at FAR 12.504 (subcontracts) and 12.505 (COTS items), because the clause does not flow down to subcontracts and is already inapplicable to the acquisition of COTS items, because the Federal Government does not buy COTS items from institutions of higher education.

V. Executive Orders 12866 and 13563

Executive Orders (E.O.s) 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). E.O. 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This is not a significant regulatory action and, therefore, not subject to review under section 6(b) of E.O. 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

VI. Executive Order 13771

This rule is not subject to E.O. 13771, Reducing Regulation and Controlling Regulatory Costs, because this rule has a *de minimis* impact on the public (see section III of this preamble).

This rule affects institutions of higher education that receive Federal monies but that do not allow DoD's ROTC and military recruiting on campus. However, the FAR Council is not aware of any institution that currently has such a prohibition in place.

VII. Regulatory Flexibility Act

DoD, GSA, and NASA have prepared a Final Regulatory Flexibility Analysis (FRFA) consistent with the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.* The FRFA is summarized as follows:

This rule is required to implement 10 U.S.C 983, which prohibits the award of certain Federal contracts to institutions of higher education that prohibit ROTC units or military recruiting on campus.

There were no significant issues raised by the public in response to the initial regulatory flexibility analysis.

In Fiscal Year 2017, the Federal Procurement Data System (FPDS) shows that there were 345 awards to small organizations which are institutions of higher education, by the following covered agencies: Department of Defense, Department of Labor, Department of Health and Human Services, Department of Education, Department of Transportation, and Department of Homeland Security. The National Nuclear Security Administration is not included in this number because the Department of Energy does not break out the information. The Central Intelligence Agency is not included because it does not report in FPDS. These small organizations are small entities under the Regulatory Flexibility Act but are not small business concerns. There will not be an impact on an institution of higher education as long as that institution has no policies or practices in place that prohibit ROTC units or military recruiting on campuses. No institution of higher education has been determined by the Secretary of Defense to be ineligible based on this policy.

There are no reporting or recordkeeping requirements. There is a compliance requirement; institutions of higher education which have contracts with covered agencies (defined in the FAR text) must not prohibit ROTC units or military recruiting on campus. This is not a new requirement. No increase in burden is intended.

There are no available alternatives to the rule to accomplish the desired objective of the statute.

Interested parties may obtain a copy of the FRFA from the Regulatory Secretariat Division. The Regulatory Secretariat Division has submitted a copy of the FRFA to the Chief Counsel for Advocacy of the Small Business Administration.

VIII. Paperwork Reduction Act

The rule does not contain any information collection requirements that require the approval of the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. Chapter 35).

List of Subjects in 48 CFR Parts 9, 12, 13, 43, and 52

Government procurement.

William F. Clark,

Director, Office of Government-wide Acquisition Policy, Office of Acquisition Policy, Office of Government-wide Policy.

Therefore, DoD, GSA, and NASA amend 48 CFR parts 9, 12, 13, 43, and 52 as set forth below:

■ 1. The authority citation for 48 CFR parts 9, 12, 13, 43, and 52 continues to read as follows:

Authority: 40 U.S.C. 121(c); 10 U.S.C. chapter 137; and 51 U.S.C. 20113.

PART 9—CONTRACTOR QUALIFICATIONS

■ 2. Add sections 9.110 through 9.110–5 to read as follows:

9.110 Reserve Officer Training Corps and military recruiting on campus.

9.110–1 Definitions.

As used in this section—

Covered agency means—

(1) The Department of Defense;

(2) Any department or agency for which regular appropriations are made in a Department of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act;

(3) The Department of Homeland Security;

(4) The National Nuclear Security Administration of the Department of Energy;

(5) The Department of Transportation; or

(6) The Central Intelligence Agency.

Institution of higher education means an institution that meets the requirements of 20 U.S.C. 1001 and includes all sub-elements of such an institution.

9.110–2 Authority.

This section implements 10 U.S.C. 983.

9.110–3 Policy.

(a) Except as provided in paragraph (b) of this section, 10 U.S.C. 983 prohibits the covered agency from providing funds by contract to an institution of higher education if the Secretary of Defense determines that the institution has a policy or practice that prohibits or in effect prevents—

(1) The Secretary of a military department from maintaining, establishing, or operating a unit of the Senior Reserve Officer Training Corps (ROTC) at that institution;

(2) A student at that institution from enrolling in a unit of the Senior ROTC at another institution of higher education;

(3) The Secretary of a military department or the Secretary of Homeland Security from gaining access to campuses, or access to students (who are 17 years of age or older) on campuses, for purposes of military recruiting in a manner that is at least equal in quality and scope to the access to campuses and to students that is provided to any other employer; or

(4) Military recruiters from accessing certain information pertaining to students (who are 17 years of age or older) enrolled at that institution:

(i) Name, address, and telephone listings.

(ii) Date and place of birth, educational level, academic majors, degrees received, and the most recent educational institution enrolled in by the student.

(b) The prohibition in paragraph (a) of this section does not apply to an institution of higher education if the Secretary of Defense determines that—

(1) The institution has ceased the policy or practice described in paragraph (a) of this section; or

(2) The institution has a long-standing policy of pacifism based on historical religious affiliation.

9.110–4 Procedures.

If the Secretary of Defense determines, pursuant to the procedures at 32 CFR part 216, that an institution of higher education is ineligible to receive funds from a covered agency because of a policy or practice described in 9.110–3—

(a) The Secretary of Defense will create an active exclusion record for the institution in the System for Award Management; and

(b) A covered agency shall not solicit offers from, award contracts to, or consent to subcontracts with the institution. The prohibition in this paragraph (b) does not apply to acquisitions at or below the simplified acquisition threshold or to acquisitions of commercial items, including commercially available off-the-shelf items.

9.110–5 Contract clause.

The contracting officer shall insert the clause at 52.209–14, Reserve Officer Training Corps and Military Recruiting on Campus, in solicitations and contracts that are expected to exceed the simplified acquisition threshold, with institutions of higher education, when using funds from a covered agency. The clause is not prescribed for solicitations and contracts using part 12 for the acquisition of commercial items.

■ 3. Amend section 9.400 by revising paragraph (b) to read as follows:

9.400 Scope of subpart.

* * * * *

(b) Although this subpart does cover the listing of ineligible contractors (9.404) and the effect of this listing (9.405(b)), it does not prescribe policies and procedures governing declarations of ineligibility except for contractors that have been declared ineligible pursuant to 10 U.S.C. 983 (see 9.110, and 9.405–1(b)).

9.405 [Amended]

■ 4. Amend section 9.405 by removing from paragraph (a) ''(*see* 9.405–1(b)'' and adding ''(see 9.405–1(a)(2)'' in its place.

■ 5. Revise section 9.405–1 to read as follows:

9.405–1 Continuation of current contracts.

(a) *Contractors debarred, suspended, or proposed for debarment.* (1) Notwithstanding the debarment, suspension, or proposed debarment of a contractor, agencies may continue contracts or subcontracts in existence at the time the contractor was debarred, suspended, or proposed for debarment unless the agency head directs otherwise. A decision as to the type of termination action, if any, to be taken should be made only after review by agency contracting and technical personnel and by counsel to ensure the propriety of the proposed action.

(2) For contractors debarred, suspended, or proposed for debarment, unless the agency head makes a written determination of the compelling reasons for doing so, ordering activities shall not—

(i) Place orders exceeding the guaranteed minimum under indefinite quantity contracts;

(ii) Place orders under Federal Supply Schedule contracts, blanket purchase agreements, or basic ordering agreements; or

(iii) Add new work, exercise options, or otherwise extend the duration of current contracts or orders.

(b) *Ineligible contractors.* A covered agency, as defined in 9.110–1, shall terminate existing contracts and shall not place new orders or award new contracts with contractors that have been declared ineligible pursuant to 10 U.S.C. 983 (see 9.110), except for contracts at or below the simplified acquisition threshold or contracts for the acquisition of commercial items.

PART 12—ACQUISITION OF COMMERCIAL ITEMS

■ 6. Amend section 12.503 by revising paragraphs (a)(1) through (9) to read as follows:

12.503 Applicability of certain laws to Executive agency contracts for the acquisition of commercial items.

(a) * * *

(1) 10 U.S.C. 983, Institutions of Higher Education that Prevent ROTC Access or Military Recruiting on Campus: Denial of Grants and Contracts from Department of Defense, Department of Education, and Certain Other Departments and Agencies (see 9.110).

(2) 31 U.S.C. 1354(a), Limitation on Use of Appropriated Funds for Contracts with Entities Not Meeting Veterans' Employment Reporting Requirements (see 22.1302).

(3) 41 U.S.C. 1708(e)(3), Minimum Response Time for Offers (see 5.203).

(4) 41 U.S.C. 2303(b), Policy on Personal Conflicts of Interest by Contractor Employees (see subpart 3.11).

(5) 41 U.S.C. 3901(b) and 10 U.S.C. 2306(b), Contingent Fees (see 3.404).

(6) 41 U.S.C. 4706(d)(1) and 10 U.S.C. 2313(c)(1), GAO Access to Contractor Employees, section 871 of Public Law 110–417 (see 52.214–26 and 52.215–2).

(7) 41 U.S.C. chapter 65, Contracts for Materials, Supplies, Articles, and Equipment Exceeding $10,000 (see subpart 22.6).

(8) 41 U.S.C. chapter 81, Drug-Free Workplace (see 23.501).

(9) Section 806(a)(3) of Public Law 102–190, as amended by sections 2091 and 8105 of Public Law 103–355 (10 U.S.C. 2302 note), Payment Protections for Subcontractors and Suppliers (see 28.106–6).

* * * * *

PART 13—SIMPLIFIED ACQUISITION PROCEDURES

■ 7. Amend section 13.005 by revising paragraph (a) to read as follows:

13.005 List of laws inapplicable to contracts and subcontracts at or below the simplified acquisition threshold.

(a) The following laws are inapplicable to all contracts and subcontracts (if otherwise applicable to subcontracts) at or below the simplified acquisition threshold pursuant to 41 U.S.C. 1905:

(1) 10 U.S.C. 983, Institutions of Higher Education that Prevent ROTC Access or Military Recruiting on Campus: Denial of Grants and Contracts from Department of Defense, Department of Education, and Certain Other Departments and Agencies (see 9.110).

(2) 10 U.S.C. 2306(b) and 41 U.S.C. 3901(b) (contract clause regarding contingent fees).

(3) 10 U.S.C. 2313 and 41 U.S.C. 4706 (authority to examine books and records of (contractors).

(4) 10 U.S.C. 2402 and 41 U.S.C. 4704 (prohibition on limiting subcontractors direct sales to the United States).

(5) 15 U.S.C. 631 note (HUBZone Act of 1997), except for 15 U.S.C. 657a(b)(2)(B), which is optional for the agencies subject to the requirements of the Act.

(6) 22 U.S.C. 2593e, Measures Against Persons Involved in Activities that Violate Arms Control Treaties or Agreements with the United States. (The requirement at 22 U.S.C. 2593e(c)(3)(B) to provide a certification does not apply.)

(7) 31 U.S.C. 1354(a), Limitation on Use of Appropriated Funds for Contracts with Entities Not Meeting Veterans' Employment Reporting Requirements (see 22.1302).

(8) 41 U.S.C. 8102(a)(1) (Drug-Free Workplace), except for individuals.

* * * * *

PART 43—CONTRACT MODIFICATIONS

■ 8. Amend section 43.105 by adding paragraph (c) to read as follows:

43.105 Availability of funds.

* * * * *

(c) In accordance with 10 U.S.C. 983, do not provide funds by contract or contract modification, or make contract payments, to an institution of higher education that has a policy or practice of hindering Senior Reserve Officer Training Corps units or military recruiting on campus as described at 9.110. The prohibition in this paragraph (c) does not apply to acquisitions at or below the simplified acquisition threshold or to acquisitions of commercial items, including commercially available off-the-shelf items.

PART 52—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

■ 9. Add section 52.209–14 to read as follows

52.209–14 Reserve Officer Training Corps and Military Recruiting on Campus.

As prescribed in 9.110–5, insert the following clause:

Reserve Officer Training Corps and Military Recruiting on Campus (Nov 2020)

(a) *Definitions.* As used in this clause—

Covered agency means—

(1) The Department of Defense;

(2) Any department or agency for which regular appropriations are made in a Department of Labor, Health and Human Services; and Education, and Related Agencies Appropriations Act;

(3) The Department of Homeland Security;

(4) The National Nuclear Security Administration of the Department of Energy;

(5) The Department of Transportation; or

(6) The Central Intelligence Agency.

Institution of higher education means an institution that meets the requirements of 20 U.S.C. 1001 and includes all sub-elements of such an institution.

(b) *Limitation on contract award.* Except as provided in paragraph (c) of this clause, an institution of higher education is ineligible for contract award if the Secretary of Defense determines that the institution has a policy or practice (regardless of when implemented) that prohibits or in effect prevents—

(1) The Secretary of a military department from maintaining, establishing, or operating a unit of the Senior Reserve Officer Training Corps (ROTC) at that institution (or any sub-element of that institution);

(2) A student at that institution (or any sub-element of that institution) from enrolling in a unit of the Senior ROTC at another institution of higher education;

(3) The Secretary of a military department or the Secretary of Homeland Security from gaining access to campuses, or access to students (who are 17 years of age or older) on campuses, for purposes of military recruiting; or

(4) Military recruiters from accessing, for purposes of military recruiting, the following information pertaining to students (who are 17 years of age or older) enrolled at that institution:

(i) Name, address, and telephone listings.

(ii) Date and place of birth, educational level, academic majors, degrees received, and the most recent educational institution enrolled in by the student.

(c) *Exception.* The limitation in paragraph (b) of this clause does not apply to an institution of higher education if the Secretary of Defense determines that—

(1) The institution has ceased the policy or practice described in paragraph (b) of this clause; or

(2) The institution has a long-standing policy of pacifism based on historical religious affiliation.

(d) Notwithstanding any other clause of this contract, if the Secretary of Defense determines that the institution has violated the contract in paragraph (b) of this clause—

(1) The institution will be ineligible for further payments under this and any other contracts with this agency and any other covered agency, except for contracts at or below the simplified acquisition threshold or contracts for the acquisition of commercial items; and

(2) The Government will terminate this contract for default for the institution's material failure to comply with the terms and conditions of award.

(End of clause)

[FR Doc. 2020–21698 Filed 10–22–20; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 10 and 12

[FAC 2021–02; FAR Case 2020–006; Item V; Docket No. FAR–2020–0006, Sequence No. 1]

RIN 9000–AO09

Federal Acquisition Regulation: Documentation of Market Research

AGENCY: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Final rule.

SUMMARY: DoD, GSA, and NASA are issuing a final rule amending the Federal Acquisition Regulation (FAR) to implement a section of the National Defense Authorization Act for Fiscal Year 2020 that requires the head of the agency to document the results of market research in a manner appropriate to the size and complexity of the acquisition.

DATES: *Effective:* November 23, 2020.

FOR FURTHER INFORMATION CONTACT: Ms. Camara Francis, Procurement Analyst, at 202–550–0935 or *camara.francis@gsa.gov* for clarification of content. For information pertaining to status or publication schedules, contact the Regulatory Secretariat Division at 202–501–4755. Please cite FAC 2021–02, FAR Case 2020–006.

SUPPLEMENTARY INFORMATION:

I. Background

DoD, GSA, and NASA are issuing a final rule to implement section 818 of the National Defense Authorization Act for Fiscal Year 2020 (Pub. L. 116–92). Section 818 amends 10 U.S.C. 2377(c) and 41 U.S.C. 3307(d) to require the head of the agency to document the results of market research in a manner appropriate to the size and complexity of the acquisition.

II. Discussion and Analysis

Paragraph (e) of FAR 10.002 currently states that agencies should document the results of market research in a manner appropriate to the size and complexity of the acquisition. The change will make this mandatory. Conforming changes were made to FAR 12.101.

III. Publication of This Final Rule for Public Comment Is Not Required by Statute

The statutory provision that applies to the publication of the FAR is 41 U.S.C. 1707. Specifically, 41 U.S.C. 1707(a)(1) requires that a procurement policy, regulation, procedure or form (including an amendment or modification thereof) must be published for public comment if it relates to the expenditure of appropriated funds, and has either a significant effect beyond the internal operating procedures of the agency issuing the policy, regulation, procedure or form, or has a significant cost or administrative impact on contractors or offerors. This final rule is not required to be published for public comment, because it addresses agency documentation of market research. These requirements affect only the internal operating procedures of the Government.

IV. Executive Orders 12866 and 13563

Executive Orders (E.O.s) 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). E.O. 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This is not a significant regulatory action and, therefore, was not subject to review under Section 6(b) of E.O. 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

V. Executive Order 13771

This rule is not subject to E.O. 13771, because this rule is not a significant regulatory action under E.O. 12866.

VI. Regulatory Flexibility Act

Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule under 41 U.S.C. 1707(a)(1) (see section III. of this preamble), the analytical requirements of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) are not applicable. Accordingly, no regulatory flexibility analysis is required, and none has been prepared.

VII. Paperwork Reduction Act

The rule does not contain any information collection requirements that require the approval of the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. chapter 35).

List of Subjects in 48 CFR Parts 10 and 12

Government procurement.

William F. Clark,

Director, Office of Government-wide Acquisition Policy, Office of Acquisition Policy, Office of Government-wide Policy.

Therefore, DoD, GSA, and NASA amend 48 CFR parts 10 and 12 as set forth below:

■ 1. The authority citation for 48 CFR parts 10 and 12 continues to read as follows:

Authority: 40 U.S.C. 121(c); 10 U.S.C. chapter 137; and 51 U.S.C. 20113.

PART 10—MARKET RESEARCH

10.002 [Amended]

■ 2. Amend section 10.002 by removing from paragraph (e) ''Agencies should'' and adding ''The head of the agency shall'' in its place.

PART 12—ACQUISITION OF COMMERCIAL ITEMS

12.101 [Amended]

■ 3. Amend section 12.101 by removing from the introductory text ''Agencies'' and adding ''The head of the agency'' in its place.

[FR Doc. 2020–21699 Filed 10–22–20; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 12, 29, and 52

[FAC 2021–02; FAR Case 2018–023; Item VI; Docket No. FAR–2018–0023, Sequence No. 1]

RIN 9000–AN81

Federal Acquisition Regulation: Taxes—Foreign Contracts in Afghanistan

AGENCY: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Final rule.

SUMMARY: DoD, GSA, and NASA are issuing a final rule amending the Federal Acquisition Regulation (FAR) to add two new clauses that notify

contractors of requirements relating to Afghanistan taxes or similar charges when contracts are being performed in Afghanistan.

DATES: *Effective:* November 23, 2020.

FOR FURTHER INFORMATION CONTACT: Mr. Kevin Funk, Procurement Analyst, at 202–357–5805 or *kevin.funk@gsa.gov* for clarification of content. For information pertaining to status or publication schedules, contact the Regulatory Secretariat Division at 202–501–4755. Please cite FAC 2021–02, FAR Case 2018–023.

SUPPLEMENTARY INFORMATION:

I. Background

DoD, GSA, and NASA published a proposed rule on September 20, 2019, at 84 FR 49502, to add two new clauses that notify contractors of requirements relating to Afghanistan taxes or similar charges when contracts are being performed in Afghanistan. A correction to the proposed rule was published on October 15, 2019, at 84 FR 55109, to correct the regulation identifier number.

Agreements established with the Islamic Republic of Afghanistan exempt the United States Forces and the North Atlantic Treaty Organization (NATO) Forces, and their contractors from liability for Afghanistan taxes and similar charges (*e.g.,* customs, duties, fees).

The Security and Defense Cooperation Agreement (the Agreement) between the Islamic Republic of Afghanistan and the United States of America was signed on September 30, 2014, and entered into force on January 1, 2015. The Agreement exempts the United States Forces from paying any tax or similar charge assessed by the Government of Afghanistan within Afghanistan. The Agreement exempts United States contractors and subcontractors (other than those that are Afghan legal entities or residents) from paying any tax or similar charges assessed by the Government of Afghanistan within Afghanistan on their activities relating to or on behalf of the United States Forces under a contract or subcontract with or in support of United States Forces. The Agreement also exempts the acquisition, importation, exportation, reexportation, transportation, and use of supplies and services in Afghanistan, by or on behalf of the United States Forces, from any taxes, customs, duties, fees, or similar charges in Afghanistan.

The Status of Forces Agreement (SOFA) between NATO and the Islamic Republic of Afghanistan was issued on September 30, 2014, and entered into force on January 1, 2015. The SOFA exempts NATO Forces (other than those that are Afghan legal entities or residents) from paying any tax or similar charge assessed by the Government of Afghanistan within Afghanistan. The SOFA exempts NATO contractors and subcontractors (other than those that are Afghan legal entities or residents) from paying any tax or similar charge assessed by the Government of Afghanistan within Afghanistan on their activities relating to or on behalf of NATO Forces under a contract or subcontract with or in support of NATO Forces. The SOFA also exempts the acquisition, importation, exportation, reexportation, transportation, and use of supplies and services in Afghanistan from all Afghan taxes, customs, duties, fees, or similar charges.

This rule adds two new clauses that notify contractors of requirements relating to Afghanistan taxes or similar charges when certain contracts are being performed in Afghanistan. Since both agreements are currently effective for contractors operating in Afghanistan, this rule is only notifying contractors about the exemptions from liability for Afghanistan taxes, customs, duties, fees or similar charges. The rule is not adding any new requirements for contractors, however, it is providing unified guidance for contractors performing in Afghanistan.

No public comments were submitted in response to the proposed rule. However, the rule was updated to clarify that both clauses only exempt taxes or similar charges assessed by the Government of Afghanistan.

II. Applicability to Contracts at or Below the Simplified Acquisition Threshold (SAT) and for Commercial Items, Including Commercially Available Off-the-Shelf (COTS) Items

This rule creates two new clauses: (1) FAR 52.229–13, Taxes—Foreign Contracts in Afghanistan, and (2) FAR 52.229–14, Taxes—Foreign Contracts in Afghanistan (North Atlantic Treaty Organization Status of Forces Agreement). The objective of the rule is to notify U.S. Government contractors that certain contracts performed in Afghanistan are exempt from payment liability for Afghan taxes, customs, duties, fees or similar charges pursuant to the Agreement and SOFA.

DoD, GSA, and NASA are applying these two clauses to applicable solicitations and contracts below the SAT and to the acquisition of commercial items, including COTS items, as defined at FAR 2.101. This rule clarifies the application of requirements relating to treatment of Afghan taxes, customs, duties, fees or similar charges for contracts performed in Afghanistan. Not applying these clauses to contracts below the SAT and for the acquisition of commercial items, including COTS items, would exclude contracts intended to be covered by this rule and undermine the overarching purpose of the rule for providing guidance to all applicable contractors. Consequently, DoD, GSA, and NASA are applying the rule to applicable contracts below the SAT and for the acquisition of applicable commercial items, including COTS items.

III. Executive Orders 12866 and 13563

Executive Orders (E.O.s) 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). E.O. 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This rule is not a significant regulatory action and, therefore, is not subject to review under section 6(b) of E.O. 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

IV. Executive Order 13771

This rule is not subject to E.O. 13771, because this rule is not a significant regulatory action under E.O. 12866.

V. Regulatory Flexibility Act

DoD, GSA, and NASA have prepared a Final Regulatory Flexibility Analysis (FRFA) consistent with the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.* The FRFA is summarized as follows:

DoD, GSA, and NASA are issuing a final rule amending the Federal Acquisition Regulation (FAR) to add two new clauses that notify contractors of requirements relating to Afghanistan taxes, customs, duties, fees, or similar charges when certain contracts are being performed in Afghanistan.

The Agreement between the Islamic Republic of Afghanistan and the U.S. Government exempts the U.S. Forces, and their contractors and subcontractors (other than those that are Afghan legal entities or residents), from paying any tax or similar charge assessed on activities associated with contracts performed within Afghanistan.

The Status of Forces Agreement (SOFA) between the North Atlantic Treaty Organization (NATO) and the Islamic Republic of Afghanistan exempts NATO Forces and their contractors and subcontractors (other than those that are Afghan legal entities or residents) from paying any tax or similar charge assessed within Afghanistan.

The objective is to notify contractors of both the Agreement and SOFA to clarify how they apply to contracts performed in Afghanistan.

There were no issues raised by the public in response to the Initial Regulatory Flexibility Analysis provided in the proposed rule.

According to data in the Federal Procurement Data System, the Government awarded an annual average of 4,277 contracts for fiscal years 2017 and 2018 with the principal place of performance in Afghanistan to 444 unique contractors annually, of which 488 contracts were awarded annually to 110 unique small businesses (23 percent). There was an average of 488 contracts with the principal place of performance in Afghanistan awarded annually to small businesses in fiscal years 2017 and 2018. There was an average of 3,789 contracts with the principal place of performance in Afghanistan awarded annually to large businesses. The number of potential subcontractors to which the clause would flow down was calculated by using a ratio of 1:3, subcontractors per prime contract (4,277 annual prime contracts). This equates to 1,426 subcontractors, of which DoD, GSA, and NASA estimate that 75 percent would be small entities (*i.e.,* 1,069). The total number of prime contractor and subcontractor small businesses impacted annually is 1,577.

The final rule does not include additional reporting, record keeping requirements, or other compliance requirements.

There are no available alternatives to the final rule to accomplish the desired objective of the statute.

We do not expect this final rule to have a significant economic impact on a substantial number of small entities, because the rule is not implementing any new requirements with which small entities must comply. Also, small entities will benefit from having one governmentwide clause that identifies the current requirements relating to Afghanistan taxes or similar charges when contracts are being performed in Afghanistan.

Interested parties may obtain a copy of the FRFA from the Regulatory Secretariat Division. The Regulatory Secretariat Division has submitted a copy of the FRFA to the Chief Counsel for Advocacy of the Small Business Administration.

VI. Paperwork Reduction Act

This rule does not contain any information collection requirements that require the approval of the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. chapter 35).

List of Subjects in 48 CFR Parts 12, 29, and 52

Government procurement.

William F. Clark

Director, Office of Government-wide Acquisition Policy, Office of Acquisition Policy, Office of Government-wide Policy.

Therefore, DoD, GSA, and NASA amend 48 CFR parts 12, 29, and 52 as set forth below:

■ 1. The authority citation for 48 CFR parts 12, 29, and 52 continues to read as follows:

Authority: 40 U.S.C. 121(c); 10 U.S.C. chapter 137; and 51 U.S.C. 20113.

PART 12—ACQUISITION OF COMMERCIAL ITEMS

■ 2. Amend section 12.301 by redesignating paragraph (d)(13) as paragraph (d)(15) and adding a new paragraph (d)(13) and paragraph (d)(14) to read as follows:

12.301 Solicitation provisions and contract clauses for the acquisition of commercial items.

* * * * *

(d) * * *

(13) Insert the clause at 52.229–13, Taxes—Foreign Contracts in Afghanistan, as prescribed in 29.402–4(a).

(14) Insert the clause at 52.229–14, Taxes—Foreign Contracts in Afghanistan (North Atlantic Treaty Organization Status of Forces Agreement), as prescribed in 29.402–4(b).

* * * * *

PART 29—TAXES

■ 3. Add section 29.001 to read as follows:

29.001 Definitions.

As used in this part—

North Atlantic Treaty Organization (NATO) Forces means the Members of the Force, Members of the Civilian Component, NATO Personnel and all property, equipment, and materiel of NATO, NATO Member States, and Operational Partners present in the territory of Afghanistan.

U.S. Forces means the entity comprising the members of the force and of the civilian component, and all property, equipment, and materiel of the United States Armed Forces present in the territory of Afghanistan.

■ 4. Add section 29.402–4 to read as follows:

29.402–4 Taxes—Foreign Contracts in Afghanistan.

(a) Use the clause at 52.229–13, Taxes—Foreign Contracts in Afghanistan, in solicitations and contracts with performance in Afghanistan awarded by or on behalf of U.S. Forces, unless the clause at 52.229–14 is used.

(b) Use the clause at 52.229–14, Taxes—Foreign Contracts in Afghanistan (North Atlantic Treaty Organization Status of Forces Agreement), instead of the clause at 52.229–13, Taxes—Foreign Contracts in Afghanistan, in solicitations and contracts with performance in Afghanistan awarded on behalf of or in support of the North Atlantic Treaty Organization (NATO), which are governed by the NATO Status of Forces Agreement (SOFA).

PART 52—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

■ 5. Add sections 52.229–13 and 52.229–14 to read as follows:

52.229–13 Taxes—Foreign Contracts in Afghanistan.

As prescribed in 29.402–4(a), use the following clause:

Taxes—Foreign Contracts in Afghanistan (Nov 2020)

(a) *Definition. U.S. Forces,* as used in this clause, means the entity comprising the members of the force and of the civilian component, and all property, equipment, and materiel of the United States Armed Forces present in the territory of Afghanistan.

(b) *Tax exemption.* This acquisition is covered by the Security and Defense Cooperation Agreement (the Agreement) between the Islamic Republic of Afghanistan (Afghanistan) and the United States of America signed on September 30, 2014, and entered into force on January 1, 2015.

(1) The Agreement exempts the United States Government, and its contractors and subcontractors (other than those that are Afghan legal entities or residents), from paying any tax or similar charge assessed by the Government of Afghanistan on activities associated with this contract within Afghanistan if the activities are on behalf of or in support of U.S. Forces. The Agreement also exempts the acquisition, importation, exportation, reexportation, transportation, and use of supplies and services in Afghanistan, on behalf of or in support of U.S. Forces, from any taxes, customs, duties, fees, or similar charges imposed by the Government of Afghanistan.

(2) The Contractor shall exclude any Afghan taxes, customs, duties, fees, or similar charges from the contract price, other than those charged to Afghan legal entities or residents.

(3) The Agreement does not exempt Afghan employees of Government contractors and subcontractors from Afghan tax laws. To the

extent required by Afghan law, the Contractor shall withhold tax from the wages of these employees and remit those payments to the appropriate Afghan taxing authority. These withholdings are an individual's liability, not a tax against the Contractor.

(c) *Subcontracts.* The Contractor shall include the substance of this clause, including this paragraph (c), in all subcontracts, including subcontracts for commercial items.

(End of clause)

52.229–14 Taxes—Foreign Contracts in Afghanistan (North Atlantic Treaty Organization Status of Forces Agreement).

As prescribed in 29.402–4(b), use the following clause:

Taxes—Foreign Contracts in Afghanistan (North Atlantic Treaty Organization Status of Forces Agreement) (Nov 2020)

(a) *Definition. North Atlantic Treaty Organization (NATO) Forces,* as used in this clause, means the Members of the Force, Members of the Civilian Component, NATO Personnel and all property, equipment, and materiel of NATO, NATO Member States, and Operational Partners present in the territory of Afghanistan.

(b) *Tax exemption.* This acquisition is covered by the Status of Forces Agreement (SOFA) entered into between NATO and the Islamic Republic of Afghanistan (Afghanistan) issued on September 30, 2014, and entered into force on January 1, 2015.

(1) The SOFA exempts NATO Forces and its contractors and subcontractors (other than those that are Afghan legal entities or residents) from paying any tax or similar charge assessed by the Government of Afghanistan within Afghanistan if the activities are on behalf of or in support of NATO Forces. The SOFA also exempts the acquisition, importation, exportation, reexportation, transportation, and use of supplies and services in Afghanistan on behalf of or in support of NATO Forces from all Afghan taxes, customs, duties, fees, or similar charges.

(2) The Contractor shall exclude any Afghan taxes, customs, duties, fees or similar charges from the contract price, other than those charged to Afghan legal entities or residents.

(3) Afghan citizens employed by NATO contractors and subcontractors are subject to Afghan tax laws. To the extent required by Afghan law, the Contractor shall withhold tax from the wages of these employees and remit those withholdings to the appropriate Afghan taxing authority. These withholdings are an individual's liability, not a tax against the Contractor.

(c) *Subcontracts.* The Contractor shall include the substance of this clause, including this paragraph (c), in all subcontracts including subcontracts for commercial items.

(End of clause)

[FR Doc. 2020–21700 Filed 10–22–20; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 22 and 52

[FAC 2021–02; FAR Case 2019–002; Item VII; Docket No. FAR 2019–0004, Sequence No. 1]

RIN 9000–AN85

Federal Acquisition Regulation: Recreational Services on Federal Lands

AGENCY: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Final rule.

SUMMARY: DoD, GSA, and NASA are issuing a final rule to amend the Federal Acquisition Regulation (FAR) to implement a Department of Labor (DOL) rule, which exempts certain contracts for seasonal recreational services or seasonal recreational equipment rental for the general public on Federal lands from an Executive order on minimum wage. This rule does not change the extent to which contractors can be used to assist Federal agencies with providing services on Federal lands. This rule only changes the extent to which minimum wages are required for applicable Federal contracts.

DATES: *Effective:* November 23, 2020.

FOR FURTHER INFORMATION CONTACT: Mr. Kevin Funk, Procurement Analyst, at 202–357–5805 or *kevin.funk@gsa.gov* for clarification of content. For information pertaining to status or publication schedules, contact the Regulatory Secretariat Division at 202–501–4755. Please cite FAC 2021–02, FAR Case 2019–002.

SUPPLEMENTARY INFORMATION:

I. Background

DoD, GSA, and NASA published a proposed rule on October 21, 2019, at 84 FR 56157, to amend the FAR to implement a DOL final rule, Minimum Wage for Contractors; Updating Regulations To Reflect Executive Order 13838, published in the **Federal Register** at 83 FR 48537 on September 26, 2018.

The DOL rule implemented Executive Order (E.O.) 13838, Exemption From Executive Order 13658 for Recreational Services on Federal Lands (May 25, 2018, published June 1, 2018, 83 FR 25341), which exempted certain contracts and contract-like instruments from the requirements of E.O. 13658, Establishing a Minimum Wage for Contractors. E.O. 13658 raised the hourly minimum wage paid to workers performing on or in connection with covered Federal contracts to: (i) $10.10 per hour, beginning January 1, 2015; and (ii) beginning January 1, 2016, and annually thereafter, an amount determined by the Secretary of Labor in accordance with the E.O. As of January 1, 2020, E.O. 13658 raised minimum wage to $10.80 per hour (84 FR 49345).

E.O. 13838 and DOL's implementing regulation exempt contracts or contract-like instruments entered into with the Federal Government in connection with seasonal recreational services or seasonal recreational equipment rental for the general public on Federal lands from the requirements of E.O. 13658; lodging and food services are not exempted.

The purpose of this rule is to make a conforming change in the FAR. This rule implements E.O. 13838 by amending FAR 22.1903(b)(2) and FAR clause 52.222–55(c)(2) to conform to the DOL rule by adding seasonal recreational services or seasonal recreational equipment rental for the general public on Federal lands to the list of exemptions.

Eighteen respondents provided comments in response to the proposed rule.

II. Discussion and Analysis

The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (the Councils) reviewed the public comments in the development of the final rule. A discussion of the comments and the changes made to the rule as a result of those comments are provided as follows:

A. Changes to Rule

A new definition for ''seasonal recreational equipment rental'' was added to provide additional clarity within the rule. An additional conforming editorial change was also made within the FAR clause at 52.222–55.

B. Analysis of Public Comments

1. Support for the Rule

Comment: One respondent expressed support for the rule.

Response: Noted.

2. Legal Sufficiency of Rule

Comment: Two respondents stated the rule was illegal or would violate E.O. 13658.

Response: This rule exempts certain contracts and contract-like instruments from the requirements of E.O. 13658 as directed by E.O. 13838. An Executive order may revise, narrow, or augment a policy established under a prior Executive order as long as the new Executive order does not conflict with the U.S. Constitution or current statutory law. This regulation is legally sufficient.

3. Opposition to the Rule

Comment: Several respondents expressed general opposition to the rule.

Response: The purpose of this rule is to make a conforming change in the FAR. This rule implements E.O. 13838 by amending FAR 22.1903(b)(2) and FAR clause 52.222–55(c)(2) to conform to the DOL rule by adding seasonal recreational services or seasonal recreational equipment rental for the general public on Federal lands to the list of exemptions.

4. Scope of Rule

Comment: Several respondents stated the rule would privatize the National Parks.

Response: This rule does not change the extent to which contractors can be used to assist Federal agencies with providing services on Federal lands. Nor does it alter any inherently governmental responsibility vested in the Federal Government. Contractors have been used by Federal agencies for many years to assist with providing superior and efficient services on Federal lands. This rule only changes the extent to which minimum wages are required for Federal contracts under E.O. 13658.

III. Applicability to Contracts at or Below the Simplified Acquisition Threshold (SAT) and for Commercial Items, Including Commercially Available Off-the-Shelf (COTS) Items

This rule does not add any new provisions or clauses. The rule does not change the applicability of existing provisions or clauses to contracts at or below the SAT and contracts for the acquisition of commercial items, including COTS items. The FAR clause at 52.222–55, Minimum Wages Under Executive Order 13658, is prescribed for use in contracts valued at or below the SAT and for the acquisition of commercial items. Under this rule, acquisitions below the SAT or for commercial items involving seasonal recreational services or seasonal recreational equipment rental for the general public on Federal lands would be exempt from FAR clause 52.222–55. Lodging and food services are not exempted.

IV. Executive Orders 12866 and 13563

E.O.s 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). E.O. 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This rule is not a significant regulatory action, and therefore, was not subject to review under section 6(b) of E.O. 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

V. Executive Order 13371

This rule is not subject to E.O. 13771, Reducing Regulation and Controlling Regulatory Costs, because the rule is not a significant regulatory action under E.O. 12866.

VI. Regulatory Flexibility Act

DoD, GSA, and NASA have prepared a Final Regulatory Flexibility Analysis (FRFA) consistent with the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.* The FRFA is summarized as follows:

This rule is required to implement a DOL rule dated September 26, 2018, which implemented E.O. 13838, Exemption from Executive Order 13658 for Recreational Services on Federal Lands (May 25, 2018, published June 1, 2018, 83 FR 25341). E.O. 13838 made contracts or contract-like instruments entered into with the Federal Government in connection with seasonal recreational services or seasonal recreational equipment rental for the general public on Federal lands exempt from the minimum wage requirements under E.O. 13658, dated February 12, 2014; lodging and food services are not exempted.

The objective of this rule is to make a conforming change in the FAR to conform to the DOL rule to implement E.O. 13838. This rule provides a conforming amendment to FAR 22.1903(b)(2)(iii) and FAR clause 52.222–55(c)(2)(ii) to conform to the DOL rule by adding seasonal recreational services or seasonal recreational equipment rental for the general public on Federal lands to the list of exemptions. Lodging and food services are not exempted. The legal basis for these changes is E.O. 13838.

There were no significant issues raised by the public comments in response to the initial regulatory flexibility analysis.

This rule is not expected to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.,* because the rule only applies to contracts for seasonal recreational services or seasonal recreational equipment rental.

Lodging and food services are not exempted. On average for fiscal years 2016–2018, there were 229 awards reported on an annual basis in the Federal Procurement Data System (FPDS) for seasonal recreational services and seasonal recreational equipment rental, of which 153 were awarded to small business entities. The FPDS data could not isolate which of the awards were for services or rentals on Federal lands, so the average number of awards for seasonal recreational services or seasonal recreational equipment rental to the general public on Federal lands could be even lower. Furthermore, this rule is expected to have a beneficial impact on small businesses as it relaxes the burden on small businesses.

There are no reporting, recordkeeping, or other compliance requirements on any small entities in this rule. The rule does not duplicate, overlap or conflict with any other Federal rules.

DoD, GSA, and NASA were unable to identify any alternatives to the rule which would reduce the impact on small entities and still meet the requirements of the statute.

Interested parties may obtain a copy of the FRFA from the Regulatory Secretariat Division. The Regulatory Secretariat Division has submitted a copy of the FRFA to the Chief Counsel for Advocacy of the Small Business Administration.

VII. Paperwork Reduction Act

The rule does not contain any information collection requirements that require the approval of the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. chapter 35).

List of Subjects in 48 CFR Parts 22 and 52

Government procurement.

William F. Clark,

Director, Office of Government-wide Acquisition Policy, Office of Acquisition Policy, Office of Government-wide Policy.

Therefore, DoD, GSA, and NASA amend 48 CFR parts 22 and 52 as set forth below:

■ 1. The authority citation for 48 CFR parts 22 and 52 continues to read as follows:

Authority: 40 U.S.C. 121(c); 10 U.S.C. chapter 137; and 51 U.S.C. 20113.

PART 22—APPLICATION OF LABOR LAWS TO GOVERNMENT ACQUISITIONS

■ 2. Amend section 22.1901 by—
■ a. Revising the section heading;
■ b. Adding introductory text and, in alphabetical order, the definitions ''Seasonal recreational equipment rental'' and ''Seasonal recreational services''; and

■ c. In the definition ''Worker,'' removing from the introductory text '', as used in this subpart,''.

The revision and additions read as follows:

22.1901 Definitions.

As used in this subpart—

Seasonal recreational equipment rental means any equipment rental in connection with seasonal recreational services.

Seasonal recreational services means services that include river running, hunting, fishing, horseback riding, camping, mountaineering activities, recreational ski services, and youth camps.

* * * * *

■ 3. Amend section 22.1903 by—

■ a. Removing the period at the end of paragraph (b)(2)(ii)(C) and adding ''; or'' in its place; and

■ b. Adding paragraph (b)(2)(iii).

The addition reads as follows:

22.1903 Applicability.

* * * * *

(b) * * *

(2) * * *

(iii) Seasonal recreational services or seasonal recreational equipment rental for the general public on Federal lands, except for lodging and food services associated with seasonal recreational services, in accordance with Executive Order 13838, Exemption from Executive Order 13658 for Recreational Services on Federal Lands (3 CFR, 2018 Comp., p. 831), as implemented by the U.S. Department of Labor regulations at 29 CFR 10.4(g).

* * * * *

PART 52—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

■ 4. Amend section 52.212–5 by—

■ a. Revising the date of the clause;

■ b. Removing from paragraph (c)(7) ''(DEC 2015)'' and adding ''(NOV 2020)'' in its place;

■ c. Removing from paragraph (e)(1)(xvii) ''(DEC 2015)'' and adding ''(NOV 2020)'' in its place; and

■ d. In Alternate II:

■ i. Revising the date of the alternate; and

■ ii. Removing from paragraph (e)(1)(ii)(P) ''(DEC 2015)'' and adding ''(NOV 2020)'' in its place.

The revisions read as follows:

52.212–5 Contract Terms and Conditions Required To Implement Statutes or Executive Orders—Commercial Items.

* * * * *

Contract Terms and Conditions Required To Implement Statutes or Executive Orders—Commercial Items (Nov 2020)

* * * * *

Alternate II (NOV 2020). * * *

* * * * *

■ 5. Amend section 52.213–4 by—

■ a. Revising the date of the clause;

■ b. Removing from paragraph (a)(2)(viii) ''(AUG 2020)'' and adding ''(NOV 2020).'' in its place; and

■ c. Removing from paragraph (b)(1)(ix) ''(DEC 2015)'' and adding ''(NOV 2020)'' in its place.

The revision reads as follows:

52.213–4 Terms and Conditions—Simplified Acquisitions (Other Than Commercial Items)

* * * * *

Terms and Conditions—Simplified Acquisitions (Other Than Commercial Items) (Nov 2020)

* * * * *

■ 6. Amend section 52.222–55 by—

■ a. Revising the date of the clause;

■ b. Adding to paragraph (a), in alphabetical order, the definitions ''Seasonal recreational equipment rental'' and ''Seasonal recreational services'';

■ c. In paragraph (c)(2)(ii)(A), removing the period at the end of the sentence and adding a semicolon in its place;

■ d. In paragraph (c)(2)(ii)(B), removing the period at the end of the sentence and adding ''; and'' in its place;

■ e. In paragraph (c)(2)(ii)(C), removing the period at the end of the sentence and adding ''; or'' in its place; and

■ f. Adding paragraph (c)(2)(iii).

The revision and additions read as follows:

52.222–55 Minimum Wages Under Executive Order 13658.

* * * * *

Minimum Wages Under Executive Order 13658 (Nov 2020)

(a) * * *

''Seasonal recreational equipment rental'' means any equipment rental in connection with seasonal recreational services.

''Seasonal recreational services'' means services that include: river running, hunting, fishing, horseback riding, camping, mountaineering activities, recreational ski services, and youth camps.

* * * * *

(c) * * *

(2) * * *

(iii) Seasonal recreational services or seasonal recreational equipment rental for the general public on Federal lands, except for lodging and food services associated with seasonal recreational services, in accordance with Executive Order 13838, Exemption from Executive Order 13658 for Recreational Services on Federal Lands (3 CFR, 2018 Comp., p. 831), as implemented by the U.S. Department of Labor regulations at 29 CFR 10.4(g).

* * * * *

■ 7. Amend section 52.244–6 by—

■ a. Revising the date of the clause; and

■ b. Removing from paragraph (c)(1)(xv) ''(DEC 2015)'' and adding ''(NOV 2020)'' in its place.

The revision reads as follows:

52.244–6 Subcontracts for Commercial Items.

* * * * *

Subcontracts for Commercial Items (Nov 2020)

* * * * *

[FR Doc. 2020–21701 Filed 10–22–20; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 4, 52, and 53

[FAC 2021–02; Item VIII; Docket No. FAR–2020–0052; Sequence No. 3]

Federal Acquisition Regulation; Technical Amendments

AGENCY: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Final rule.

SUMMARY: This document makes amendments to the Federal Acquisition Regulation (FAR) in order to make needed editorial changes.

DATES: *Effective:* November 23, 2020.

FOR FURTHER INFORMATION CONTACT: Ms. Lois Mandell, Regulatory Secretariat Division (MVCB), at 202–501–4755 or *GSARegSec@gsa.gov.* Please cite FAC 2021–02, Technical Amendments.

SUPPLEMENTARY INFORMATION: In order to update certain elements in 48 CFR parts 4, 52, and 53 this document makes editorial changes to the FAR.

List of Subjects in 48 CFR Parts 4, 52, and 53

Government procurement.

William F. Clark,

Director, Office of Government-wide Acquisition Policy, Office of Acquisition Policy, Office of Government-wide Policy.

Therefore, DoD, GSA, and NASA amend 48 CFR parts 4, 52, and 53 as set forth below:

■ 1. The authority citation for 48 CFR parts 4, 52, and 53 continues to read as follows:

Authority: 40 U.S.C. 121(c); 10 U.S.C. chapter 137; and 51 U.S.C. 20113.

PART 4—ADMINISTRATIVE AND INFORMATION MATTERS

4.2102 [Amended]

■ 2. Amend section 4.2102 in paragraph (a) introductory text by removing ''Prohibited equipment, systems, or services'' and adding ''*Prohibited equipment, systems, or services*'' in its place.

PART 52—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

■ 3. Amend section 52.213–4 by—
■ a. Revising the date of the clause; and
■ b. Removing from paragraph (b)(1)(xiv) introductory text ''(DEC 2007)'' and adding ''(MAY 2020)'' in its place.

The revision reads as follows:

52.213–4 Terms and Conditions—Simplified Acquisitions (Other Than Commercial Items).

* * * * *

Terms and Conditions—Simplified Acquisitions (Other Than Commercial Items) (Nov 2020)

* * * * *

■ 4. Amend section 52.252–5 by—
■ a. Removing from the introductory text ''$(*DEVIATION*)'' and adding ''(DEVIATION)'' in its place;
■ b. Revising the date of provision; and
■ c. Removing from paragraphs (a) and (b) ''$(*DEVIATION*)'' and adding ''(DEVIATION)'' in its place.

The revision reads as follows:

52.252–5 Authorized Deviations in Provisions.

* * * * *

Authorized Deviations in Provisions (Nov 2020)

* * * * *

■ 5. Amend section 52.252–6 by—
■ a. Removing from the introductory text ''$(*DEVIATION*)'' and adding ''(DEVIATION)'' in its place;
■ b. Revising the date of clause; and
■ c. Removing from paragraphs (a) and (b) ''$(*DEVIATION*)'' and adding ''(DEVIATION)'' in its place.

The revision reads as follows:

52.252–6 Authorized Deviations in Clauses.

* * * * *

Authorized Deviations in Clauses (Nov 2020)

* * * * *

PART 53—FORMS

53.228 [Amended]

■ 6. Amend section 53.228 by removing from paragraphs (h), (i), and (j) ''28.202–1(a)(4)'' and adding ''28.202(a)(4)'' in its place.

[FR Doc. 2020–21702 Filed 10–22–20; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Chapter 1

[Docket No. FAR–2020–0051, Sequence No. 7]

Federal Acquisition Regulation; Federal Acquisition Circular 2021–02; Small Entity Compliance Guide

AGENCY: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Small Entity Compliance Guide.

SUMMARY: This document is issued under the joint authority of DOD, GSA, and NASA. This *Small Entity Compliance Guide* has been prepared in accordance with section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996. It consists of a summary of the rules appearing in Federal Acquisition Circular (FAC) 2021–02, which amends the Federal Acquisition Regulation (FAR). Interested parties may obtain further information regarding these rules by referring to FAC 2021–02, which precedes this document.

DATES: October 23, 2020.

ADDRESSES: The FAC, including the SECG, is available via the internet at *https://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: For clarification of content, contact the analyst whose name appears in the table below. Please cite FAC 2021–02 and the FAR Case number. For information pertaining to status or publication schedules, contact the Regulatory Secretariat Division at 202–501–4755 or *GSARegSec@gsa.gov.* An asterisk (*) next to a rule indicates that a regulatory flexibility analysis has been prepared.

RULE LISTED IN FAC 2021–02

Item	Subject	FAR case	Analyst
I	Removal of FAR Appendix	2020–003	Boyer.
II	Removal of Obsolete Definitions	2020–002	Uddowla.
III	Update to Excess Personal Property Procedures	2019–019	Uddowla.
IV*	Reserve Officer Training Corps and Military Recruiting on Campus	2018–021	Delgado.
V	Documentation of Market Research	2020–006	Francis.
VI*	Taxes—Foreign Contracts in Afghanistan	2018–023	Funk.
VII*	Recreational Services on Federal Lands	2019–002	Funk.
VIII	Technical Amendments.		

SUPPLEMENTARY INFORMATION: Summaries for each FAR rule follow. For the actual revisions and/or amendments made by these FAR rules, refer to the specific item numbers and subjects set forth in the documents following these item summaries. FAC 2021–02 amends the FAR as follows:

Item I—Removal of FAR Appendix (FAR Case 2020–003)

This final rule removes FAR references to the FAR appendix and the FAR looseleaf. The FAR appendix at an earlier time contained a copy of the Cost

Accounting Standards Board regulations. These remain available at 48 CFR chapter 99. There is no effect on small entities. The FAR loose-leaf version is now published online at *https://www.acquisition.gov*. It is no longer published as a paper loose-leaf version.

Item II—Removal of Obsolete Definitions (FAR Case 2020–002)

This final rule amends the FAR to remove the definitions of the terms ''annual receipts'' and ''number of employees'' in FAR 19.101. The Small Business Administration (SBA) published a final rule at 84 FR 66561 on December 5, 2019, amending its regulations to update these terms in 13 CFR part 121 as part of SBA's implementation of the Small Business Runway Extension Act of 2018. The definitions in FAR 19.101 conflict with SBA's revised regulation and are not needed in the FAR as these terms relate to determinations made by SBA, not contracting officers. In addition, this final rule moves the definition of ''affiliates,'' as used with regard to small business size determination, to appropriate locations in the FAR.

Item III—Update to Excess Personal Property Procedures (FAR Case 2019–019)

This final rule amends the FAR to update internal Government procedures on how agencies can locate excess personal property and to remove obsolete requirements. Specifically, this rule removes references to catalogs and bulletins issued by GSA, the use of a discontinued GSA form, and the ability to the examine reports and samples of excess personal property in GSA regional offices. Instead, the rule identifies the website through which agencies can find information on available excess personal property. Additionally, this rule updates the name of the offices handling excess personal property within GSA and provides a website containing contact information for those offices.

Item IV—Reserve Officer Training Corps and Military Recruiting on Campus (FAR Case 2018–021)

This final rule implements 10 U.S.C. 983, which prohibits the award of certain Federal contracts to institutions of higher education that prohibit Reserve Officer Training Corps (ROTC) units or military recruiting on campus.

This final rule will not have a significant economic impact on a substantial number of small entities.

Item V—Documentation of Market Research (FAR Case 2020–006)

This final rule amends the FAR to implement section 818 of the National Defense Authorization Act for Fiscal Year 2020, which requires the head of the agency to document the results of market research in a manner appropriate for the size and complexity of the acquisition.

Item VI—Taxes—Foreign Contracts in Afghanistan (FAR Case 2018–023)

This final rule amends the FAR to add two new clauses that notify contractors of requirements relating to Afghanistan taxes or similar charges when contracts are being performed in Afghanistan. Agreements established with the Islamic Republic of Afghanistan exempt the United States Forces and the North Atlantic Treaty Organization (NATO) Forces, and their contractors from liability for Afghanistan taxes and similar charges (*e.g.,* customs, duties, fees). These clauses were previously in the Defense Federal Acquisition Regulation Supplement and are now elevated to the FAR to eliminate the need for agency unique supplemental regulations and ensure unified guidance among the affected agencies consistent with the purpose of the FAR.

Item VII—Recreational Services on Federal Lands (FAR Case 2019–002)

This final rule amends FAR 22.1903(b)(2) and FAR clause 52.222–55(c)(2) to conform to a Department of Labor rule by adding seasonal recreational services or seasonal recreational equipment rental for the general public on Federal lands under contracts or contract-like instruments entered into with the Federal Government, to the list of exemptions from the requirements of Executive Order 13658, Establishing a Minimum Wage for Contractors. The current minimum wage is $10.80 per hour. Lodging and food services are not exempted. Both rules implement Executive Order 13838, Exemption from Executive Order 13658 for Recreational Services on Federal Lands.

Item VIII—Technical Amendments

Editorial changes are made at FAR 4.2102, 52.213–4, 52.252–5, 52.252–6, and 53.228.

William F. Clark,

Director, Office of Government-wide Acquisition Policy, Office of Acquisition Policy, Office of Government-wide Policy.

[FR Doc. 2020–21703 Filed 10–22–20; 8:45 am]

BILLING CODE 6820–14–P

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S. 2661/P.L. 116–172
National Suicide Hotline Designation Act of 2020 (Oct. 17, 2020; 134 Stat. 832)

H.R. 4779/P.L. 116–173
To extend the Undertaking Spam, Spyware, And Fraud Enforcement With Enforcers beyond Borders Act of 2006, and for other purposes. (Oct. 20, 2020; 134 Stat. 837)

S. 294/P.L. 116–174
Native American Business Incubators Program Act (Oct. 20, 2020; 134 Stat. 839)

S. 832/P.L. 116–175
To nullify the Supplemental Treaty Between the United States of America and the Confederated Tribes and Bands of Indians of Middle Oregon, concluded on November 15, 1865. (Oct. 20, 2020; 134 Stat. 848)

H.R. 1812/P.L. 116–176
Vet Center Eligibility Expansion Act (Oct. 20, 2020; 134 Stat. 849)

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