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Contents

Federal Register

Vol. 85, No. 209

Wednesday, October 28, 2020

Reader Aids

Consult the Reader Aids section at the end of this issue for phone numbers, online resources, finding aids, and notice of recently enacted public laws.

To subscribe to the Federal Register Table of Contents electronic mailing list, go to https://public.govdelivery.com/accounts/USGPOOFR/subscriber/new, enter your e-mail address, then follow the instructions to join, leave, or manage your subscription.

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

10 CFR
Ch. I 68243

12 CFR
3 68243
50 68243
217 68243
249 68243
324 68243
329 68243

14 CFR

Proposed Rules:
39 (2 documents) 68255, 68257

19 CFR

Proposed Rules:
111 68260

26 CFR
1 68249

33 CFR
100 68250
165 68252

40 CFR

Proposed Rules:
52 68268

47 CFR

Proposed Rules:
73 68282

48 CFR

Proposed Rules:
227 68283
252 68283

Rules and Regulations

Federal Register
Vol. 85, No. 209
Wednesday, October 28, 2020

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

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

NUCLEAR REGULATORY COMMISSION

10 CFR Chapter I

[NRC–2020–0125]

RIN 3150–AK48

Miscellaneous Corrections

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule, correction.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is correcting a final rule that appeared in the **Federal Register** on October 16, 2020. The NRC is amending its regulations to make miscellaneous corrections. These changes include redesignating footnotes, correcting references, typographical errors, nomenclature, titles, email addresses, and contact information. This action is necessary to correct an error that appeared in Instruction 8 of the final rule.

DATES: This correction is effective on November 16, 2020.

ADDRESSES: Please refer to Docket ID NRC–2020–0125 when contacting the NRC about the availability of information for this action. You may obtain publicly-available information related to this action by any of the following methods:

- *Federal Rulemaking Website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2020–0125. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov.*
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents Collection at *https://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''*Begin Web-based ADAMS Search.*'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *PDR.Resource@nrc.gov.*
- *Attention:* The Public Document Room (PDR), where you may examine and order copies of public documents is currently closed. You may submit your request to the PDR via email at *PDR.Resource@nrc.gov* or call 1–800–397–4209 between 8:00 a.m. and 4:00 p.m. (EST), Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Jill Shepherd, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–1230, email: *Jill.Shepherd@nrc.gov.*

SUPPLEMENTARY INFORMATION: The NRC is correcting FR Doc. 20–21148, a final rule that published in the **Federal Register** on October 16, 2020 (85 FR 65656).

■ On page 65661, second column, sixth paragraph, revise Instruction 8, to read as follows ''In § 20.1906, revise the introductory text of paragraph (d) to read as follows:''.

Dated October 19, 2020.

For the Nuclear Regulatory Commission.

Cindy K. Bladey,

Chief, Regulatory Analysis and Rulemaking Support Branch, Division of Rulemaking, Environmental, and Financial Support, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 2020–23520 Filed 10–27–20; 8:45 am]

BILLING CODE 7590–01–P

DEPARTMENT OF TREASURY

Office of the Comptroller of the Currency

12 CFR Parts 3 and 50

[Docket ID OCC–2020–0017]

RIN 1557–AE89; 1557–AE90; 1557–AE92]

FEDERAL RESERVE SYSTEM

12 CFR Parts 217 and 249

[Docket Nos. R–1711; 1712; and 1717]

RIN 7100–AF85; 7100–AF86: 7100–AF90

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Parts 324 and 329

RIN 3064–AF41; 3064–AF49; 3064–AF51

Treatment of Certain Emergency Facilities in the Regulatory Capital Rule and the Liquidity Coverage Ratio Rule

AGENCY: The Office of the Comptroller of the Currency, Department of the Treasury; the Board of Governors of the Federal Reserve System; and the Federal Deposit Insurance Corporation.

ACTION: Final rule.

SUMMARY: The Office of the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, and the Federal Deposit Insurance Corporation are adopting as final the revisions to the regulatory capital rule and the liquidity coverage ratio (LCR) rule made under three interim final rules published in the **Federal Register** on March 23, April 13, and May 6, 2020. The agencies are adopting these interim final rules as final with no changes. Under this final rule, banking organizations may continue to neutralize the regulatory capital effects of participating in the Money Market Mutual Fund Liquidity Facility (MMLF) and the Paycheck Protection Program Liquidity Facility (PPPLF), and are required to continue to neutralize the LCR effects of participating in the MMLF and the PPPLF. In addition, Paycheck Protection Program loans will receive a zero percent risk weight under the agencies' regulatory capital rules.

DATES: The final rule is effective December 28, 2020.

FOR FURTHER INFORMATION CONTACT:

OCC: Andrew Tschirhart, Risk Expert, Capital and Regulatory Policy, (202) 649–6370; James Weinberger, Technical Expert, Treasury & Market Risk Policy, (202) 649–6360; Henry Barkhausen, Counsel, Kevin Korzeniewski, Counsel, Rima Kundnani, Senior Attorney, or Daniel Perez, Senior Attorney, Chief Counsel's Office, (202) 649–5490, for persons who are deaf or hearing impaired, TTY, (202) 649–5597, Office of the Comptroller of the Currency, 400 7th Street SW, Washington, DC 20219.

Board: Anna Lee Hewko, Associate Director, (202) 530–6360; Constance M. Horsley, Deputy Associate Director, (202) 452–5239; Juan Climent, Assistant Director, (202) 872–7526; Kathryn Ballintine, Manager, (202) 452–2555; Kevin Littler, Lead Financial Institution Policy Analyst, (202) 475–6677; Devyn Jeffereis, Senior Financial Institution Policy Analyst, (202) 365–2467; or Brendan Rowan, Senior Financial Institution Policy Analyst, (202) 475–6685, Division of Supervision and Regulation; or Benjamin W. McDonough, Assistant General Counsel, (202) 452–2036; David W. Alexander, Senior Counsel, (202) 452–2877; Steve Bowne, Senior Counsel, (202) 452–3900; Jason Shafer, Senior Counsel, (202) 728–5811; Laura Bain, Counsel (202) 736–5546; or Jeffery Zhang, Attorney, (202) 736–1968, Legal Division, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue NW, Washington, DC 20551. Users of Telecommunication Device for the Deaf (TDD) only, call (202) 263–4869.

FDIC: Bobby R. Bean, Associate Director, *bbean@fdic.gov;* Benedetto Bosco, Chief, Capital Policy Section, *bbosco@fdic.gov;* Noah Cuttler, Senior Policy Analyst, *ncuttler@fdic.gov;* Eric Schatten, Senior Policy Analyst, *eschatten@fdic.gov;* Andrew Carayiannis, Senior Policy Analyst, *acarayiannis@fdic.gov; regulatorycapital@fdic.gov;* Capital Markets Branch, Division of Risk Management Supervision, (202) 898–6888; or Michael Phillips, Counsel, *mphillips@fdic.gov;* Catherine Wood, Counsel, *cawood@fdic.gov;* Sue Dawley, Counsel, *sudawley@fdic.gov;* Gregory Feder, Counsel, *gfeder@fdic.gov;* Andrew B. Williams, II, Counsel, *andwilliams@fdic.gov;* Supervision and Legislation Branch, 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.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Background

In light of recent disruptions in economic conditions caused by the outbreak of the coronavirus disease 2019 and the stress in U.S. financial markets, the Board of Governors of the Federal Reserve System (Board), with the approval of the U.S. Secretary of the Treasury, established certain liquidity facilities pursuant to section 13(3) of the Federal Reserve Act.[1]

In order to prevent disruptions in the money markets from destabilizing the financial system, the Board authorized the Federal Reserve Bank of Boston to establish the Money Market Mutual Fund Liquidity Facility (MMLF). Under the MMLF, the Federal Reserve Bank of Boston may extend non-recourse loans to eligible borrowers to purchase assets from money market mutual funds. Assets purchased from money market mutual funds are posted as collateral to the Federal Reserve Bank of Boston.

In order to provide liquidity to small business lenders and the broader credit markets, and to help stabilize the financial system, the Board authorized each of the Federal Reserve Banks to extend credit under the Paycheck Protection Program Liquidity Facility (PPPLF).[2] Under the PPPLF, each of the Federal Reserve Banks may extend non-recourse loans to institutions that are eligible to make Paycheck Protection Program (PPP) covered loans as defined in section 7(a)(36) of the Small Business Act.[3] Under the PPPLF, only PPP covered loans that are guaranteed by the Small Business Administration (SBA) with respect to both principal and accrued interest and that are originated by an eligible institution may be pledged as collateral to the Federal Reserve Banks. The maturity date of the extension of credit under the PPPLF equals the maturity date of the PPP covered loans pledged to secure the extension of credit.[4]

Eligible borrowers from the MMLF and PPPLF and holders of PPP covered loans include banking organizations supervised by the Office of the Comptroller of the Currency (OCC), the Board, and the Federal Deposit Insurance Corporation (FDIC) (together, the agencies) that are subject to the agencies' regulatory capital rule (capital rule)[5] and that may be subject to the liquidity coverage ratio (LCR) rule.[6] To facilitate the use of the MMLF and the PPPLF, the agencies adopted three interim final rules (interim final rules) to address the capital treatment of participation in the MMLF (MMLF capital interim final rule),[7] the capital treatment of participation in the PPPLF (PPPLF capital interim final rule),[8] and the LCR treatment of participation in the

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

[2] The Paycheck Protection Program Liquidity Facility was previously known as the Paycheck Protection Program Lending Facility.

[3] Congress created the PPP as part of the Coronavirus Aid, Relief, and Economic Security Act and in recognition of the exigent circumstances faced by small businesses. PPP covered loans are fully guaranteed as to principal and accrued interest by the Small Business Administration (SBA) and also afford borrower forgiveness up to the principal amount and accrued interest of the PPP covered loan, if the proceeds of the PPP covered loan are used for certain expenses. Under the PPP, eligible borrowers generally include businesses with fewer than 500 employees or that are otherwise considered to be small by the SBA. The SBA reimburses PPP lenders for any amount of a PPP covered loan that is forgiven. In general, PPP lenders are not held liable for any representations made by PPP borrowers in connection with a borrower's request for PPP covered loan forgiveness. For more information on the Paycheck Protection Program, see *https://www.sba.gov/funding-programs/loans/coronavirus-relief-options/paycheck-protection-program-ppp.*

[4] The maturity date of the loan made under the PPPLF will be accelerated if the underlying PPP covered loan goes into default and the eligible borrower sells the PPP covered loan to the Small Business Administration (SBA) to realize the SBA guarantee. The maturity date of the loan made under the PPPLF also will be accelerated to the extent of any PPP covered loan forgiveness reimbursement received by the eligible borrower from the SBA.

[5] Banking organizations subject to the capital rule include national banks, state member banks, state nonmember banks, savings associations, and top-tier bank holding companies and savings and loan holding companies domiciled in the United States not subject to the Board's Small Bank Holding Company Policy Statement (12 CFR part 225, appendix C), but exclude certain savings and loan holding companies that are substantially engaged in insurance underwriting or commercial activities or that are estate trusts, and bank holding companies and savings and loan holding companies that are employee stock ownership plans. *See* 12 CFR part 3 (OCC); 12 CFR part 217 (Board); and 12 CFR part 324 (FDIC).

[6] *See* 12 CFR part 50 (OCC); 12 CFR part 249 (Board); and 12 CFR part 329 (FDIC).

[7] 85 FR 16232 (Mar. 23, 2020).

[8] 85 FR 20387 (Apr. 13, 2020).

MMLF and the PPPLF (LCR interim final rule),[9] respectively.

A. Capital Rule

The capital rule requires banking organizations to comply with risk-based and leverage capital requirements, which are expressed as a ratio of regulatory capital to assets and certain other exposures. Risk-based capital requirements are based on risk-weighted assets, whereas leverage capital requirements are based on a measure of average total consolidated assets or total leverage exposure. Participation in the MMLF or the PPPLF affects the balance sheet of a banking organization. To participate in the MMLF, a banking organization must acquire and hold assets (that is, eligible collateral pledged to the Federal Reserve Bank of Boston) on its balance sheet. Similarly, to participate in the PPPLF, a banking organization must hold PPP covered loans on its balance sheet. As a result, without the agencies' issuance of the MMLF capital and PPPLF capital interim final rules, a banking organization that participates in either facility could have been required to maintain increased regulatory capital.

B. LCR Rule

The LCR rule requires covered companies [10] to calculate and maintain an amount of high-quality liquid assets (HQLA) sufficient to cover their total net cash outflows over a 30-day stress period. A covered company's LCR is the ratio of its HQLA amount divided by its total net cash outflow amount. The total net cash outflow amount is calculated as the difference between outflow and inflow amounts, which are determined by applying a standardized set of outflow and inflow rates to the cash flows of various assets and liabilities, together with off-balance sheet items, as specified in sections __.32 and __.33 of the LCR rule.[11]

Absent changes to the LCR rule, covered companies would have been required to recognize outflows for MMLF and PPPLF advances with a remaining maturity of 30 days or less and inflows for certain assets securing the MMLF and PPPLF advances. As a result, a covered company's participation in the MMLF or PPPLF could have affected its total net cash outflow amount, which potentially could have resulted in an inconsistent, unpredictable, and more volatile calculation of LCR requirements across covered companies.

II. Overview of the Interim Final Rules and Public Comments

A. MMLF Capital Interim Final Rule

On March 23, 2020, the agencies published in the **Federal Register** the MMLF capital interim final rule to neutralize the regulatory capital effect of participation in the MMLF. The MMLF capital interim final rule permits a banking organization to exclude exposures acquired as part of the MMLF from the banking organization's total leverage exposure, average total consolidated assets, advanced approaches total risk-weighted assets, and standardized total risk-weighted assets, as applicable. Because of the non-recourse nature of the Federal Reserve Bank of Boston's extension of credit to the banking organization, the organization is not exposed to credit or market risk from the assets purchased by the banking organization and pledged to the Federal Reserve Bank of Boston. The MMLF capital interim final rule reflects the agencies' determination that, prior to the MMLF capital interim final rule, the leverage and risk-based capital requirements in place in the capital rule for the assets acquired by a banking organization as part of the MMLF did not reflect the substantial protections provided to the organization by the Federal Reserve Bank of Boston in connection with the facility.

B. PPPLF Capital Interim Final Rule

On April 13, 2020, the agencies published in the **Federal Register** the PPPLF capital interim final rule to neutralize the regulatory capital effect of participation in the PPPLF. The PPPLF capital interim final rule permits a banking organization to exclude exposures pledged as collateral to the PPPLF from the banking organization's total leverage exposure, average total consolidated assets, advanced approaches total risk-weighted assets, and standardized total risk-weighted assets, as applicable. Because of the non-recourse nature of each Federal Reserve Bank's extension of credit to the banking organization, the banking organization is not exposed to credit or market risk from the pledged PPP covered loans. The PPPLF capital interim final rule reflects the agencies' determination that, prior to the PPPLF capital interim final rule, the regulatory capital requirements in place in the capital rule for PPP covered loans pledged by a banking organization to a Federal Reserve Bank as part of the PPPLF did not reflect the substantial protections from risk provided to the banking organization in connection with the facility.

Additionally, the PPPLF capital interim final rule provides that a banking organization must apply a zero percent risk weight to PPP covered loans, as required by Section 1102 of the Coronavirus Aid, Relief, and Economic Security (CARES) Act. A banking organization must apply a zero percent risk weight to PPP covered loans regardless of whether they are pledged under the PPPLF.

C. LCR Interim Final Rule

On May 6, 2020, the agencies published in the **Federal Register** the LCR interim final rule to require a banking organization subject to the LCR rule to neutralize the effect on its LCR of participation in the MMLF and PPPLF. The LCR interim final rule requires a covered company to neutralize the LCR effects of the advances made by the MMLF and PPPLF together with the assets securing these advances. Specifically, the LCR interim final rule adds a new definition to the LCR rule for ''Covered Federal Reserve Facility Funding'' to identify MMLF and PPPLF advances separately from other secured funding transactions under the LCR rule. The LCR interim final rule requires outflow amounts associated with Covered Federal Reserve Facility Funding and inflow amounts associated with the assets securing this funding to be excluded from a covered company's total net cash outflow amount under the LCR rule.[12]

Advances from the MMLF and PPPLF facilities are non-recourse and the maturity of the advance generally aligns with the maturity of the collateral. Accordingly, a covered company is not exposed to credit or market risk from the collateral securing the MMLF or PPPLF advance that could otherwise affect the banking organization's ability to settle the loan and generally can use the value of cash received from the collateral to repay the advances at

[9] 85 FR 26835 (May 6, 2020).

[10] The applicability of the LCR rule is described in 12 CFR 50.1 (OCC); 12 CFR 249.1 (Board); and 12 CFR 329.1 (FDIC).

[11] *See* 12 CFR 50.32 and 50.33 (OCC); 12 CFR 249.32 and 249.33 (Board); and 12 CFR 329.32 and 329.33 (FDIC). Section __.30 of the LCR rule also requires a covered company, as applicable, to include in its total net cash outflow amount a maturity mismatch add-on, which is calculated as the difference (if greater than zero) between the covered company's largest net cumulative maturity outflow amount for any of the 30 calendar days following the calculation date and the net day 30 cumulative maturity outflow amount. *See* 12 CFR 50.30 (OCC); 12 CFR 249.30 (Board); and 12 CFR 329.30 (FDIC).

[12] *See* 12 CFR 50.34 (OCC); 12 CFR 249.34 (Board); and 12 CFR 329.34 (FDIC). Section __.34 does not apply to the extent the covered company secures Covered Federal Reserve Facility Funding with securities, debt obligations, or other instruments issued by the covered company or its consolidated entity.

maturity. For these reasons, the agencies issued the LCR interim final rule to better align the treatment of these advances and collateral under the LCR rule with the liquidity risk associated with funding exposures through these facilities, and to ensure consistent and predictable treatment of covered companies' participation in the facilities under the LCR rule.

D. Public Comments

Comments on the MMLF Capital Interim Final Rule

The agencies received two comment letters, from a trade association and an advocacy organization, addressing the MMLF capital interim final rule. These commenters supported the agencies' actions to encourage banking organizations' participation in the emergency lending facility. One commenter recommended broader considerations for money market mutual fund reform that are outside the scope of this rulemaking.

Comments on the PPPLF Capital Interim Final Rule

The agencies received 14 comment letters from industry participants, advocacy groups, trade associations, and individuals addressing the PPPLF interim final rule. Several commenters expressed support for the agencies' actions under the PPPLF capital interim final rule, and two of these commenters further supported the agencies' determination that good cause existed to issue the interim final rules without notice and comment. Several commenters suggested that the agencies extend the zero percent risk weight to PPP covered loans purchased in secondary markets. The agencies note that, under the PPPLF capital interim final rule, the risk weight for all PPP covered loans is zero percent.

Several commenters asserted that the PPPLF capital interim final rule should extend the leverage exclusion to PPP covered loans that are not pledged to the PPPLF, arguing that the treatment could discourage banking organizations that are not using the PPPLF from making PPP covered loans. Notwithstanding these arguments, the agencies are adopting as final the PPPLF capital interim final rule. The CARES Act set the risk weight of these loans at zero percent and did not exclude these loans from the leverage capital requirements. The favorable leverage capital treatment in the PPPLF capital interim final rule reflects the non-recourse nature of the relevant Federal Reserve Bank's extension of credit to a banking organization only for PPP covered loans pledged by a banking organization to a Federal Reserve Bank.

Comments on the LCR Interim Final Rule

The agencies received one comment letter, from a trade association, on the LCR interim final rule. The commenter supported the requirements under the LCR interim final rule, arguing that the requirements encourage participation in the facilities, which ultimately provides benefits to small businesses, households, and investors.

III. Summary of the Final Rule

For the reasons discussed above, the agencies are adopting as final the revisions to the capital and LCR rules unchanged from the interim final rules. Accordingly, a banking organization may continue to exclude assets acquired as part of the MMLF and PPP covered loans pledged under the PPPLF from its total leverage exposure, average total consolidated assets, advanced approaches total risk-weighted assets, and standardized total risk-weighted assets, as applicable (and for purposes of the community bank leverage ratio).[13] Further, a banking organization must continue to apply a zero percent risk weight to all PPP covered loans that are not pledged to the PPPLF (regardless of whether the banking organization originated the loan). In addition, a banking organization subject to the LCR rule is required to continue excluding from its total net cash outflow amount outflow amounts associated with advances from the MMLF and PPPLF and inflow amounts associated with collateral securing the advances.

IV. Administrative Law Matters

A. Congressional Review Act

For purposes of the Congressional Review Act, the Office of Management and Budget (OMB) makes a determination as to whether a final rule constitutes a ''major'' rule.[14] If a rule is deemed a ''major rule'' by the OMB, the Congressional Review Act generally provides that the rule may not take effect until at least 60 days following its publication.[15]

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.[16]

As required by the Congressional Review Act, the agencies will submit the final rule and other appropriate reports to Congress and the Government Accountability Office for review.

B. Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3521) (PRA) states that no agency may conduct or sponsor, nor is the respondent required to respond to, an information collection unless it displays a currently valid OMB control number. This final rule does not contain any information collection requirements. However, in connection with the interim final rules, the Board temporarily revised the Financial Statements for Holding Companies (FR Y–9 reports; OMB No. 7100–0128) and the Complex Institution Liquidity Monitoring Report (FR 2052a; OMB No. 7100–0361) and invited comment on proposals to extend those collections of information for three years, with revision.[17]

Additionally, in connection with the interim final rules, the agencies made revisions to the Call Reports (OCC OMB Control No. 1557–0081; Board OMB Control No. 7100–0036; FDIC OMB Control No. 3064–0052), the Report of Assets and Liabilities of U.S. Branches and Agencies of Foreign Banks (FFIEC 002; OMB Control No. 7100–0032), and the Regulatory Capital Reporting for Institutions Subject to the Advanced Capital Adequacy Framework (FFIEC 101; OCC OMB Control No. 1557–0239; Board OMB Control No. 7100–0319; FDIC OMB Control No. 3064–0159). The changes to the Call Reports, FFIEC 002, and FFIEC 101 and their related instructions are addressed in a separate **Federal Register** notice.[18]

Current Actions

The Board has extended the FR Y–9 and FR 2052a for three years, with

[13] Assets acquired as part of the MMLF and PPP covered loans pledged to the PPPLF would continue to be included in a bank's measure of total consolidated assets, including for purposes of determining whether a banking organization is a qualifying community banking organization.

[14] 5 U.S.C. 801 *et seq.*

[15] 5 U.S.C. 801(a)(3).

[16] 5 U.S.C. 804(2).

[17] The Board published a separate **Federal Register** notice to make temporary revisions to the FR Y–9 reports in connection with the MMLF Capital Interim Final Rule. 85 FR 19944 (Apr. 9, 2020).

[18] *See* 85 FR 44361 (July 22, 2020).

revision, as originally proposed. The updates to the FR Y–9 and FR 2052a resulted in an estimated zero net change in hourly burden. No public comments were received regarding these proposals under the PRA.

Revision, With Extension, of the Following Information Collections

(1) *Report title:* Financial Statements for Holding Companies.

Agency form numbers: FR Y–9C, FR Y–9LP, FR Y–9SP, FR Y–9ES, and FR Y–9CS.

OMB control number: 7100–0128.

Effective date: December 28, 2020.

Frequency: Quarterly, semiannually, and annually.

Affected public: Businesses or other for-profit.

Respondents: Bank holding companies (BHCs), savings and loan holding companies (SLHCs), securities holding companies (SHCs), and U.S. intermediate holding companies (IHCs) (collectively, holding companies (HCs)).[19]

Estimated number of respondents:

FR Y–9C (non-advanced approaches (AA) HCs community bank leverage ratio (CBLR)) with less than $5 billion in total assets—71,

FR Y–9C (non AA HCs CBLR) with $5 billion or more in total assets—35,

FR Y–9C (non AA HCs non-CBLR) with less than $5 billion in total assets—84,

FR Y–9C (non AA HCs non-CBLR) with $5 billion or more in total assets—154,

FR Y–9C (AA HCs)—19,

FR Y–9LP—434,

FR Y–9SP—3,960,

FR Y–9ES—83,

FR Y–9CS—236.

Estimated average hours per response:

Reporting

FR Y–9C (non AA HCs CBLR) with less than $5 billion in total assets—29.17,

FR Y–9C (non AA HCs CBLR) with $5 billion or more in total assets—35.14,

FR Y–9C (non AA HCs non-CBLR) with less than $5 billion in total assets—41.01,

FR Y–9C (non AA HCs non-CBLR) with $5 billion or more in total assets—46.98,

FR Y–9C (AA HCs)—48.80,

FR Y–9LP—5.27,

FR Y–9SP—5.40,

FR Y–9ES—0.50,

FR Y–9CS—0.50.

Recordkeeping

FR Y–9C—1,

FR Y–9LP—1,

FR Y–9SP—0.50,

FR Y–9ES—0.50,

FR Y–9CS—0.50.

Estimated annual burden hours:

Reporting

FR Y–9C (non AA HCs CBLR) with less than $5 billion in total assets—8,284,

FR Y–9C (non AA HCs CBLR) with $5 billion or more in total assets—4,920,

FR Y–9C (non AA HCs non-CBLR) with less than $5 billion in total assets—13,779,

FR Y–9C (non AA HCs non-CBLR) with $5 billion or more in total assets—28,940,

FR Y–9C (AA HCs)—3,709,

FR Y–9LP—9,149,

FR Y–9SP—42,768,

FR Y–9ES—42,

FR Y–9CS—472.

Recordkeeping

FR Y–9C—1,452,

FR Y–9LP—1,736,

FR Y–9SP—3,960,

FR Y–9ES—42,

FR Y–9CS—472.

General description of report: The FR Y–9C consists of standardized financial statements similar to the Call Reports filed by banks and savings associations. The FR Y–9C collects consolidated data from HCs and is filed quarterly by top-tier HCs with total consolidated assets of $3 billion or more.[20]

The FR Y–9LP, which collects parent company only financial data, must be submitted by each HC that files the FR Y–9C, as well as by each of its subsidiary HCs.[21] The report consists of standardized financial statements.

The FR Y–9SP is a parent company only financial statement filed semiannually by HCs with total consolidated assets of less than $3 billion. In a banking organization with total consolidated assets of less than $3 billion that has tiered HCs, each HC in the organization must submit, or have the top-tier HC submit on its behalf, a separate FR Y–9SP. This report is designed to obtain basic balance sheet and income data for the parent company, and data on its intangible assets and intercompany transactions.

The FR Y–9ES is filed annually by each employee stock ownership plan (ESOP) that is also an HC. The report collects financial data on the ESOP's benefit plan activities. The FR Y–9ES consists of four schedules: A Statement of Changes in Net Assets Available for Benefits, a Statement of Net Assets Available for Benefits, Memoranda, and Notes to the Financial Statements.

The FR Y–9CS is a free-form supplemental report that the Board may utilize to collect critical additional data deemed to be needed in an expedited manner from HCs on a voluntary basis. The data are used to assess and monitor emerging issues related to HCs, and the report is intended to supplement the other FR Y–9 reports. The data items included on the FR Y–9CS may change as needed.

Legal authorization and confidentiality: The Board has the authority to impose the reporting and recordkeeping requirements associated with the FR Y–9 family of reports on BHCs pursuant to section 5 of the Bank Holding Company Act of 1956 (BHC Act) (12 U.S.C. 1844); on SLHCs pursuant to section 10(b)(2) and (3) of the Home Owners' Loan Act (12 U.S.C. 1467a(b)(2) and (3)), as amended by sections 369(8) and 604(h)(2) of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act); on U.S. IHCs pursuant to section 5 of the BHC Act (12 U.S.C. 1844), as well as pursuant to sections 102(a)(1) and 165 of the Dodd-Frank Act (12 U.S.C. 511(a)(1) and 5365); and on SHCs pursuant to section 618 of the Dodd-Frank Act (12 U.S.C. 1850a(c)(1)(A)). The obligation to submit the FR Y–9 series of reports, and the recordkeeping requirements set forth in the respective instructions to each report, are mandatory, except for the FR Y–9CS, which is voluntary.

With respect to the FR Y–9C report, Schedule HI's data item 7(g), ''FDIC deposit insurance assessments,'' Schedule HC–P's data item 7(a), ''Representation and warranty reserves for 1–4 family residential mortgage loans sold to U.S. government agencies and government sponsored agencies,'' and Schedule HC–P's data item 7(b), ''Representation and warranty reserves for 1–4 family residential mortgage loans sold to other parties'' are considered confidential commercial and financial information. Such treatment is appropriate under exemption 4 of the Freedom of Information Act (FOIA) (5 U.S.C. 552(b)(4)) because these data items reflect commercial and financial information that is both customarily and actually treated as private by the submitter, and which the Board has

[19] An SLHC must file one or more of the FR Y–9 family of reports unless it is: (1) A grandfathered unitary SLHC with primarily commercial assets and thrifts that make up less than five percent of its consolidated assets; or (2) a SLHC that primarily holds insurance-related assets and does not otherwise submit financial reports with the SEC pursuant to section 13 or 15(d) of the Securities Exchange Act of 1934.

[20] Under certain circumstances described in the FR Y–9C's General Instructions, HCs with assets under $3 billion may be required to file the FR Y–9C.

[21] A top-tier HC may submit a separate FR Y–9LP on behalf of each of its lower-tier HCs.

previously assured submitters will be treated as confidential. It also appears that disclosing these data items may reveal confidential examination and supervisory information, and in such instances, this information would also be withheld pursuant to exemption 8 of the FOIA (5 U.S.C. 552(b)(8)), which protects information related to the supervision or examination of a regulated financial institution.

In addition, for both the FR Y–9C report, Schedule HC's memorandum item 2.b. and the FR Y–9SP report, Schedule SC's memorandum item 2.b., the name and email address of the external auditing firm's engagement partner, is considered confidential commercial information and protected by exemption 4 of the FOIA (5 U.S.C. 552(b)(4)) if the identity of the engagement partner is treated as private information by HCs. The Board has assured respondents that this information will be treated as confidential since the collection of this data item was proposed in 2004.

Additionally, items on the FR Y–9C, Schedule HC–C for loans modified under Section 4013, data items Memorandum items 16.a, ''Number of Section 4013 loans outstanding''; and Memorandum items 16.b, ''Outstanding balance of Section 4013 loans'' are considered confidential. While the Board generally makes institution-level FR Y–9C report data publicly available, the Board is collecting Section 4013 loan information as part of condition reports for the impacted HCs and the Board considers disclosure of these items at the HC level would not be in the public interest. Such information is permitted to be collected on a confidential basis, consistent with 5 U.S.C. 552(b)(8). In addition, holding companies may be reluctant to offer modifications under Section 4013 if information on these modifications made by each holding company is publicly available, as analysts, investors, and other users of public FR Y–9C report information may penalize an institution for using the relief provided by the CARES Act. The Board may disclose Section 4013 loan data on an aggregated basis, consistent with confidentiality considerations.

Aside from the data items described above, the remaining data items on the FR Y–9C report and the FR Y–9SP report are generally not accorded confidential treatment. The data items collected on FR Y–9LP, FR Y–9ES, and FR Y–9CS reports, are also generally not accorded confidential treatment. As provided in the Board's Rules Regarding Availability of Information (12 CFR part 261), however, a respondent may request confidential treatment for any data items the respondent believes should be withheld pursuant to a FOIA exemption. The Board will review any such request to determine if confidential treatment is appropriate, and will inform the respondent if the request for confidential treatment has been denied.

To the extent the instructions to the FR Y–9C, FR Y–9LP, FR Y–9SP, and FR Y–9ES reports each respectively direct the financial institution to retain the work papers and related materials used in preparation of each report, such material would only be obtained by the Board as part of the examination or supervision of the financial institution. Accordingly, such information is considered confidential pursuant to exemption 8 of the FOIA (5 U.S.C. 552(b)(8)). In addition, the financial institution's work papers and related materials may also be protected by exemption 4 of the FOIA, to the extent such financial information is treated as confidential by the respondent (5 U.S.C. 552(b)(4)).

(2) *Report title:* Complex Institution Liquidity Monitoring Report.

Agency form number: FR 2052a.

OMB control number: 7100–0361.

Effective date: December 28, 2020.

Frequency: Monthly, and each business day (daily).

Affected public: Businesses or other for-profit.

Respondents: U.S. BHCs, U.S. SLHCs, and foreign banking organizations (FBOs) with U.S. assets.

Estimated number of respondents: Monthly, 26; daily, 16.

Estimated average hours per response: Monthly, 120; daily, 220.

Estimated annual burden hours: 917,440.

General description of report: The Board uses the FR 2052a to monitor the overall liquidity profile of supervised institutions. These data provide detailed information on the liquidity risks within different business lines (*e.g.,* financing of securities positions, prime brokerage activities). In particular, these data serve as part of the Board's supervisory surveillance program in its liquidity risk management area and provide timely information on firm-specific liquidity risks during periods of stress. Analyses of systemic and idiosyncratic liquidity risk issues are then used to inform the Board's supervisory processes, including the preparation of analytical reports that detail funding vulnerabilities.

Legal authorization and confidentiality: The FR 2052a is authorized pursuant to section 5 of the BHC Act (12 U.S.C. 1844), section 8 of the International Banking Act (12 U.S.C. 3106), section 165 of the Dodd-Frank Act (12 U.S.C. 5365), and section 10 of the Home Owners' Loan Act (12 U.S.C. 1467(a)) and is mandatory. Section 5(c) of the BHC Act authorizes the Board to require BHCs to submit reports to the Board regarding their financial condition. Section 8(a) of the International Banking Act subjects FBOs to the provisions of the BHC Act. Section 165 of the Dodd-Frank Act requires the Board to establish prudential standards for certain BHCs and FBOs, which include liquidity requirements. Section 10(g) of the Home Owners' Loan Act authorizes the Board to collect reports from SLHCs.

Financial institution information required by the FR 2052a is collected as part of the Board's supervisory process. Therefore, such information is entitled to confidential treatment under Exemption 8 of the FOIA (5 U.S.C. 552(b)(8)). In addition, the institution information provided by each respondent would not be otherwise available to the public and its disclosure could cause substantial competitive harm. Accordingly, it is entitled to confidential treatment under the authority of exemption 4 of the FOIA (5 U.S.C. 552(b)(4)), which protects from disclosure trade secrets and commercial or financial information.

C. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) requires an agency to consider whether the rules it proposes will have a significant economic impact on a substantial number of small entities. The RFA requires an agency to prepare a final regulatory flexibility analysis when it promulgates a final rule after being required to publish a general notice of proposed rulemaking. As discussed previously, the agencies have decided to adopt, without changes, revisions to the capital and LCR rules made under the interim final rules. There was no general notice of proposed rulemaking associated with the interim final rules or this final rule. Accordingly, the agencies have concluded that the RFA's requirements relating to initial and final regulatory flexibility analyses do not apply to the promulgation of this final rule.

D. Riegle Community Development and Regulatory Improvement Act of 1994

Pursuant to section 302(a) of the Riegle Community Development and Regulatory Improvement Act (RCDRIA),[22] in determining the effective date and administrative compliance requirements for new regulations that

[22] 12 U.S.C. 4802(a).

impose additional reporting, disclosure, or other requirements on insured depository institutions (IDIs), each Federal banking agency must consider, consistent with the principle of safety and soundness and the public interest, any administrative burdens that the regulations would place on depository institutions, including small depository institutions and customers of depository institutions, as well as the benefits of the 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.[23] Each Federal banking agency has determined that the final rule would not impose additional reporting, disclosure, or other requirements; therefore the requirements of the RCDRIA do not apply.

E. Use of Plain Language

Section 722 of the Gramm-Leach-Bliley Act [24] requires the Federal banking agencies to use ''plain language'' in all proposed and final rules published after January 1, 2000. In light of this requirement, the agencies have sought to present the final rule in a simple and straightforward manner. The agencies did not receive any comments on the use of plain language in the interim final rules.

F. OCC Unfunded Mandates Reform Act of 1995

As a general matter, the Unfunded Mandates Act of 1995 (UMRA), 2 U.S.C. 1531 *et seq.,* requires the preparation of a budgetary impact statement before promulgating a rule that includes a Federal mandate that may result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more in any one year. However, the UMRA does not apply to final rules for which a general notice of proposed rulemaking was not published.[25] Because there was no general notice of proposed rulemaking associated with the interim final rules or the final rule, the OCC concludes that the requirements of the UMRA do not apply to this final rule.

Authority and Issuance

For the reasons set forth in the joint **SUPPLEMENTARY INFORMATION** section, the interim final rules, which were published at 85 FR 16232, 85 FR 20387, and 85 FR 26835 on March 23, April 13, and May 6, 2020, are adopted as a final rule by the OCC, Board, and FDIC without change.

Brian P. Brooks,

Acting Comptroller of the Currency.

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

Ann E. Misback,

Secretary of the Board.

Federal Deposit Insurance Corporation.

By order of the Board of Directors.

Dated at Washington, DC, on or about September 15, 2020.

James P. Sheesley,

Assistant Executive Secretary.

[FR Doc. 2020–21894 Filed 10–27–20; 8:45 am]

BILLING CODE 4810–33–6210–01–6714–01–P

[23] 12 U.S.C. 4802.

[24] 12 U.S.C. 4809.

[25] *See* 2 U.S.C. 1532(a).

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[TD 9901]

RIN 1545–BO55

Deduction for Foreign-Derived Intangible Income and Global Intangible Low-Taxed Income; Correcting Amendments

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Correcting amendments.

SUMMARY: This document contains corrections to the Treasury Decision 9901, which was published in the **Federal Register** on Wednesday July 15, 2020. Treasury Decision 9901 contained final regulations that provide guidance regarding the deduction for foreign-derived intangible income (FDII) and global intangible low-taxed income (GILTI) and for coordinating the deduction for FDII and GILTI with other provisions in the Internal Revenue Code.

DATES: These corrections are effective on October 28, 2020. For dates of applicability, see §§ 1.250–1(b) and 1.861–8(h).

FOR FURTHER INFORMATION CONTACT: Brad McCormack at (202) 317–6911 and Lorraine Rodriguez at (202) 317–6726 (not toll-free numbers).

SUPPLEMENTARY INFORMATION:

Background

The final regulations (TD 9901) that are the subject of this correction are under sections 250 and 861 of the Internal Revenue Code.

Need for Correction

As published on July 15, 2020 (85 FR 43042), the final regulations (TD 9901; FR Doc. 2020–14649) contains errors that need to be corrected.

List of Subjects in 26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

Correction of Publication

Accordingly, 26 CFR part 1 is corrected by making the following correcting amendments:

PART 1—INCOME TAXES

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

Authority: 26 U.S.C. 7805 * * *

§ 1.250–1 [Amended]

■ **Par. 2.** Section 1.250–1, paragraph (b), is amended by adding at the end of the third sentence '', but once applied, taxpayers must apply the final regulations for all subsequent taxable years beginning before January 1, 2021''.

§ 1.250(b)–4 [Amended]

■ **Par. 3.** Section 1.250(b)–4 is amended:
■ a. In the last sentence of paragraph (d)(1)(ii)(D), by adding ''for the seller's taxable year'' after the words ''less than $50,000''.
■ b. In the last sentence of paragraph (d)(2)(ii)(A), by adding ''or (iii)'' after ''(d)(1)(ii)''.
■ c. In paragraph (d)(2)(iv)(B)(*10*)(*ii*), by removing ''potion'' and adding in its place ''portion''.

■ **Par. 4.** Section 1.250(b)–5 is amended:
■ a. In paragraph (c)(1), by removing ''to consumers'';
■ b. In the first sentence of paragraph (e)(2)(iii), by removing ''accesses the service'' and adding in its place ''accesses or otherwise uses the service'';
■ c. By revising paragraph (e)(5)(ii)(F)(*1*); and
■ d. By revising the third and fourth sentences of paragraph (e)(5)(ii)(F)(*2*).

The revisions read as follows:

§ 1.250(b)–5 Foreign-derived deduction eligible income (FDDEI) services.

* * * * *

(e) * * *
(5) * * *
(ii) * * *

(F) *Example 6: Electronically supplied services that are accessed by the business recipient*—(*1*) *Facts.* DC maintains an inventory management

website for R, a company that sells consumer goods online. R's offices and all of its employees, who use the website, are located in the United States, but R sells its products to customers both within and outside the United States.

(*2*) * * * Accordingly, under paragraph (e)(2)(i) of this section, as modified by paragraph (e)(2)(iii) of this section, R's operations that benefit from DC's services are deemed to be located where the service is accessed by employees. Therefore, none of the provision of the inventory management website is treated as a service to a person located outside the United States and none is a FDDEI service under paragraph (b)(2) of this section.

* * * * *

§ 1.250(b)–6 [Amended]

■ **Par. 5.** Section 1.250(b)–6 paragraph (c)(3) is amended by adding ''the seller and'' before the words ''all related parties of the seller''.

■ **Par. 6.** Section 1.861–8 is amended by revising paragraph (h) to read as follows:

§ 1.861–8 Computation of taxable income from sources within the United States and from other sources and activities.

* * * * *

(h) *Applicability date.* Except as provided in this paragraph (h), this section applies to taxable years that both begin after December 31, 2017 and end on or after December 4, 2018. The last sentence of paragraph (d)(2)(ii)(C)(*1*) of this section, and paragraph (f)(1)(vi)(N) of this section, apply to taxable years beginning on or after January 1, 2021.

Crystal Pemberton,

Senior Federal Register Liaison, Publications and Regulations Branch, Legal Processing Division, Associate Chief Counsel (Procedure and Administration).

[FR Doc. 2020–21175 Filed 10–27–20; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket Number USCG–2020–0611]

RIN 1625–AA08

Special Local Regulation; Boat Parade; San Diego, CA

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary special local regulation (SLR) on the waters of San Diego Bay, California to provide for the safety of the participants, crew, spectators, sponsor vessels, and general users of the waterway during a boat parade. This SLR temporarily encompasses all navigable waters, from surface to bottom, on a pre-determined course in the northern portion of the San Diego Main Ship Channel from Shelter Island Basin, past the Embarcadero, crossing the federal navigable channel and ending off of Coronado Island. This SLR also establishes a designated section of the commercial anchorage area as a First Amendment area to be used at the discretion of the Captain of the Port, or his designated representative, as a spectator area.

DATES: This rule is effective from noon through 3:30 p.m. on November 1, 2020.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *https://www.regulations.gov,* type USCG–2020–0611 in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rule.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Lieutenant John Santorum, Waterways Management, U.S. Coast Guard Sector San Diego, CA; telephone (619) 278–7656, email *MarineEventsSD@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
DHS Department of Homeland Security
FR Federal Register
NPRM Notice of proposed rulemaking
§ Section
U.S.C. United States Code

II. Background Information and Regulatory History

The Coast Guard is issuing this temporary rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because it is impracticable due to the short time between the Coast Guard becoming aware of the event on September 22, 2020, and the scheduled event occurring on November 1, 2020. The marine event sponsor of this boat parade is expecting to draw a high concentration of vessels to the San Diego Bay area along the proposed parade route. Traditionally, the San Diego Bay area serves as a major thoroughfare for commercial traffic, naval operations, ferry routes, and a number of other recreational uses. The Coast Guard is establishing this SLR to minimize impacts on this congested waterway. We must establish this SLR by November 1, 2020 to ensure the safety of individuals, property, and the marine environment and we do not have sufficient time to request and respond to comments.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Delaying the effective date of this rule would be contrary to public interest because prompt action is needed to respond to the potential safety hazards associated with the location, size and complexity of the boat parade that is planned to take place on November 1, 2020.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 46 U.S.C. 70041. The Captain of the Port (COTP) Sector San Diego has determined that potential hazards associated with the proposed parade will be a safety concern for anyone within the vicinity of the parade route. This rule is needed to protect personnel, vessels, spectators, and the marine environment in the navigable waters of the San Diego Bay in the vicinity of the marine event during the enforcement period of this rule.

IV. Discussion of the Rule

This rule establishes an SLR from noon until 3:30 p.m. on November 1, 2020. The SLR will cover all navigable waters on a pre-determined course in the northern portion of the San Diego Main Ship Channel from Shelter Island Basin, past the Embarcadero, crossing the federal navigable channel and ending off of Coronado Island. This SLR will also temporarily establish a 200-yard radius within the commercial anchorage as a First Amendment area to be used as authorized by the Captain of the Port, or his designated representative. The First Amendment area will encompass all navigable waters, from surface to bottom, within 200 yards of 32°43′11.0″ N, 117°10′59.8″ W, within the commercial vessel anchorage.

The duration of the SLR is intended to protect personnel, vessels, spectators, and the marine environment in these navigable waters before, during, and after the event is scheduled to occur. During the enforcement period, persons and vessels are prohibited from anchoring, blocking, loitering, or impeding within this regulated area unless authorized by the Captain of the Port, or his designated representative.

V. Regulatory Analyses

We developed this rule after considering numerous statutes and Executive orders related to rulemaking. Below we summarize our analyses based on a number of these statutes and Executive orders, and we discuss First Amendment rights of protestors.

A. Regulatory Planning and Review

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. Executive Order 13771 directs agencies to control regulatory costs through a budgeting process. This rule has not been designated a ''significant regulatory action,'' under Executive Order 12866. Accordingly, this rule has not been reviewed by the Office of Management and Budget (OMB), and pursuant to OMB guidance it is exempt from the requirements of Executive Order 13771.

This regulatory action determination is based on the size, location, duration, and time-of-day of the SLR. The Coast Guard will publish a Local Notice to Mariners and will issue a Broadcast Notice to Mariners via VHF–FM marine channel 16 that details the vessel restrictions of the regulated area.

B. Impact on Small Entities

The Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, as amended, requires Federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

While some owners or operators of vessels intending to transit the SLR may be small entities, for the reasons stated in section V.A above, this rule will not have a significant economic impact on any vessel owner or operator.

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please call or email the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247). The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

C. Collection of Information

This rule will not call for a new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

D. Federalism and Indian Tribal Governments

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government. We have analyzed this rule under that Order and have determined that it is consistent with the fundamental federalism principles and preemption requirements described in Executive Order 13132.

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

E. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of $100,000,000 (adjusted for inflation) or more in any one year. Though this rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

F. Environment

We have analyzed this rule under Department of Homeland Security Directive 023–01, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969(42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves an SLR lasting less than four hours that will monitor entry to the SLR area for the duration of the enforcement period to cover before, during and after the parade has concluded. It is categorically excluded from further review under paragraph L61 of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1.

G. Protest Activities

The Coast Guard respects the First Amendment rights of protesters. Protesters are asked to call or email the person listed in the **FOR FURTHER INFORMATION CONTACT** section to coordinate protest activities so that your message can be received without jeopardizing the safety or security of people, places or vessels. All non-participant vessels or persons engaged in protest activity will be directed to the commercial vessel anchorage if they wish to remain in the regulated area.

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water), Reporting and recordkeeping requirements, Waterways.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 100 as follows:

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

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

Authority: 46 U.S.C. 70041; 33 CFR 1.05–1.

■ 2. Add § 100.T11–039 to read as follows:

§ 100.T11–039 Boat Parade, San Diego, CA

(a) *Regulated areas.* The regulations in this section apply to the following areas:

(1) Parade Area: All navigable waters, from surface to bottom, on a pre-determined course in the northern portion of the San Diego Main Ship Channel from Shelter Island Basin, past the Embarcadero, crossing the federal navigable channel and ending off of Coronado Island.

(2) First Amendment Area: All navigable waters, from surface to bottom, within 200 yards of 32°43′11.0″ N, 117°10′59.8″ W, within the commercial vessel anchorage.

(b) *Definitions.* As used in this section—

Designated representative means a Coast Guard Patrol Commander, including a Coast Guard coxswain, petty officer, or other officer operating a Coast Guard vessel and a Federal, State, and local officer designated by or assisting the Captain of the Port Sector San Diego (COTP) in the enforcement of the regulations in this section.

Participant means all persons and vessels registered with the event sponsor as a participants in the parade.

(c) *Regulations.* (1) All non-participants are prohibited from entering, transiting through, anchoring in, or remaining within the regulated area described in paragraph (a) of this section unless authorized by the Captain of the Port Sector San Diego or their designated representative.

(2) To seek permission to enter, contact the COTP or the COTP's representative by calling the Sector San Diego JHOC at 619–278–7033. Those in the regulated area, including participants, must comply with all lawful orders or directions given to them by the COTP or the designated representative.

(3) All non-participants, including those engaged in protest activity, may be directed by a designated representative to the First Amendment Area described in section (a)(2) of this section, where they must remain during the effective period unless otherwise authorized or directed.

(4) The COTP will provide notice of the regulated areas through advanced notice via Broadcast Notice to Mariners and by on-scene designated representatives.

(d) *Enforcement period.* This section will be enforced from noon through 3:30 p.m. on Sunday, November 1, 2020.

Dated: October 8, 2020.

T.J. Barelli,

Captain, U.S. Coast Guard, Captain of the Port San Diego.

[FR Doc. 2020–23181 Filed 10–27–20; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2020–0632]

RIN 1625–AA00

Safety Zone; Vessel Launch, Menominee River, Marinette, WI and Menominee, MI

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for navigable waters of the Menominee River in Marinette, WI and Menominee, MI between the Highway 41 bridge and Ogden Street Bridge. The safety zone is needed to protect personnel, vessels, and the marine environment from potential hazards created by the launching of a vessel at the Fincantieri Marinette Marine Shipyard. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port Lake Michigan or a designated representative.

DATES: This rule is effective from 7:30 a.m. through 12 p.m. on October 31, 2020.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *https://www.regulations.gov,* type USCG–2020–0632 in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rule.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Chief Petty Officer Jeromy Sherrill, Waterways Management Division, Sector Lake Michigan, U.S. Coast Guard; telephone 414–747–7148, email *Jeromy.N.Sherrill@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
DHS Department of Homeland Security
FR Federal Register
NPRM Notice of proposed rulemaking
§ Section
U.S.C. United States Code

II. Background Information and Regulatory History

The Coast Guard is issuing this temporary rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because the involved parties did not submit notice to the Coast Guard with sufficient time remaining before the launch to publish an NPRM. Immediate action is necessary to mitigate potential safety hazards associated with the launch of the vessel. Delaying the effective date of this rule to wait for a comment period to run would be impracticable and contrary to public interest by inhibiting the Coast Guard's ability to protect against the hazards associated with the launch on October 31, 2020.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. For the same reasons discussed in the preceding paragraph, waiting for a 30-day notice period to elapse would be impracticable because immediate action is needed to respond to the potential safety hazards associated with the launching of a vessel into the Menominee River.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 46 U.S.C. 70034 (previously 33 U.S.C. 1231). The Captain of the Port (COTP) Lake Michigan has determined that potential hazards associated with the launching of this vessel into the Menominee River on October 31, 2020, will be a safety concern for anyone on the Menominee River between the Highway 41 Bridge located at coordinates 45.103106° N, 087.626529° W and the Ogden Street Bridge located at coordinates 45.096001° N, 087.598053° W. This rule is needed to protect personnel, vessels, and the marine environment in the navigable waters within the safety zone during the launching of a vessel on October 31, 2020.

IV. Discussion of the Rule

This rule establishes a safety zone from 7:30 a.m. to 12 p.m. on October 31,

2020. The safety zone will cover all navigable waters of the Menominee River between the Highway 41 Bridge located at coordinates 45.103106° N, 087.626529° W and the Ogden Street Bridge located at coordinates 45.096001° N, 087.598053° W. The duration of the zone is intended to protect personnel, vessels, and the marine environment in these navigable waters during the launching of a vessel. No vessel or person will be permitted to enter the safety zone without obtaining permission from the COTP Lake Michigan or a designated representative. The COTP Lake Michigan or designated representative will announce specific enforcement periods for this safety zone by Broadcast Notice to Mariners.

V. Regulatory Analyses

We developed this rule after considering numerous statutes and Executive orders related to rulemaking. Below we summarize our analyses based on a number of these statutes and Executive orders, and we discuss First Amendment rights of protestors.

A. Regulatory Planning and Review

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. Executive Order 13771 directs agencies to control regulatory costs through a budgeting process. This rule has not been designated a ''significant regulatory action,'' under Executive Order 12866. Accordingly, this rule has not been reviewed by the Office of Management and Budget (OMB), and pursuant to OMB guidance it is exempt from the requirements of Executive Order 13771.

This regulatory action determination is based on the characteristics of the safety zone. The safety zone created by this rule will be relatively small and is designed to minimize its impact on navigable waters. This rule will prohibit entry into certain navigable waters of the Menominee River at Menominee, MI and Marinette, WI and is not anticipated to exceed five hours in duration. Thus, restrictions on acces by persons and vessel movement within that particular area are expected to be minimal. Under certain conditions, moreover, persons and vessels may still transit through the safety zone when permitted by the COTP Lake Michigan.

B. Impact on Small Entities

The Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, as amended, requires Federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

While some owners or operators of vessels intending to transit the safety zone may be small entities, for the reasons stated in section V.A above, this rule will not have a significant economic impact on any vessel owner or operator.

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please call or email the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247). The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

C. Collection of Information

This rule will not call for a new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

D. Federalism and Indian Tribal Governments

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government. We have analyzed this rule under that Order and have determined that it is consistent with the fundamental federalism principles and preemption requirements described in Executive Order 13132.

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

E. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of $100,000,000 (adjusted for inflation) or more in any one year. Though this rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

F. Environment

We have analyzed this rule under Department of Homeland Security Directive 023–01, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969(42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves a safety zone lasting less than 5 hours that prohibits entry within all navigable waters of the Menominee River between the Highway 41 Bridge and the Ogden Street Bridge during the launching of a vessel. It is categorically excluded from further review under paragraph L60(a) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1. A Record of Environmental Consideration supporting this determination is available in the docket. For instructions on locating the docket, see the **ADDRESSES** section of this preamble.

G. Protest Activities

The Coast Guard respects the First Amendment rights of protesters. Protesters are asked to call or email the person listed in the **FOR FURTHER INFORMATION CONTACT** section to coordinate protest activities so that your message can be received without

jeopardizing the safety or security of people, places or vessels.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

■ 1. The authority citation for part 165 continues to read as follows:

Authority: 46 U.S.C. 70034, 70051; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add § 165.T09–0632 to read as follows:

§ 165.T09–0632 Safety Zone; Vessel Launch, Menominee River, Marinette, WI and Menominee, MI.

(a) *Location.* The safety zone encompasses all navigable waters of the Menominee River between the Highway 41 Bridge located at coordinates 45.103106° N, 087.626529° W and the Ogden Street Bridge located at coordinates 45.096001° N, 087.598053° W.

(b) *Enforcement Period.* The regulated area described in paragraph (a) is enforced from 7:30 a.m. through 12 p.m. on October 31, 2020.

(c) *Regulations.* (1) In accordance with the general regulations in section § 165.23, entry into, transiting, or anchoring within this safety zone is prohibited unless authorized by the Captain of the Port (COTP) Lake Michigan or a designated on-scene representative.

(2) This safety zone is closed to all persons and vessel traffic, except as may be permitted by the COTP Lake Michigan or a designated on-scene representative.

(3) The ''on-scene representative'' of the COTP Lake Michigan is any Coast Guard commissioned, warrant or petty officer who has been designated by the COTP Lake Michigan to act on his or her behalf.

(4) Persons and Vessel operators desiring to enter or operate within the safety zone must contact the COTP Lake Michigan or an on-scene representative to obtain permission to do so. The COTP Lake Michigan or an on-scene representative may be contacted via VHF Channel 16. Vessel operators given permission to enter or operate in the safety zone must comply with all directions given to them by the COTP Lake Michigan or an on-scene representative.

D.P. Montoro,

Captain, U.S. Coast Guard, Captain of the Port Lake Michigan.

[FR Doc. 2020–23227 Filed 10–27–20; 8:45 am]

BILLING CODE 9110–04–P

Proposed Rules

Federal Register
Vol. 85, No. 209
Wednesday, October 28, 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 TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2020–0830; Project Identifier 2020–CE–002–AD]

RIN 2120–AA64

Airworthiness Directives; Piper Aircraft, Inc., 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 Piper Aircraft, Inc., (Piper) Models PA–46–350P (Malibu Mirage), PA–46R–350T (Malibu Matrix), and PA–46–500TP (Malibu Meridian) airplanes. This proposed AD was prompted by a finding of several airplanes with wing assemblies that did not have the proper stall warning heater modification design. Without the proper stall warning heat control modification kit installed, during flights into icing conditions with the landing gear down, ice can form on the stall vane, which may result in failure of the stall warning system. This proposed AD would require identifying and correcting nonconforming stall warning heat control systems. 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 14, 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 Piper Aircraft Inc., 2926 Piper Drive, Vero Beach, FL 32960, telephone: 772–299–2686, email: *customerservice@piper.com,* internet: *https://www.piper.com/.* You may view the service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 901 Locust, Kansas City, MO 64106. 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–2020–0830; 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: John Lee, Aerospace Engineer, Atlanta ACO Branch, FAA, AIR–7A3, 1701 Columbia Avenue, College Park, GA 30337; telephone: (404) 474–5568; email: *john.lee@faa.gov*.

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2020–0830; Project Identifier 2020–CE–002–AD'' at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this proposed AD because of those comments.

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

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to John Lee, Aerospace Engineer, Atlanta ACO Branch, FAA, AIR–7A3, 1701 Columbia Avenue, College Park, GA 30337. Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Discussion

The FAA issued AD 2008–26–11, Amendment 39–15777 (73 FR 78934, December 24, 2008) (''AD 2008–26–11'') for certain serial-numbered Piper Model PA–46–350P, PA–46R–350T, and PA–46–500TP airplanes. AD 2008–26–11 requires installing stall warning heat control modification kit part number 88452–002. For those serial-numbered airplanes to which AD 2008–26–11 does not apply, Piper incorporated the modification kit in production.

Since the FAA issued AD 2008–26–11, Piper found 11 airplanes (9 domestic) with the left wing replaced with a wing assembly from salvage that did not have the proper stall warning heater modification design change. Without the proper stall warning heat control modification kit during flights into icing conditions with the landing gear down, ice can form on the stall vane, which may result in failure of the stall warning system.

This condition, if not addressed, could result in the pilot being unaware

of an approaching stall situation and being unable to react correctly.

Related Service Information Under 1 CFR part 51

The FAA reviewed Piper Service Letter No. 1261, dated July 19, 2019. The service information contains procedures to identify and correct nonconforming stall warning heat control systems. The intent of these service letters is to ensure that wiring for the stall warning heat control system meets current type design. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Other Related Service Information

Piper also issued Mandatory Service Bulletin No. 1192, dated September 15, 2008, which is incorporated by reference in AD 2008–26–11.

FAA's Determination

The FAA is proposing this AD because it evaluated all the relevant information and determined the unsafe condition described previously is likely to exist or develop in other products of these same type designs.

Proposed AD Requirements

This proposed AD would require accomplishing some of the actions specified in the service information described previously.

Differences Between Proposed AD and Service Information

This proposed AD would not require the first step, which is identified as a ''required for compliance'' (RC) step, of Piper Service Letter No. 1261, dated July 19, 2019. The first step specifies reviewing the aircraft records to determine whether the inspection of the stall warning heat control configuration must be done. This proposed AD would not require a records review. Instead, all airplanes identified in the applicability of the proposed AD would have to inspect the stall warning heat control configuration.

Costs of Compliance

The FAA estimates that this proposed AD would affect 1,261 airplanes of U.S. registry.

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

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspect stall warning heat control system	1 work-hour × $85 per hour = $85	$0	$85	$107,185

The FAA estimates the following costs to do any necessary repairs that would be required based on the results of the proposed inspection. The FAA has no way of determining the number of airplanes that might need these repairs:

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Install modification kit	1.5 work-hours × $85 per hour = $127.50	$230.00	$357.50

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

Authority for This Rulemaking

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

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

Regulatory 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):

Piper Aircraft, Inc.: Docket No. FAA–2020–0830; Project Identifier 2020–CE–002–AD

(a) Comments Due Date

The FAA must receive comments by December 14, 2020.

(b) Affected ADs

None.

(c) Applicability

(c) This AD applies to the following Piper Aircraft, Inc., airplanes, certificated in any category:

(1) Model PA–46–350P (Malibu Mirage) serial numbers (S/Ns) 4622041, 4636041, 4636142, 4636143, 4636313, 4636341, and 4636379;

(2) Model PA–46–500TP (Malibu Meridian) S/Ns 4697141, 4697161, 4697086, and 4697020; and

(3) Models PA–46–350P (Malibu Mirage), PA–46R–350T (Malibu Matrix), and PA–46–500TP (Malibu Meridian), all serial numbers, if the left wing has been replaced with a serviceable (more than zero hours time-in-service) wing.

(d) Subject

Joint Aircraft System Component (JASC)/Air Transport Association (ATA) of America Code 3700, VACUUM SYSTEM.

(e) Unsafe Condition

This AD was prompted by nonconforming stall warning heat control systems, utilizing a left wing assembly without the proper stall warning modification design. Without the proper stall warning heat control modification kit during flights into icing conditions with the landing gear down, ice can form on the stall vane, which may result in failure of the stall warning system. The FAA is issuing this AD to identify and correct nonconforming stall warning heat control systems. The unsafe condition, if not addressed, could result in the pilot being unaware of an approaching stall situation.

(f) Compliance

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

(g) Actions

(1) Within 100 hours time-in-service (TIS) after the effective date of this AD or within 12 months after the effective date of this AD, whichever occurs first, inspect the configuration of stall warning heat control system and, if required, install stall warning heat control modification kit part number (P/N) 8452–002 before further flight in accordance with steps 2 and 3 of the Instructions in Piper Aircraft, Inc., Service Letter No. 1261, dated July 19, 2019.

(2) As of the effective date of this AD, do not install a wing on any Model PA–46–350P (Malibu Mirage), PA–46R–350T (Malibu Matrix), or PA–46–500TP (Malibu Meridian) airplane unless you have determined that the wing has the correct stall warning heat control system as required by paragraph (g)(1) of this AD.

(h) Special Flight Permit

A special flight permit may be issued to operate the airplane to a location where the requirements of this AD can be accomplished provided flight into known icing conditions is prohibited.

(i) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Atlanta ACO Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the certification office, send it to the attention of the person identified in paragraph (j)(1) of this AD.

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

(3) For service information that contains steps that are labeled as Required for Compliance (RC), the provisions of paragraph (i)(3)(i) and (ii) of this AD apply.

(i) The steps labeled as RC, including substeps under an RC step and any figures identified in an RC step, must be done to comply with the AD. An AMOC is required for any deviations to RC steps, including substeps and identified figures.

(ii) Steps not labeled 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 RC steps, including substeps and identified figures, can still be done as specified, and the airplane can be put back in an airworthy condition.

(j) Related Information

(1) For more information about this AD, contact John Lee, Aerospace Engineer, Atlanta ACO Branch, FAA, AIR–7A3, 1701 Columbia Avenue, College Park, GA 30337; telephone: (404) 474–5568; email: *john.lee@faa.gov.*

(2) For service information identified in this AD, contact Piper Aircraft Inc., 2926 Piper Drive, Vero Beach, FL 32960, telephone: 772–299–2686, email: *customerservice@piper.com,* internet: *https://www.piper.com/.* You may view the service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 901 Locust, Kansas City, MO 64106. For information on the availability of this material at the FAA, call 816–329–4148.

Issued on October 22, 2020.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2020–23779 Filed 10–27–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2020–0971; Product Identifier 2020–NM–083–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus Canada Limited Partnership (Type Certificate Previously Held by C Series Aircraft Limited Partnership (CSALP); Bombardier, Inc.) 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 certain Airbus Canada Limited Partnership Model BD–500–1A10 and BD–500–1A11 airplanes. This proposed AD was prompted by a report that threaded fuel couplings were incorrectly installed at final assembly and in service. This proposed AD would require repetitive functional tests of the auxiliary power unit (APU) fuel feed line shroud, a general visual inspection of the APU feed line shroud for any loose couplings; and tightening any loose couplings, which would terminate the repetitive functional tests. 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 14, 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 Airbus Canada Limited Partnership, 13100 Henri-Fabre Boulevard, Mirabel, Québec J7N 3C6, Canada; telephone 450–476–7676; email *a220_crc@abc.airbus;* internet *http://a220world.airbus.com.* You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South

216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

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–2020–0971; 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: Darren Gassetto, Aerospace Engineer, Mechanical Systems and Administrative Services Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7323; fax 516–794–5531; email *9-avs-nyaco-cos@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under **ADDRESSES**. Include ''Docket No. FAA–2020–0971; Project Identifier AD 2020–NM–083'' at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend the proposal because of those comments.

Except for Confidential Business Information (CBI) as described in the following paragraph, and other information as described in 14 CFR 11.35, the FAA will post all comments we receive, without change, to *https://www.regulations.gov,* including any personal information you provide. The agency will also post a report summarizing each substantive verbal contact we receive 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 Darren Gassetto, Aerospace Engineer, Mechanical Systems and Administrative Services Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7323; fax 516–794–5531; email *9-avs-nyaco-cos@faa.gov.* Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Discussion

Transport Canada Civil Aviation (TCCA), which is the aviation authority for Canada, has issued Canadian AD CF–2020–14, dated April 30, 2020 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for certain Airbus Canada Limited Partnership Model BD–500–1A10 and BD–500–1A11 airplanes. You may examine the MCAI in the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0971.

This proposed AD was prompted by a report that threaded fuel couplings were incorrectly installed at final assembly and in service. The FAA is proposing this AD to address loose fuel couplings, which could eventually disconnect and could lead to fuel starvation of the APU and pose a risk of fire. See the MCAI for additional background information.

Related Service Information Under 1 CFR part 51

Airbus Canada has issued Service Bulletin BD500–282009, Issue 003, dated August 14, 2020. This service information describes procedures for repetitive functional tests of the APU fuel feed line shroud, a general visual inspection of the APU feed line shroud for any loose couplings, and tightening of any loose couplings if necessary. The inspection and tightening of the APU fuel feed line shroud couplings terminates the repetitive functional tests of the APU fuel feed line shroud. 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 accomplishing the actions specified in the service information described previously.

Costs of Compliance

The FAA estimates that this proposed AD affects 22 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
Up to 42 work-hours × $85 per hour = Up to $3,570	$0	Up to $3,570	Up to $78,540.

The FAA estimates the following costs to do any necessary on-condition actions that would be required based on the results of any required actions. The FAA has no way of determining the number of aircraft that might need these on-condition actions:

ESTIMATED COSTS OF ON-CONDITION ACTIONS

Labor cost	Parts cost	Cost per product
8 work-hours × $85 per hour = $680	$0	$680

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 Canada Limited Partnership (Type Certificate Previously Held by C Series Aircraft Limited Partnership (CSALP); Bombardier, Inc.): Docket No. FAA–2020–0971; Product Identifier 2020–NM–083–AD.

(a) Comments Due Date

The FAA must receive comments by December 14, 2020.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Airbus Canada Limited Partnership (type certificate previously held by C Series Aircraft Limited Partnership (CSALP); Bombardier, Inc.) airplanes, certificated in any category, as identified in paragraphs (c)(1) and (2) of this AD.

(1) Model BD–500–1A10 airplanes, serial numbers 50010 through 50018 inclusive, and 50020 through 50041 inclusive.

(2) Model BD–500–1A11 airplanes, serial numbers 55003 through 55016 inclusive, 55018 through 55054 inclusive, and 55056.

(d) Subject

Air Transport Association (ATA) of America Code 28, Fuel.

(e) Reason

This proposed AD was prompted by a report that threaded fuel couplings were incorrectly installed at final assembly and in service. The FAA is issuing this AD to address loose fuel couplings, which could eventually disconnect and could lead to fuel starvation of the auxiliary power unit (APU) and pose a risk of fire.

(f) Compliance

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

(g) Functional Test of the APU Fuel Feed Line Shroud

Within 4,000 flight hours after the effective date of this AD, do an initial functional test of the APU fuel feed line shroud, in accordance with Part A of the Accomplishment Instructions of Airbus Canada Service Bulletin BD500–282009, Issue 003, dated August 14, 2020. Thereafter, repeat the functional test at intervals not to exceed 4,000 flight hours. If any functional test reveals a leak, before further flight, do the applicable actions specified in paragraph (h) of this AD.

(h) Inspection and Torque of APU Fuel Feed Line Shroud Couplings

(1) Except as required by paragraph (g) of this AD: Within 9,350 flight hours or within 56 months, whichever occurs first after the effective date of this AD: Do a general visual inspection of the APU feed line shroud for any loose couplings, and tighten any loose couplings as applicable, in accordance with Part B of the Accomplishment Instructions of Airbus Canada Service Bulletin BD500–282009, Issue 003, dated August 14, 2020.

(2) For airplanes on which the inspection and tightening of the APU fuel feed line shroud couplings was done before the effective date of this AD, in accordance with Part B of the Accomplishment Instructions of Airbus Canada Service Bulletin BD500–282009, Issue 001, dated December 13, 2019: Within 9,350 flight hours or 56 months, whichever occurs first after the effective date of this AD, do a general visual inspection of the APU feed line shroud for any loose couplings between frame (FR) 63 and FR 80, and tighten any loose couplings as applicable, in accordance with Part C of the Accomplishment Instructions of Airbus Canada Service Bulletin BD500–282009, Issue 003, dated August 14, 2020.

(i) Terminating Action for the Functional Tests

The inspection and tightening of the APU fuel feed line shroud couplings as specified in paragraph (h) of this AD terminate the initial and repetitive functional tests of the APU fuel feed line shroud specified in paragraph (g) of this AD.

(j) Credit for Previous Actions

(1) This paragraph provides credit for actions required by paragraph (g) of this AD, if those actions were performed before the effective date of this AD using Airbus Canada Service Bulletin BD500–282009, Issue 001, dated December 13, 2019, or Airbus Canada Service Bulletin BD500–282009, Issue 002, dated March 18, 2020, provided the functional test is repeated at intervals not to exceed 4,000 flight hours from the completion of those actions specified in paragraph (g) of this AD.

(2) This paragraph provides credit for actions required by paragraph (h)(1) of this AD, if those actions were performed before the effective date of this AD using Airbus Canada Service Bulletin BD500–282009, Issue 001, dated December 13, 2019.

(k) Other FAA AD Provisions

The following provisions also apply to this AD:

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

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

(l) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) Canadian AD CF–2020–14, dated April 30, 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–2020–0971.

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

(3) For service information identified in this AD, contact Airbus Canada Limited Partnership, 13100 Henri-Fabre Boulevard, Mirabel, Québec J7N 3C6, Canada; telephone 450–476–7676; email a220_ internet *http://a220world.airbus.com.* You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

Issued on October 22, 2020.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2020–23742 Filed 10–27–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

19 CFR Part 111

[Docket No. USCBP–2020–0042]

RIN 1651–AB03

Continuing Education for Licensed Customs Brokers

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: U.S. Customs and Border Protection (CBP) is considering the amendment of its regulations to mandate continuing education for licensed customs brokers. CBP is seeking comments on a potential framework of continuing education requirements for licensed customs brokers in order to assess the current situation among members of the customs broker industry and analyze the potential impact of such a framework on customs brokers.

DATES: Comments must be received on or before December 28, 2020.

ADDRESSES: You may submit comments, identified by Docket No. USCBP 2020–0042, by *one* of the following methods:

1. *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments via Docket No. USCBP–2020–0042.

2. *Mail:* Trade and Commercial Regulations Branch, Regulations and Rulings, Office of Trade, U.S. Customs and Border Protection, 90 K Street NE (10th Floor), Washington, DC 20229–1177.

3. *Confidential Information:* If you want to submit a comment with confidential information that you do not wish to be made available to the public, please submit the comment as a written/paper submission by mail to the address listed above (*see* ''Mail'').

Instructions: All submissions received must include the agency name and docket number for this rulemaking. All comments received (other than those submitted with confidential information) will be posted without change to *http://www.regulations.gov,* including any personal information provided.

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 of your comments. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' CBP 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 by CBP on *http://www.regulations.gov.* Submit both copies by mail, as instructed under **ADDRESSES** above (*see* ''Mail''). 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 you must identify this information as ''confidential.''

For detailed instructions on submitting comments and additional information on the rulemaking process, see the ''Public Participation'' heading of the **SUPPLEMENTARY INFORMATION** section of this document.

Docket: For access to the docket to read background documents or comments received, go to *http://www.regulations.gov.* Due to the relevant COVID–19 related restrictions, CBP has temporarily suspended on-site public inspection of the public comments. Please note that any submitted comment that CBP receives by mail will be posted on the above-referenced docket for the public's convenience, except for those containing confidential information (pursuant to the procedures set forth above).

FOR FURTHER INFORMATION CONTACT: Elena D. Ryan, Special Advisor, Programs and Policy Analysis, Regulations and Rulings, Office of Trade, U.S. Customs and Border Protection, at (202) 325–0001 or *ContinuingEducation@cbp.dhs.gov,* including questions regarding the submission of confidential information.

SUPPLEMENTARY INFORMATION:

I. Public Participation

Interested persons are invited to participate in this potential rulemaking by submitting written data, views, or arguments on all aspects of this advance notice of proposed rulemaking (ANPRM). U.S. Customs and Border Protection (CBP) also invites comments that relate to the economic, environmental, or federalism effects that might result from this ANPRM. *See* **ADDRESSES** above for information on how to submit comments. The most useful comments would be those that

address the specific questions outlined in section III below.

If you wish to submit any protected information in your comments, you must submit your comment by mail to the address listed under **ADDRESSES**. Protected information includes confidential business or commercial information that is not normally released to the public. Please be sure to indicate whether the entire submission constitutes protected information, or if only portions of the submission need to be protected. If the latter, please identify those portions which constitute protected information clearly within your submission. If you are submitting confidential business information, please explain, within your submission, how this information is normally treated within your company or organization.

II. Background

A. Authority and Potential Framework for Continuing Education Requirements

Section 641 of the Tariff Act of 1930, as amended (19 U.S.C. 1641), provides that individuals and business entities must hold a valid customs broker's license and permit to transact customs business on behalf of others. The statute also sets forth standards for the issuance of broker licenses and permits; provides for disciplinary action against brokers in the form of suspension or revocation of such licenses and permits or assessment of monetary penalties; and provides for the assessment of monetary penalties against other persons for conducting customs business without the required broker's license.

Section 641 authorizes the Secretary of the Treasury [1] to prescribe rules and regulations relating to the customs business of brokers as may be necessary to protect importers and the revenue of the United States and to carry out the provisions of section 641. DHS believes that this statute provides the authority to regulate customs brokers by imposing continuing education requirements.

CBP is considering the promulgation of regulations to create a framework of continuing education requirements in order to maintain a high standard of professionalism in the customs broker industry. CBP's goal with the publication of this ANPRM is to gather information and data from the broker industry in order to analyze and identify information that would help CBP in considering whether, and if so what type of, mandatory requirements would be beneficial for the trade community and CBP. CBP believes that requiring customs brokers to take continuing education courses would enhance the credibility and value of a customs broker's license and improve a broker's skills, performance, and productivity. CBP also believes that this would increase client service and compliance with the customs laws, which would protect the revenue of the United States and the trade community.

B. Customs Broker's Statutory Duties, Customs Broker Exam, and Licensing

Under 19 U.S.C. 1641(b)(4), a customs broker has the statutory duty to exercise responsible supervision and control over the customs business that he or she conducts. Maintaining current knowledge and competence is an inherent part of the statutory duty of the customs broker. A customs broker reasonably can be expected to uphold such responsible supervision over his or her employees and control over his or her customs business only by acquiring and maintaining the knowledge of customs and related laws. Requiring a customs broker to fulfill a continuing education requirement during the course of his or her work is a way to ensure that the customs broker keeps up with an ever-changing customs practice following the passing of the broker exam and subsequent receipt of the license.

CBP is responsible for administering the licensing for customs brokers. *See* Title 19 part 111, subpart B of the Code of Federal Regulations (19 CFR part 111, subpart B). A prospective customs broker must pass a broker exam prepared by CBP, which is designed to determine the individual's knowledge of customs and related laws, regulations and procedures, bookkeeping, accounting, and all other appropriate matters necessary to render valuable service to importers and exporters.

After passing the customs broker exam, CBP will investigate whether an applicant is qualified for a broker's license, taking into account information provided by the applicant and other aspects pertaining to the applicant, such as his or her business integrity. If CBP finds that the applicant is qualified and has paid all applicable fees, CBP will issue a broker's license. Following the issuance of a license, a customs broker administratively maintains a license primarily through the payment of fees required in 19 CFR 111.96, and the reports and notifications to CBP set forth in 19 CFR 111.30.

While the broker exam provides a good initial indication of an individual's knowledge of customs and related laws, regulations and procedures, bookkeeping, accounting, and all other appropriate matters, the broker exam is, by necessity, limited in scope. The broker exam only captures a state of customs and related laws at a certain point in time and a person's knowledge of such laws at a single point in time. The broker exam also does not test for any of the requirements of the approximately 50 Partner Government Agencies (PGAs) involved in regulating imports and exports. The complex nature of trade and the ever-changing and expanding requirements to comply with U.S. and international law require that a customs broker maintain a high level of functional and accessible knowledge to stay efficient and compliant over time.

C. A Broker's Responsibilities in a Dynamic Trade Environment

Recent developments have demonstrated the need for key parties involved in importing and exporting to keep up-to-date on training and continuously build and maintain their knowledge of current requirements. For example, the Trade Facilitation and Trade Enforcement Act of 2015 (TFTEA) (Pub. L. 114–125, 130 Stat. 122, February 24, 2016) required the issuance of new rules to protect domestic industry from dumping by foreign competitors (19 CFR part 165) and to modernize the processes surrounding duty refunds through the drawback program (19 CFR part 190). Both of these rules are complicated and detailed, requiring entities in the trade—particularly customs brokers serving as the fiduciary agents of the affected importers and exporters —to learn entirely new legal and technical processes. In addition to understanding the implementation of new regulations, a customs broker also needs to know how to research answers to complex questions. For example, determining the country of origin of imported merchandise is much less straightforward than it was in the past, as traders source inputs from various countries and may assemble those inputs in yet another country, before a final product results.

The past several years, in particular, have posed challenges for both CBP and the trade alike, requiring quick adaption to new requirements that compelled changes to operational processes. Low-value shipments, which have exploded with the online shopping revolution,

[1] The Homeland Security Act of 2002 generally transferred the functions of the U.S. Customs Service from the Department of the Treasury to the Secretary of the Department of Homeland Security (DHS). See Public Law 107–296, 116 Stat. 2142. The Act provides that the Secretary of the Treasury retains customs revenue functions unless delegated to the Secretary of DHS. Treasury did not retain the subject matter relating to the regulation of customs brokers (19 U.S.C. 1641) as that subject is not listed in paragraph 1(a)(i) of the Treasury Department Order No. 100–16. See appendix to 19 CFR part 0.

have created multiple levels of issues for international trade that touch security, health and safety, information collection, timely clearance, duty evasion, and facility capacity. The recent implementation of the Agreement Between the United States of America, the United Mexican States and Canada (the USMCA), which replaced the North American Free Trade Agreement (NAFTA), requires a new body of knowledge to successfully implement and maintain compliance. The COVID–19 pandemic has created an unprecedented impact on supply chains and trade processing, both in the import and export environments. The customs broker is at the heart of these challenges as the agent of the importer/exporter to work with CBP to resolve problems and facilitate the safe and secure movement of legitimate cargo.

CBP believes that the vigorous pace and expanding scope of international trade require a more stringent continuing education framework for those individuals involved in the international trade process. Regular continuing education is a professional requirement for many dynamic professions, such as the accounting, legal, and medical industries. CBP believes that maintaining a high level of professionalism of the licensed customs broker is essential for safety, security, efficiency, and trade compliance.

It is in CBP's and the PGAs' interests to have a well-educated customs broker community. A customs broker's involvement in a trade transaction eases the burden of the government—the customs broker takes on the role of educating importers and exporters in the technical requirements of filing in the Automated Broker Interface (ABI) and informing them of regulatory requirements. While there are some self-filers, the vast majority of entry filings are completed under the purview of customs brokers; and, thus, CBP has a smaller group of individuals to train and inform when it comes to revised or new filing requirements. Without a well-educated customs broker community, CBP would need many more resources to assist in ABI transmissions and generally support the trade community with navigating the complex import and export requirements; thus, CBP and the PGAs would have to change their approach to trade compliance, which would divert limited resources away from other critical aspects of the trade mission.

The trade community also benefits from well-educated customs brokers who are aware of current requirements in the dynamic environment of international trade. When an importer or exporter enlists the services of a customs broker, that customs broker is perceived to be knowledgeable of customs laws, regulations, and operational processes; however, an importer does not know if the customs broker is in fact aware and knowledgeable of all newly emerging requirements. A continuing education requirement would provide the trade community greater assurance that their agents are knowledgeable in the field of customs laws and regulations, familiar with operational processes, and are properly exercising their fiduciary responsibilities. However, mandating continuing education is just one approach to maintaining integrity and professionalism in the broker industry; CBP is open to considering other approaches provided by the public.

CBP generally seeks to ensure that all parties in the customs broker industry are operating under the current best practices. CBP considers customs brokers to be licensed professionals, and as such, CBP seeks comment regarding potential professional standards for brokers' continuing education, comparable to other licensed professionals. This would help maintain a measure of consistency across all customs brokers.

D. Recommendations Regarding Continuing Education for Customs Brokers

In June 2018, the World Customs Organization (WCO) published the *WCO Customs Brokers Guidelines* (available at *http://www.wcoomd.org/en/topics/facilitation/instrument-and-tools/tools/wco-customs-brokers-guidelines.aspx*). While the WCO cannot mandate that customs authorities worldwide follow all protocols or require that certain actions be taken by countries, it nevertheless provided the following recommendations in this guidance (page 28):

> Customs broker services need to evolve in order to keep pace with changing commercial and regulatory environments in the international supply chain. Like any other professional service, Customs brokers are required to provide added value for their customers, whilst supporting Customs/governments in enhancing overall compliance with regulatory requirements, making supply chains transparent and secure.
>
> Passing an examination is not a guarantee of continued expertise in the long term. To support quality Customs work, those who provide Customs broker services either to their employer or clients should be required to continue their education and strive to evolve professionally. In some jurisdictions, Customs brokers are required to participate in regular information sessions or advanced training on Customs-focused issues, such as valuation or rules of origin and trade agreements.
>
> Customs administrations, on their own or in partnership with private sector bodies, brokers associations and academia, should consider providing training support for Customs brokers. They can play a significant role in enhancing professional standards of Customs brokers by providing training that challenges their acquired knowledge and skills (*e.g.,* electronic filing of declarations), while also teaching them new relevant knowledge/skills.

In September 2019, CBP formed the Requirements for Customs Broker Continuing Education Task Force (Task Force), and this Task Force was placed within the Commercial Customs Operations Advisory Committee (COAC) under the Rapid Response Subcommittee. This Task Force is comprised of representatives throughout CBP and licensed customs brokers from around the country with decades of experience with the trade community. Through this Task Force, members provided valuable input, advice, and operational perspective. This ANPRM represents the outcomes of the deliberations of the Task Force in 2019 and 2020, including the potential benefits and challenges of, and alternatives to, a continuing education requirement. Prior to the formation of this particular Task Force, in 2013, COAC also provided a recommendation that DHS issue a regulation requiring that brokers complete a minimum of 40 hours of continuing education during a triennial reporting cycle, pursuant to CBP's authority under 19 U.S.C. 1641(f), with the proviso that there be no accreditation requirements for such continuing education (*see* summary of Recommendation 13010 on CBP's website, at *https://www.cbp.gov/sites/default/files/assets/documents/2019-Dec/_COAC%20Recommendations%20To%20Date%20010001%20-%20010412.pdf,* on page 9).

III. Discussion of a Potential Framework for Continuing Education for Licensed Customs Brokers

This ANPRM describes a potential framework for mandatory continuing education for licensed customs brokers. In the sections below, CBP has laid out a series of propositions on various topics, which are followed by questions as to which CBP is seeking more information. The comments received in response to this ANPRM will be used, potentially, to draft a Notice of Proposed Rulemaking (NPRM), which would provide for proposed regulations to implement mandatory continuing education requirements for licensed customs brokers. All comments are

welcome, and the most useful comments are those that answer not only the specific questions posed in this document, but also provide reasons and data in support of any views provided by the commenter, describe individual brokers' current practices of updating their knowledge, and address how a mandatory continuing education requirement would affect them, their company, and their clientele (both in terms of the commitment of time and money). CBP is also very interested in receiving comments that describe what individual brokers believe would be the impact of a continuing education requirement on trade facilitation and compliance. For all numerical and quantitative responses, please provide CBP with sufficient information to recreate those calculations. Finally, in your comments, please refer to the specific question number(s) that you are addressing within the various portions of your submission.

A. How many hours of continuing education would be required?

In this ANPRM, CBP is considering the establishment of a framework for individual license holders to require the completion of 40 hours of continuing education over the course of 3 years. CBP believes that substantially more could be too burdensome for the broker industry, particularly brokers operating as or working for small businesses. However, CBP is concerned that anything less would not be meaningful enough for customs brokers to keep up with a dynamic trade environment full of changing requirements.[2]

Question 1. Is 40 hours over 3 years an appropriate level of continuing education directly related to the import and export of goods into and out of the United States? Why or why not? If you disagree, please indicate in your answer what would be a preferred level and your rationale.

B. What types of activities should be considered appropriate to qualify as continuing education?

CBP believes that a wide variety of activities should qualify as continuing education opportunities to fulfill a mandated requirement. Credit could be given to established corporate training, courses offered by customs brokers associations, and CBP online webinars. Other U.S. government agencies (such as the U.S. Department of Agriculture, U.S. Food and Drug Administration, U.S. Environmental Protection Agency, and U.S. Consumer Product Safety Commission) routinely offer training relevant to customs business, which could be used to fulfill the requirement. CBP also hosts the annual CBP Trade Symposium, other conferences and national customs brokers association meetings, and periodic meetings with the brokers locally at the port level. Activities other than those mentioned above, would potentially need accreditation before being considered to be approved coursework. For specific questions related to the accreditation process, see section I below.

CBP currently conducts hundreds of hours of online webinars annually, covering a wide variety of topics—for example on the implementation of new regulations, intellectual property rights (IPR), specific commodities, valuation, free trade agreements, trade remedies, and Automated Commercial Environment (ACE) functionality. These webinars are interactive when broadcast (participants ask questions and receive live answers) and are recorded and available for download later at any time. These webinars are free and available to anyone.[3] CBP believes that through government-provided, online education opportunities alone, an individual license holder can obtain 40 hours of continuing education over 3 years.

Question 1. In addition to the opportunities offered by CBP and other government agencies as mentioned above, are you aware of other training or coursework that would likely qualify for a continuing education requirement? Please describe those opportunities in detail.

Question 1. Are you part of a brokerage or a company that employs licensed customs brokers? Please provide or describe any training materials or training policies that the company has that would likely qualify as continuing education for a licensed customs broker. If you do provide any training materials or training policies and deem any of the content to be confidential commercial information under 6 CFR 5.7, please submit your materials only as a written/paper submission as listed in the **ADDRESSES** *section above. Please estimate the costs of providing this training on an annual basis.*

Question 1. Are you a broker in a small business or do you live/work in a remote area of the country? Would you be able to avail yourself of internet-based training, webinars, or in-person trainings offered by a third party in order to meet a mandatory training requirement?

Question 1. Do you believe you would already meet the possible continuing education requirement (40 hours over 3 years) based on the activities you may be already engaged in that you believe would qualify as continuing education?

C. Does all continuing education have to relate to international trade?

Customs regulations and laws covering the import and export of goods are changing constantly all over the world. Given that a licensed customs broker is responsible for knowing these rules and regulations and ensuring that they are followed, CBP believes that the majority of continuing education should focus on laws authorizing CBP operations and processes, as well as CBP regulations and programs. The majority (75 percent, or 30 of the 40 hours) would focus on customs business and CBP operational and process requirements, whereas the remainder (25 percent, or 10 of the 40 hours) would be available for education that could focus on other areas related to international trade that are not CBP-specific (such as other government agency requirements).

Question 1. If a continuing education requirement is established, should there be different categories, and if so, how should those be weighted? For example, should continuing education be categorized as ''CBP procedures and requirements'', ''other government agency requirements'', and ''specific areas related to international trade'', and should there be a certain number of courses within each category that must be taken?

D. Do all brokers need to comply with continuing education requirements?

CBP believes that continuing education requirements should apply to all licensed customs brokers, regardless of—

- The length of time a broker has held a license;
- Whether or not a broker is filing entries or otherwise conducting customs business; or
- Whether or not a broker is a sole proprietor, an employee of a brokerage, or an employee of a company engaged in international trade.

With limited exceptions, the requirements of 19 CFR part 111 apply to all licensed customs brokers regardless of their individual situations or practices. CBP is not intending to deviate from current regulations with this ANPRM. The only differentiation among license holders being considered in this ANPRM is whether: (1) The continuing education requirement is tied to an individual license holder, not a corporate license; and (2) brokers who voluntarily suspend their broker license

[2] Corporate, association, and partnership licenses would not have an additional education component tied to them. Training at the company level is already considered in the regulations as part of the definition of ''responsible supervision and control'' (19 CFR 111.1). The qualifier for a corporate, association, or partnership license (an individual license holder) would be covered by the new education requirement.

[3] For Office of Trade (OT) webinar postings, *see https://www.cbp.gov/trade/stakeholder-engagement/webinars;* for ACE training videos, *see https://www.cbp.gov/trade/ace/training-and-reference-guides.*

would have adjusted requirements (more detail is provided in subsequent sections below).

Question 1. Are there any categories of individuals holding licenses whom you feel CBP should exempt from the continuing education requirement?

E. How should continuing education be tracked?

In accordance with 19 CFR 111.30(d)(1), licensed customs brokers are required to file a report by February 1 of every third year, in no particular form or format. The objective of this triennial report is to provide CBP an update regarding the active engagement in transacting customs business for each individual or corporate license holder (*see* 19 CFR 111.30(d)(2) and (3)). After submission, the triennial report is reviewed by Broker Management Branch officials at CBP Headquarters, the ports, and the Centers.

To ensure consistency with the existing regulations and the process for providing CBP the triennial report, CBP is not proposing any specific format or method for an individual customs broker to track continuing education hours. Many companies use software that allows their employees to track their training and education and which summarizes their training, as needed. Other customs brokers may choose to use a simple spreadsheet. As long as the customs broker maintains documentation that a customs broker's required continuing education has been completed and a customs broker can provide more detail upon CBP's request, then brokers would be able to track their education as preferred.

Question 8. If a continuing education requirement were put in place, license holders would need to track their hours. Should CBP require a certain method for tracking the educational requirements and what kind of documentation should CBP require from license holders for purposes of verification?

F. How should completed education be reported to CBP?

CBP is contemplating that an individual customs broker report any education over the past 3 years in ACE, concurrently with the submission of the triennial report. CBP would then conduct compliance activities that would randomly select a certain percentage of customs brokers, who would then be asked to provide the full tracking of their education. During the 2018 reporting cycle, approximately 85 percent of customs brokers submitted their triennial status reports to CBP through *Pay.gov*, when paying the required fees; approximately 15 percent of customs brokers submitted their reports to the ports directly. CBP anticipates the potential implementation of new ACE technology to enable a customs broker to simply check a box in ACE certifying that the 3-year continuing education requirement had been successfully completed.

As an example of compliance activities, CBP could determine that for a particular reporting cycle, a random sample of 10 percent of customs brokers must provide additional documentation to validate that sufficient continuing education took place over the past 3 years. The customs brokers would then provide CBP with a spreadsheet, a report from employee training software, or other documentation available that would support the broker's self-certification that the education had been completed. As noted above, CBP does not anticipate a specific format for tracking continuing education; the only requirement would be that it is adequately supportive of the education that the customs broker completed and that it could be produced for CBP review upon request.

Question 9. Is self-certification in ACE, while concurrently filing the triennial report, the most efficient way for customs brokers to report their compliance to CBP with the possible continuing education requirement or is there another method for reporting preferred? Would enforcement of the continuing education requirement by requesting additional documentation from a random sample of customs brokers be an appropriate method? Why or why not? Are there any other ways of enforcing broker compliance that are preferred? If so, why?

G. What happens if continuing education is not reported to CBP?

CBP is envisioning that the reporting of the continuing education occur at the same time as the submission of the customs brokers' triennial reports. CBP is considering two options but would like to receive other ideas, as well as comments on the two options presented below.

Option 1. The first option is a path of progressive discipline: Using increasingly severe measures when a customs broker is given reasonable time and opportunity to correct the lack of reporting, but does not comply. After the initial failure to report, the customs broker would receive a warning letter. If the customs broker does not comply with the warning letter, then a suspension of the license would be issued, and with continued lack of reporting and compliance, the license would be revoked. CBP is considering that a customs broker's license would be suspended for a maximum of 120 days, allowing a broker to certify and demonstrate that he or she has completed the required 40 hours of continuing education. After the 120 days, the failure to correct the deficiency would result in the customs broker's license being revoked by operation of law without prejudice. The notice of the revocation would be published in the **Federal Register** and the *Customs Bulletin,* consistent with CBP's current practice with respect to revocations.

Option 2. The second option would be the application of the process currently outlined in 19 CFR 111.30(d)(4) (failure to submit a triennial status report) to the reporting of the continuing education requirement. Pursuant to that regulation, if a customs broker fails to file the report required under 19 CFR 111.30(d)(1) by March 1 of the reporting year, then the customs broker's license is suspended by operation of law on that date. By March 31 of the reporting year, CBP must transmit written notice of the suspension to the customs broker by certified mail, return receipt requested, at the address reflected in CBP records. If the customs broker files the required report and pays the required fee within 60 calendar days of the date of the notice of suspension, then the license will be reinstated. If the customs broker does not file the required report within that 60-day period, then the license is revoked by operation of law without prejudice to the filing of an application for a new license. In this scenario, the failure to self-certify the completion of the continuing education requirement in ACE would have the same impact on an individual customs broker's license as the failure to submit the triennial report. Just as with the failure to submit the triennial report, the customs broker would receive notice by March 31 of the reporting year, with 60 days to rectify the issue, and failure to correct the deficiency would result in the customs broker's license being revoked by operation of law.

Whether CBP implements option 1, option 2, or another option (perhaps one suggested by a commenter), CBP could request additional documentation from a customs broker during a review of triennial reporting to assure that the customs broker had met the continuing education requirement. If a customs broker could not produce any documentation and the evidence showed that the self-certification in ACE was false or misleading with respect to any material fact, that would be considered a violation of 19 U.S.C. 1641(d)(1)(A). The violation could result in a penalty assessment or suspension

or revocation of a customs broker's license or permit. Unlike the situations where a customs broker failed to report or failed to complete the continuing education, when the customs broker fails to provide the required supporting documentation in response to a request from CBP, the customs broker's license would not be revoked by operation of law. CBP would have to take additional action to revoke the customs broker's license as provided for in subpart D of 19 CFR part 111 (Cancellation, Suspension or Revocation of License or Permit, and Monetary Penalty in Lieu of Suspension or Revocation).

Under either option above, or any other suggested option, CBP would work with individuals who have temporary or extenuating circumstances surrounding their ability to obtain the required education. This is current CBP practice with regard to the triennial status report filing, and CBP would seek to continue that approach.

Question 10. What do you think is an appropriate disciplinary action for failing to complete a continuing education requirement?

Question 11. Is linking the reporting of the continuing education requirement to the individual license triennial report the most efficient way to communicate compliance without placing undue burden on customs brokers? If not, what alternative means would you recommend and why?

Question 12. Is 120 days to take corrective action to obtain the necessary continuing education credits a reasonable period of time? Please explain in your response why you believe the time period should be shorter or longer.

Question 13. What do you think is an appropriate disciplinary action for failing to report a customs broker's compliance with a continuing education requirement?

H. Should continuing education requirements apply during voluntary suspension?

Under the current regulations, the Executive Assistant Commissioner, Office of Trade, may accept a customs broker's written voluntary offer of suspension of the customs broker's license or permit for a specific period of time under any terms and conditions to which the parties may agree (19 CFR 111.52). The most common reasons for voluntarily suspending a license are joining the Federal Government or the military, moving out of the country for an extended period of time, or making a lifestyle change, where a customs broker's license is no longer required but may be useful again in the future. During the period of voluntary suspension, a customs broker may forgo paying applicable fees and providing the triennial status report.

To parallel existing regulations, CBP is considering that while a license is in voluntary suspension, the license holder does not need to meet the continuing education requirements. If and when the customs broker contacts CBP to reactivate the suspended license, CBP would notify the customs broker of the continuing education requirements and would provide the timeline and due date for the next round of educating and reporting. CBP does not believe that any continuing education requirements must be fulfilled prior to the license becoming re-activated. However, CBP is considering adding a requirement for the first year after being re-activated for the customs broker to complete a certain number of credits to refresh the knowledge and skill set, especially if the customs broker's license was inactive for several years.

Question 14. Should customs brokers with their licenses in voluntary suspension be required to meet the continuing education mandate while their licenses are in suspension?

Question 15. Should customs brokers with their licenses in voluntary suspension be required to meet the continuing education mandate before their licenses can be reactivated?

Question 16. Should customs brokers, who have been voluntarily suspended, be required to complete a certain number of continuing education credits the first year after re-activation, and if so, how many?

Question 17. Should CBP differentiate the reactivation requirements based on the nature of the suspension, i.e., a voluntary suspension versus involuntary suspension? If so, how, and why?

I. What could the accreditation process look like?

CBP is contemplating a framework for providing continuing education where all Federal Government-provided content directly relevant to customs business, import, and export (training limited to requirements that CBP administers and/or enforces) would automatically be deemed appropriate and acceptable towards meeting the 3-year requirement. Due to resource constraints, CBP is not currently in a position to accredit education opportunities offered by private-sector entities. Those education opportunities could be provided by an accredited entity. This potential accreditation process would ensure that quality training is provided and accounted for, and provide a structure where a set of objective standards is applied equally across those entities that would like to offer education opportunities to customs brokers. Notwithstanding the above suggestion for an accreditation process, CBP is open to receiving comments whether it should allow for more flexibility and not place any restrictions or requirements on the accreditation of continuing education.

Question 18. Should informational content that CBP currently provides (webinars, local and national events, industry trade days, etc.) automatically be considered eligible for credit toward a mandatory education requirement?

Question 19. Should CBP require accreditation? Why or why not? If yes, should CBP create a framework to accredit education provided by non-government entities?

Question 20. Would an established accreditation process help control the quality of the content of the various activities that would be eligible for continued education credit?

CBP would likely approach selecting accreditors through a Request for Information (RFI) in the manner it currently conducts procurement activities, using the System for Award Management (SAM, *https://sam.gov/SAM/*). SAM is a U.S. government website and there is no cost for any entity to use the system. Through SAM, any entity can register to do business with the U.S. government, update or renew an entity's registration, check the status of an entity registration, and search for any entity registration and exclusion records.

In addition to issuing an RFI, CBP would publish a notice in the **Federal Register** detailing the application process. Unlike a CBP acquisition, a monetary contract would not be awarded; rather, the contract would be an agreement between CBP and the selected accreditor to provide specific services over a designated period of time. The accreditor would be able to charge third parties for its services, to the extent allowed by law, to recoup its expenses to review and approve/deny course credit for proposed content submitted to the accreditor for consideration. CBP is contemplating a 3-year approval cycle for accreditors of continuing education. In advance of the next 3-year period, CBP would conduct another notice and selection activity to choose the next cycle of approved accreditors. CBP believes the contemplated approach would lead to the following benefits:

(1) More than one approved accreditor, which would allow for competition and keep costs at market level without creating a monopoly;

(2) An open and transparent application process; and,

(3) An opportunity for small businesses and non-profit organizations to become approved accreditors.

Question 21. Should CBP pursue a formal accreditation program with a third-party

accreditor, or should CBP be the accrediting party?

Based on conversations with industry experts, CBP believes that 5–10 entities would apply to CBP to become approved accreditors for continuing education. At this time, CBP is not proposing a floor or a ceiling to the number of accreditors it intends to approve. Any such limits, were they deemed necessary at a later date, would be announced in the **Federal Register** notice detailing the application process, as described above.

Question 22. How many entities should be approved to accredit content for a continuing education requirement (providing a range is acceptable)? Please provide details on your perspective.

The precise criteria for how applicants would be evaluated could be added in a regulation. Application instructions would be provided in a **Federal Register** notice. In general, CBP is suggesting that criteria for the entity submitting an application be similar to other government procurements, such as:

- At least one key official in the entity must have a customs broker's license;
- A demonstrated knowledge of international trade laws, regulations, and customs business for goods both imported into and exported from the United States;
- A demonstrated knowledge of other government agencies that are involved in transactions of international trade;
- A list of professional references;
- Resumes for the key personnel who would be involved in accrediting course work;
- A description of the process for how someone would submit his or her activity proposed for credit to the accreditor, including electronic and online methods for submitting materials for consideration;
- A description of the criteria the accreditor would use to approve/deny activities and courses for continuing education credit;
- A description of how the accreditor would avoid conflicts of interest;
- A description of how the accreditor would track accreditation activity for CBP review;
- A description of how customers can provide feedback to the accreditor and CBP on the approval process;
- An estimate of the ''turn around'' time for approving/denying activities under consideration for accreditation;
- An estimate of the charge, if any, for approving/denying an activity under consideration for accreditation.

Question 23. Is the above list of criteria to become an approved accreditor of continuing education reasonable? Should additional criteria be added?

Question 24. If your company or organization is interested in becoming an approved accreditor, can you estimate the time it would take to put together an application based on the above criteria? If you or your organization deem this information business sensitive, please submit your materials only as a written/paper submission as listed in the **ADDRESSES** *section above.*

To avoid any perceived conflicts of interest, CBP is contemplating that any entity that is approved by CBP to provide continuing education should not be allowed to self-approve its own course content and activities. The entity would have to submit the proposed activity to one of the other accreditors for approval or denial of that activity. CBP believes this potential process provides the fairest approach for both content creators and accreditors.

Question 25. Should accreditors be able to self-approve their own activities and course content?

At this time, CBP is not proposing that applicants to become accreditors submit an application fee. If CBP determines that an application fee is necessary to re-coup the costs of proposal review, then CBP would propose the relevant regulations in a future NPRM and provide a justification for the fee to be charged.

Question 26. Should CBP charge a fee to entities who wish to apply to become approved accreditors?

Each accreditor would make clear on its website and in other materials the process for submitting content for accreditation consideration (note that this is one of the criteria that must be met to receive CBP approval to be an accrediting body). CBP is requiring that an accreditor provide an electronic means for a content provider to submit the details of the activity under consideration. The accreditor must also make clear on its website the average or typical timeframe the content provider can expect before receiving an approval or a rejection.

CBP is not proposing to set the cost of what an accreditor would charge to review and approve/deny activities for continuing education. The accreditor would have to make any charge explicit and clear during the application for course approval.

Question 27. Should CBP set a limit on the amount an accreditor can charge for course/activity approval?

Once an accreditor has been approved under a 3-year agreement, it may become necessary over the course of time to reconsider the suitability of an accreditor to provide services. The terms of the agreement would be written in a way that both CBP and the accreditor independently have the ability to end the agreement with a 30-day notice. This approach parallels the process for CBP monetary contracts.

Any individual or organization would be able apply to become an approved accreditor during the application process that CBP considers opening on a 3-year cycle. Any additional accreditors outside of the 3-year cycle would not be considered.

Question 28. Given all the considerations raised above and the various questions posed regarding a potential framework for continuing education, CBP would like comments on whether continuing education should be required at all, and whether there are other measures that CBP could take to ensure a high level of integrity and expertise in the broker community.

IV. Economic Impacts of Mandating Continuing Education for Licensed Customs Brokers

Executive Orders 13563 and 12866 direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This ANPRM is not a ''significant regulatory action,'' under section 3(f) of Executive Order 12866, and has not been reviewed by the Office of Management and Budget (OMB) under that order.

A future regulatory framework to implement continuing education requirements would affect those customs brokers maintaining active licenses so that they may transact customs business, as well as any brokers re-activating their licenses after a period of voluntary suspension. In addition to attendance at trainings, customs brokers would need to track continuing education credits. Providers of customs-related trainings would also be affected, as they would likely see a rise in demand for training and would need to have their offerings accredited by an acceptable organization.

There are currently several accreditors for customs-related trainings, although those organizations operate entirely independently from CBP and have neither sought, nor received, CBP approval. Should continuing education become mandatory, more entities would

likely seek to become accreditors. Both existing and new accreditors would need to go through the CBP accreditor application process, described above, in order to provide accreditation and accredited training products. Employers of licensed customs brokers likely would either provide accredited training by going through the accreditation process for in-house trainings, or provide employees with the time and resources to fulfill training requirements on their own. Finally, CBP would need to provide a process by which organizations may become accreditors and track broker reporting to ensure continuing education requirements are being met.

As of January 2020, there are approximately 10,000 individually licensed customs brokers. Details are provided in Table 1 below.

TABLE 1—EMPLOYMENT TYPE FOR INDIVIDUALLY LICENSED CUSTOMS BROKERS

Individual broker type	Number
Individually Licensed Brokers	10,089
Not transacting customs business	5,447
Employee	3,695
Proprietor (individual or organization)	561
Transact customs business, not as an employee or Proprietor	386

Source: Triennial report data as filed in ACE; data current as of January 2020.

A. Costs and Benefits of a Future Rule

The addition of continuing education to the requirements for maintaining a customs broker license may produce new costs for some brokers, particularly smaller brokerages. However, many customs brokers already pursue additional training and continuing education and may already be meeting the potential requirements. To determine the net cost or benefit of mandatory continuing education, CBP seeks comments on the following areas:

Question 29. To what extent do you as a customs broker or employer of brokers already satisfy the potential requirements (40 hours over 3 years) voluntarily or via company policy? Do you believe this is representative of the customs broker industry as a whole? Why or why not? Please provide examples of how you already fulfill the potential requirements.

Question 30. What is the number of hours currently spent on training in total by you as a customs broker or by customs brokers employed by you in an average year?

Question 31. Of the existing training options for customs brokers, how many hours are supplied in-house by employers of customs brokers, externally by Federal Government agencies, and by third-party providers, in an average year? What types of training options are you as a customs broker taking advantage of?

Question 32. Is the training for customs brokers that you provide or consume general, specific to a particular topic, or does it vary depending on the current work environment?

Question 33. Are the trainings for customs brokers that are currently provided accredited by some organization? If so, please provide the names of the organizations that accredit the trainings.

Question 34. Do employers and employees find these trainings for customs brokers to be beneficial? If yes, can you provide any examples of when training may have prevented or mitigated a negative outcome in a trade process? If no, can you explain how you as a customs broker or employer of customs brokers currently keep abreast of the ever-changing and expanding requirements to comply with U.S. and international law and other knowledge to stay efficient and compliant over time?

Question 35. If you are an employer of customs brokers, and the continuing education requirement were to be put in place, would you continue your current approach to education or make changes? If you would change, please explain the changes you might make and if you would increase or decrease the use of in-house, third-party, or Federal Government-produced sources of training?

Question 36. How often do you as a customs broker or employer of customs brokers currently attend events requiring travel, and how would a possible continuing education requirement affect the amount of travel, for you or your company?

Question 37. Can you provide information on the benefits and efficacy of mandatory continuing education for customs brokers and free trainings provided by CBP and other PGAs?

Question 38. In general, how often do you as a customs broker or your customs broker employees take advantage of these government-provided training resources?

Question 39. If you are considered a small business, what would the impacts be to your company of the potential continuing education framework for customs brokers?

Question 40. Should small businesses that struggle to meet continuing education requirements for customs brokers, due to new costs, receive accommodations in the form of discounts or exemptions?

Question 41. What types of costs do you or your company incur to maintain records of the completion of employee trainings? How high are these costs? If you or your company does not currently maintain training records, what types of costs would you incur to do so?

Question 42. If you are an individually-licensed customs broker, what would you consider reasonable costs per hour of continuing education, if you had to pay out of your own pocket? Would you take more trainings if the cost were discounted for small businesses?

B. Potential Costs of a Future Rule

With continuing education requirements in place, customs brokers would face new costs. Those customs brokers already taking part in a continuing education program may see increased costs if they must increase the amount of training they participate in, or if they must switch to different, more expensive training opportunities because their current programs are not accredited. Customs brokers (or their employers) would need to pay tuition and fees, and spend time registering and preparing for, as well as attending trainings. Depending on the type of training, customs brokers (or their employers) may pay expenses related to travel and overnight trips including hotels, rental cars, and meals. To meet requirements, customs brokers would need to track and report completed trainings, which may require new systems or software, though most customs brokers would likely use existing spreadsheet or database applications. Employers may also choose to satisfy requirements by paying to produce training in-house, which would need to be accredited by a CBP-approved organization.

Accrediting organizations would need to go through some type of application process to receive CBP approval to accredit trainings. That application would require time to prepare and submit. CBP would face the costs of creating and providing the accreditor-approval process. CBP may also need to increase the number of trainings it offers (though as noted above, this is not likely), which would result in increased costs. Finally, CBP would face increased costs of enforcement, likely in the form of more frequent or more thorough audits of customs brokers' records.

Question 43. Are there any additional qualitative costs, monetary costs, or time expenditures of continuing education for customs brokers that you would like to provide?

C. Potential Benefits of a Future Rule

The addition of mandatory continuing education to the requirements for maintaining an individual customs broker license would have several benefits. A better educated and more informed workforce would be more prepared for the dynamic and complex trade environment. The customs broker industry as a whole would likely see improvements in professionalism and reputation. Customs brokers would likely need to spend less time asking questions of CBP and would commit fewer unintentional errors and violations. CBP would benefit as well, with fewer errors, issues, and violations to address. Importers, exporters, and other members of the international trade community would experience greater

professionalism from their customs brokers, need to handle fewer mistakes, and likely see increases in efficiency. Accreditors would likely see benefits in the form of increased demand for their services and the profits thereof.

Question 44. Are there any additional qualitative benefits, monetary cost savings, or time savings of continuing education for customs brokers that you would like to provide, in addition to the benefits described in the Background section above?

IV. Signature

The Acting Secretary of Homeland Security, Chad F. Wolf, having reviewed and approved this document, has delegated the authority to electronically sign this document to Chad R. Mizelle, who is the Senior Official Performing the Duties of the General Counsel for DHS, for purposes of publication in the **Federal Register**.

Chad R. Mizelle,

Senior Official Performing the Duties of the General Counsel, Department of Homeland Security.

[FR Doc. 2020–22604 Filed 10–27–20; 8:45 am]

BILLING CODE 9111–14–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2019–0709; FRL–10015–58–Region 9]

Approval of Air Quality Implementation Plans; California; Eastern Kern; 8-Hour Ozone Nonattainment Area Requirements

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve, or conditionally approve, all or portions of three state implementation plan (SIP) revisions submitted by the State of California to meet Clean Air Act (CAA or ''the Act'') requirements for the 2008 8-hour ozone national ambient air quality standards (NAAQS or ''standards'') in the Eastern Kern, California (''Eastern Kern'') ozone nonattainment area. The three SIP revisions include the ''2017 Ozone Attainment Plan For 2008 Federal 75 ppb 8-Hour Ozone Standard,'' the Eastern Kern portion of the ''2018 Updates to the California State Implementation Plan,'' and the ''Transportation Conformity Budget State Implementation Plan Update for the Eastern Kern 2017 Ozone Attainment Plan.'' In this action, the EPA refers to these submittals collectively as the ''2017 Eastern Kern Ozone SIP.'' The 2017 Eastern Kern Ozone SIP addresses certain nonattainment area requirements for the 2008 ozone NAAQS, including the requirements for an emissions inventory, attainment demonstration, reasonable further progress, reasonably available control measures, contingency measures, among others; and establishes motor vehicle emissions budgets. The EPA is proposing to approve the 2017 Eastern Kern Ozone SIP as meeting all the applicable ozone nonattainment area requirements except for the contingency measure requirement, for which the EPA is proposing conditional approval, and the reasonably available control measures and attainment demonstration requirements, for which the EPA is deferring action at this time. In addition, the EPA is beginning the adequacy process for the updated motor vehicle emissions budgets for 2020 in the 2017 Eastern Kern Ozone SIP through this proposed rulemaking.

DATES: Written comments must arrive on or before November 27, 2020.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R09–OAR–2019–0709 at *https://www.regulations.gov*. For comments submitted at *Regulations.gov*, follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *https://www.epa.gov/dockets/commenting-epa-dockets.* If you need assistance in a language other than English or if you are a person with disabilities who needs a reasonable accommodation at no cost to you, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section.

FOR FURTHER INFORMATION CONTACT: John Ungvarsky, Air Planning Office (AIR–2), EPA Region IX, 75 Hawthorne Street, San Francisco, CA 94105, (415) 972–3963 or *ungvarsky.john@epa.gov.*

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

Table of Contents

I. Regulatory Context

A. Ozone Standards, Area Designations, and SIPs

Ground-level ozone pollution is formed from the reaction of volatile organic compounds (VOC) and oxides of nitrogen (NO_X) in the presence of sunlight.[1] These two pollutants, referred to as ozone precursors, are emitted by many types of sources, including on- and off-road motor vehicles and engines, power plants and industrial facilities, and smaller area sources such as lawn and garden equipment and paints.

Scientific evidence indicates that adverse public health effects occur following exposure to ozone, particularly in children and adults with lung disease. Breathing air containing ozone can reduce lung function and inflame airways, which can increase

[1] The State of California refers to reactive organic gases (ROG) rather than VOC in some of its ozone-related SIP submissions. ROG and VOC refer essentially to the same set of chemical constituents, and for the sake of simplicity, we refer to this set of gases as VOC in this proposed rulemaking.

respiratory symptoms and aggravate asthma or other lung diseases.[2]

Under section 109 of the CAA, the EPA promulgates NAAQS for pervasive air pollutants, such as ozone. The NAAQS are concentration levels that, the attainment and maintenance of which, the EPA has determined to be requisite to protect public health and welfare. Section 110 of the CAA requires states to develop and submit SIPs to implement, maintain, and enforce the NAAQS.

In 2008, the EPA lowered the 8-hour ozone NAAQS to 0.075 parts per million (ppm) (referred to herein as the ''2008 ozone NAAQS'') to replace the 1997 ozone NAAQS of 0.08 ppm.[3] Effective July 20, 2012, the EPA established initial area designations for the 2008 ozone NAAQS. The EPA designated and classified the Eastern Kern portion of Kern County, California,[4] as a ''Marginal'' nonattainment area for the 2008 ozone NAAQS.[5] For Marginal ozone nonattainment areas, the attainment date for the 2008 ozone NAAQS is as expeditious as practicable but not later than three years from the effective date of designation, *i.e.,* not later than July 20, 2015.[6]

Under CAA section 181(b)(2), the EPA is required to determine whether an area attained the ozone NAAQS by the applicable attainment date, and in May 2016, the EPA found that Eastern Kern had failed to attain the 2008 ozone NAAQS by the applicable Marginal attainment date (*i.e.,* July 20, 2015) and reclassified the area as ''Moderate.'' [7] For Moderate ozone nonattainment areas, the attainment date is as expeditious as practicable but not later than July 20, 2018.[8]

In response to the reclassification to Moderate, the Eastern Kern Air Pollution Control District (EKAPCD or ''District'') began to develop an ozone plan meeting the applicable ozone nonattainment area requirements, such as an attainment demonstration.[9] However, in light of the attainment demonstration needs for the area, the EKAPCD developed the ''2017 Ozone Attainment Plan for the 2008 Federal 75 ppb 8-Hour Ozone Standard'' (''Eastern Kern 2017 Ozone Plan''), to meet ''Serious,'' rather than Moderate, ozone nonattainment requirements, including a base year emissions inventory, emissions statement element, RFP demonstration, attainment demonstration, and a contingency measure element. The Eastern Kern 2017 Ozone Plan also includes a request to the California Air Resources Board (CARB) to formally submit a request to the EPA asking for voluntary reclassification of the Eastern Kern ozone nonattainment area from Moderate to Serious for the 2008 ozone NAAQS.[10]

On July 27, 2017, the EKAPCD adopted the Eastern Kern 2017 Ozone Plan and transmitted the plan to CARB for approval and submittal to the EPA. Through Resolution 17–25 (dated September 28, 2017), CARB adopted the plan and the EKAPCD's request for voluntary reclassification. On October 25, 2017, CARB submitted the Eastern Kern 2017 Ozone Plan to the EPA as a revision to the California SIP. CARB's October 25, 2017 SIP revision submittal constitutes a request for reclassification of the Eastern Kern ozone nonattainment area. In 2018, the EPA approved the reclassification of the Eastern Kern ozone nonattainment area from Moderate to Serious.[11] The SIP revisions that are the subject of this proposed action address certain Serious nonattainment area requirements that apply to Eastern Kern for the 2008 ozone NAAQS.

B. The Eastern Kern Ozone Nonattainment Area

Eastern Kern is located on the western edge of the Mojave Desert, separated from populated valleys and coastal areas to the west and south by several mountain ranges. Ozone and its precursor emissions transported from these valleys and coastal areas are the major factor affecting ozone exceedances [12] in the nonattainment area. The nonattainment area itself covers approximately 3,100 square miles and has a population of approximately 100,000.[13]

The surrounding mountain ranges contain a limited number of passes that serve as transport corridors.[14] The mountain passes include Tehachapi Pass, connecting the western Mojave Desert to the southern San Joaquin Valley, and Soledad Pass and Cajon Pass connecting to the South Coast Air Basin. Eastern Kern is primarily influenced by transport through the Tehachapi Pass corridor with some influence through Soledad Pass.

C. CAA and Regulatory Requirements for 2008 Ozone Nonattainment Area SIPs

States must implement the 2008 ozone NAAQS under title I, part D of the CAA, including sections 171–179B of subpart 1 (''Nonattainment Areas in General'') and sections 181–185 of subpart 2 (''Additional Provisions for Ozone Nonattainment Areas''). To assist states in developing effective plans to address ozone nonattainment problems, in 2015, the EPA issued a SIP Requirements Rule (SRR) for the 2008 ozone NAAQS (''2008 Ozone SRR'') that addressed implementation of the 2008 standards, including attainment dates, requirements for emissions inventories, attainment and reasonable further progress (RFP) demonstrations, among other SIP elements, as well as the transition from the 1997 ozone NAAQS to the 2008 ozone NAAQS and associated anti-backsliding requirements.[15] The 2008 Ozone SRR is codified at 40 CFR part 51, subpart AA. We discuss the CAA and regulatory requirements for the elements of 2008

[2] ''Fact Sheet—2008 Final Revisions to the National Ambient Air Quality Standards for Ozone,'' dated March 2008.

[3] 73 FR 16436 (March 27, 2008). In terms of parts per billion (ppb), the 2008 ozone NAAQS is 75 ppb. The EPA further tightened the 8-hour ozone NAAQS to 0.070 ppm in 2015 (''2015 ozone NAAQS''), but this proposed action relates to the requirements for the 2008 ozone NAAQS. Information on the 2015 ozone NAAQS is available at 80 FR 65292 (October 26, 2015).

[4] Kern County is located in the southern-most portion of California's Central Valley. The western half of Kern County is part of the San Joaquin Valley air basin and is included within the San Joaquin Valley ozone nonattainment area. The eastern half of Kern County is part of the Mojave Desert air basin. The Eastern Kern ozone nonattainment area covers the eastern half of the County, excluding Indian Wells Valley. For more detail on the boundaries of the Eastern Kern ozone nonattainment area, see the 2008 ozone table in 40 CFR 81.305.

[5] 77 FR 30088 (May 21, 2012).

[6] 40 CFR 51.1103(a).

[7] 81 FR 26697 (May 4, 2016).

[8] 40 CFR 51.1103(a).

[9] Under California law, the California Air Resources Board (CARB) is the state agency that is responsible for the adoption and submission to the EPA of California SIPs and SIP revisions, and it has broad authority to establish emissions standards and other requirements for mobile sources. Local and regional air pollution control districts in California are responsible for the regulation of stationary sources and are generally responsible for the development of regional air quality plans. In Eastern Kern, EKAPCD develops and adopts air quality management plans to address CAA planning requirements applicable to that area. Such plans are then submitted to CARB for adoption and submittal to the EPA as revisions to the California SIP.

[10] See page vi of the Eastern Kern 2017 Ozone Plan.

[11] 83 FR 31334 (July 5, 2018).

[12] In this context, ''exceedances'' refer to daily maximum 8-hour average concentrations that are greater than the level of the standard (*i.e.,* greater than 0.075 ppm).

[13] See Eastern Kern 2017 Ozone Plan, H–8; area (566 square miles) and population (33,000) for Indian Wells Valley were subtracted from the District-wide values on page H–8 to estimate the area and population of the ozone nonattainment area. Indian Wells Valley information is from EKAPCD, Indian Wells Valley Second 10-Year PM_{10} Maintenance Plan (May 7, 2020).

[14] See Eastern Kern 2017 Ozone Plan, p. 5.

[15] 80 FR 12264 (March 6, 2015).

ozone plans relevant to this proposal in more detail below.

The EPA's 2008 Ozone SRR was challenged, and on February 16, 2018, the U.S. Court of Appeals for the D.C. Circuit (''D.C. Circuit'') published its decision in *South Coast Air Quality Management District* v. *EPA* [16] (''*South Coast II*'') [17] vacating portions of the 2008 Ozone SRR. The only aspect of the *South Coast II* decision that affects this proposed action is the vacatur of the alternative baseline year for RFP plans. More specifically, the 2008 Ozone SRR required states to develop the baseline emissions inventory for RFP plans using the emissions for the most recent calendar year for which states submit a triennial inventory to the EPA under subpart A (''Air Emissions Reporting Requirements'') of 40 CFR part 51, which was 2011. However, the 2008 Ozone SRR allowed states to use an alternative year, between 2008 and 2012, for the baseline emissions inventory provided that the state demonstrated why the alternative baseline year was appropriate. In the *South Coast II* decision, the D.C. Circuit vacated the provisions of the 2008 Ozone SRR that allowed states to use an alternative baseline year for demonstrating RFP.

II. Submissions From the State of California To Address 2008 Ozone Requirements in Eastern Kern

A. Summary of Submissions

In this document, we are proposing action on all or portions of three SIP revisions, which are described in detail in the following paragraphs. Collectively, we refer to the relevant portions of the three SIP revisions as the 2017 Eastern Kern Ozone SIP.

1. EKAPCD's Eastern Kern 2017 Ozone Plan

On October 25, 2017, CARB submitted the Eastern Kern 2017 Ozone Plan to the EPA as a revision to the California SIP.[18] The Eastern Kern 2017 Ozone Plan addresses certain nonattainment area requirements for Eastern Kern for the 2008 ozone NAAQS. More specifically, the Eastern Kern 2017 Ozone Plan includes a base year emissions inventory,[19] reasonably available control measure (RACM) demonstration, RFP demonstration, attainment demonstration, contingency measures, motor vehicle emissions budgets (MVEBs or ''budgets'') for years 2017 and 2020 and addresses the emissions statement requirement. The appendices to the Eastern Kern 2017 Ozone Plan provide documentation for the emissions inventories, RACM demonstrations for mobile sources and consumer products, and the photochemical modeling conducted in support of the attainment demonstration. Further support for the attainment demonstration is provided in ''Staff Report, CARB Review of the Eastern Kern Air Pollution Control District 2017 Ozone Attainment Plan for 2008 Federal 75 ppb 8-Hour Ozone Standard'' (''CARB Staff Report''), including a weight of evidence analysis in Appendix A. The October 25, 2017 SIP submittal of the Eastern Kern 2017 Ozone Plan was accompanied by public process documentation at both the District and state levels.

Since submittal of the Eastern Kern 2017 Ozone Plan, CARB has replaced or supplemented certain elements of the Eastern Kern 2017 Ozone Plan, including the RFP demonstration, the 2020 budgets, and the contingency measure element, as discussed further below. In this document, we are proposing action on all the elements of the Eastern Kern 2017 Ozone Plan, except for the RFP demonstration, which has been withdrawn, and the RACM and attainment demonstrations for which we are deferring action at this time.

2. CARB's 2018 Updates to the California State Implementation Plan

On December 5, 2018, CARB submitted the ''2018 Updates to the California State Implementation Plan'' (''2018 SIP Update'') to the EPA as a revision to the California SIP.[20] CARB adopted the 2018 SIP Update on October 25, 2018. CARB developed the 2018 SIP Update in response to the court's decision in *South Coast II* vacating the 2008 Ozone SRR with respect to the use of an alternate baseline year for demonstrating RFP and to provide additional information pertaining to the contingency measure requirement in the wake of the court decision in *Bahr* v. *EPA*.[21] The 2018 SIP Update includes an RFP demonstration using the required 2011 baseline year for Eastern Kern for the 2008 ozone NAAQS.[22] The RFP demonstration in the 2018 SIP Update for Eastern Kern supersedes and replaces the RFP demonstration in the Eastern Kern 2017 Ozone Plan.[23]

The 2018 SIP Update also includes supplemental information developed to support the approval of the contingency measure element of the Eastern Kern 2017 Ozone Plan.[24] More recently, the District and CARB have further supplemented the contingency measure element through commitments made in letters submitted to the EPA. In its letter, the District commits to modify at least one specific existing rule to create a contingency measure that will be triggered if the area fails to meet an RFP milestone or to attain the 2008 ozone NAAQS by the applicable attainment date and to transmit the rule or rules, as amended, to CARB for submittal to the EPA.[25] In its letter, CARB commits to submit the revised District rule or rules to the EPA as a SIP revision within 12 months of the EPA's final conditional approval of the contingency measure

[16] *South Coast Air Quality Management District* v. *EPA,* 882 F.3d 1138 (D.C. Cir. 2018) (''*South Coast II*'').

[17] The term ''*South Coast II*'' is used in reference to the 2018 court decision to distinguish it from a decision published in 2006 also referred to as ''*South Coast.*'' The earlier decision involved a challenge to the EPA's Phase 1 implementation rule for the 1997 ozone NAAQS. *South Coast Air Quality Management Dist.* v. *EPA,* 472 F.3d 882 (D.C. Cir. 2006).

[18] Letter dated October 25, 2017, from Richard W. Corey, Executive Officer, CARB, to Alexis Strauss, Acting Regional Administrator, EPA Region IX.

[19] The 2012 base year emissions inventory in the Eastern Kern 2017 Ozone Plan supersedes and replaces a previous submittal of the 2012 base year emissions inventory for Eastern Kern in the ''8-Hour Ozone State Implementation Plan Emission Inventory Submittal'' (the ''Multi-Area Emission Inventory''). The Multi-Area Emission Inventory was submitted by CARB on July 17, 2014 and included 2012 base year emissions inventories for 16 nonattainment areas, including Eastern Kern. Relative to the corresponding inventory for Eastern Kern in the Multi-Area Emission Inventory, the 2012 base year emissions inventory in the Eastern Kern 2017 Ozone Plan reflects updated stationary, area, and nonroad source calculations as well as an updated version of the EMFAC model for on-road motor vehicle estimates. On December 18, 2019, CARB withdrew the earlier submitted 2012 base year emissions inventory for Eastern Kern.

[20] Letter dated December 5, 2018, from Richard Corey, Executive Officer, CARB, to Mike Stoker, Regional Administrator, EPA Region IX.

[21] *Bahr* v. *EPA,* 836 F.3d 1218 (9th Cir. 2016) (''*Bahr* v. *EPA*''). In *Bahr* v. *EPA,* the court rejected the EPA's longstanding interpretation of CAA section 172(c)(9) as allowing for early implementation of contingency measures. The court concluded that a contingency measure must take effect at the time the area fails to make RFP or attain by the applicable attainment date, not before.

[22] Chapter IV (''SIP Elements for Eastern Kern County'') of the 2018 SIP Update, section IV.B.

[23] In a letter dated December 18, 2019, from Richard W. Corey, Executive Officer, CARB, to Mike Stoker, Regional Administrator, Region 9, CARB withdrew the RFP demonstration in the Eastern Kern 2017 Ozone Plan.

[24] Chapter IV (''SIP Elements for Eastern Kern County'') of the 2018 SIP Update, section IV.C.

[25] Letter dated September 1, 2020, from Glen E. Stephens, EKAPCD Air Pollution Control Officer, to Richard Corey, CARB Executive Officer, included as an attachment to a letter dated September 18, 2020, from Richard W. Corey, CARB Executive Officer, to John Busterud, EPA Region IX Regional Administrator.

element of the 2017 Eastern Kern Ozone SIP.[26]

The 2018 SIP Update includes updates for 8 different California ozone nonattainment areas. We have already taken action to approve the Coachella Valley, Imperial County, San Joaquin Valley, South Coast, and Ventura County portions of the 2018 SIP Update.[27] In this document, we are proposing action on the Eastern Kern portion of the 2018 SIP Update.

3. Revised Motor Vehicle Emissions Budgets for 2020

On August 31, 2020, CARB submitted the ''Transportation Conformity Budget State Implementation Plan Update for the Eastern Kern 2017 Ozone Attainment Plan'' (''2020 Conformity Budget Update'') to the EPA as a revision to the California SIP.[28] CARB adopted the Revised 2020 Budgets on July 23, 2020. The 2020 Conformity Budget Update includes revised 2020 budgets for VOC and NO_X for the Eastern Kern nonattainment area and a demonstration showing consistency between the revised budgets and the RFP demonstration in the 2018 SIP Update. The revised 2020 budgets supersede the 2020 budgets from the Eastern Kern 2017 Ozone Plan.

B. CAA Procedural Requirements for Adoption and Submission of SIP Revisions

Sections 110(a) and 110(l) of the CAA require a state to provide reasonable public notice and opportunity for public hearing prior to the adoption and submission of a SIP or SIP revision. To meet this requirement, every SIP submittal should include evidence that adequate public notice was given and an opportunity for a public hearing was provided consistent with the EPA's implementing regulations in 40 CFR 51.102.

Both the District and CARB have satisfied the applicable statutory and regulatory requirements for reasonable public notice and hearing prior to the adoption and submittal of the SIP revisions that comprise the 2017 Eastern Kern Ozone SIP. With respect to the Eastern Kern 2017 Ozone Plan, the District provided a public review period exceeding 30 days for the draft Eastern Kern 2017 Ozone Plan. On June 22, 2017, the District gave notice in local newspapers [29] of a 30-day public review period for draft Eastern Kern 2017 Ozone Plan and notice of a public hearing to be held on July 27, 2017, for the adoption of the Eastern Kern 2017 Ozone Plan. On July 27, 2017, the District's Air Pollution Control Board held the public hearing, adopted the Eastern Kern 2017 Ozone Plan, and directed staff to forward it to CARB for inclusion in the California SIP.[30] No public comments were received during the notice period or at the public hearing.[31]

CARB also provided public notice and opportunity for public comment on the Eastern Kern 2017 Ozone Plan. On August 25, 2017, CARB released for public review its Staff Report for the Eastern Kern 2017 Ozone Plan and gave notice of public meeting to be held on September 28, 2017, to consider adoption of the Eastern Kern 2017 Ozone Plan.[32] On September 28, 2017, CARB held the hearing, adopted the Eastern Kern 2017 Ozone Plan as a revision to the California SIP, and directed the Executive Officer to submit the Eastern Kern 2017 Ozone Plan to the EPA for approval into the California SIP.[33] No public comments were received during the notice period or at the public hearing.[34] On October 25, 2017, the Executive Officer of CARB submitted the Eastern Kern 2017 Ozone Plan to the EPA.

With respect to the 2018 SIP Update, CARB also provided public notice and opportunity for public comment. On September 21, 2018, CARB released for public review the 2018 SIP Update and published a notice of public meeting to be held on October 23, 2018, to consider adoption of the 2018 SIP Update.[35] On October 23, 2018, CARB adopted the 2018 SIP Update.[36] On December 5, 2018, CARB submitted the 2018 SIP Update to the EPA.

With respect to the 2020 Conformity Budget Update, CARB provided public notice and opportunity for public comment. On June 19, 2020, CARB released for public review the draft 2020 Conformity Budget Update and published a notice of public meeting to be held on July 23, 2020, to consider adoption of the revised 2020 budgets.[37] On July 23, 2020, CARB adopted the 2020 Conformity Budget Update,[38] and on August 31, 2020, CARB submitted it to the EPA.

Based on information provided in each of the SIP revisions summarized above, we find that the submittals of the Eastern Kern 2017 Ozone Plan, the 2018 SIP Update, and the 2020 Conformity Budget Update meet the procedural requirements for public notice and hearing in CAA sections 110(a) and 110(l) and 40 CFR 51.102.

III. Evaluation of the 2017 Eastern Kern Ozone SIP

A. Base Year Emissions Inventory

1. Statutory and Regulatory Requirements

CAA sections 172(c)(3) and 182(a)(1) require states to submit for each ozone nonattainment area a ''base year inventory'' that is a comprehensive, accurate, current inventory of actual emissions from all sources of the relevant pollutant or pollutants in the area. In addition, the 2008 Ozone SRR requires that the inventory year be selected consistent with the baseline year for the RFP demonstration, which is the most recent calendar year for which a complete triennial inventory is required to be submitted to the EPA under the Air Emissions Reporting Requirements.[39]

The EPA has issued guidance on the development of base year and future year emissions inventories for ozone and other pollutants.[40] Emissions

[26] Letter dated September 18, 2020, from Richard W. Corey, CARB Executive Officer, to John Busterud, EPA Region IX Regional Administrator.

[27] 84 FR 11198 (March 25, 2019) (final approval of the San Joaquin Valley portion of the 2018 SIP Update), 84 FR 52005 (October 1, 2019) (final approval of the South Coast portion of the 2018 SIP Update), 85 FR 11817 (February 27, 2020) (final approval of the Imperial County portion of the 2018 SIP Update), 85 FR 11814 (February 27, 2020) and 85 FR 38081 (June 25, 2020) (final approvals of the Ventura County portion of the 2018 SIP Update), and 85 FR 57714 (September 16, 2020) (final approval of the Coachella Valley portion of the 2018 SIP Update).

[28] Submitted electronically on August 31, 2020 as an attachment to a letter dated August 25, 2020, from Richard Corey, CARB Executive Officer, to John Busterud, Regional Administrator, EPA Region IX.

[29] The Bakersfield Californian, The Tehachapi News, and the Daily Independent published the notices on June 22, 2017, June 28, 2017, and June 23, 2017, respectively.

[30] EKAPCD Board Resolution 2017–001–07.

[31] Letter dated August 3, 2017, from Glen E. Stephens, EKAPCD Air Pollution Control Officer, to Richard Corey, Executive Officer, CARB.

[32] Notice of Public Meeting to Consider the 2017 Ozone Attainment Plan for the Eastern Kern Nonattainment Area, dated August 17, 2017, and signed by Richard Corey, Executive Officer, CARB. CARB also posted the public notice on its website on August 25, 2017.

[33] CARB Resolution 17–25.

[34] Letter dated October 25, 2017, from Richard W. Corey, Executive Officer, CARB, to Alexis Strauss, Acting Regional Administrator, EPA Region IX, and enclosed completeness checklist for Eastern Kern 2017 Ozone Plan.

[35] Notice of Public Meeting to Consider the 2018 Updates to the California State Implementation Plan signed by Richard Corey, Executive Officer, CARB, September 21, 2018.

[36] CARB Resolution 18–50.

[37] Notice of Public Meeting to Consider Eastern Kern Conformity Budget Update signed by Richard Corey, Executive Officer, CARB, June 19, 2020.

[38] CARB Resolution 20–20.

[39] 2008 Ozone SRR at 40 CFR 51.1115(a) and the Air Emissions Reporting Requirements at 40 CFR part 51, subpart A.

[40] ''Emissions Inventory Guidance for Implementation of Ozone and Particulate Matter

Continued

inventories for ozone must include emissions of VOC and NO_X and represent emissions for a typical ozone season weekday.[41] States should include documentation explaining how the emissions data were calculated. In estimating mobile source emissions, states should use the latest emissions models and planning assumptions available at the time the SIP is developed.[42]

Future baseline emissions inventories must reflect the most recent population, employment, travel and congestion projections for the area. In this context, future ''baseline'' emissions inventories refer to emissions estimates for a given year and area that reflect rules and regulations and other measures that are already adopted and that take into account expected growth. Future baseline emissions inventories are necessary to show the projected effectiveness of SIP control measures. Both the base year and future year inventories are necessary for photochemical modeling to demonstrate attainment.

2. Summary of State's Submission

The Eastern Kern 2017 Ozone Plan includes base year (2012) and future year baseline inventories for NO_X and VOC for the Eastern Kern ozone nonattainment area. Documentation for the inventories is found in Chapter V (''Summary of Emissions Inventory''), Chapter VI (''Emissions Inventories''), and Appendix A of the Eastern Kern 2017 Ozone Plan. The emissions inventories represent average summer day emissions, consistent with the observation that ozone levels in Eastern Kern are typically higher from May through October. The 2012 base year and future year inventories in the Eastern Kern 2017 Ozone Plan reflect District rules adopted prior to December 2015 and CARB rules adopted prior to December 2014.[43] The mobile source portions of both base year and projected future year inventories were developed using California's EPA-approved mobile source emissions model, EMFAC2014, for estimating on-road motor vehicle emissions.[44]

Emissions estimates of VOC and NO_X in the Eastern Kern 2017 Ozone Plan are grouped into the following source categories: stationary, area-wide, on-road motor vehicles, and other mobile (off-road). Stationary sources refer to larger point sources that are subject to District permits and have a fixed geographic location, such as power plants, industrial engines, and oil storage tanks. Area-wide sources are dispersed over a wide geographic area and include sources such as consumer products and architectural coatings. The emissions inventories for the Eastern Kern 2017 Ozone Plan account for smaller permitted stationary sources in the area-wide source categories. The mobile source category is divided into on-road and off-road sources. The on-road sources include such vehicles as light-duty automobiles, light-, medium-, and heavy-duty trucks, and motorcycles. Off-road sources include such vehicles as aircraft, recreational boats, and off-road equipment.

For the Eastern Kern 2017 Ozone Plan, stationary point source emissions for the 2012 base year emissions inventory are based on reported data from facilities using the District's annual emissions reporting program, which applies under District Rule 108.2 (''Emission Statement Requirements'') to all stationary sources in Eastern Kern that emit more than 25 tons per year (tpy) or more of VOC or NO_X. Area sources include smaller emissions sources distributed across the nonattainment area. CARB and the District estimate emissions for area sources using established inventory methods, including publicly-available emission factors and activity information. Area source methodologies are described in Chapter V of the Eastern Kern 2017 Ozone Plan. To improve and update the emissions inventory, District staff evaluate the data and methods used on an annual basis. CARB and District staff coordinate the update process through the State's Emissions Inventory Technical Advisory Committee.

On-road emissions inventories in the Eastern Kern 2017 Ozone Plan are calculated using CARB's EMFAC2014 model and vehicle and travel activity data from the California Department of Motor Vehicles and the Kern Council of Governments (COG).[45] CARB uses a suite of models to estimate emissions for off-road equipment categories or, where a new model was not available, the OFFROAD2007 model.[46] CARB provided emissions inventories for off-road equipment, including construction and mining equipment, industrial and commercial equipment, lawn and garden equipment, agricultural equipment, locomotives, and recreational vehicles. Aircraft, locomotive, and recreational boat emissions were allocated based on District estimates.

Table 1 of this document provides a summary of the 2012 base year emissions estimates in tons per day (tpd) (average summer day) for VOC and NO_X. Based on the inventory for 2012, mobile sources are the predominant sources to county-wide VOC emissions, whereas stationary point sources are the predominant sources of NO_X emissions.

TABLE 1—EASTERN KERN 2012 BASE YEAR EMISSIONS INVENTORY

[Summer planning inventory, tpd]

Category	2012	
	VOC	NO_X
Stationary	0.94	16.67
Area Sources	1.12	0.12
On-Road Mobile Sources	2.42	7.61
Other (Off-Road) Mobile Sources	3.91	6.10

National Ambient Air Quality Standards (NAAQS) and Regional Haze Regulations,'' EPA–454/B–17–002, May 2017. At the time that the Eastern Kern 2017 Ozone Plan was developed, the following EPA emissions inventory guidance applied: ''Emissions Inventory Guidance for Implementation of Ozone and Particulate Matter National Ambient Air Quality Standards (NAAQS) and Regional Haze Regulations,'' EPA–454–R–05–001, August 2005.

[41] 40 CFR 51.1115(a) and (c), and 40 CFR 51.1100(bb) and (cc).

[42] 80 FR 12264, at 12290 (March 6, 2015).

[43] Email dated May 18, 2020, from Christine Suarez-Murias, CARB, to John Ungvarsky, EPA Region 9. Also See 2018 SIP Update, A–2.

[44] EMFAC is short for EMission FACtor. In December 2015, the EPA approved EMFAC2014 for SIP development and transportation conformity purposes in California. 80 FR 77337 (December 14, 2015). EMFAC2014 was the most recently approved version of the EMFAC model that was available at the time of preparation of the Eastern Kern 2017 Ozone Plan. On August 15, 2019, the EPA approved an updated version of the EMFAC model, EMFAC2017, for future SIP development and transportation purposes in California. See 84 FR 41717.

[45] 2017 Federal Transportation Improvement Program, Kern COG, local adoption on September 15, 2016 and federal adoption on December 16, 2016. Available at *https://www.kerncog.org/wp-content/uploads/2019/04/2017_FTIPWamend1to19.pdf.*

[46] Eastern Kern 2017 Ozone Plan, 21.

TABLE 1—EASTERN KERN 2012 BASE YEAR EMISSIONS INVENTORY—Continued

[Summer planning inventory, tpd]

Category	2012	
	VOC	NO_X
ERCs	.....	.....
Total for Eastern Kern Nonattainment Area	8.39	30.50

Source: Eastern Kern 2017 Ozone Plan, Appendix A, Table A–1, and Appendix D.

Following the *South Coast II* decision, CARB submitted the 2018 SIP Update to the EPA to, among other things, revise the RFP demonstration in the Eastern Kern 2017 Ozone Plan based on a 2011 RFP baseline year (*i.e.,* rather than 2012). Our analysis of the emissions inventories for the 2011 RFP baseline year and RFP milestone years 2017 and 2020 can be found in section III.C below.

3. The EPA's Review of the State's Submission

We have reviewed the 2012 base year emissions inventory in the Eastern Kern 2017 Ozone Plan and the inventory methodologies used by the District and CARB for consistency with CAA requirements and EPA guidance. First, as required by EPA regulation, we find that the 2012 inventory includes estimates for VOC and NO_X for a typical ozone season weekday, and that CARB has provided adequate documentation explaining how the emissions are calculated. Second, we find that the 2012 base year emissions inventory in the Eastern Kern 2017 Ozone Plan reflects appropriate emissions models and methodologies, and, therefore, represents a comprehensive, accurate, and current inventory of actual emissions during that year in the Eastern Kern nonattainment area. Third, we find that selection of year 2012 for the base year emissions inventory is appropriate because it is consistent with the 2011 RFP baseline year (from the 2018 SIP Update) because both inventories are derived from a common set of models and methods. Therefore, the EPA is proposing to approve the 2012 emissions inventory in the Eastern Kern 2017 Ozone Plan as meeting the requirements for a base year inventory set forth in CAA section 182(a)(1) and 40 CFR 51.1115.

B. Emissions Statement

1. Statutory and Regulatory Requirements

Section 182(a)(3)(B)(i) of the Act requires states to submit a SIP revision requiring owners or operators of stationary sources of VOC or NO_X to provide the state with statements of actual emissions from such sources. Statements must be submitted at least every year and must contain a certification that the information contained in the statement is accurate to the best knowledge of the individual certifying the statement. Section 182(a)(3)(B)(ii) of the Act allows states to waive the emissions statement requirement for any class or category of stationary sources that emit less than 25 tpy of VOC or NO_X, if the state provides an inventory of emissions from such class or category of sources as part of the base year or periodic inventories required under CAA sections 182(a)(1) and 182(a)(3)(A), based on the use of emission factors established by the EPA or other methods acceptable to the EPA.

The 2008 Ozone SRR provides that nonattainment areas are subject to the requirements of subpart 2 of part D of title I of the CAA that apply for that area's classification.[47] For all areas classified under subpart 2, the emissions statement requirement under CAA section 182(a)(3)(B)(i) applies. The preamble of the 2008 Ozone SRR states that if an area has a previously approved emissions statement rule for the 1997 ozone NAAQS or the 1-hour ozone NAAQS that covers all portions of the nonattainment area for the 2008 ozone NAAQS, such rule should be sufficient for purposes of the emissions statement requirement for the 2008 ozone NAAQS.[48] The state should review the existing rule to ensure it is adequate and, if so, may rely on it to meet the emissions statement requirement for the 2008 ozone NAAQS. Where an existing SIP-approved emissions statement rule is adequate to meet the requirements of the 2008 Ozone SRR, states can provide the rationale for that determination to the EPA in a written statement in their SIP submittal for the 2008 ozone NAAQS to meet this requirement. States should identify the various requirements and how each is met by the existing SIP-approved emissions statement program. Where an emissions statement requirement is modified for any reason, the state must provide the revision to the emissions statement rule as part of its SIP.

2. Summary of the State's Submission

The Eastern Kern 2017 Ozone Plan addresses compliance with the emissions statement requirement in CAA section 182(a)(3)(B) for the 2008 ozone NAAQS by reference to District Rule 108.2 (''Emission Statement Requirements'').[49] District Rule 108.2 requires, among other things, emissions reporting from all Eastern Kern stationary sources of NO_X and VOC, but provides for waiver of the requirement by the Air Pollution Control Officer for sources that emit less than 25 tpy.[50] The EPA approved District Rule 108.2 as a revision to the Eastern Kern portion of the California SIP in 2004.[51] The District determined in the Eastern Kern 2017 Ozone Plan that the existing provisions of District Rule 108.2 meet the emissions statement requirements for the 2008 ozone NAAQS.[52]

3. The EPA's Review of the State's Submission

For this action, we have reviewed EKAPCD's evaluation of SIP-approved District Rule 108.2 for compliance with the specific requirements for emissions statements under CAA section 182(a)(3)(B). We agree with the District that District Rule 108.2 applies within the entire Eastern Kern ozone nonattainment area for the 2008 ozone NAAQS; applies to all stationary sources of VOC and NO_X, except those emitting less than 25 tpy that the District has waived the requirement (consistent with CAA section 182(a)(3)(B)(ii)); and requires reporting, on an annual basis, of total emissions of VOC and NO_X. Also, as required under CAA section 182(a)(3)(B), we note that

[47] 40 CFR 51.1102.

[48] See 80 FR 12264, at 12291 (March 6, 2015).

[49] Eastern Kern 2017 Ozone Plan, 28.

[50] District Rule 108.2 uses the term ''reactive organic compounds'' (ROG) instead of VOC. As a practical matter, ROG and VOC refer to the same set of chemical constituents, and for the sake of simplicity, we refer to this set of gases as VOC in this proposed rule.

[51] 69 FR 29880 (May 26, 2004).

[52] Eastern Kern 2017 Ozone Plan, 28.

District Rule 108.2 requires certification that the information provided to the District is accurate to the best knowledge of the individual certifying the emissions statement.

Therefore, we propose to approve the emissions statement element of the Eastern Kern 2017 Ozone Plan as meeting the requirements of CAA section 182(a)(3)(B) and the 40 CFR 51.1102.

C. Rate of Progress Plan and Reasonable Further Progress Demonstration

1. Statutory and Regulatory Requirements

Requirements for RFP for ozone nonattainment areas are specified in CAA sections 172(c)(2), 182(b)(1), and 182(c)(2)(B). Under CAA section 171(1), RFP is defined as meaning such annual incremental reductions in emissions of the relevant air pollutant as are required under CAA part D (''Plan Requirements for Nonattainment Areas'') or may reasonably be required by the EPA for the purpose of ensuring attainment of the applicable NAAQS by the applicable date. CAA section 172(c)(2) generally requires that a nonattainment plan include provisions for RFP. CAA section 182(b)(1) specifically requires that ozone nonattainment areas that are classified as Moderate or above demonstrate a 15 percent reduction in VOC between the years of 1990 and 1996. The EPA has typically referred to section 182(b)(1) as the rate of progress (ROP) requirement. For ozone nonattainment areas classified as Serious or higher, section 182(c)(2)(B) requires reductions averaged over each consecutive 3-year period, beginning 6 years after the baseline year until the attainment date, of at least 3 percent of baseline emissions per year. The provisions in CAA section 182(c)(2)(B)(ii) allow an amount less than 3 percent of such baseline emissions each year if the state demonstrates to the EPA that the plan includes all measures that can feasibly be implemented in the area in light of technological achievability.

In the 2008 Ozone SRR, the EPA provides that areas classified Moderate or higher for the 2008 ozone NAAQS will have met the ROP requirements of CAA section 182(b)(1) if the area has a fully approved 15 percent ROP plan for the 1-hour or 1997 ozone NAAQS, provided that the boundaries of the ozone nonattainment areas are the same.[53] For such areas, the EPA interprets the RFP requirements of CAA section 172(c)(2) to require areas classified as Moderate to provide a 15 percent emission reduction of ozone precursors within 6 years of the baseline year. Areas classified as Serious or higher must meet the RFP requirements of CAA section 182(c)(2)(B) by providing an 18 percent reduction of ozone precursors in the first 6-year period, and an average ozone precursor emission reduction of 3 percent per year for all remaining 3-year periods thereafter.[54] To meet CAA sections 172(c)(2) and 182(c)(2)(B) RFP requirements, the state may substitute NO_X emissions reductions for VOC reductions.[55]

Except as specifically provided in CAA section 182(b)(1)(C), emissions reductions from all SIP-approved, federally promulgated, or otherwise SIP-creditable measures that occur after the baseline year are creditable for purposes of demonstrating that the RFP targets are met. Because the EPA has determined that the passage of time has caused the effect of certain exclusions to be de minimis, the RFP demonstration is no longer required to calculate and specifically exclude reductions from measures related to motor vehicle exhaust or evaporative emissions promulgated by January 1, 1990; regulations concerning Reid vapor pressure promulgated by November 15, 1990; measures to correct previous reasonably available control measure requirements; and, measures required to correct previous inspection and maintenance programs.[56]

The 2008 Ozone SRR requires the RFP baseline year to be the most recent calendar year for which a complete triennial inventory was required to be submitted to the EPA. For the purposes of developing RFP demonstrations for the 2008 ozone NAAQS, the applicable triennial inventory year is 2011. As discussed previously, the 2008 Ozone SRR provided states with the opportunity to use an alternative baseline year for RFP,[57] but that provision of the 2008 Ozone SRR was vacated by the D.C. Circuit in the *South Coast II* decision.

2. Summary of the State's Submission

The Eastern Kern 2017 Ozone Plan addresses both the ROP (VOC only) demonstration requirement and the RFP demonstration requirement. With respect to the former, the District cites the EPA's 1997 approval of the ROP demonstration for the 1-hour ozone NAAQS for the District's portion of the San Joaquin Valley nonattainment area and concludes that, based on the 1997 approval, the ROP requirement has been met for Eastern Kern for the 2008 ozone NAAQS.[58]

With respect to the RFP demonstration requirement, the Eastern Kern 2017 Ozone Plan includes an RFP demonstration based on emissions estimates for an RFP baseline year of 2008 and for RFP milestone years 2017 and 2020. CARB developed the emissions estimates for the RFP demonstration in the Eastern Kern 2017 Ozone Plan by applying growth and control profiles to the base year inventory, described in section III.A of this document. Growth profiles for point and area-wide sources are derived from surrogates such as economic activity, fuel usage, population, housing units, etc.[59] Growth projections were obtained from government entities with expertise in developing forecasts for specific sectors, and from econometric models. Control profiles that account for emission reductions resulting from adopted rules and regulations are derived from data provided by the regulatory agencies responsible for the affected emission categories.

Under the EPA's SIP regulations for nonattainment new source review (NSR) programs, a state may allow new major stationary sources or major modifications to use emission reductions credits (ERCs) that were generated through shutdown or curtailed emissions units occuring before the base year of an attainment plan. However, to use such ERCs, the projected emissions inventory used to develop the attainment demonstration must explicitly include the emissions from such previously shutdown or curtailed emissions units.[60] The District has elected to provide for use of pre-base year ERCs as offsets by explicitly including such ERCs in the 2020 attainment year inventory.[61] The ERC set-aside in the attainment year (2020) is 0.04 tpd of VOC and 0.12 tpd of NO_X.[62]

In response to the *South Coast II* decision, which invalidated the use of alternative RFP baseline years such as 2008, CARB revised the RFP demonstration for the Eastern Kern area based on a 2011 baseline year and submitted the revised RFP

[53] 80 FR 12264, at 12271 (March 6, 2015).

[54] Id.

[55] 40 CFR 51.1110(a)(2)(i)(C) and 40 CFR 51.1110(a)(2)(ii)(B); and 80 FR 12264, at 12271 (March 6, 2015).

[56] 40 CFR 51.1110(a)(7).

[57] 40 CFR 51.1110(b).

[58] See Eastern Kern 2017 Ozone Plan, 33, and 62 FR 1150, 1172 (January 8, 1997); clarified at 84 FR 45422 (August 29, 2019).

[59] Eastern Kern 2017 Ozone Plan, Table 4: Growth Surrogates for Point and Area-wide Sources, 18–19.

[60] 40 CFR 51.165(a)(3)(ii)(C)(1).

[61] Eastern Kern 2017 Ozone Plan, 27–28.

[62] Eastern Kern 2017 Ozone Plan, Appendix D (''Banked Emission Reduction Credits'').

demonstration for Eastern Kern as part of the 2018 SIP Update.[63] To develop the 2011 RFP baseline inventory, CARB relied on actual emissions reported from industrial point sources for year 2011. The 2011 RFP baseline year emissions for areawide, stationary aggregate sources,[64] and mobile are backcasted from the 2012 base year, relying on the same growth and control methodology as is used for future years. In the 2018 SIP Update, CARB also revised the future baseline emissions projections for years 2017 and 2020 to reflect updated emissions-related information for certain off-road source categories. The emissions projections for 2017 and 2020 in the 2018 SIP Update are essentially the same as those in the Eastern Kern 2017 Ozone Plan except for the projections for certain off-road mobile sources that, as noted, reflect updated information and that are less than the corresponding projections in the Eastern Kern 2017 Ozone Plan.

Table 2 of this document provides a summary of CARB's 2011 RFP baseline year, 2017 RFP milestone year, and 2020 RFP milestone/attainment year emissions estimates from the 2018 SIP Update. Documentation for the Eastern Kern RFP baseline and milestone emissions inventories is found in the 2018 SIP Update on pages 21–23 and Appendix A on pages A–11 through A–14. For both sets of baseline emissions inventories (those in the Eastern Kern 2017 Ozone Plan and those in the 2018 SIP Update), emissions estimates reflect District rules adopted through December 2015 and CARB rules adopted through December 2014.

TABLE 2—EASTERN KERN 2011 BASE YEAR, 2017 AND 2020 RFP MILESTONE YEARS EMISSIONS INVENTORIES

[Summer planning inventory, tpd]

	2011		2017		2020	
Category	VOC	NO_X	VOC	NO_X	VOC	NO_X
Stationary	1.0	16.3	1.0	18.6	1.0	19.4
Area Sources	1.1	0.1	1.2	0.1	1.2	0.1
On-Road Mobile Sources	2.6	8.5	1.4	4.2	1.1	3.4
Other (Off-Road) Mobile Sources	4.0	6.0	3.7	5.2	3.6	4.6
Total	8.6	31.0	7.2	28.1	6.8	27.5

Note: The sum of the emissions values may not equal the total shown due to rounding of the numbers.
Source: 2018 SIP Update, pp. 21–23 and Appendix A, A–11—A–14.

The revised RFP demonstration in the 2018 SIP Update did not include the ERCs included in year 2020 projections in the Eastern Kern 2017 Ozone Plan. However, CARB further revised the RFP demonstration for Eastern Kern in the 2020 Conformity Budget Update and provided a demonstration of how the revised budgets are consistent with the RFP demonstration in the 2018 SIP Update for Eastern Kern, as revised to include the ERCs. Table 3 of this document presents the updated RFP demonstration for Eastern Kern for the 2008 ozone NAAQS as revised by CARB in the 2020 Conformity Budget Update.

TABLE 3—RFP DEMONSTRATION FOR EASTERN KERN COUNTY FOR THE 2008 OZONE NAAQS

[Summer planning inventory, tpd or percent]

	VOC		
	2011	2017	2020
Baseline VOC	8.6	7.2	[a] 6.9
2020 Transportation Conformity Safety Margin	.....	.....	0.2
2020 Transportation Conformity Rounding Margin	.....	.....	0.05
Baseline VOC + Safety Margin+ Rounding Margin	.....	7.2	7.1
Required change since 2011 (VOC or NO_X), %	.....	18%	27%
Target VOC level	.....	7.0	6.3
Apparent shortfall (−)/surplus (+) in VOC	.....	−0.1	−0.9
Apparent shortfall (−)/surplus (+) in VOC, %	.....	−1.4%	−10.0%
VOC shortfall previously provided by NO_X substitution, %	.....	0.0%	1.4%
Actual VOC shortfall (−)/surplus (+), %	.....	−1.4%	−8.6%
	NO_X		
	2011	2017	2020
Baseline NO_X	31.0	28.1	[a] 27.6
2020 Transportation Conformity Safety Margin	.....	.....	0.2
2020 Transportation Conformity Rounding Margin	.....	.....	0.04
Baseline NO_X + Safety Margin + Rounding Margin	.....	28.1	27.9
Change in NO_X since 2011	.....	2.8	3.1
Change in NO_X since 2011, %	.....	9.2%	10.1%
NO_X reductions used for VOC substitution through last milestone year, %	.....	0%	1.4%
NO_X reductions since 2011 available for VOC substitution in this milestone year, %	.....	9.2%	8.7%

[63] 2018 SIP Update, RFP demonstration, chapter IV (''SIP Elements for Eastern Kern County''), section IV–B (''Reasonable Further Progress'').

[64] CARB describes stationary aggregate sources as categories such as gasoline dispensing facilities that are not inventoried individually but are estimated as a group and reported as an aggregated total. See 2018 SIP Update, A–1.

TABLE 3—RFP DEMONSTRATION FOR EASTERN KERN COUNTY FOR THE 2008 OZONE NAAQS—Continued

[Summer planning inventory, tpd or percent]

	VOC		
	2011	2017	2020
NO_X reductions since 2011 used for VOC substitution in this milestone year, %		1.4%	8.6%
NO_X reductions since 2011 surplus after meeting VOC substitution needs in this milestone year, %		7.8%	0.1%
Total shortfall for RFP		0%	0%
RFP met?		Yes	Yes

Note: The sum of the emissions values may not equal the total shown due to rounding of the numbers.
SOURCE: 2020 Conformity Budget Update, 4.
[a] Includes ERCs of 0.04 tpd of VOC and 0.12 tpd of NO_X. See Eastern Kern 2017 Ozone Plan, Appendix D.

The revised RFP demonstration calculates future year VOC targets from the 2011 baseline, consistent with CAA 182(c)(2)(B)(i), which requires reductions of ''at least 3 percent of baseline emissions each year;'' and it substitutes NO_X reductions for VOC reductions beginning in milestone year 2017 to meet VOC emission targets.[65] For Eastern Kern, CARB concludes that the revised RFP demonstration meets the applicable requirements for both milestone years.

3. The EPA's Review of the State's Submission

In 1997 the EPA approved a 15 percent ROP plan for the Kern District portion of the San Joaquin Valley ozone nonattainment area for the 1-hour ozone NAAQS, and the Eastern Kern nonattainment area for the 2008 ozone NAAQS is the same as the Kern District portion of the San Joaquin Valley nonattainment area for the 1-hour ozone NAAQS except that the Eastern Kern nonattainment area (for the 2008 ozone NAAQS) excludes the Indian Wells Valley.[66] Despite the difference in boundaries between the Kern District area approved for the 15 percent ROP and boundaries for the Eastern Kern nonattainment area, the 2008 Ozone SRR allows the District to use the prior approval as justification that the 15 percent ROP has been met for the 2008 ozone NAAQS because the Eastern Kern nonattainment area represents a portion of the area for which EPA has fully approved a 15 percent ROP plan, and none of the Eastern Kern nonattainment area lies outside the area for which the 15 percent ROP plan was approved.[67] As a result, we agree with the District that the District and CARB have met the ROP requirements of CAA section 182(b)(1) for Eastern Kern with respect to the 2008 ozone NAAQS.

With respect to future year baseline projections, we have reviewed the growth and control factors and find them acceptable and conclude that the future baseline emissions projections in the Eastern Kern 2017 Ozone Plan reflect appropriate calculation methods and the latest planning assumptions.

With respect to the RFP demonstration requirement, we note that the future baseline projections for 2017 and 2020 take into account emissions reductions from adopted state and local air pollution control rules and regulations. Generally, to take credit for emissions reductions from state and local control measures (such as adopted state and local rules and regulations) in future baseline projections, the control measures must be approved by the EPA as part of the SIP. For this action, we have reviewed the District's VOC and NO_X rules that the 2017 Eastern Kern Ozone SIP relied upon in developing future year baseline emissions projections and concluded that emissions reductions from stationary sources assumed by the Eastern Kern 2017 Ozone Plan for future years are supported by rules approved as part of the SIP.[68] With respect to mobile sources, the EPA has taken action in recent years to approve CARB mobile source regulations into the California SIP.[69] Therefore, we find that the future year baseline projections in the Eastern Kern 2017 Ozone Plan are properly supported by SIP-approved stationary and mobile source control measures.

Based on our review of the emissions inventory documentation in the 2017 Eastern Kern Ozone SIP, as discussed above and in section III.A of this document, we find that CARB and the District have used the most recent planning and activity assumptions, emissions models, and methodologies in developing the RFP baseline and milestone year emissions inventories. For these reasons, we have determined that the 2017 Eastern Kern Ozone SIP demonstrates RFP in the 2017 and 2020 milestone years, consistent with applicable CAA requirements and EPA guidance. Therefore, we propose to approve the RFP demonstration for Eastern Kern for the 2008 ozone NAAQS under sections 172(c)(2) and 182(c)(2)(B) of the CAA and 40 CFR 51.1110(a)(2)(ii).

D. Contingency Measures

1. Statutory and Regulatory Requirements

Under the CAA, 8-hour ozone nonattainment areas classified under subpart 2 as Moderate or above must include in their SIPs contingency measures consistent with sections 172(c)(9) and 182(c)(9). Contingency measures are additional controls or measures to be implemented in the event the area fails to make RFP or to attain the NAAQS by the attainment date. The SIP should contain trigger mechanisms for the contingency measures, specify a schedule for implementation, and indicate that the measure will be implemented without significant further action by the state or the EPA.[70]

Neither the CAA nor the EPA's implementing regulations establish a specific level of emissions reductions that implementation of contingency measures must achieve, but the EPA's 2008 Ozone SRR reiterates the EPA's policy that contingency measures should provide for emissions reductions approximately equivalent to one year's worth of progress, amounting to reductions of 3 percent of the RFP baseline emissions inventory for the nonattainment area.[71]

[65] NO_X substitution is permitted under EPA regulations. See 40 CFR 51.1110(a)(2)(i)(C) and 40 CFR 51.1110(a)(2)(ii)(B); and 80 FR 12264, at 12271 (March 6, 2015).

[66] 62 FR 1150, at 1183 (January 8, 1997).

[67] See 40 CFR 51.1110(a)(2).

[68] EPA, Memorandum to Docket ID EPA–R09–OAR–2019–0709, dated August 26, 2020.

[69] See 81 FR 39424 (June 16, 2016), 82 FR 14446 (March 21, 2017), and 83 FR 23232 (May 18, 2018).

[70] 70 FR 71612 (November 29, 2005). See also 2008 Ozone SRR, 80 FR 12264, at 12285 (March 6, 2015).

[71] 80 FR 12264, at 12285 (March 6, 2015).

It has been the EPA's longstanding interpretation of section 172(c)(9) that states may rely on federal measures (*e.g.,* federal mobile source measures based on the incremental turnover of the motor vehicle fleet each year) and local measures already scheduled for implementation that provide emissions reductions in excess of those needed to provide for RFP or expeditious attainment. The key is that the statute requires that contingency measures provide for additional emissions reductions that are not relied on for RFP or attainment and that are not included in the RFP or attainment demonstrations. The purpose of contingency measures is to provide continued emissions reductions while the plan is being revised to meet the missed milestone or attainment date.

The EPA has approved numerous SIPs under this interpretation—*i.e.,* SIPs that use as contingency measures one or more federal or local measures that are in place and provide reductions that are in excess of the reductions required by the attainment demonstration or RFP plan,[72] and there is case law supporting the EPA's interpretation in this regard.[73] However, in *Bahr* v. *EPA,* the Ninth Circuit rejected the EPA's interpretation of CAA section 172(c)(9) as allowing for early implementation of contingency measures.[74] The Ninth Circuit concluded that contingency measures must take effect at the time the area fails to make RFP or attain by the applicable attainment date, not before.[75] Thus, within the geographic jurisdiction of the Ninth Circuit, states cannot rely on early-implemented measures to comply with the contingency measure requirements under CAA section 172(c)(9) and 182(c)(9).[76]

[72] See, *e.g.,* 62 FR 15844 (April 3, 1997) (direct final rule approving an Indiana ozone SIP revision); 62 FR 66279 (December 18, 1997) (final rule approving an Illinois ozone SIP revision); 66 FR 30811 (June 8, 2001) (direct final rule approving a Rhode Island ozone SIP revision); 66 FR 586 (January 3, 2001) (final rule approving District of Columbia, Maryland, and Virginia ozone SIP revisions); and 66 FR 634 (January 3, 2001) (final rule approving a Connecticut ozone SIP revision).

[73] See, *e.g., LEAN* v. *EPA,* 382 F.3d 575 (5th Cir. 2004) (upholding contingency measures that were previously required and implemented where they were in excess of the attainment demonstration and RFP SIP).

[74] *Bahr* v. *EPA,* 836 F.3d 1218, at 1235–1237 (9th Cir. 2016).

[75] Id. at 1235–1237.

[76] The *Bahr* v. *EPA* decision involved a challenge to an EPA approval of contingency measures under the general nonattainment area plan provisions for contingency measures in CAA section 172(c)(9), but, given the similarity between the statutory language in section 172(c)(9) and the ozone-specific contingency measure provision in section 182(c)(9), we find that the decision affects how both sections of the Act must be interpreted.

2. Summary of the State's Submission

The District and CARB had largely prepared the Eastern Kern 2017 Ozone Plan prior to the *Bahr* v. *EPA* decision, and thus, consistent with contingency measure elements of previous ozone plans, it relies solely upon surplus emissions reductions from already-implemented control measures to demonstrate compliance with the contingency measure requirements of CAA sections 172(c)(9) and 182(c)(9).[77]

In the 2018 SIP Update, CARB revises the RFP demonstration for the 2008 ozone NAAQS for Eastern Kern and recalculates the extent of surplus emission reductions (*i.e.,* surplus to meeting the RFP milestone requirement for a given milestone year) in the milestone years and estimates the incremental emissions reductions in the year following the attainment year. In light of the *Bahr* v. *EPA* decision, however, the 2018 SIP Update does not rely on the surplus or incremental emissions reductions to comply with the contingency measures requirements of sections 172(c)(9) and 182(c)(9) but, rather, to provide context in which to evaluate the adequacy of *Bahr*-compliant (*i.e.,* to take effect if triggered) contingency measures for the 2008 ozone NAAQS.[78]

To comply with CAA sections 172(c)(9) and 182(c)(9), as interpreted in the *Bahr* v. *EPA* decision, the state must develop, adopt, and submit a contingency measure to be triggered upon a failure to meet an RFP milestone or attain the NAAQS by the applicable attainment date regardless of the extent to which already-implemented measures would achieve surplus or incremental emissions reductions beyond those necessary for RFP or attainment of the NAAQS. Therefore, to fully address the contingency measure requirement for the 2008 ozone NAAQS in Eastern Kern, the District has committed to supplement the contingency measure element of the 2017 Eastern Kern Ozone SIP by developing, adopting and submitting a contingency measure to CARB in sufficient time to allow CARB to submit the contingency measure as a SIP revision to the EPA within 12 months of the EPA's final action on the contingency measure element of the 2017 Eastern Kern Ozone SIP.[79]

[77] Eastern Kern 2017 Ozone Plan, chapter XIV. (''Contingency Measures''), 38–39.

[78] 2018 SIP Update, chapter IV (''SIP Elements for Eastern Kern County''), 23–25.

[79] Letter dated September 1, 2020, from Glen E. Stephens, Air Pollution Control Officer, EKAPCD, to Richard Corey, Executive Officer, CARB.

The District's commitment is to amend Rule 410 (''Organic Solvents''), and if necessary, Rule 410.8 (''Aerospace Assembly and Coating Operations'') or Rule 432 (''Polyester Resin Operations''), through the required public review and subsequent EKAPCD Board approval processes, to apply more stringent requirements upon a determination that the Eastern Kern nonattainment area failed to meet an RFP milestone or failed to attain the 2008 ozone NAAQS by the applicable attainment date. The District anticipates the following types of rule revisions and associated emissions reductions:

- Amend Rule 410 to tighten the control efficiency from 85 percent to 95 percent or to establish a maximum VOC content requirement on all organic solvents over a minimum threshold. The District estimates that these revisions would achieve approximately 0.183 tpd reduction in VOC emissions.
- Amend District Rule 410.8 to require use of more stringent formulations and additional VOC controls. The District estimates that these revisions would achieve approximately 0.014 tpd reduction in VOC emissions.
- Amend Rule 432 to lower the specific material monomer weight percentage and require addition controls at specific emission levels. The District estimates that these revisions would achieve approximately 0.003 tpd reduction in VOC emissions.

CARB attached the District's commitment to revise a rule or rules to include contingency provisions to a letter committing CARB to adopt and submit the revised EKAPCD rule(s) to the EPA within one year of the EPA's final conditional approval of the contingency measure element of the 2017 Eastern Kern Ozone SIP.[80]

3. The EPA's Review of the State's Submission

CAA sections 172(c)(9) and 182(c)(9) require contingency measures to address potential failure to achieve RFP milestones or failure to attain the NAAQS by the applicable attainment date through implementation of additional emissions controls in the event the area fails to make RFP or to attain the NAAQS by the applicable attainment date. Contingency measures must provide for the implementation of additional emissions controls, if triggered, without significant further action by the state or the EPA.

[80] Letter dated September 18, 2020, from Richard W. Corey, Executive Officer, CARB, to John Busterud, Regional Administrator, EPA Region IX.

As discussed above, the 2017 Eastern Kern Ozone SIP provides estimates of emissions reductions that can be considered surplus in that they are beyond the reductions necessary for RFP or attainment, but it does not yet include the type of measure that would implement additional emissions controls, if triggered, without significant further action by the state or the EPA. However, CARB and the District recognize that the 2017 Eastern Kern Ozone SIP needs to be supplemented with such a measure or measures and have submitted commitments to adopt and submit revised District rule(s) with the necessary provisions as a SIP revision within one year of the EPA's final action the contingency measure element of the 2017 Eastern Kern Ozone SIP. The specific types of revisions the District has committed to make, such as tightening control efficiencies or establishing content limits, upon a failure to achieve a milestone or a failure to attain, would comply with the requirements in CAA sections 172(c)(9) and 182(c)(9) because the additional controls would be undertaken if the area fails to achieve a milestone or fails to attain, and would take effect without significant further action by the State or the EPA.

Next, we considered the adequacy of the contingency measure(s) (once adopted and submitted) from the standpoint of the magnitude of emissions reductions the measure would provide (if triggered). Neither the CAA nor the EPA's implementing regulations for the ozone NAAQS establish a specific amount of emissions reductions that implementation of contingency measures must achieve, but we generally expect that contingency measures should provide for emissions reductions approximately equivalent to one year's worth of RFP, which, for ozone, amounts to reductions of 3 percent of the RFP baseline year emissions inventory for the nonattainment area. For the 2008 ozone NAAQS in Eastern Kern, one year's worth of RFP is approximately 0.26 tpd of VOC or 0.93 tpd of NO_X reductions.[81]

For the purposes of evaluating the adequacy of the emissions reductions from the contingency measures (once adopted and submitted), we find it useful to distinguish between contingency measures to address potential failure to achieve RFP milestones (''RFP contingency measures'') and contingency measures to address potential failure to attain the NAAQS (''attainment contingency measures'').

With respect to the RFP contingency measure requirement for milestone year 2017, we note that, to address nonattainment area SIP requirements for the 2015 ozone NAAQS, CARB has recently submitted base year (2017) emissions inventories for the various California nonattainment areas for the 2015 ozone NAAQS, including Eastern Kern.[82] We have reviewed the base year (2017) emissions inventory for Eastern Kern and find, based on that inventory, that Eastern Kern has achieved the emissions reductions necessary to meet the RFP requirement for 2017 for the 2008 ozone NAAQS.[83] Because the inventory of actual emissions in 2017 shows that the RFP milestones for 2017 have been met, the contingency measure for failure to meet the 2017 RFP milestones will never be triggered, and therefore, the contingency measure requirement for the 2017 RFP milestone year is now moot.

For the Eastern Kern 2008 ozone Serious nonattainment area, the 2020 RFP milestone coincides with the attainment date, and thus, we review the emissions reductions estimated by the District for the to-be-adopted contingency measure(s) in light of the facts and circumstances in Eastern Kern in the year following the attainment year to determine whether there will be sufficient continued progress in that area in the event the area fails to achieve the 2020 RFP milestone or fails to attain the 2008 ozone NAAQS by 2020 while a new attainment plan is being developed.[84]

As discussed above, given the types of rule revisions under consideration, the District estimates VOC emissions reductions ranging from 0.183 tpd (if only revisions to Rule 410 are adopted) to 0.190 tpd (if revisions are adopted for all three rules under consideration). This amounts to a range of approximately 71 percent to 74 percent of one year's worth of RFP for this area. The EPA normally recommends that contingency measures provide for the equivalent of one year's worth of progress, and based on the estimates provided by the District, the contingency measure(s) (to be adopted by the District) would fall short of that recommendation.

However, the District's contingency measure(s) would provide additional emissions reductions beyond those that are already expected to occur in the year following the attainment year. Based on emissions inventories in the 2018 SIP Update, emissions in the year following the attainment year (2021) in Eastern Kern are expected to be approximately 0.05 tpd lower for VOC and 0.22 tpd lower for NO_X than in the attainment year (2020).[85] The downward trend in emissions reflects the continuing benefits of already-implemented measures and is primarily the result of vehicle turnover, which refers to the ongoing replacement by individuals, companies, and government agencies of older, more polluting vehicles and engines with newer vehicles and engines. While the continuing reductions from such already-implemented measures do not constitute contingency measures themselves, they provide context in which we evaluate the adequacy of the contingency measure submitted (or, in this case, to be submitted) to fulfill the requirements of CAA sections 172(c)(9) and 182(c)(9).

In this instance, we find that the emissions reductions from the to-be-adopted contingency measures together with the reductions expected to occur due to already-implemented measures would amount to approximately 114 percent to 117 percent of one year's worth of progress, which is consistent with our guidance recommending that contingency measures provide for one year's worth of progress in the event of a failure to meet an RFP milestone or a failure to attain the NAAQS by the applicable attainment date. Therefore, in light of the year-to-year reductions in the VOC and NO_X inventories, we find that the to-be submitted contingency measure(s) would provide sufficient emissions reductions even though reductions from the measures would be lower than the EPA normally recommends for such measures.

[81] One year's worth of RFP for Eastern Kern corresponds to 3 percent of the 2011 RFP baseline year inventories for VOC (8.6 tpd) and NO_X (31.0 tpd).

[82] CARB, Staff Report, 70 ppb Ozone SIP Submittal, submitted by CARB electronically on July 27, 2020 as an attachment to a letter dated July 24, 2020.

[83] The base year (2017) emissions inventory for Eastern Kern is 7.18 tpd for VOC and 27.01 tpd for NO_X. The corresponding RFP baseline values from the RFP demonstration for which we are proposing approval herein are 7.2 tpd for VOC and 28.1 tpd for NO_X. See page 23 of the 2018 SIP Update and page 4 of the 2020 Conformity Budget Update.

[84] CAA section 182(g)(2) provides that states must submit RFP milestone compliance demonstrations within 90 days after the date on which an applicable milestone occurs, except where the milestone and attainment date are the same and the standard has been attained.

[85] Estimates for the emissions reductions in the year following the attainment year are based on the emissions inventories for Eastern Kern in the 2018 SIP Update for years 2021 and 2020—see pages A–11—A–14 of the 2018 SIP Update. The estimate of the reductions in emissions of 0.05 tpd of VOC and 0.22 tpd of NO_X in 2021 (relative to 2020) amounts to approximately 19 percent and 24 percent of one year's worth of progress, respectively in this area based on the 2011 RFP baseline inventory from the 2018 SIP Update.

For these reasons, and in light of commitments from the District and CARB to adopt and submit a revised District rule(s) that will apply tighter limits or requirements upon a failure to achieve an RFP milestone or the 2008 ozone NAAQS by the applicable attainment date, we propose to approve conditionally the contingency measure element of the 2017 Eastern Kern Ozone SIP as meeting the contingency measure requirements of CAA sections 172(c)(9) and 182(c)(9). Our proposed approval is conditional because it relies upon commitments to adopt and submit a specific enforceable contingency measure (*i.e.,* a revised District rule or rules with contingent provisions). Conditional approvals are authorized under CAA section 110(k)(4).

E. Motor Vehicle Emissions Budgets for Transportation Conformity

1. Statutory and Regulatory Requirements

Section 176(c) of the CAA requires federal actions in nonattainment and maintenance areas to conform to the SIP's goals of eliminating or reducing the severity and number of violations of the NAAQS and achieving timely attainment of the standards. Conformity to the SIP's goals means that such actions will not: (1) Cause or contribute to violations of a NAAQS, (2) worsen the severity of an existing violation, or (3) delay timely attainment of any NAAQS or any interim milestone.

Actions involving Federal Highway Administration (FHWA) or Federal Transit Administration (FTA) funding or approval are subject to the EPA's transportation conformity rule, codified at 40 CFR part 93, subpart A. Under this rule, metropolitan planning organizations in nonattainment and maintenance areas coordinate with state and local air quality and transportation agencies, the EPA, the FHWA, and the FTA to demonstrate that an area's regional transportation plans and transportation improvement programs conform to the applicable SIP. This demonstration is typically done by showing that estimated emissions from existing and planned highway and transit systems are less than or equal to the motor vehicle emissions budgets (''budgets'') contained in all control strategy SIPs. Budgets are generally established for specific years and specific pollutants or precursors. Ozone plans should identify budgets for on-road emissions of ozone precursors (NO_X and VOC) in the area for each RFP milestone year and, if the plan demonstrates attainment, the attainment year.[86]

For budgets to be approvable, they must meet, at a minimum, the EPA's adequacy criteria (40 CFR 93.118(e)(4)). To meet these requirements, the budgets must be consistent with the attainment and RFP requirements and reflect all of the motor vehicle control measures contained in the attainment and RFP demonstrations.[87]

The EPA's process for determining adequacy of a budget consists of three basic steps: (1) Providing public notification of a SIP submission; (2) providing the public the opportunity to comment on the budget during a public comment period; and, (3) making a finding of adequacy or inadequacy.[88]

2. Summary of the State's Submission

The Eastern Kern 2017 Ozone Plan includes budgets for the 2017 RFP milestone year and the 2020 attainment year. The budgets in the Eastern Kern 2017 Ozone Plan are 2 tpd for VOC and 5 tpd for NO_X for 2017 and 2 tpd for VOC and 4 tpd for NO_X for 2020. The budgets reflect estimates of on-road motor vehicle emissions for a given year that are rounded up to the nearest whole tpd. The ''rounding up'' convention results in ''rounding margins'' [89] of 0.65 tpd for VOC and 0.77 tpd for NO_X for the 2017 budgets and 0.95 tpd for VOC and 0.64 tpd for NO_X for the 2020 budgets. The budgets for 2017 and 2020 were derived from the 2008 RFP baseline year and the associated RFP milestone years. As such, the budgets are affected by the *South Coast II* decision vacating the alternative baseline year provision, and therefore, the EPA has not previously acted on the budgets. In the submittal letter for the 2017 Eastern Kern Ozone SIP, CARB requested that the EPA limit the duration of our approval of the budgets in the Eastern Kern 2017 Ozone Plan to last only until the effective date of future EPA adequacy findings for replacement budgets.[90]

On December 5, 2018, CARB submitted the 2018 SIP Update, which revised the RFP demonstration for Eastern Kern consistent with the *South Coast II* decision (*i.e.,* by using a 2011 RFP baseline year). The 2018 SIP Update did not identify new budgets for Eastern Kern for VOC and NO_X; however, when the 2020 budgets, including their rounding margins, and ERCs in the Eastern Kern 2017 Ozone Plan were factored into the revised 2020 RFP demonstration for Eastern Kern in the 2018 SIP Update, Eastern Kern could no longer demonstrate RFP for 2020.

On August 31, 2020,[91] CARB submitted the 2020 Conformity Budget Update that includes revised 2020 budgets. CARB also provided a technical correction to the 2020 RFP demonstration to incorporate the ERCs assumed in the Eastern Kern 2017 Ozone Plan and provided a demonstration that the 2020 revised budgets (that include much lower rounding margins) are consistent with the RFP demonstration in the 2018 SIP Update, as corrected to include the ERCs.[92] CARB did not request that the EPA limit the duration of our approval of the revised 2020 budgets in the 2020 Conformity Budget Update.[93]

We are proposing action only on the 2020 RFP milestone budgets adopted by CARB in the 2020 Conformity Budget Update for the 2017 Eastern Kern Ozone SIP. CARB did not revise the 2017 RFP milestone year budgets in the Eastern Kern 2017 Ozone Plan because they would only have been used to evaluate regional transportation-related emissions analyses for years 2017 through 2019, and with the passage of time, such analyses are no longer necessary for conformity purposes. Therefore, the EPA is not acting on the 2017 budgets in the Eastern Kern 2017 Ozone Plan.

The revised 2020 budgets in the 2017 Eastern Kern Ozone SIP were derived from motor vehicle emissions estimates prepared using EMFAC2014,[94] and the

[86] 40 CFR 93.102(b)(2)(i).

[87] 40 CFR 93.118(e)(4)(iii), (iv) and (v). For more information on the transportation conformity requirements and applicable policies on budgets, please visit our transportation conformity website at: *http://www.epa.gov/otaq/stateresources/transconf/index.htm.*

[88] 40 CFR 93.118(f)(2).

[89] In this context, ''rounding margins'' refer to the difference between the budget and the estimate of on-road motor vehicle emissions for a given year made using EMFAC2014.

[90] Letter dated October 25, 2017, from Richard Corey, Executive Officer, CARB, to Alexis Strauss, Acting Regional Administrator, EPA Region IX, transmitting the Eastern Kern 2017 Ozone Plan.

[91] Submitted electronically on August 31, 2020 as an attachment to a letter dated August 25, 2020, from Richard Corey, Executive Officer, CARB, to John Busterud, Regional Administrator, EPA Region IX, transmitting the revised 2020 budgets.

[92] Id.

[93] Email dated July 28, 2020, from Nesamani Kalandiyur, CARB, to John Ungvarsky, EPA, Region IX, clarifying that CARB would not request the EPA to limit the approval of the budgets.

[94] As previously noted, EMFAC2014 is CARB's model for estimating emissions from on-road vehicles operating in California. See 80 FR 77337 (December 14, 2015). We have announced the availability of an updated version of EMFAC, referred to as EMFAC2017. See 84 FR 41717 (August 15, 2019). For the 2017 Eastern Kern Ozone SIP, EMFAC2014 was the appropriate model to use for SIP development purposes at the time it was prepared.

travel activity data provided by Kern COG. The 2020 budgets for NO_X and VOC in the 2017 Eastern Kern Ozone SIP are provided in Table 4 of this document. To develop the budgets, the District rounded up the motor vehicle emissions estimates for 2020 to the nearest tenth of a ton and included a safety margin. The budgets for Eastern Kern in 2020 are 1.3 tpd for VOC and 3.6 tpd for NO_X.

TABLE 4—TRANSPORTATION CONFORMITY BUDGETS FOR THE 2008 OZONE NAAQS IN EASTERN KERN

[summer planning inventory, tpd]

	2020	
	VOC	NO_X
Baseline Emissions	1.05	3.36
Safety Margin	0.2	0.2
Total	1.25	3.56
Transportation Conformity Budget	1.3	3.6

Source: 2020 Conformity Budget Update, table 3. The budgets reflect a rounding-up convention to the nearest tenth of a tpd.

3. The EPA's Review of the State's Submission

As part of our review of the approvability of the budgets in the 2017 Eastern Kern Ozone SIP, we have evaluated the budgets using our adequacy criteria in 40 CFR 93.118(e)(4) and (5). We will complete the adequacy review concurrent with our final action on the 2017 Eastern Kern Ozone SIP. The EPA is not required under its transportation conformity rule to find budgets adequate prior to proposing approval of them.[95] In this action, the EPA is announcing that the adequacy process for these budgets begins, and the public has 30 days to comment on their adequacy, per the transportation conformity regulation at 40 CFR 93.118(f)(2)(i) and (ii).

As documented in a separate memorandum included in the docket for this rulemaking, we preliminarily conclude that the budgets in the 2017 Eastern Kern Ozone SIP meet each adequacy criterion.[96] While adequacy and approval are two separate actions, reviewing the budgets in terms of the adequacy criteria informs the EPA's decision to propose to approve the budgets. We have completed our detailed review of the 2017 Eastern Kern Ozone SIP and are proposing herein to approve the RFP demonstration. We have also reviewed the budgets in the 2017 Eastern Kern Ozone SIP and found that they are consistent with the RFP demonstration for which we are proposing approval, are based on control measures that have already been adopted and implemented, and meet all other applicable statutory and regulatory requirements including the adequacy criteria in 40 CFR 93.1118(e)(4) and (5). Therefore, we are proposing to approve the 2020 budgets in the 2017 Eastern Kern Ozone SIP. At the point when we either finalize the adequacy process or approve the budgets for the 2008 ozone NAAQS in the 2017 Eastern Kern Ozone SIP as proposed (whichever occurs first; note that they could also occur concurrently per 40 CFR 93.118(f)(2)(iii)), they will replace the budgets that we previously found adequate for use in transportation conformity determinations.[97]

F. Other Clean Air Act Requirements Applicable to Serious Ozone Nonattainment Areas

In addition to the SIP requirements discussed in the previous sections, the CAA includes certain other SIP requirements applicable to Serious ozone nonattainment areas, such as Eastern Kern. We describe these provisions and their current status below.

1. Vehicle Inspection and Maintenance Programs

Section 182(c)(3) of the CAA requires states with ozone nonattainment areas classified under subpart 2 as Serious or above to implement an enhanced motor vehicle inspection/maintenance (I/M) program in each urbanized area (in the nonattainment area), as defined by the Bureau of the Census, with a 1980 population of 200,000 or more. The requirements for those programs are provided in CAA section 182(c)(3) and 40 CFR part 51, subpart S.

An enhanced vehicle I/M program is not required in Eastern Kern because the area does not meet the population threshold in CAA section 182(c)(3).[98] The area is also not subject to the basic vehicle I/M program requirement, once again, because it does not meet the population threshold for implementation of such a program.[99] The State of California has, however, decided to implement a basic I/M vehicle program in Eastern Kern as part of the ozone control strategy for the area. We most recently approved California's I/M program in 2010.[100]

2. New Source Review Rules

Section 182(a)(2)(C) of the CAA requires states to develop SIP revisions containing permit programs for each of its ozone nonattainment areas. The SIP revisions are to include requirements for permits in accordance with CAA sections 172(c)(5) and 173 for the construction and operation of each new or modified major stationary source for VOC and NO_X anywhere in the nonattainment area. The 2008 Ozone SRR includes provisions and guidance for nonattainment NSR programs.[101]

The 2017 Eastern Kern Ozone SIP cites District Rule 210.1 (''New and Modified Stationary Source Review (NSR)''), as amended by the District on May 4, 2000, as the rule that meets Serious area requirements for nonattainment NSR.[102] CARB has submitted District Rule 210.1 to the EPA, but we have not taken action yet on it. More recently, CARB has

[95] Under the transportation conformity regulations, the EPA may review the adequacy of submitted motor vehicle emission budgets simultaneously with the EPA's approval or disapproval of the submitted implementation plan. 40 CFR 93.118(f)(2).

[96] Memorandum dated September 11, 2020, from Karina O'Connor, Air Planning Office, EPA Region 9, to the docket for this proposed rulemaking, titled ''Adequacy Documentation for Plan Motor Vehicle Emission Budgets in 2017 Eastern Kern Ozone SIP.''

[97] In November 2008, we found adequate the 2008 budgets from the ''Eastern Kern County 2008 8-hour Ozone Early Progress Plan,'' February 28, 2008. See 73 FR 71643 (November 25, 2008). The 2008 budgets are 5 tpd for VOC and 18 tpd for NO_X.

[98] 40 CFR 51.390(a)(9).

[99] 40 CFR 51.390(a)(4).

[100] 75 FR 38023 (July 1, 2010). See, also, the related proposed rule at 74 FR 41818, at 41823 (August 19, 2009).

[101] 80 FR 12264 (March 6, 2015).

[102] Eastern Kern 2017 Ozone Plan, 30.

submitted a new District rule, Rule 210.1A (''Major New and Modified Stationary Source Review (MNSR)''), that includes new and revised terms and definitions to meet certain additional NSR requirements. We will be taking action as necessary on District Rules 210.1 and 210.1A in a separate rulemaking and will evaluate compliance with Serious area NSR nonattainment requirements at that time.

3. Clean Fuels Fleet Program

Sections 182(c)(4)(A) and 246 of the CAA require California to submit to the EPA for approval measures to implement a Clean Fuels Fleet Program. Section 182(c)(4)(B) of the CAA allows states to opt-out of the federal clean-fuel vehicle fleet program by submitting a SIP revision consisting of a program or programs that will result in at least equivalent long-term reductions in ozone precursors and toxic air emissions.

In 1994, CARB submitted a SIP revision to the EPA to opt-out of the federal clean-fuel fleet program. The submittal included a demonstration that California's low-emissions vehicle program achieved emissions reductions at least as large as would be achieved by the federal program. The EPA approved the SIP revision to opt-out of the federal program on August 27, 1999.[103] There have been no changes to the federal Clean Fuels Fleet program since the EPA approved the California SIP revision to opt-out of the federal program, and no corresponding changes to the SIP are required. Thus, we find that the California SIP revision to opt-out of the federal program, as approved in 1999, meets the requirements of CAA sections 182(c)(4)(A) and 246 for Eastern Kern for the 2008 ozone NAAQS.

4. Gasoline Vapor Recovery

Section 182(b)(3) of the CAA requires states to submit a SIP revision by November 15, 1992, that requires owners or operators of gasoline dispensing systems to install and operate gasoline vehicle refueling vapor recovery (''Stage II'') systems in ozone nonattainment areas classified as Moderate and above. California's ozone nonattainment areas implemented Stage II vapor recovery well before the passage of the CAA Amendments of 1990.[104]

Section 202(a)(6) of the CAA requires the EPA to promulgate standards requiring motor vehicles to be equipped with onboard refueling vapor recovery (ORVR) systems. The EPA promulgated the first set of ORVR system regulations in 1994 for phased implementation on vehicle manufacturers, and since the end of 2006, essentially all new gasoline-powered light- and medium-duty vehicles are ORVR-equipped.[105] Section 202(a)(6) also authorizes the EPA to waive the SIP requirement under CAA section 182(b)(3) for installation of Stage II vapor recovery systems after such time as the EPA determines that ORVR systems are in widespread use throughout the motor vehicle fleet. Effective May 16, 2012, the EPA waived the requirement of CAA section 182(b)(3) for Stage II vapor recovery systems in ozone nonattainment areas regardless of classification.[106] Thus, a SIP submittal meeting CAA section 182(b)(3) is not required for the 2008 ozone NAAQS.

While a SIP submittal meeting CAA section 182(b)(3) is not required for the 2008 ozone NAAQS, under California state law (*i.e.,* Health and Safety Code section 41954), CARB is required to adopt procedures and performance standards for controlling gasoline emissions from gasoline marketing operations, including transfer and storage operations. State law also authorizes CARB, in cooperation with local air districts, to certify vapor recovery systems, to identify defective equipment and to develop test methods. CARB has adopted numerous revisions to its vapor recovery program regulations and continues to rely on its vapor recovery program to achieve emissions reductions in ozone nonattainment areas in California.

In Eastern Kern, the installation and operation of CARB-certified vapor recovery equipment is required and enforced through District Rule 412.1 (''Transfer of Gasoline into Vehicle Fuel Tanks''), most recently approved into the SIP on October 7, 1996.[107]

5. Enhanced Ambient Air Monitoring

Section 182(c)(1) of the CAA requires that all ozone nonattainment areas classified as Serious or above implement measures to enhance and improve monitoring for ambient concentrations of ozone, NO_X, and VOC, and to improve monitoring of emissions of NO_X and VOC. The enhanced monitoring network for ozone is referred to as the photochemical assessment monitoring station (PAMS) network. The EPA promulgated final PAMS regulations on February 12, 1993.[108]

On November 10, 1993, CARB submitted to the EPA a SIP revision addressing the PAMS network for six ozone nonattainment areas in California, including San Joaquin Valley (which then included Eastern Kern), to meet the enhanced monitoring requirements of CAA section 182(c)(1) and the PAMS regulations. The EPA determined that the PAMS SIP revision met all applicable requirements for enhanced monitoring and approved the PAMS submittal into the California SIP.[109]

Prior to 2006, the EPA's ambient air monitoring regulations in 40 CFR part 58 (''Ambient Air Quality Surveillance'') set forth specific SIP requirements (see former 40 CFR 52.20). In 2006, the EPA significantly revised and reorganized 40 CFR part 58.[110] Under revised 40 CFR part 58, SIP revisions are no longer required; rather, compliance with EPA monitoring regulations is established through review of required annual monitoring network plans.[111] The 2008 Ozone SRR made no changes to these requirements.[112]

The 2017 Eastern Kern Ozone SIP does not specifically address the enhanced ambient air monitoring requirement in CAA section 182(c)(1). However, we note that CARB includes the ambient monitoring network within Eastern Kern in its annual monitoring network plan that is submitted to the EPA, and that we have approved the most recent annual monitoring network plan (''Annual Network Plan Covering Monitoring Operations in 25 California Air Districts, July 2019'' (''2019 ANP'')) with respect to the Eastern Kern element.[113] In addition, CARB has fulfilled the requirement under 40 CFR part 58, Appendix D, section 5(h), to submit an enhanced monitoring plan for Eastern Kern.[114] Based on our review and approval of the 2019 ANP with respect to Eastern Kern and our earlier approval of the PAMS SIP revision, we

[103] 64 FR 46849 (August 27, 1999).

[104] General Preamble, 57 FR 13498 at 13514 (April 16, 1992).

[105] 77 FR 28772, at 28774 (May 16, 2012).

[106] See 40 CFR 51.126(b).

[107] 61 FR 52297 (October 7, 1996).

[108] 58 FR 8452 (February 12, 1993).

[109] 82 FR 45191 (September 28, 2017).

[110] 71 FR 61236 (October 17, 2006).

[111] 40 CFR 58.2(b) now provides that, ''The requirements pertaining to provisions for an air quality surveillance system in the SIP are contained in this part.''

[112] The 2008 ozone SRR addresses PAMS-related requirements at 80 FR 12264, at 12291 (March 6, 2015).

[113] Letter dated November 26, 2019, from Gwen Yoshimura, Manager, Air Quality Analysis Office, EPA Region IX, to Ravi Ramalingam, Chief, Consumer Products and Air Quality Assessment Branch, Air Quality Planning and Science Division, CARB.

[114] Letter dated November 25, 2019, from Dr. Michael T. Benjamin, Chief, Air Quality Planning and Science Division, CARB, to Mr. Mike Stoker, Regional Administrator, EPA Region IX, enclosing the ''2019 Enhanced Monitoring Plan (November 2019)''.

propose to find that the enhanced monitoring requirements under CAA section 182(c)(1) for Eastern Kern have been met with respect to the 2008 ozone NAAQS.

IV. Proposed Action

For the reasons discussed herein, under CAA section 110(k)(3), the EPA is proposing to approve as a revision to the California SIP the following portions of the 2017 Eastern Kern Ozone SIP submitted by CARB on October 25, 2017, December 5, 2018, and August 31, 2020:

- Base year emissions inventory element in the Eastern Kern 2017 Ozone Plan as meeting the requirements of CAA sections 172(c)(3) and 182(a)(1) and 40 CFR 51.1115 for the 2008 ozone NAAQS;
- Emissions statement element in the Eastern Kern 2017 Ozone Plan as meeting the requirements of CAA section 182(a)(3)(B) and 40 CFR 51.1102 for the 2008 ozone NAAQS;
- ROP demonstration element in the Eastern Kern 2017 Ozone Plan as meeting the requirements of CAA 182(b)(1) and 40 CFR 51.1110(a)(2) for the 2008 ozone NAAQS;
- RFP demonstration element in Chapter IV of the 2018 SIP Update, as corrected in the 2020 Conformity Budget Update, as meeting the requirements of CAA sections 172(c)(2) and 182(c)(2)(B), and 40 CFR 51.1110(a)(2)(ii) for the 2008 ozone NAAQS;
- Motor vehicle emissions budgets in the 2020 Conformity Budget Update for the RFP milestone/attainment year of 2020 (as shown in Table 4 of this document) because they are consistent with the RFP demonstration for 2020 for the 2008 ozone NAAQS proposed for approval herein and meet the other criteria in 40 CFR 93.118(e); and

We are also proposing to find that the:

- California SIP revision to opt-out of the federal Clean Fuels Fleet Program meets the requirements of CAA sections 182(c)(4)(A) and 246 and 40 CFR 51.1102 for the 2008 ozone NAAQS with respect to Eastern Kern; and
- Requirements for enhanced monitoring under CAA section 182(c)(1) and 40 CFR 51.1102 for Eastern Kern for the 2008 ozone NAAQS have been met.

In addition, we are proposing, under CAA section 110(k)(4), to approve conditionally the contingency measure element of the 2017 Eastern Kern Ozone SIP as meeting the requirements of CAA sections 172(c)(9) and 182(c)(9) for RFP and attainment contingency measures. Our proposed approval is based on commitments by the District and CARB to supplement the element through submission, as a SIP revision (within one year of our final conditional approval action), of a revised District rule or rules that would add new limits or other requirements if an RFP milestone is not met or if Eastern Kern fails to attain the 2008 ozone NAAQS by the applicable attainment date.[115]

The EPA is soliciting public comments on the issues discussed in this document. We will accept comments from the public on this proposal for the next 30 days and will consider comments before taking final action.

V. Statutory and Executive Order Reviews

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

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

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

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

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

Dated: October 6, 2020.

John Busterud,

Regional Administrator, Region IX.

[FR Doc. 2020–22601 Filed 10–27–20; 8:45 am]

BILLING CODE 6560–50–P

[115] Letter dated September 1, 2020, from Glen E. Stephens, Air Pollution Control Officer, EKAPCD, to Richard Corey, Executive Officer, CARB; and letter dated September 18, 2020, from Richard W. Corey, Executive Officer, CARB, to John Busterud, Regional Administrator, EPA Region IX.

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MB Docket No. 20–340; RM–11865; DA 20–1221; FRS 17167]

Television Broadcasting Services Minneapolis, Minnesota

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission has before it a petition for rulemaking filed by Multimedia Holdings Corporation (Multimedia), licensee of KARE, channel 11, Minneapolis, Minnesota, requesting the substitution of channel

31 for channel 11 at Minneapolis in the DTV Table of Allotments. The Commission instituted a freeze on the acceptance of rulemaking petitions by full power television stations requesting channel substitutions in May 2011, and Multimedia asks that the Commission waive the freeze to permit KARE to change from a VHF to a UHF channel to better serve its over-the-air viewers. Multimedia states that the Commission has recognized that VHF channels have certain propagation characteristics which may cause reception issues for some viewers. While Multimedia acknowledges that VHF reception issues are not universal, it states that since the 2009 digital transition, when it began operating exclusively on digital channel 11, KARE has received a steady stream of complaints from viewers unable to receive the station's over-the-air signal, despite being able to receive signals from other local stations. Multimedia believes that waiver of the channel substitution freeze would serve the public interest.

DATES: Comments must be filed on or before November 12, 2020 and reply comments on or before November 23, 2020.

ADDRESSES: Federal Communications Commission, Office of the Secretary, 45 L Street, NE, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve counsel for petitioner as follows: Michael Beder, Esq., Associate General Counsel, TEGNA, Inc., 8350 Broad Street, Suite 2000, Tysons, Virginia 22102.

FOR FURTHER INFORMATION CONTACT: Joyce Bernstein, Media Bureau, at (202) 418–1647; or Joyce Bernstein, Media Bureau, at *Joyce.Bernstein@fcc.gov.*

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Notice of Proposed Rulemaking,* MB Docket No. 20–340; RM–11865; DA 20–1221, adopted October 15, 2020, and released October 15, 2020. The full text of this document is available for download at *https://www.fcc.gov/edocs.* To request materials in accessible formats (braille, large print, computer diskettes, or audio recordings), please send an email to *FCC504@fcc.gov* or call the Consumer & Government Affairs Bureau at (202) 418–0530 (VOICE), (202) 418–0432 (TTY).

This document does not contain information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104–13. In addition, therefore, it does not contain any proposed information collection burden ''for small business concerns with fewer than 25 employees,'' pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, *see* 44 U.S.C. 3506(c)(4). Provisions of the Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, do not apply to this proceeding.

Members of the public should note that all *ex parte* contacts are prohibited from the time a Notice of Proposed Rulemaking is issued to the time the matter is no longer subject to Commission consideration or court review, *see* 47 CFR 1.1208. There are, however, exceptions to this prohibition, which can be found in Section 1.1204(a) of the Commission's rules, 47 CFR 1.1204(a).

See Sections 1.415 and 1.420 of the Commission's rules for information regarding the proper filing procedures for comments, 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Television.

Federal Communications Commission.

Thomas Horan,

Chief of Staff, Media Bureau.

Proposed Rule

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR part 73 as follows:

PART 73—RADIO BROADCAST SERVICE

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

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

§ 73.622 [Amended]

■ 2. Amend § 73.622(i), the Post-Transition Table of DTV Allotments under Minnesota, by removing channel 11 and adding channel 31 at Minneapolis.

[FR Doc. 2020–23311 Filed 10–27–20; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

48 CFR Parts 227 and 252

[Docket DARS–2019–0048]

RIN 0750–AK71

Defense Federal Acquisition Regulation Supplement: Validation of Proprietary and Technical Data (DFARS Case 2018–D069)

AGENCY: Defense Acquisition Regulations System, Department of Defense (DoD).

ACTION: Announcement of meeting; extension of comment period.

SUMMARY: DoD is hosting a public meeting to obtain views of experts and interested parties in Government and the private sector regarding implementation in the Defense Federal Acquisition Regulation Supplement (DFARS) of the statutory presumption of development exclusively at private expense for commercial items in the procedures governing the validation of asserted restrictions on technical data as required to implement a section of the National Defense Authorization Act for Fiscal Year 2019.

DATES: *Submission of Comments:* The comment period for the proposed rule published on August 31, 2020 (85 FR 53755), is extended. Comments on the proposed rule should be submitted in writing to the address shown in **ADDRESSES** on or before November 30, 2020 to be considered in formation of the final rule.

Public Meeting: A virtual public meeting will be held on November 19, 2020, from 10 a.m. to 1 p.m. Eastern time. The public meeting will end at the stated time, or when the discussion ends, whichever comes first.

Registration: Registration to participate in this meeting must be received no later than close of business on November 12, 2020. Information on how to register for the public meeting may be found in the **SUPPLEMENTARY INFORMATION** section of this notice.

ADDRESSES:

Public Meeting: A virtual public meeting will be held using Microsoft video conferencing software.

Submission of Comments: Submit comments identified by DFARS Case 2018–D069, using any of the following methods:

○ *Federal eRulemaking Portal: http://www.regulations.gov.* Search for ''DFARS Case 2018–D069.'' Select ''Comment Now'' and follow the instructions provided to submit a comment. Please include ''DFARS Case 2018–D069'' on any attached documents.

○ *Email: osd.dfars@mail.mil.* Include DFARS Case 2018–D069 in the subject line of the message.

○ *Mail:* Defense Acquisition Regulations System, Attn: Ms. Kimberly Ziegler, OUSD(A&S)DPC/DARS, Room 3B938, 3060 Defense Pentagon, Washington, DC 20301–3060.

Comments received generally will be posted without change to *http://www.regulations.gov,* including any personal information provided. To confirm receipt of your comment(s), please check *www.regulations.gov,*

approximately two to three days after submission to verify posting (except allow 30 days for posting of comments submitted by mail).

FOR FURTHER INFORMATION CONTACT: Ms. Kimberly Ziegler, telephone 571–372–6095.

SUPPLEMENTARY INFORMATION: DoD is interested in continuing a dialogue with experts and interested parties in Government and the private sector regarding amending the DFARS to implement statutory amendments for the acquisition of technical data and computer software, and associated license rights.

On August 31, 2020, DoD published a proposed rule in the **Federal Register** at 85 FR 53755 to implement the requirements of section 865 of the National Defense Authorization Act for Fiscal Year 2019 (Pub. L. 115–232), which repeals several years of congressional adjustments to the statutory presumption of development at private expense for commercial items in the validation procedures at paragraph (f) of 10 U.S.C. 2321.

DoD hosted public meetings to obtain the views of interested parties with notice published in the **Federal Register** on August 16, 2019, at 84 FR 41953. In addition, DoD published an advance notice of proposed rulemaking (ANPR) on September 13, 2019, at 84 FR 48513, providing draft DFARS revisions and requesting any written public comments by November 12, 2019.

Registration: Individuals wishing to participate in the virtual meeting must register by November 12, 2020, to facilitate entry to the meeting. Interested parties may register for the meeting by sending the following information via email to *osd.dfars@mail.mil* and include ''Public Meeting, DFARS Case 2018–D069'' in the subject line of the message:

- Full name.
- Valid email address, which will be used for admittance to the meeting.
- Valid telephone number, which will serve as a secondary connection method.
- Company or organization name.
- Whether the individual desires to make a presentation.

Pre-registered individuals will receive instructions for connecting using the Microsoft video conferencing software not more than one week before the meeting is scheduled to commence.

Presentations: Presentations will be limited to 5 minutes per company or organization. This limit may be subject to adjustment, depending on the number of entities requesting to present, in order to ensure adequate time for discussion. If you wish to make a presentation, please submit an electronic copy of your presentation via email to *osd.dfars@mail.mil* no later than November 12, 2020. Each presentation should be in PowerPoint to facilitate projection during the public meeting and should include the presenter's name, title, organization affiliation, telephone number, and email address on the cover page.

Correspondence, Comments, and Presentations: Please cite ''Public Meeting, DFARS Case 2018–D069'' in all correspondence related to the public meeting. There will be no transcription at the meeting. The submitted presentations will be the only record of the public meeting and will be posted to the following website at the conclusion of the public meeting: *https://www.acq.osd.mil/dpap/dars/technical_data_rights.html.*

The comment period for the proposed rule is extended to November 30, 2020, to provide additional time for interested parties to comment on the proposed DFARS changes.

List of Subjects in 48 CFR Parts 227 and 252

Government procurement.

Jennifer D. Johnson,

Regulatory Control Officer, Defense Acquisition Regulations System.

[FR Doc. 2020–23885 Filed 10–27–20; 8:45 am]

BILLING CODE 5001–06–P

Notices

Federal Register
Vol. 85, No. 209
Wednesday, October 28, 2020

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[Document Number AMS–SC–19–0103, SC–20–326]

Termination of U.S. Consumer Standards

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice.

SUMMARY: The Agricultural Marketing Service (AMS) of the Department of Agriculture (USDA) proposes to terminate the following 10 U.S. Consumer Standards: The U.S. Consumer Standards for Italian Sprouting Broccoli, U.S. Consumer Standards for Fresh Carrots, U.S. Consumer Standards for Celery Stalks, U.S. Consumer Standards for Husked Corn on the Cob, U.S. Consumer Standards for Fresh Kale, U.S. Consumer Standards for Fresh Spinach Leaves, U.S. Consumer Standards for Brussels Sprouts, U.S. Consumer Standards for Fresh Parsnips, U.S. Consumer Standards for Fresh Turnips, and U.S. Consumer Standards for Beet Greens. This proposed action is part of USDA's work to eliminate regulations that are outdated, unnecessary, ineffective, or impose costs that exceed benefits.

DATES: Comments must be submitted on or before December 28, 2020.

ADDRESSES: Interested persons are invited to submit written comments to the USDA, Specialty Crops Inspection Division, 100 Riverside Parkway, Suite 101, Fredericksburg, VA 22406; fax: (540) 361–1199; or at *www.regulations.gov.* Comments should reference the date and page number of this issue of the **Federal Register**. Comments will be posted without change, including any personal information provided. All comments received within the comment period will become part of the public record maintained by the Agency and will be made available to the public via *www.regulations.gov.* Comments will be made available for public inspection at the above address during regular business hours or can be viewed at: *www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: David G. Horner at the address above, by phone (540) 361–1120; fax (540) 361–1199; or, email *Dave.Horner@usda.gov.* Copies of these 10 U.S. consumer standards are available at *http://www.regulations.gov.*

SUPPLEMENTARY INFORMATION: Section 203(c) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1621–1627) as amended, directs and authorizes the Secretary of Agriculture ''to develop and improve standards of quality, condition, quantity, grade, and packaging, and recommend and demonstrate such standards in order to encourage uniformity and consistency in commercial practices.''

AMS is committed to carrying out this authority in a manner that facilitates the marketing of agricultural commodities and makes copies of official standards available upon request. The U.S. Standards for Grades of Fruits and Vegetables that no longer appear in the Code of Federal Regulations are maintained by AMS at: *http://www.ams.usda.gov/grades-standards.* AMS is proposing to terminate these 10 U.S. consumer standards using the procedures that appear in part 36 of Title 7 of the Code of Federal Regulations (7 CFR part 36).

Background

AMS continually reviews all fruit and vegetable grade standards to ensure their usefulness to the industry, modernize language, and remove duplicative terminology. On February 24, 2017, President Trump signed Executive Order (E.O.) 13777, Enforcing the Regulatory Reform Agenda, which established a Federal policy to alleviate unnecessary regulatory burdens on the American people. Section 3 of the E.O. directs Federal agencies to establish a Regulatory Reform Task Force to (1) evaluate existing regulations and recommend their repeal, replacement, or modification to the USDA Secretary, and (2) identify regulations that are outdated, unnecessary, ineffective, or whose costs exceed their benefits.

The consumer standards were originally developed for re-packers and were never fully adopted by industry, which instead uses U.S. grade standards intended for wholesale use, which are revised regularly to reflect current industry practices. AMS identified 10 U.S. consumer standards that are not related to a current, active marketing order, import regulation, or export act and which are obsolete. These consumer standards continue to cause confusion within the industry due to conflicting and outmoded grades and terminology. They are ineffective, unnecessary, and have become a burden to the U.S. and global produce industry.

Therefore, AMS proposes to terminate the following 10 U.S. consumer standards: U.S. Consumer Standards for Italian Sprouting Broccoli, U.S. Consumer Standards for Fresh Carrots, U.S. Consumer Standards for Celery Stalks, U.S. Consumer Standards for Husked Corn on the Cob, U.S. Consumer Standards for Fresh Kale, U.S. Consumer Standards for Fresh Spinach Leaves, U.S. Consumer Standards for Brussels Sprouts, U.S. Consumer Standards for Fresh Parsnips, U.S. Consumer Standards for Fresh Turnips, and U.S. Consumer Standards for Beet Greens.

The elimination of these U.S. consumer standards would reduce obsolete information, lessen confusion in interpreting grade standards, and promote consistency within the industry.

A 60-day comment period is provided for interested persons to submit comments on the proposal to terminate these 10 U.S. consumer standards.

Authority: 7 U.S.C. 1621–1627.

Bruce Summers,

Administrator, Agricultural Marketing Service.

[FR Doc. 2020–23349 Filed 10–27–20; 8:45 am]

BILLING CODE P

DEPARTMENT OF AGRICULTURE

Farm Service Agency

[Docket ID FSA–2020–0009]

Information Collection Request; Volunteer Program

AGENCY: Farm Service Agency, USDA.

ACTION: Notice; request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Farm Service Agency (FSA) is requesting comments from all interested individuals and organizations on an extension with a revision of a currently approved information collection associated with the Volunteer Program.

DATES: We will consider comments that we receive by December 28, 2020.

ADDRESSES: We invite you to submit comments on this notice. In your comment, include the volume, date, and page number of this issue of the **Federal Register**. You may submit comments by any of the following methods:

- *Federal eRulemaking Portal:* Go to: *www.regulations.gov* and search for Docket ID FSA–2020–0009. Follow the online instructions for submitting comments.
- *Mail, Hand-Delivery, or Courier:* Ms. Jennifer Moffit, USDA, FPAC–BC, Legislative and Stakeholder Relations, FPAC National Volunteer Program, 1400 Independence Ave. SW, Washington, DC 20024.

You may also send comments to the Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503. Comments will be available for inspection online at *http://www.regulations.gov.*

Copies of the information collection may be requested by contacting Jennifer Moffit at the above address.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, contact Ms. Jennifer Moffit at (202) 827–5191 (voice); or, by email at: *Jennifer.Moffit@usda.gov.* Persons with disabilities who require alternative means for communication should contact the USDA Target Center at (202) 720–2600 (voice).

SUPPLEMENTARY INFORMATION:

Title: Volunteer Program.

OMB Control Number: 0560–0232.

OMB Expiration Date for Approval: February 28, 2021.

Type of Request: Extension.

Abstract: Section 1526 of the Agriculture and Food Act of 1981 (7 U.S.C. 2272) authorizes the Secretary of Agriculture to establish a program (''the Volunteer Program'') to use volunteers to perform a wide range of activities to carry out the programs of the Department of Agriculture. In addition, 5 U.S.C. 3111 grants agencies the authority to establish programs designed to provide educationally-related work assignments for students, in non-pay status. For FSA's volunteer program, each volunteer must follow the same responsibilities and guidelines for conduct that Federal government employees are expected to follow. The volunteers, who are mainly students participating in the sponsored volunteer program, must complete a service agreement, attendance records, and other forms, and provide the required supporting documents to FSA. The information will allow FSA to effectively recruit, train, and accept volunteers to carry out programs supported by the Department of Agriculture, thereby benefitting volunteers, the Department of Agriculture, and the general public.

Without the information, FSA will be unable to document the services provided by the volunteers. FSA will report the collected information to offices within the Department of Agriculture and the Office of Personnel Management that request information on the Volunteer Program.

FSA continues to use forms AD–2022, AD–2023, AD–2024, and AD–2025 in the Volunteer Program. The burden hours decreased by 10 due to the removal of travel times. The respondents go to the county offices to do regular and customary business with FSA; this means no travel times is required specifically for the information collection and therefore, it is no longer included in the burden hour reporting. For the following estimated total annual burden on respondents, the formula used to calculate the total burden hours is the estimated average time per response multiplied by the estimated total annual responses.

Estimate of Average Time to Respond: Public reporting burden for collecting information under this notice is estimated to average 15 minutes (0.25) per response for each of the 4 forms, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Therefore, the public reporting burden would be an average 0.25 hours per response in this collection.

Type of Respondents: Any individuals.

Estimated Number of Respondents: 20.

Estimated Number of Responses per Respondent: 4.

Estimated Total Annual Reponses: 80.

Estimated Average Time per Response: 0.25 hours.

Estimated Total Annual Burden on Respondents: 20 hours.

We are requesting comments on all aspects of this information to help us to:

(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 collection of information, including the validity of the methodology and assumptions used;

(3) Evaluate the quality, ability and clarity of the information technology; and

(4) Minimize the burden of the information collection on those who respond through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

All comments received in response to this notice, including names and addresses when provided, will be a matter of public record. Comments will be summarized and included in the submission for Office of Management and Budget Approval.

Steve Peterson,

Acting Administrator, Farm Service Agency.

[FR Doc. 2020–23783 Filed 10–27–20; 8:45 am]

BILLING CODE 3410–05–P

DEPARTMENT OF COMMERCE

Census Bureau

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; 2021 New York City Housing and Vacancy Survey

The Department of Commerce will submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. We invite the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. Public comments were previously requested via the **Federal Register** on March 13, 2020 during a 60-day comment period. This notice allows for an additional 30 days for public comments.

Due to the COVID–19 pandemic, the start of *the New York City Housing and Vacancy Survey* (NYCHVS) collection was delayed from November 2020 to February 2021 and the estimated number of respondents was reduced from 30,000 to 12,000. As a result of these changes, the survey reference year

was changed from 2020 to 2021 and the estimated respondent burden hours was reduced from 20,000 to 7,804. In addition, new COVID–19 pandemic related questions were added to the instrument. The addition of this new content is not expected to affect the estimated average hours per response because a similar number of questions were removed from the survey.

Agency: U.S. Census Bureau.

Title: 2021 New York City Housing and Vacancy Survey.

OMB Control Number: 0607–0757.

Form Number(s): N/A—Electronic forms.

Type of Request: Reinstatement, with change, of a previously approved collection.

Number of Respondents: 12,000.

Average Hours per Response: 0.66 (40 minutes).

Burden Hours: 7,804.

Needs and Uses: The Census Bureau will conduct the survey for the City of New York in order to determine the vacancy rate of rental housing stock, which the city uses to enact specific policies. New York City will also use the data to help measure the quality of its housing and learn specific demographic characteristics about the city's residents.

Affected Public: Households and rental offices/realtors (for vacant units).

Frequency: every three years.

Respondent's Obligation: Voluntary.

Legal Authority: Title 13 U.S.C.—Section 8b, and the Local Emergency Housing Rent Control Act, Laws of New York (Chapters 8603 and 657).

This information collection request may be viewed at www.reginfo.gov. Follow the instructions to view Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website <*www.reginfo.gov/public/do/PRAMain*>. Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function and entering either the title of the collection or the OMB Control Number 0607–0757.

Sheleen Dumas,

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

[FR Doc. 2020–23819 Filed 10–27–20; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Emerging Technology Technical Advisory Committee; Notice of Open Meeting

The Emerging Technology Technical Advisory Committee (ETTAC) will meet on November 9, 2020, at 1:00 p.m. to 3:00 p.m., Eastern Standard Time. The meeting will be available via teleconference. The Committee advises the Office of the Assistant Secretary for Export Administration on the identification of emerging and foundational technologies with potential dual-use applications as early as possible in their developmental stages both within the United States and abroad.

Agenda

Open Session

1. Welcome and Introductions.

2. Introduction by the Bureau of Industry and Security Leadership.

3. Presentation on ETTAC Structure and Work Plan (Chair/Vice Chair).

4. Presentations on Emerging Technologies Trends.

5. Open Discussion (Comments, Q&A).

6. Conclusion/Adjournment.

The open session will be accessible via teleconference to 20 participants on a first come, first serve basis. To join the conference, submit inquiries to Ms. Yvette Springer at *Yvette.Springer@bis.doc.gov* no later than November 2, 2020.

A limited number of slots will be available for the public session. Reservations are not accepted. To the extent that time permits, members of the public may present oral statements to the Committee. The public may submit written statements at any time before or after the meeting. However, to facilitate the distribution of public presentation materials to the Committee members, the Committee suggests that presenters forward the public presentation materials prior to the meeting to Ms. Springer via email.

For more information, call Yvette Springer at (202) 482–2813.

Yvette Springer,

Committee Liaison Officer.

[FR Doc. 2020–23839 Filed 10–27–20; 8:45 am]

BILLING CODE 3510–JT–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–523–816 and C–489–845]

Certain Aluminum Foil From the Sultanate of Oman and the Republic of Turkey: Initiation of Countervailing Duty Investigations

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

DATES: Applicable October 19, 2020.

FOR FURTHER INFORMATION CONTACT: John Conniff; AD/CVD Operations, Office III (Oman) and Eliza Siordia; AD/CVD Operations, Office V (Turkey), Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–1009 and (202) 482–3878, respectively.

SUPPLEMENTARY INFORMATION:

The Petition

On September 29, 2020, the Department of Commerce (Commerce) received countervailing duty (CVD) petitions concerning imports of certain aluminum foil (aluminum foil) from the Sultanate of Oman (Oman) and the Republic of Turkey (Turkey), filed in proper form on behalf of the petitioners,[1] domestic producers of aluminum foil.[2] The Petition was accompanied by antidumping duty (AD) petitions concerning imports of aluminum foil from Armenia, Brazil, Oman, Russia, and Turkey.

On October 2, 2020, Commerce requested supplemental information pertaining to certain aspects of the Petition in separate supplemental questionnaires.[3] The petitioners filed

[1] The petitioners consist of the Aluminum Association Trade Enforcement Working Group and its individual members: Gränges Americas Inc., JW Aluminum Company, and Novelis Corporation.

[2] *See* Petitioners' Letter, ''Certain Aluminum Foil from Armenia, Brazil, Oman, Russia, and Turkey—Petition for the Imposition of Antidumping and Countervailing Duties,'' dated September 29, 2020 (Petitions).

[3] *See* Commerce's Letters, ''Petitions for the Imposition of Antidumping Duties on Imports of Certain Aluminum Foil from Armenia, Brazil, Oman, Russia, and Turkey and Countervailing Duties on Imports from Oman and Turkey: Supplemental Questions'' dated October 2, 2020 (General Issues Supplement); ''Certain Aluminum Foil from the Sultanate of Oman—Petition for the Imposition of Countervailing Duties: Supplemental Questions,'' dated October 2, 2020; and ''Certain Aluminum Foil from the Republic of Turkey—Petition for the Imposition of Countervailing Duties: Supplemental Questions,'' dated October 2, 2020.

responses to the supplemental questionnaires on October 6, 2020.[4]

In accordance with section 702(b)(1) of the Tariff Act of 1930, as amended (the Act), the petitioners allege that the Government of the Sultanate of Oman (GSO) and the Government of Turkey (GOT) are providing countervailable subsidies, within the meaning of sections 701 and 771(5) of the Act, to producers of aluminum foil in Oman and Turkey, and that imports of such products are materially injuring, or threatening material injury to, the domestic aluminum foil industry in the United States. Consistent with section 702(b)(1) of the Act and 19 CFR 351.202(b), for those alleged programs on which we are initiating a CVD investigation, the petitioners provided reasonably available information in the Petitions to support their allegation.

Commerce finds that the petitioners filed the Petitions on behalf of the domestic industry, because the petitioners are interested parties, as defined in section 771(9)(C) of the Act. Commerce also finds that the petitioners demonstrated sufficient industry support necessary for the initiation of the requested CVD investigations.[5]

Periods of Investigation

Because the Petitions were filed on September 29, 2020, the periods of investigation are January 1, 2019 through December 31, 2019.

Scope of the Investigations

The product covered by these investigations is aluminum foil from Oman and Turkey. For a full description of the scope of these investigations, *see* the appendix to this notice.

Scope Comments

As discussed in the *Preamble* to Commerce's regulations, we are setting aside a period for interested parties to raise issues regarding product coverage (*i.e.,* scope).[6] Commerce will consider all comments received from interested parties and, if necessary, will consult with interested parties prior to the issuance of the preliminary determinations. If scope comments include factual information,[7] all such factual information should be limited to public information. To facilitate preparation of its questionnaires, Commerce requests that all interested parties submit such comments by 5:00 p.m. Eastern Time (ET) on November 9, 2020, which is 20 calendar days from the signature date of this notice.[8] Any rebuttal comments, which may include factual information, must be filed by 5:00 p.m. ET on November 19, 2020, which is 10 calendar days from the initial comment deadline.

Commerce requests that any factual information parties consider relevant to the scope of the investigations be submitted during this period. However, if a party subsequently finds that additional factual information pertaining to the scope of the investigations may be relevant, the party may contact Commerce and request permission to submit the additional information. All such submissions must also be filed on the records of the concurrent AD and CVD investigations.

Filing Requirements

All submissions to Commerce must be filed electronically via Enforcement and Compliance's AD and CVD Centralized Electronic Service System (ACCESS), unless an exception applies.[9] An electronically filed document must be received successfully in its entirety by the time and date it is due.

Consultations

Pursuant to sections 702(b)(4)(A)(i) and (ii) of the Act, Commerce notified representatives of the GSO and the GOT of the receipt of the Petitions and provided them the opportunity for consultations with respect to the Petitions.[10] Consultations were held with the GOT on October 8, 2020.[11] The GOT submitted consultation remarks on October 8, 2020.[12] On October 16, 2020, we received a letter from the GSO acknowledging Commerce's invitation for consultations, but due to scheduling issues, we were unable to hold consultations prior to the initiation of the investigation.[13] However, we intend to hold consultations with the GSO subsequent to initiation.

Determination of Industry Support for the Petitions

Section 702(b)(1) of the Act requires that a petition be filed on behalf of the domestic industry. Section 702(c)(4)(A) of the Act provides that a petition meets this requirement if the domestic producers or workers who support the petition account for: (i) At least 25 percent of the total production of the domestic like product; and (ii) more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the petition. Moreover, section 702(c)(4)(D) of the Act provides that, if the petition does not establish support of domestic producers or workers accounting for more than 50 percent of the total production of the domestic like product, Commerce shall: (i) Poll the industry or rely on other information in order to determine if there is support for the petition, as required by subparagraph (A); or (ii) determine industry support using a statistically valid sampling method to poll the ''industry.''

Section 771(4)(A) of the Act defines the ''industry'' as the producers as a whole of a domestic like product. Thus, to determine whether a petition has the requisite industry support, the statute directs Commerce to look to producers and workers who produce the domestic like product. The International Trade Commission (ITC), which is responsible for determining whether ''the domestic industry'' has been injured, must also determine what constitutes a domestic

[4] *See* Petitioners' Letters, ''Certain Aluminum Foil from Armenia, Brazil, Oman, Russia, and Turkey—Petitioners' Amendments to Volume I Relating to General Issues,'' dated October 6, 2020; ''Certain Aluminum Foil from Armenia, Brazil, Oman, Russia, and Turkey—Petitioners' Supplement to Volume VII Relating to a Request for the Imposition of Countervailing Duties on Imports from the Sultanate of Oman,'' dated October 6, 2020; and ''Certain Aluminum Foil from Armenia, Brazil, Oman, Russia, and Turkey—Petitioners' Supplement to Volume VII Relating to a Request for the Imposition of Countervailing Duties on Imports from the Republic of Turkey,'' dated October 6, 2020.

[5] *See* the ''Determination of Industry Support for the Petition'' section, *infra.*

[6] *See Antidumping Duties; Countervailing Duties,* 62 FR 27296, 27323 (May 19, 1997) (*Preamble*).

[7] *See* 19 CFR 351.102(b)(21) (defining ''factual information'').

[8] Commerce practice dictates that where a deadline falls on a weekend or Federal holiday, the appropriate deadline is the next business day (in this instance, April 20, 2020). *See Notice of Clarification: Application of ''Next Business Day'' Rule for Administrative Determination Deadlines Pursuant to the Tariff Act of 1930, As Amended,* 70 FR 24533 (May 10, 2005).

[9] *See Antidumping and Countervailing Duty Proceedings: Electronic Filing Procedures; Administrative Protective Order Procedures,* 76 FR 39263 (July 6, 2011), and *Enforcement and Compliance: Change of Electronic Filing System Name,* 79 FR 69046 (November 20, 2014), for details of Commerce's electronic filing requirements, which went into effect on August 5, 2011. Information on help using ACCESS can be found at *https://access.trade.gov/help.aspx,* and a handbook can be found at *https://access.trade.gov/help/Handbook%20on%20Electronic%20Filling%20Procedures.pdf.*

[10] *See* Commerce's Letters, ''Countervailing Duty Petition on Aluminum Foil from Oman: Invitation for Consultations to Discuss the Countervailing Duty Petition,'' dated October 1, 2020; and *see* ''Countervailing Duty Petition on Aluminum Foil from Turkey: Invitation for Consultations to Discuss the Countervailing Duty Petition,'' dated October 1, 2020.

[11] *See* Memorandum, ''Consultations with the Government of Turkey,'' dated October 8, 2020.

[12] *See* GOT's Letter, ''Countervailing Duty Petition on Certain Aluminum Foil from the Republic of Turkey: Consultations Held on October 8, 2020,'' dated October 8, 2020.

[13] *See* GSO's Letter, ''Countervailing Duty Petition on Certain Aluminum Foil from the Sultanate of Oman,'' dated October 14, 2020, (but filed with ACCESS on October 16, 2020).

like product in order to define the industry. While both Commerce and the ITC must apply the same statutory definition regarding the domestic like product,[14] they do so for different purposes and pursuant to a separate and distinct authority. In addition, Commerce's determination is subject to limitations of time and information. Although this may result in different definitions of the like product, such differences do not render the decision of either agency contrary to law.[15]

Section 771(10) of the Act defines the domestic like product as ''a product which is like, or in the absence of like, most similar in characteristics and uses with, the article subject to an investigation under this title.'' Thus, the reference point from which the domestic like product analysis begins is ''the article subject to an investigation'' (*i.e.,* the class or kind of merchandise to be investigated, which normally will be the scope as defined in the petition).

With regard to the domestic like product, the petitioners do not offer a definition of the domestic like product distinct from the scope of the investigations.[16] Based on our analysis of the information submitted on the record, we have determined that aluminum foil, as defined in the scope, constitutes a single domestic like product, and we have analyzed industry support in terms of that domestic like product.[17]

In determining whether the petitioners have standing under section 702(c)(4)(A) of the Act, we considered the industry support data contained in the Petitions with reference to the domestic like product as defined in the ''Scope of the Investigations,'' in the appendix to this notice. To establish industry support, the petitioners provided the 2019 production of the domestic like product by U.S. producers that support the Petitions.[18] The petitioners estimated the production of the domestic like product for the remaining U.S. producers of aluminum foil based on the Aluminum Association's knowledge of the industry.[19] We relied on data provided by the petitioners for purposes of measuring industry support.[20]

Our review of the data provided in the Petitions, the General Issues Supplement, and other information readily available to Commerce indicates that the petitioners have established industry support for the Petitions.[21] First, the Petitions established support from domestic producers (or workers) accounting for more than 50 percent of the total production of the domestic like product and, as such, Commerce is not required to take further action in order to evaluate industry support (*e.g.,* polling).[22] Second, the domestic producers (or workers) have met the statutory criteria for industry support under section 702(c)(4)(A)(i) of the Act because the domestic producers (or workers) who support the Petitions account for at least 25 percent of the total production of the domestic like product.[23] Finally, the domestic producers (or workers) have met the statutory criteria for industry support under section 732(c)(4)(A)(ii) of the Act because the domestic producers (or workers) who support the Petitions account for more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the Petitions.[24] Accordingly, Commerce determines that the Petitions were filed on behalf of the domestic industry within the meaning of section 702(b)(1) of the Act.[25]

Injury Test

Because Oman and Turkey are ''Subsidies Agreement Countries'' within the meaning of section 701(b) of the Act, section 701(a)(2) of the Act applies to these investigations. Accordingly, the ITC must determine whether imports of the subject merchandise from Oman and/or Turkey materially injure, or threaten material injury to, a U.S. industry.

Allegations and Evidence of Material Injury and Causation

The petitioners allege that imports of the subject merchandise are benefitting from countervailable subsidies and that such imports are causing, or threaten to cause, material injury to the U.S. industry producing the domestic like product. In addition, the petitioners allege that subject imports exceed the negligibility threshold provided for under section 771(24)(A) of the Act.[26]

The petitioners contend that the industry's injured condition is illustrated by a significant and increasing volume of subject imports; reduced market share; underselling and price depression or suppression; lost sales and revenues; declining domestic production, shipments, and capacity utilization; negative effects on domestic industry employment; and a decline in financial performance and profitability.[27] We have assessed the allegations and supporting evidence regarding material injury, threat of material injury, causation, as well as negligibility, and we have determined that these allegations are properly supported by adequate evidence, and meet the statutory requirements for initiation.[28]

Initiation of CVD Investigations

Based upon the examination of the Petitions and supplemental responses, we find that they meet the requirements of section 702 of the Act. Therefore, we are initiating CVD investigations to determine whether imports of aluminum foil from Oman and Turkey benefit from countervailable subsidies conferred by the GSO and the GOT, respectively. In accordance with section 703(b)(1) of the Act and 19 CFR 351.205(b)(1), unless postponed, we will make our preliminary determinations no later than 65 days after the date of this initiation.

Oman

Based on our review of the petition, we find that there is sufficient information to initiate a CVD investigation on all 8 of the alleged programs. For a full discussion of the basis for our decision to initiate on each program, *see* the Oman CVD Initiation Checklist. A public version of the

[14] *See* section 771(10) of the Act.

[15] *See USEC, Inc.* v. *United States,* 132 F. Supp. 2d 1, 8 (CIT 2001) (citing *Algoma Steel Corp., Ltd.* v. *United States,* 688 F. Supp. 639, 644 (CIT 1988), *aff'd* 865 F. 2d 240 (Fed. Cir. 1989)).

[16] *See* Volume I of the Petitions at 12–13 and Exhibit GEN–9 (containing *Aluminum Foil From China,* Inv. Nos. 701–TA–570 and 731–TA–1346 (Final), USITC Pub. 4771 (April 2018) (*ITC Aluminum Foil Final*) at 10–16).

[17] For a discussion of the domestic like product analysis as applied to these cases and information regarding industry support, *see* country-specific CVD Initiation Checklists at Attachment II, Analysis of Industry Support for the Antidumping and Countervailing Duty Petitions Covering Certain Aluminum Foil from Armenia, Brazil, Oman, Russia, and Turkey (Attachment II). These checklists are dated concurrently with this notice and on file electronically via ACCESS.

[18] *See* Volume I of the Petitions at 4–5 and Exhibit GEN–1.

[19] *See* Volume I of the Petitions at 4–5 and Exhibits GEN–1, GEN–2, and GEN–3 *see also* General Issues Supplement at 4–5.

[20] *Id.* at 4–5 and Exhibits GEN–1 and GEN–3.

[21] *Id.* at 2–5 and Exhibits GEN–1, GEN–2, and GEN–3 *see also* General Issues Supplement at 4–5.

[22] *Id.; see also* section 732(c)(4)(D) of the Act.

[23] *See* Volume I of the Petitions at 4–5 and Exhibits GEN–1, GEN–2, and GEN–3 *see also* General Issues Supplement at 4–5. For further discussion, *see* Attachment II of the country-specific AD Initiation Checklists.

[24] *Id.*

[25] *Id.*

[26] *See* Volume I of the Petitions at 14–15, and Exhibit GEN–10.

[27] *See* Volume I of the Petitions at 18–32 and Exhibits GEN–7 and GEN–10 through GEN–15.

[28] *See* country-specific CVD Initiation Checklists at Attachment III, Analysis of Allegations and Evidence of Material Injury and Causation for the Antidumping and Countervailing Duty Petitions Covering Certain Aluminum Foil from Armenia, Brazil, Oman, Russia, and Turkey (Attachment III).

initiation checklist for this investigation is available on ACCESS.

Turkey

Based on our review of the petition, we find that there is sufficient information to initiate a CVD investigation on all 25 of the alleged programs. For a full discussion of the basis for our decision to initiate on each program, *see* the Turkey CVD Initiation Checklist. A public version of the initiation checklist for this investigation is available on ACCESS.

Respondent Selection

Turkey

In the Petition, the petitioners named ten companies from Turkey as producers/exporters of aluminum foil.[29] Commerce intends to follow its standard practice in CVD investigations and calculate company-specific subsidy rates in these investigations. In the event Commerce determines that the number of companies is large and it cannot individually examine each company based upon its resources, where appropriate, Commerce intends to select mandatory respondents based on U.S. Customs and Border Protection (CBP) data for U.S. imports under the appropriate Harmonized Tariff Schedule of the United States numbers listed in the appendix to this notice.

On October 15, 2020, Commerce released CBP data on imports of aluminum foil from Turkey under Administrative Protective Order (APO) to all parties with access to information protected by APO and indicated that interested parties wishing to comment on the CBP data must do so within three business days of the publication date of the notice of initiation of these investigations.[30] Commerce will not accept rebuttal comments regarding the CBP data or respondent selection.

Oman

In the Petition, the petitioners named only one company as a producer/exporter of aluminum foil in Oman, Oman Aluminum Rolling Company.[31] Furthermore, we placed CBP import data onto the record of this proceeding, which corroborates the existence of Oman Aluminum Rolling Company as the sole producer/exporter in the foreign market,[32] and we currently know of no additional producers/exporters of subject merchandise from Oman. Accordingly, Commerce intends to examine all known producers/exporters in this investigation (*i.e.,* the company cited above). As noted in the aforementioned Oman CBP Import Data Release Memo, we invite interested parties to comment on this issue within three days of the publication of this notice in the **Federal Register**. Commerce will not accept rebuttal comments regarding respondent selection for Oman. Because we intend to examine all known producers, if no comments are received or if comments received further support the existence of only this sole producer/exporter in Oman, we do not intend to conduct respondent selection and will proceed to issuing the forthcoming initial countervailing duty questionnaire to the company identified. However, if comments are received which compel the necessity of the respondent selection process, we otherwise intend to finalize our decisions regarding respondent selection within 20 days of publication of this notice.

Interested parties must submit applications for disclosure under APO in accordance with 19 CFR 351.305(b). Instructions for filing such applications may be found on Commerce's website at *http://enforcement.trade.gov/apo.*

Distribution of Copies of the Petitions

In accordance with section 702(b)(4)(A)(i) of the Act and 19 CFR 351.202(f), copies of the public version of the Petitions have been provided to the GSO and the GOT via ACCESS. To the extent practicable, we will attempt to provide a copy of the public version of the Petitions to each exporter named in the Petitions, as provided under 19 CFR 351.203(c)(2).

ITC Notification

We will notify the ITC of our initiation, as required by section 702(d) of the Act.

Preliminary Determinations by the ITC

The ITC will preliminarily determine, within 45 days after the date on which the Petitions were filed, whether there is a reasonable indication that imports of aluminum foil from Oman and Turkey are materially injuring, or threatening material injury to, a U.S. industry.[33] A negative ITC determination in any country will result in the investigation being terminated with respect to that country.[34] Otherwise, these investigations will proceed according to the statutory and regulatory time limits.

Submission of Factual Information

Factual information is defined in 19 CFR 351.102(b)(21) as: (i) Evidence submitted in response to questionnaires; (ii) evidence submitted in support of allegations; (iii) publicly available information to value factors under 19 CFR 351.408(c) or to measure the adequacy of remuneration under 19 CFR 351.511(a)(2); (iv) evidence placed on the record by Commerce; and (v) evidence other than factual information described in (i)–(iv). 19 CFR 351.301(b) requires any party, when submitting factual information, to specify under which subsection of 19 CFR 351.102(b)(21) the information is being submitted [35] and, if the information is submitted to rebut, clarify, or correct factual information already on the record, to provide an explanation identifying the information already on the record that the factual information seeks to rebut, clarify, or correct.[36] Time limits for the submission of factual information are addressed in 19 CFR 351.301, which provides specific time limits based on the type of factual information being submitted. Interested parties should review the regulations prior to submitting factual information in these investigations.

Extensions of Time Limits

Parties may request an extension of time limits before the expiration of a time limit established under 19 CFR 351.301, or as otherwise specified by Commerce. In general, an extension request will be considered untimely if it is filed after the expiration of the time limit established under 19 CFR 351.301. For submissions that are due from multiple parties simultaneously, an extension request will be considered untimely if it is filed after 10:00 a.m. ET on the due date. Under certain circumstances, we may elect to specify a different time limit by which extension requests will be considered untimely for submissions which are due from multiple parties simultaneously. In such a case, we will inform parties in the letter or memorandum setting forth the deadline (including a specified time) by which extension requests must be filed to be considered timely. An extension request must be made in a separate, stand-alone submission; under

[29] *See* Volume VIII of the Petition for Turkey at 2 and Exhibit GEN–6.

[30] *See* Memorandum, ''Petition for the Imposition of Countervailing Duties on Imports of Certain Aluminum Foil from Turkey: Release of Customs Data from U.S. Customs and Border Protection,'' dated October 15, 2020.

[31] *See* Volume VII of the Petition for Oman at 2 and Exhibit GEN–6.

[32] *See* Memorandum, ''Release of Customs Data from U.S. Customs and Border Protection,'' dated October 15, 2020 (Oman CBP Import Data Release Memo).

[33] *See* section 703(a)(2) of the Act.

[34] *See* section 703(a)(1) of the Act.

[35] *See* 19 CFR 351.301(b).

[36] *See* 19 CFR 351.301(b)(2).

limited circumstances we will grant untimely-filed requests for the extension of time limits. Parties should review *Extension of Time Limits,* 78 FR 57790 (September 20, 2013), available at *http://www.gpo.gov/fdsys/pkg/FR-2013-09-20/html/2013-22853.htm,* prior to submitting factual information in these investigations.

Certification Requirements

Any party submitting factual information in an AD or CVD proceeding must certify to the accuracy and completeness of that information.[37] Parties must use the certification formats provided in 19 CFR 351.303(g).[38] Commerce intends to reject factual submissions if the submitting party does not comply with the applicable certification requirements.

Notification to Interested Parties

Interested parties must submit applications for disclosure under APO in accordance with 19 CFR 351.305. On January 22, 2008, Commerce published *Antidumping and Countervailing Duty Proceedings: Documents Submission Procedures; APO Procedures,* 73 FR 3634 (January 22, 2008). Parties wishing to participate in this investigation should ensure that they meet the requirements of these procedures (*e.g.,* the filing of letters of appearance as discussed at 19 CFR 351.103(d)). Note that Commerce has temporarily modified certain of its requirements for serving documents containing business proprietary information.[39]

This notice is issued and published pursuant to sections 702(c)(2) and 777(i) of the Act and 19 CFR 351.203(c).

Dated: October 19, 2020.

Jeffrey I. Kessler,

Assistant Secretary for Enforcement and Compliance.

Appendix

Scope of the Investigations

The merchandise covered by these investigations is aluminum foil having a thickness of 0.2 mm or less, in reels exceeding 25 pounds, regardless of width. Aluminum foil is made from an aluminum alloy that contains more than 92 percent aluminum. Aluminum foil may be made to ASTM specification ASTM B479, but can also be made to other specifications. Regardless of specification, however, all aluminum foil meeting the scope description is included in the scope, including aluminum foil to which lubricant has been applied to one or both sides of the foil.

Excluded from the scope of these investigations is aluminum foil that is backed with paper, paperboard, plastics, or similar backing materials on one side or both sides of the aluminum foil, as well as etched capacitor foil and aluminum foil that is cut to shape. Where the nominal and actual measurements vary, a product is within the scope if application of either the nominal or actual measurement would place it within the scope based on the definitions set forth above. The products under investigation are currently classifiable under Harmonized Tariff Schedule of the United States (HTSUS) subheadings 7607.11.3000, 7607.11.6090, 7607.11.9030, 7607.11.9060, 7607.11.9090, and 7607.19.6000.

Further, merchandise that falls within the scope of these proceedings may also be entered into the United States under HTSUS subheadings 7606.11.3060, 7606.11.6000, 7606.12.3045, 7606.12.3055, 7606.12.3091, 7606.12.3096, 7606.12.6000, 7606.91.3095, 7606.91.6095, 7606.92.3035, and 7606.92.6095. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of these investigations is dispositive.

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[37] *See* section 782(b) of the Act.

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

[39] *See Temporary Rule Modifying AD/CVD Service Requirements Due to COVID–19,* 85 FR 17006 (March 26, 2020); *see also Temporary Rule Modifying AD/CVD Service Requirements Due to COVID–19; Extension of Effective Period,* 85 FR 41363 (July 10, 2020).

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XA499]

Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to the Transit Protection Program Pier and Support Facilities Project at Naval Base Kitsap Bangor, Washington

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

ACTION: Notice; issuance of an incidental harassment authorization.

SUMMARY: In accordance with the regulations implementing the Marine Mammal Protection Act (MMPA) as amended, notification is hereby given that NMFS has issued two incidental harassment authorizations (IHAs) to the U.S. Navy (Navy) to incidentally harass, by Level A and Level B harassment only, marine mammals during construction activities associated with the Transit Protection Program Pier and Support Facilities Project at Naval Base Kitsap Bangor in Silverdale, Washington over two years.

DATES: These authorizations are effective from July 16, 2021 to January 15, 2022, and July 16, 2022 to January 15, 2023, respectively.

FOR FURTHER INFORMATION CONTACT: Leah Davis, Office of Protected Resources, NMFS, (301) 427–8401. Electronic copies of the application and supporting documents, as well as a list of the references cited in this document, may be obtained online at: *https://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-take-authorizations-construction-activities.* In case of problems accessing these documents, please call the contact listed above.

SUPPLEMENTARY INFORMATION:

Background

The MMPA prohibits the ''take'' of marine mammals, with certain exceptions. Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce (as delegated to NMFS) to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and either regulations are issued or, if the taking is limited to harassment, a notice of a proposed incidental take authorization may be provided to the public for review.

Authorization for incidental takings shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s) and will not have an unmitigable adverse impact on the availability of the species or stock(s) for taking for subsistence uses (where relevant). Further, NMFS must prescribe the permissible methods of taking and other ''means of effecting the least practicable adverse impact'' on the affected species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of the species or stocks for taking for certain subsistence uses (referred to in shorthand as ''mitigation''); and requirements pertaining to the mitigation, monitoring and reporting of the takings are set forth. The definitions of all applicable MMPA statutory terms cited above are included in the relevant sections below.

Summary of Request

On January 14, 2020, NMFS received a request from the Navy for an IHA to

take marine mammals incidental to the Transit Protection Program Pier and Support Facilities Project at Naval Base Kitsap Bangor in Silverdale, Washington over two years. The Navy submitted a revised application on March 23, 2020, which was deemed adequate and complete on June 10, 2020. The Navy's request is for take of a small number of five species of marine mammals, by Level B harassment and Level A harassment. Neither the Navy nor NMFS expects serious injury or mortality to result from this activity and, therefore, IHAs are appropriate.

The IHAs will be effective from July 16, 2021 to January 15, 2022 for Year 1 activities, and July 16, 2022 to January 15, 2023 for Year 2 activities.

Description of the Specified Activity

The Navy is proposing to construct and operate a pier for berthing of Transit Protection Program (TPP) blocking vessels, which provide security escort to Fleet Ballistic Missile Submarines between Naval Base Kitsap Bangor and the Strait of Juan de Fuca. These vessels are currently berthed on a space-available basis at various locations at Kitsap Bangor. Kitsap Bangor is located on Hood Canal approximately 20 miles (mi) (32 kilometers (km)) west of Seattle, Washington. The Navy anticipates that construction for the TPP project, including vibratory and impact pile driving and vibratory pile removal, will occur over two years. The IHAs are effective from July 16, 2021 to January 15, 2022 for Year 1 activities, and July 16, 2022 to January 15, 2023 for Year 2 activities.

The Navy plans to construct a pier for berthing TPP blocking vessels. The TPP pier will consist of an L-shaped, pile-supported trestle from shore connecting to a pile-supported main pier section. The Navy will also install two dolphins, one south and one north of the pier which will be used solely for mooring support. Additionally, the contractor will construct a temporary work trestle (falsework piles and timber decking) for use during construction.

A detailed description of the planned construction project is provided in the **Federal Register** notice for the proposed IHAs (85 FR 48206; August 10, 2020). Since that time, no changes have been made to the planned construction activities. Therefore, a detailed description is not provided here. Please refer to that **Federal Register** notice for the description of the specific activity.

Comments and Responses

A notice of NMFS' proposal to issue IHAs to the Navy was published in the **Federal Register** on August 10, 2020 (85 FR 48206). That notice described, in detail, the Navy's activity, the marine mammal species that may be affected by the activity, and the anticipated effects on marine mammals, their habitat, planned amount and manner of take, and planned mitigation, monitoring and reporting measures. During the 30-day public comment period, NMFS received a comment letter from the Marine Mammal Commission (Commission); the Commission's recommendations and our responses are provided here, and the comments have been posted online at: *https://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-take-authorizations-construction-activities.* Please see the Commission's letter for full detail regarding justification for their recommendations.

Comment 1: The Commission noted that NMFS reanalyzed bubble curtain data collected by Illingworth & Rodkin, Inc. (Illingworth and Rodkin, 2012) at Kitsap and proposed to use an average source level reduction of 8 decibels (dB). The Commission notes that the assumed 8 dB source level reduction may be appropriate for near field impacts such as Level A harassment but it is not appropriate for far-field impacts, particularly Level B harassment. The Commission further provided an example, stating that Illingworth and Rodkin (2012) measured the source level reduction for the mid-water hydrophone of 36-inch (in) pile TTP#2 to be only 5 dB at 145 meters (m), and stated that source level reduction was 5 dB at 120 m for both the mid-water and deep hydrophone during installation of 48-in pile TP#11 and 4 to 5 dB at 754 m for both hydrophones during installation of 48-in pile TP#5. The Commission states that all such measurements are comparable to the Level A harassment zones estimated for low-frequency (LF) and high-frequency (HF) cetaceans and phocids (158–351 m) and the Level B harassment zone (541 m).

The Commission stated that bubble curtains that are placed immediately around the pile do not achieve consistent reductions in sound levels because they cannot attenuate ground-borne sound. Appreciable attenuation is not observed for the sound that resonates through the ground into the far field or for low-frequency sound in general, and an 8-dB source level reduction factor is unsubstantiated by the data. The Commission thus recommends that NMFS (1) refrain from using the 8-dB source level reduction factor for far-field impacts (>100 m) and (2) consult with acousticians, including those at the University of Washington-Applied Physics Laboratory, regarding the appropriate source level reduction factor to use to minimize near-field (<100 m) and far-field effects on marine mammals.

Response: NMFS does not agree with the Commission's assessment on bubble curtain efficacy that is based on near- and far-distance (referred as ''near-field'' and ''far-field'' by the Commission). While NMFS typically recommends a 7 dB reduction at 10 m for using bubble curtains during in-water impact pile driving, this value is based on a study conducted by the California Department of Transportation (CALTRANS) in 2003 and 2004, and is applied to situations where no specific measurements pertaining to the project are available. In the case of the proposed Naval Base Kitsap Bangor construction project, Illingworth & Rodkin conducted a detailed study in 2011 (Illingworth & Rodkin, 2012) and showed an average noise level reduction of 8 dB at 10 m when a bubble curtain is in place. Based on the review of the IHA application, NMFS determined that applying an 8 dB reduction for the source level at 10 m is more appropriate, because the type of piles as well as the design and deployment of the bubble curtain proposed for use in this project are the same as those in the 2011 Illingworth & Rodkin study.

In addition, in its comments, the Commission mistakenly treated the measurements taken by Illingworth & Rodkin (Illingworth and Rodkin, 2012) at 145 m, 120 m, and 754 m as ''source levels.'' These are actually received sound levels at far-distances. A source level is the sound level measured or back-calculated at 1 m from the source, or, in the case of in-water pile driving, it's more commonly referred to sound levels measured at approximately 10 m from the pile. Although the measured levels at far-distances (*i.e.,* >100 m) showed less differences (*e.g.,* 4–5 dB) from those that were measured at near source at 10 m (*e.g.,* 8 dB), this is likely due to propagation effects that some of the sediment-borne acoustic energy that was not attenuated by the bubble curtain re-emerged into the water-column at much further distances. However, this information should not be used to suggest that a different noise level reduction needs to be used for long-distance (Level B harassment distance) impact assessment. Since the applicant used a conservative practical spreading modeling (*i.e.,* 15 log (r)), acoustic energy that is lost due to boundary refraction and reflection is not considered in determining the impact distances, and this loss is in addition to the practical spreading. Therefore, the

small differences at far-distances between with and without bubble curtains indicates that the bubble curtain is less effective in attenuating additional acoustic energy beyond that within the water column.

Comment 2: The Commission recommends that, for both final authorizations, NMFS (1) revise the currently-proposed condition 6(b)(ix) to require the Navy to include in the monitoring report the number of individuals of each species detected within the Level A and B harassment zones and the numbers of marine mammals taken by Level and B harassment, by species (*i.e.,* observed takes), (2) include the standard requirement that the Navy include in its monitoring report an extrapolation of the estimated takes by Level B harassment based on the number of observed exposures within the Level B harassment zone and the percentage of the Level B harassment zone that was not visible (*i.e.,* extrapolated takes), and (3) include an additional requirement that the Navy include in its monitoring report the total number of Level B harassment takes based on both the observed and extrapolated takes for each species.

Response: The final IHAs require the Navy to include in the monitoring report the number of individuals of each species (differentiated by month as appropriate) detected within the Level A and Level B harassment zones, and estimates of number of marine mammals taken by Level A and Level B harassment, by species, as recommended by the Commission. The final IHA does not include the requirement deemed ''standard'' by the Commission, that the Navy include in its monitoring report an extrapolation of the estimated takes by Level B harassment based on the number of observed exposures within the Level B harassment zone and the percentage of the Level B harassment zone that was not visible (*i.e.,* extrapolated takes), and therefore, does not include the additional requirement recommended by the Commission that the Navy include in its monitoring report the total number of Level B harassment takes based on both the observed and extrapolated takes for each species. However, both IHAs do include a requirement for the Navy to report the estimated percentage of the Level B harassment zone that was not visible.

Comment 3: The Commission recommends that NMFS reinforce the need for the Navy to keep a running tally of the total takes, based on observed and extrapolated takes, for Level A and B harassment consistent with condition 4(i) in the final Year 1 authorization and 4(g) of the final Year 2 authorization.

Response: We agree that the Navy must ensure they do not exceed authorized takes but do not concur with the recommendation. NMFS is not responsible for ensuring that Navy does not operate in violation of an issued IHA.

Comment 4: The Commission stated that it has raised ongoing concerns regarding NMFS's renewal process over the past few years, and notes that although NMFS recently responded to those concerns, the Commission has not yet had time to consider fully whether and how it plans to respond. For purposes of its comment letter regarding this IHA, the Commission recommends that NMFS refrain from issuing a renewal for any authorization unless it is consistent with the procedural requirements specified in section 101(a)(5)(D)(iii) of the MMPA.

Response: In prior responses to comments about IHA Renewals (*e.g.,* 84 FR 52464; October 02, 2019 and 85 FR 53342, August 28, 2020), NMFS has explained how the Renewal process, as implemented, is consistent with the statutory requirements contained in section 101(a)(5)(D) of the MMPA, provides additional efficiencies beyond the use of abbreviated notices, and, further, promotes NMFS' goals of improving conservation of marine mammals and increasing efficiency in the MMPA compliance process. Therefore, we intend to continue implementing the Renewal process.

Comment 5: The Commission again recommends that NMFS either make its determinations regarding small numbers and negligible impact based on the total number and type of taking for each species or stock for both authorizations combined or delay the Year 2 activities until 2023 if a renewal authorization is issued for the Year 1 activities.

Response: As stated in informal correspondence with the Commission regarding this project, the Navy's activities would occur in a linear fashion. Therefore, activities described in association with the Year 1 IHA would not occur concurrently with activities described in association with the Year 2 IHA, whether occurring under the issued Year 1 IHA or under a renewal of the Year 1 IHA, if necessary. There is a chance they could occur within the same in-water work period if a renewal is issued for Year 1. Therefore, the Commission's recommendation is moot.

Changes From the Proposed IHA to Final IHA

As a result of an informal comment from the Commission, NMFS corrected an error in the California sea lion take estimates in both IHAs, to reflect a maximum average of 60 sea lions per day, rather than 54. Please see the Estimated Take section for additional information on this take estimation. NMFS also updated the distance to the Level B harassment isopleths for vibratory pile driving of 24-inch, 30-inch, and 36-inch pile driving to standardize rounding across pile types in response to a Commission comment. These updated distances are reflected in Table 5 of this notice, and Table 2 of each IHA.

NMFS added additional requirements for reporting stranded marine mammals to both IHAs, as suggested by the Commission. Please see the *Reporting* section for additional information. Additionally, NMFS removed two mitigation measures, regarding soft start and bubble curtains during impact pile driving, from the Year 2 IHA, as the Navy does not plan to conduct impact pile driving in Year 2, also suggested by the Commission. NMFS also removed a measure from both IHAs requiring the Navy to submit PSO CVs to NMFS for approval prior to pile driving.

Description of Marine Mammals in the Area of Specified Activities

Sections 3 and 4 of the application summarize available information regarding status and trends, distribution and habitat preferences, and behavior and life history, of the potentially affected species. Additional information regarding population trends and threats may be found in NMFS's Stock Assessment Reports (SARs; *https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessments)* and more general information about these species (*e.g.,* physical and behavioral descriptions) may be found on NMFS's website (*https://www.fisheries.noaa.gov/find-species*).

Table 1 lists all species or stocks for which take is expected and authorized for this action, and summarizes information related to the population or stock, including regulatory status under the MMPA and ESA and potential biological removal (PBR), where known. For taxonomy, we follow Committee on Taxonomy (2020). PBR is defined by the MMPA as the maximum number of animals, not including natural mortalities, that may be removed from a marine mammal stock while allowing that stock to reach or maintain its

optimum sustainable population (as described in NMFS's SARs). While no mortality is anticipated or authorized here, PBR and annual serious injury and mortality from anthropogenic sources are included here as gross indicators of the status of the species and other threats.

Marine mammal abundance estimates presented in this document represent the total number of individuals that make up a given stock or the total number estimated within a particular study or survey area. NMFS's stock abundance estimates for most species represent the total estimate of individuals within the geographic area, if known, that comprises that stock. For some species, this geographic area may extend beyond U.S. waters. All managed stocks in this region are assessed in NMFS's U.S. Pacific and Alaska SARs (*e.g.,* Carretta *et al.,* 2020). All values presented in Table 1 are the most recent available at the time of publication and are available in the 2019 SARs (Carretta *et al.,* 2020, Muto *et al.,* 2020).

TABLE 1—SPECIES FOR WHICH TAKE IS AUTHORIZED

Common name	Scientific name	Stock	ESA/ MMPA status; strategic (Y/N) [a]	Stock abundance (CV, N_{min}, most recent abundance survey) [b]	PBR	Annual M/SI [c]
Order Cetartiodactyla—Cetacea—Superfamily Odontoceti (toothed whales, dolphins, and porpoises)						
Family Delphinidae:						
Killer Whale	*Orcinus orca*	West Coast Transient	-, -, N	[d] 243 (N/A, 243, 2009)	2.4	0
Family Phocoenidae (porpoises).						
Harbor porpoise:	*Phocoena phocoena*	Washington Inland Waters.	-, -, N	11,233 (0.37, 8,308, 2015)	66	≥7.2
Order Carnivora—Superfamily Pinnipedia						
Family Otariidae (eared seals and sea lions):						
California Sea Lion	*Zalophus californianus*	United States	-, -, N	257,606 (N/A, 233,515, 2014)	14,011	>321
Steller sea lion	*Eumetopias jubatus monteriensis.*	Eastern U.S.	-, -, N	43,201 [e] (see SAR, 43,201, 2017).	2,592	113
Family Phocidae (earless seals):						
Harbor seal	*Phoca vitulina*	Washington Inland Waters, Hood Canal.	-, -, N	1,088 (0.15, UNK, 1999) [f]	UNK	0.2

[a] ESA status: Endangered (E), Threatened (T)/MMPA status: Depleted (D). A dash (-) indicates that the species is not listed under the ESA or designated as depleted under the MMPA. Under the MMPA, a strategic stock is one for which the level of direct human-caused mortality exceeds PBR or which is determined to be declining and likely to be listed under the ESA within the foreseeable future. Any species or stock listed under the ESA is automatically designated under the MMPA as depleted and as a strategic stock.

[b] NMFS marine mammal stock assessment reports online at: *https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessment-reports-region.* CV is coefficient of variation; Nmin is the minimum estimate of stock abundance.

[c] These values, found in NMFS's SARs, represent annual levels of human-caused mortality plus serious injury from all sources combined (*e.g.,* commercial fisheries, ship strike). Annual mortality/serious injury (M/SI) often cannot be determined precisely and is in some cases presented as a minimum value or range.

[d] Based on counts of individual animals identified from photo-identification catalogues. Surveys for abundance estimates of these stocks are conducted infrequently.

[e] Best estimate of pup and non-pup counts, which have not been corrected to account for animals at sea during abundance surveys.

[f] The abundance estimate for this stock is greater than eight years old and is therefore not considered current. PBR is considered undetermined for this stock, as there is no current minimum abundance estimate for use in calculation. We nevertheless present the most recent abundance estimates, as these represent the best available information for use in this document.

As indicated above, all five species (with five managed stocks) in Table 1 temporally and spatially co-occur with the activity to the degree that take is reasonably likely to occur, and we have authorized it. While humpback whale, gray whale, Southern Resident killer whale, Dall's porpoise, and bottlenose dolphin have been sighted in the area, the temporal and spatial occurrence of these species is such that take is not expected to occur, and they are not discussed further beyond the explanation provided here.

Humpback whales (*Megaptera novaeangliae*) have been detected year-round in small numbers in Puget Sound. In Hood Canal, after an absence of sightings for over 15 years, an individual was seen over a 1-week period in early 2012, with additional 1-day sightings in 2015, 2016, and 2017 (Orca Network, 2019). However, these sightings are exceptions to the normal occurrence of the species in Washington inland waters. Gray whales (*Eschrichtius robustus*) have been infrequently documented in Hood Canal waters over the past decade. There were five sightings in 2017 and one in 2018 (Orca Network, 2017, 2019). These sightings are an exception to the normal seasonal occurrence of gray whales in Puget Sound feeding areas. The Southern Resident killer whale stock is resident to the inland waters of Washington state and British Columbia; however, it has not been seen in Hood Canal in over 15 years. Dall's porpoise (*Phocoenoides dalli*) was documented once in Hood Canal in 2009 and more recently once in 2018 (Orca Network, 2019); however, Dall's porpoises are unlikely to be present in Hood Canal. Bottlenose dolphin (*Tursiops truncatus*) were documented in Hood Canal twice in 2018 (Orca Network, 2019); however, bottlenose dolphins are unlikely to be present in Hood Canal.

A detailed description of the species likely to be affected by the Navy's project, including brief introductions to the species and relevant stocks as well as available information regarding population trends and threats, and information regarding local occurrence, were provided in the **Federal Register** notice for the proposed IHAs (85 FR 48206; August 10, 2020); since that time, we are not aware of any changes in the status of these species and stocks; therefore, detailed descriptions are not provided here. Please refer to that **Federal Register** notice for these descriptions. Please also refer to NMFS' website (*https://www.fisheries.noaa.gov/find-species*) for generalized species accounts.

Potential Effects of Specified Activities on Marine Mammals and Their Habitat

The effects of underwater noise from the Navy's construction activities have the potential to result in behavioral harassment of marine mammals in the vicinity of the survey area. The notice of proposed IHAs (85 FR 48206; August 10, 2020) included a discussion of the effects of anthropogenic noise on marine mammals and the potential effects of underwater noise from the Navy's construction activities on marine mammals and their habitat. That information and analysis is incorporated by reference into these final IHA determinations and is not repeated here; please refer to the notice of proposed IHAs (85 FR 48206; August 10, 2020).

Estimated Take

This section provides an estimate of the number of incidental takes authorized through these IHAs, which will inform both NMFS's consideration of ''small numbers'' and the negligible impact determination.

Harassment is the only type of take expected to result from these activities. Except with respect to certain activities not pertinent here, section 3(18) of the MMPA defines ''harassment'' as any act of pursuit, torment, or annoyance, which (i) has the potential to injure a marine mammal or marine mammal stock in the wild (Level A harassment); or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering (Level B harassment).

Authorized takes are primarily by Level B harassment, as use of the acoustic sources (*i.e.,* vibratory and impact pile driving) has the potential to result in disruption of behavioral patterns for individual marine mammals. There is also some potential for auditory injury (Level A harassment) to result, primarily for phocids, because predicted auditory injury zones are larger than for mid-frequency cetaceans and otariids, and Navy expects that protected species observers (PSOs) will not be able to effectively observe the entire Level A harassment zone due to the numerous docks in the area. Auditory injury is unlikely to occur for mid-frequency cetaceans, high-frequency cetaceans, and otariids. The required mitigation and monitoring measures are expected to minimize the severity of the taking to the extent practicable.

As described previously, no mortality is anticipated or authorized for this activity. Below we describe how the take is estimated.

Generally speaking, we estimate take by considering: (1) Acoustic thresholds above which NMFS believes the best available science indicates marine mammals will be behaviorally harassed or incur some degree of permanent hearing impairment; (2) the area or volume of water that will be ensonified above these levels in a day; (3) the density or occurrence of marine mammals within these ensonified areas; and, (4) and the number of days of activities. We note that while these basic factors can contribute to a basic calculation to provide an initial prediction of takes, additional information that can qualitatively inform take estimates is also sometimes available (*e.g.,* previous monitoring results or average group size). Below, we describe the factors considered here in more detail and present the take estimate.

Acoustic Thresholds

NMFS recommends the use of acoustic thresholds that identify the received level of underwater sound above which exposed marine mammals would be reasonably expected to be behaviorally harassed (equated to Level B harassment) or to incur permanent threshold shift (PTS) of some degree (equated to Level A harassment).

Level B Harassment for non-explosive sources—Though significantly driven by received level, the onset of behavioral disturbance from anthropogenic noise exposure is also informed to varying degrees by other factors related to the source (*e.g.,* frequency, predictability, duty cycle), the environment (*e.g.,* bathymetry), and the receiving animals (hearing, motivation, experience, demography, behavioral context) and can be difficult to predict (Southall *et al.,* 2007, Ellison *et al.,* 2012). Based on what the available science indicates and the practical need to use a threshold based on a factor that is both predictable and measurable for most activities, NMFS uses a generalized acoustic threshold based on received level to estimate the onset of behavioral harassment. NMFS predicts that marine mammals are likely to be behaviorally harassed in a manner we consider Level B harassment when exposed to underwater anthropogenic noise above received levels of 120 dB re 1 µPa (rms) for continuous (*e.g.,* vibratory pile-driving, drilling) and above 160 dB re 1 µPa (rms) for non-explosive impulsive (*e.g.,* seismic airguns) or intermittent (*e.g.,* scientific sonar) sources.

Navy's planned activity includes the use of continuous (vibratory pile driving) and impulsive (impact pile driving) sources, and therefore the 120 and 160 dB re 1 µPa (rms) thresholds are applicable.

Level A harassment for non-explosive sources—NMFS' Technical Guidance for Assessing the Effects of Anthropogenic Sound on Marine Mammal Hearing (Version 2.0) (Technical Guidance, 2018) identifies dual criteria to assess auditory injury (Level A harassment) to five different marine mammal groups (based on hearing sensitivity) as a result of exposure to noise from two different types of sources (impulsive or non-impulsive). Navy's planned activity includes the use of impulsive (impact pile driving) and non-impulsive (vibratory pile driving) sources.

These thresholds are provided in the table below. The references, analysis, and methodology used in the development of the thresholds are described in NMFS 2018 Technical Guidance, which may be accessed at *https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-acoustic-technical-guidance.*

TABLE 2—THRESHOLDS IDENTIFYING THE ONSET OF PERMANENT THRESHOLD SHIFT

Hearing group	PTS onset acoustic thresholds * (received level)	
	Impulsive	Non-impulsive
Low-Frequency (LF) Cetaceans	*Cell 1:* $L_{pk,flat}$: 219 dB; $L_{E,LF,24h}$: 183 dB	*Cell 2:* $L_{E,LF,24h}$: 199 dB.
Mid-Frequency (MF) Cetaceans	*Cell 3:* $L_{pk,flat}$: 230 dB; $L_{E,MF,24h}$: 185 dB	*Cell 4:* $L_{E,MF,24h}$: 198 dB.
High-Frequency (HF) Cetaceans	*Cell 5:* $L_{pk,flat}$: 202 dB; $L_{E,HF,24h}$: 155 dB	*Cell 6:* $L_{E,HF,24h}$: 173 dB.
Phocid Pinnipeds (PW) (Underwater)	*Cell 7:* $L_{pk,flat}$: 218 dB; $L_{E,PW,24h}$: 185 dB	*Cell 8:* $L_{E,PW,24h}$: 201 dB.

TABLE 2—THRESHOLDS IDENTIFYING THE ONSET OF PERMANENT THRESHOLD SHIFT—Continued

Hearing group	PTS onset acoustic thresholds * (received level)	
	Impulsive	Non-impulsive
Otariid Pinnipeds (OW) (Underwater)	*Cell 9:* $L_{pk,flat}$: 232 dB; $L_{E,OW,24h}$: 203 dB	*Cell 10:* $L_{E,OW,24h}$: 219 dB.

* Dual metric acoustic thresholds for impulsive sounds: Use whichever results in the largest isopleth for calculating PTS onset. If a non-impulsive sound has the potential of exceeding the peak sound pressure level thresholds associated with impulsive sounds, these thresholds should also be considered.

Note: Peak sound pressure (L_{pk}) has a reference value of 1 µPa, and cumulative sound exposure level (L_E) has a reference value of 1µPa²s. In this Table, thresholds are abbreviated to reflect American National Standards Institute standards (ANSI 2013). However, peak sound pressure is defined by ANSI as incorporating frequency weighting, which is not the intent for this Technical Guidance. Hence, the subscript ''flat'' is being included to indicate peak sound pressure should be flat weighted or unweighted within the generalized hearing range. The subscript associated with cumulative sound exposure level thresholds indicates the designated marine mammal auditory weighting function (LF, MF, and HF cetaceans, and PW and OW pinnipeds) and that the recommended accumulation period is 24 hours. The cumulative sound exposure level thresholds could be exceeded in a multitude of ways (*i.e.,* varying exposure levels and durations, duty cycle). When possible, it is valuable for action proponents to indicate the conditions under which these acoustic thresholds will be exceeded.

Ensonified Area

Here, we describe operational and environmental parameters of the activity that will feed into identifying the area ensonified above the acoustic thresholds, which include source levels and transmission loss coefficient.

The sound field in the project area is the existing background noise plus additional construction noise from the planned project. Marine mammals are expected to be affected via sound generated by the primary components of the project (*i.e.,* impact pile driving and vibratory pile driving and removal). The largest calculated Level B harassment zone is approximately 11.7 km (7.3 mi) from the source, with an area of approximately 49.1 km² (18.9 mi²).

The source levels were derived from the Navy's document titled ''Proxy Source Sound Levels and Potential Bubble Curtain Attenuation for Acoustic Modeling of Nearshore Marine Pile Driving at Navy Installations in Puget Sound'' (Navy 2015a). In that document, the Navy reviewed relevant data available for various types and sizes of piles typically used for pile driving and recommend proxy source values for Navy installations in Puget Sound. This document is included as Appendix B in the Navy's application. Source levels for each pile size and activity are presented in Table 3.

The Navy will implement bubble curtains (*e.g.* pneumatic barrier typically comprised of hosing or PVC piping that disrupts underwater noise propagation; see Mitigation Measures section below) during impact pile driving, with the possible exception of short periods when the device is turned off to test the effectiveness of the noise attenuation device. We have reduced the source level for these activities by 8 dB in consideration of site-specific measurements of source level reduction with use of bubble curtains (Navy, 2015). These reductions ranged from 8 dB to 10 dB. In their analysis, the Navy averaged different metrics for the same pile size. NMFS independently calculated the average source level reduction, averaging reductions of the same metric (ex: Root-mean-square sound pressure level (SPLrms)) reported for both 36-in and 48-in piles. As such, NMFS calculated an SEL reduction of 8.5 dB, an SPLrms reduction of 8 dB, and a peak sound pressure level (SPLpk) reduction of 10 dB. Therefore, given that the site-specific 8 dB reduction proposed by the Navy is the same or lower than the result of NMFS's site-specific calculation, NMFS accepted Navy's proposal to use an 8 dB reduction during impact pile driving.

TABLE 3—PROJECT SOUND SOURCE LEVELS

[Navy, 2015]

Pile type and size	Installation method	Source level at 10m		
		dB RMS	dB Peak	dB SEL
36-inch Steel	Impact	[a] 194	[a] 211	[a] 181
24-inch Steel	Vibratory	161		
30-inch Steel		166		
36-inch Steel		166		

[a] Unattenuated

Transmission loss (TL) is the decrease in acoustic intensity as an acoustic pressure wave propagates out from a source. TL parameters vary with frequency, temperature, sea conditions, current, source and receiver depth, water depth, water chemistry, and bottom composition and topography. The general formula for underwater TL is:

$TL = B * Log_{10} (R_1/R_2)$,

where

TL = transmission loss in dB
B = transmission loss coefficient
R_1 = the distance of the modeled SPL from the driven pile, and
R_2 = the distance from the driven pile of the initial measurement

Absent site-specific acoustical monitoring with differing measured transmission loss, a practical spreading value of 15 is used as the transmission loss coefficient in the above formula. Site-specific transmission loss data for the TPP pier site are not available, therefore the default coefficient of 15 is used to determine the distances to the Level A and Level B harassment thresholds.

When the NMFS Technical Guidance (2016) was published, in recognition of the fact that ensonified area/volume could be more technically challenging to predict because of the duration component in the new thresholds, we developed a User Spreadsheet that includes tools to help predict a simple

isopleth that can be used in conjunction with marine mammal density or occurrence to help predict takes. We note that because of some of the assumptions included in the methods used for these tools, we anticipate that isopleths produced are typically going to be overestimates of some degree, which may result in some degree of overestimate of Level A harassment take. However, these tools offer the best way to predict appropriate isopleths when more sophisticated 3D modeling methods are not available, and NMFS continues to develop ways to quantitatively refine these tools, and will qualitatively address the output where appropriate. For stationary sources such as pile driving, NMFS User Spreadsheet predicts the distance at which, if a marine mammal remained at that distance the whole duration of the activity, it would incur PTS. Inputs used in the User Spreadsheet, and the resulting isopleths are reported below.

TABLE 4—USER SPREADSHEET INPUT PARAMETERS USED FOR CALCULATING LEVEL A HARASSMENT ISOPLETHS

Pile size and installation method	Spreadsheet tab used	Weighting factor adjustment (kHz)	Source level	Number of piles within 24-h period	Duration to drive a single pile (minutes)	Number of strikes per pile	Propagation (xLogR)	Distance from source level measurement (meters)
36-inch Steel-Impact	(E.1) Impact pile driving.	2	173 dB SEL [a]	4	30	400	15	10
24-inch Steel-Vibratory	(A.1) Vibratory pile driving.	2.5	161 dB RMS	[b] 5	60			
30-inch Steel-Vibratory	.....	.....	166 dB RMS					
36-inch Steel-Vibratory	.....	.....	166 dB RMS					

[a] This source level includes an 8dB reduction from the use of a bubble curtain.
[b] The Navy expects to install only 4 piles per day using a vibratory hammer; however, for purposes of calculating the Level A harassment zones, they have conservatively assumed that they may install 5 piles per day.

TABLE 5—CALCULATED DISTANCES TO LEVEL A AND LEVEL B HARASSMENT ISOPLETHS

Pile type and size	Installation method	Distance to Level A harassment isopleth (m)					Distance to Level B harassment isopleth (m)
		LF cetacean	MF cetacean	HF Cetacean	Phocid	Otariid	
36-inch Steel	Impact	294 (1m pk) ...	11	351 (14m pk)	158 (1m pk) ...	12	541
24-inch Steel	Vibratory	20	2	30	12	1	5,412
30-inch Steel		43	4	64	26	2	11,659
36-inch Steel		43	4	64	26	2	11,659

Marine Mammal Occurrence and Take Calculation and Estimation

In this section we provide the information about the presence, density, or group dynamics of marine mammals that will inform the take calculations. We describe how the information provided above is brought together to produce a quantitative take estimate.

Killer Whale

Transient killer whales occasionally occur throughout Puget Sound but are rare in Hood Canal. In Puget Sound, they are typically observed in small groups with an average group size of six individuals (Houghton, 2012). Based on this Puget Sound average, the Navy estimated that two groups of six whales may occur within the Level B harassment zone during construction each year, and has requested 12 Level B harassment takes of killer whale for Year 1 and Year 2. NMFS concurs with this estimate, and has authorized 12 Level B harassment takes of killer whale in each year. Given the estimated number of construction days in Year 2 (10 days), NMFS expects that 12 Level B harassment takes is a conservative estimate for Year 2, but is appropriate given that it accounts for the occurrence of just two groups.

The largest Level A harassment zone for mid-frequency cetaceans extends 11 m from the source during impact pile driving of 36-inch steel piles (Table 5). Given the small size of the Level A harassment zones, we do not expect Level A harassment take of killer whales to occur. Additionally, the Navy is planning to implement a 355 m shutdown zone for all cetaceans during that activity (Table 7). These shutdown zones are expected to eliminate the potential for Level A harassment take of killer whale. Therefore, NMFS has not authorized Level A harassment take of killer whale in Year 1 or Year 2.

Harbor Porpoise

Harbor porpoises may be present in all major regions of Puget Sound throughout the year. Aerial surveys conducted throughout 2013 to 2015 in Puget Sound indicated density in Puget Sound was 0.91 individuals/km^2) (95 percent Confidence Interval (CI) = 0.72–1.10, all seasons pooled) and density in Hood Canal was 0.44/km^2 (95 percent CI = 0.29–0.75, all seasons pooled) (Smultea *et al.,* 2017). Mean group size of harbor porpoises in Puget Sound in the 2013–2015 surveys was 1.7 in Hood Canal.

In consideration of the harbor porpoise take estimate, the Navy conservatively assumed that vibratory installation of 36-inch piles will occur on every in-water work day, given that that activity resulted in the largest Level B harassment zone. The Navy estimated Level B harassment takes of harbor porpoise by multiplying the 0.44 animals/km^2 by 49.1 km^2 (estimated Level B harassment zone during vibratory driving of 36-inch piles) by the number of in-water workdays during each year. Therefore, during Year 1, the Navy estimated 1,728 Level B harassment takes (0.44 animals/km^2 × 49.1km^2 × 80 days). During Year 2, the Navy estimated 216 Level B harassment takes (0.44 animals/km^2 × 49.1 km^2 × 10 days). NMFS concurs with this approach, and has authorized 1,728 Level B harassment takes of harbor porpoise in Year 1, and 216 Level B harassment takes of harbor porpoise in Year 2.

The largest Level A harassment zone for high-frequency cetaceans extends 351 m from the source during impact pile driving of 36-inch steel piles (Table 5). The Navy is planning to implement

a 355 m shutdown zone for all cetaceans during that activity (Table 7), which incorporates the entire Level A harassment zone, and the 14 m peak PTS isopleth (Table 5). Therefore, the shutdown zones are expected to eliminate the potential for Level A harassment take of harbor porpoise, and NMFS has not authorized Level A harassment take of harbor porpoise.

Steller Sea Lion

Steller sea lions are routinely seen hauled out from mid-September through May on submarines at Naval Base Kitsap Bangor, with a maximum haulout count of 15 individuals in November 2018. Because the daily average number of Steller sea lions hauled out at Kitsap Bangor has increased since 2013 compared to prior years, the Navy relied on monitoring data from July 2012 through February 2019 to determine the average of the maximum count of hauled out Steller sea lions for each month in the in-water work window (Navy, 2016, 2019). While pinnipeds may haul out longer than the period required for pile driving, therefore not being exposed to underwater sound, the Navy conservatively assumed that any Steller sea lion that hauls out at Kitsap Bangor may enter the Level B harassment zone each day during pile driving.

For each in-water work month, the Navy averaged the maximum number of hauled out Steller sea lions observed in a single survey at Kitsap Bangor during that month for each year (2008 to 2019; see Appendix A of the Navy's application). The Navy then averaged these monthly averages across the entire in-water work period, resulting in a maximum average of four Steller sea lions hauled out per day. The Navy assumed that each of these animals may enter the Level B harassment zone on each in-water work day. Therefore, the Navy requested 320 Level B harassment takes of Steller sea lion in Year 1 (4 Steller sea lions × 80 in-water work days), and 40 Level B harassment takes of Steller sea lions during Year 2 (4 Steller sea lions × 10 in-water work days). NMFS concurs with this approach and has authorized 320 Level B harassment takes of Steller sea lion during Year 1, and 40 Level B harassment takes of Steller sea lion during Year 2.

The largest Level A harassment zone for otariids extends 11 m from the source during impact pile driving of 36-inch steel piles (Table 5). Given the small size of the Level A harassment zones, we do not expect Level A harassment take of Steller sea lion to occur. Additionally, the Navy is planning to implement a 15m shutdown zone during that activity (Table 7). The Navy's shutdown zones are expected to eliminate the potential for Level A harassment take of Steller sea lion. Therefore, NMFS has not authorized Level A harassment take of Steller sea lion.

California Sea Lion

From August through June, California sea lions routinely haul out on the PSB floats and submarines at Kitsap Bangor. For each in-water work month, the Navy averaged the maximum number of hauled out California sea lions observed in a single survey at Kitsap Bangor during that month for each year (2008 to 2019; see Appendix A of the Navy's application). NMFS averaged these monthly averages across the entire in-water work period, resulting in a maximum average of 60 California sea lions hauled out per day. (The proposed rule incorrectly indicated an average of 54 California sea lions hauled out per day.) The daily average number of California sea lions hauled out at Kitsap Bangor has increased since 2013 compared to prior years. Therefore, NMFS relied on monitoring data from July 2012 through February 2019 to determine the average of the maximum count (Navy, 2016, 2019).

While pinnipeds may haul out longer than the period required for pile driving, therefore not being exposed to underwater sound, the Navy conservatively assumed that any California sea lion hauled out at Kitsap Bangor may swim into the Level B harassment zone on each pile driving day. NMFS concurs, and therefore, NMFS has authorized 4,800 Level B harassment takes of California sea lion in Year 1 (60 California sea lions × 80 in-water work days), and 600 Level B harassment takes of California sea lions during Year 2 (60 California sea lions × 10 in-water work days).

The largest Level A harassment zone for otariids extends 11 m from the source during impact pile driving of 36-inch steel piles (Table 5). Given the small size of the Level A harassment zones, we do not expect Level A harassment take of California sea lion to occur. Additionally, the Navy is planning to implement a 15 m shutdown zone during that activity (Table 7). The Navy's shutdown zones are expected to eliminate the potential for Level A harassment take of California sea lion. Therefore, NMFS has not authorized Level A harassment take of California sea lion.

Harbor Seal

The harbor seal is the only species of marine mammal that is consistently abundant and considered resident in Hood Canal (Jeffries *et al.,* 2003). The closest major haulouts to Kitsap Bangor that are regularly used by harbor seals are the mouth of the Dosewallips River located approximately 13.2 km (8.2 mi) away. No harbor seal haulouts were seen on the shoreline opposite Kitsap Bangor (the east-side of the Toandos Peninsula) during 2015 and 2016 beach seine surveys. A small haulout occurs at Kitsap Bangor under Marginal Wharf and small numbers of harbor seals are known to routinely haul out around the Carderock pier (see Figure 1–2 of the Navy's application). Boat-based surveys and monitoring indicate that harbor seals regularly swim in the waters at Kitsap Bangor. Hauled out adults, mother/pup pairs, and neonates have been documented occasionally but quantitative data are limited. Incidental surveys in August and September 2016 recorded as many as 28 harbor seals hauled out under Marginal Wharf or swimming in adjacent waters. Assuming a few other individuals may be present elsewhere on the Kitsap Bangor waterfront, the Navy estimates that 35 harbor seals may be present during summer and early fall months. Based on haulout survey data from Naval Station Everett (Navy, 2016), the number of harbor seals present at Kitsap Bangor is likely to be lower in late fall and winter months.

The Navy conservatively assumed that each of the estimated 35 harbor seals may occur within the Level B harassment zone on each pile driving day. Therefore, the Navy requested 2,800 Level B harassment takes of harbor seal in Year 1 (35 harbor seals × 80 in-water work days), and 350 Level B harassment takes of harbor seal during Year 2 (35 harbor seals × 10 in-water work days). NMFS concurs with this approach and has authorized 2,800 Level B harassment takes of harbor seal during Year 1, and 350 Level B harassment takes of harbor seal during Year 2.

The largest Level A harassment zone for phocids during Year 1 extends 158 m during impact installation of 36-inch steel piles (Table 5). The Navy is planning to implement a 160 m shutdown zone during that activity (Table 7), which incorporates the entire Level A harassment zone, and the 1 m peak PTS isopleth (Table 5). However, the Navy estimates that some harbor seals may enter, and remain inside the Level A harassment zone undetected by PSOs for a period long enough to be

taken by Level A harassment during Year 1. NMFS concurs, and has authorized 20 Level A harassment takes of harbor seal in Year 1 (1 harbor seal for every 4 in-water work days).

During Year 2, the largest Level A harassment zone for phocids extends 26 m from the source during vibratory pile driving of 30 and 36-inch steel piles, as no impact pile driving is planned for Year 2. The Navy expects to be able to effectively monitor this zone and implement a 30 m shutdown zone. Therefore, the Navy does not expect Level A harassment take to occur during Year 2. NMFS concurs that the Navy's shutdown zones are expected to eliminate the potential for Level A harassment take of harbor seal in Year 2, and has not authorized Level A harassment take of harbor seal in Year 2.

TABLE 6—ESTIMATED TAKE BY LEVEL A AND LEVEL B HARASSMENT, BY SPECIES AND STOCK

Species	Stock	Stock abundance	Year 1			Year 2	
			Level A harassment take	Level B harassment take	Total take (percent of stock)	Level B harassment take (percent of stock)	Total take (percent of stock)
Killer whale	West Coast Transient	243		12	12 (4.9)	12	12 (4.9).
Harbor porpoise	Washington Inland Waters.	11,233	0	1,728	1,728 (15.4)	216	216 (1.9).
Steller sea lion	Eastern U.S.	43,201		320	320 (0.7)	40	40 (0.1).
California sea lion	United States	257,606		4,800	4,800 (1.9)	600	600 (0.2).
Harbor seal	Washington Inland Waters, Hood Canal.	Unknown	20	2,800	2,820 (Unknown)	350	350 (Unknown).

Mitigation Measures

In order to issue an IHA under Section 101(a)(5)(D) of the MMPA, NMFS must set forth the permissible methods of taking pursuant to the activity, and other means of effecting the least practicable impact on the species or stock and its habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of the species or stock for taking for certain subsistence uses (latter not applicable for this action). NMFS regulations require applicants for incidental take authorizations to include information about the availability and feasibility (economic and technological) of equipment, methods, and manner of conducting the activity or other means of effecting the least practicable adverse impact upon the affected species or stocks and their habitat (50 CFR 216.104(a)(11)).

In evaluating how mitigation may or may not be appropriate to ensure the least practicable adverse impact on species or stocks and their habitat, as well as subsistence uses where applicable, we carefully consider two primary factors:

(1) The manner in which, and the degree to which, the successful implementation of the measure(s) is expected to reduce impacts to marine mammals, marine mammal species or stocks, and their habitat. This considers the nature of the potential adverse impact being mitigated (likelihood, scope, range). It further considers the likelihood that the measure will be effective if implemented (probability of accomplishing the mitigating result if implemented as planned), the likelihood of effective implementation (probability implemented as planned), and;

(2) The practicability of the measures for applicant implementation, which may consider such things as cost, impact on operations, and, in the case of a military readiness activity, personnel safety, practicality of implementation, and impact on the effectiveness of the military readiness activity.

In addition to the measures described later in this section, the Navy will employ the following mitigation measures:

- For in-water heavy machinery work other than pile driving, if a marine mammal comes within 10 m, operations shall cease and vessels shall reduce speed to the minimum level required to maintain steerage and safe working conditions;
- Conduct briefings between construction supervisors and crews and the marine mammal monitoring team prior to the start of all pile driving activity and when new personnel join the work, to explain responsibilities, communication procedures, marine mammal monitoring protocol, and operational procedures;
- For those marine mammals for which Level B harassment take has not been requested, in-water pile installation/removal will shut down immediately if such species are observed within or entering the Level B harassment zone; and
- If take reaches the authorized limit for an authorized species, pile installation/removal will shut down immediately if these species approach the Level B harassment zone to avoid additional take.

The following mitigation measures apply to the Navy's in-water construction activities.

- *Establishment of Shutdown Zones*—The Navy will establish shutdown zones for all pile driving and removal activities. The purpose of a shutdown zone is generally to define an area within which shutdown of the activity will occur upon sighting of a marine mammal (or in anticipation of an animal entering the defined area). Shutdown zones will vary based on the activity type and marine mammal hearing group (Table 7). In addition to the shutdown zones listed in Table 7, the Navy plans to shut down pile driving if a cetacean is observed within the Level B harassment zone.
- *PSOs*—The placement of PSOs during all pile driving and removal activities (described in detail in the Monitoring and Reporting section) will ensure that the entire shutdown zone is visible during pile driving and removal (except where structures may interfere with visibility of harbor seals). Should environmental conditions deteriorate such that marine mammals within the entire shutdown zone will not be visible (*e.g.,* fog, heavy rain), pile driving and removal must be delayed until the PSO is confident marine mammals within the shutdown zone could be detected.

TABLE 7—SHUTDOWN ZONES DURING PILE INSTALLATION AND REMOVAL

	Cetaceans	Phocids	Otariids
All Vibratory Pile Driving	65 m	30 m	10 m
All Impact Pile Driving	355 m	160 m	15 m

• *Monitoring for Level A and Level B Harassment*—The Navy will monitor the Level B harassment zones (areas where SPLs are equal to or exceed the 160 dB rms threshold for impact driving and the 120 dB rms threshold during vibratory pile driving) to the extent practicable and the Level A harassment zones. Monitoring zones provide utility for observing by establishing monitoring protocols for areas adjacent to the shutdown zones. Monitoring zones enable observers to be aware of and communicate the presence of marine mammals in the project area outside the shutdown zone and thus prepare for a potential cessation of activity should the animal enter the shutdown zone. Placement of PSOs on the pier, shoreline, and a vessel (see Monitoring and Reporting) around the TPP site will allow PSOs to observe marine mammals within the Level B harassment zones.

• *Pre-activity Monitoring*—Prior to the start of daily in-water construction activity, or whenever a break in pile driving/removal of 30 minutes or longer occurs, PSOs will observe the shutdown and monitoring zones for a period of 30 minutes. The shutdown zone will be considered cleared when a marine mammal has not been observed within the zone for that 30-minute period. If a marine mammal is observed within the shutdown zone, a soft-start cannot proceed until the animal has left the zone or has not been observed for 15 minutes. When a marine mammal for which Level B harassment take is authorized is present in the Level B harassment zone, activities may begin and Level B harassment take will be recorded. If the entire Level B harassment zone is not visible at the start of construction, pile driving activities can begin. If work ceases for more than 30 minutes, the pre-activity monitoring of the shutdown zones will commence.

• *Soft Start*—Soft-start procedures are believed to provide additional protection to marine mammals by providing warning and/or giving marine mammals a chance to leave the area prior to the hammer operating at full capacity. For impact pile driving, contractors will be required to provide an initial set of three strikes from the hammer at reduced energy, followed by a 30-second waiting period. This procedure will be conducted three times before impact pile driving begins. Soft start will be implemented at the start of each day's impact pile driving and at any time following cessation of impact pile driving for a period of 30 minutes or longer.

• *Pile driving energy attenuator*—The Navy will use a marine pile-driving energy attenuator (*i.e.,* air bubble curtain system) during impact pile driving. The use of sound attenuation will reduce SPLs and the size of the zones of influence for Level A harassment and Level B harassment. Bubble curtains will meet the following requirements:

○ The bubble curtain must distribute air bubbles around 100 percent of the piling perimeter for the full depth of the water column.

○ The lowest bubble ring shall be in contact with the mudline for the full circumference of the ring, and the weights attached to the bottom ring shall ensure 100 percent mudline contact. No parts of the ring or other objects shall prevent full mudline contact.

○ The bubble curtain shall be operated such that there is proper (equal) balancing of air flow to all bubblers.

Based on our evaluation of the Navy's mitigation measures, NMFS has determined that the planned mitigation measures provide the means effecting the least practicable impact on the affected species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance.

Monitoring and Reporting

In order to issue an IHA for an activity, section 101(a)(5)(D) of the MMPA states that NMFS must set forth requirements pertaining to the monitoring and reporting of such taking. The MMPA implementing regulations at 50 CFR 216.104 (a)(13) indicate that requests for authorizations must include the suggested means of accomplishing the necessary monitoring and reporting that will result in increased knowledge of the species and of the level of taking or impacts on populations of marine mammals that are expected to be present in the action area. Effective reporting is critical both to compliance as well as ensuring that the most value is obtained from the required monitoring.

Monitoring and reporting requirements prescribed by NMFS should contribute to improved understanding of one or more of the following:

• Occurrence of marine mammal species or stocks in the area in which take is anticipated (*e.g.,* presence, abundance, distribution, density).

• Nature, scope, or context of likely marine mammal exposure to potential stressors/impacts (individual or cumulative, acute or chronic), through better understanding of: (1) Action or environment (*e.g.,* source characterization, propagation, ambient noise); (2) affected species (*e.g.,* life history, dive patterns); (3) co-occurrence of marine mammal species with the action; or (4) biological or behavioral context of exposure (*e.g.,* age, calving or feeding areas).

• Individual marine mammal responses (behavioral or physiological) to acoustic stressors (acute, chronic, or cumulative), other stressors, or cumulative impacts from multiple stressors.

• How anticipated responses to stressors impact either: (1) Long-term fitness and survival of individual marine mammals; or (2) populations, species, or stocks.

• Effects on marine mammal habitat (*e.g.,* marine mammal prey species, acoustic habitat, or other important physical components of marine mammal habitat).

• Mitigation and monitoring effectiveness.

Visual Monitoring

Marine mammal monitoring must be conducted in accordance with the Marine Mammal Monitoring Plan. Marine mammal monitoring during pile driving and removal must be conducted by NMFS-approved PSOs in a manner consistent with the following:

• Independent PSOs (*i.e.,* not construction personnel) who have no other assigned tasks during monitoring periods must be used;

• At least one PSO must have prior experience performing the duties of a PSO during construction activity pursuant to a NMFS-issued incidental take authorization.

• Where a team of three or more PSOs are required, a lead observer or monitoring coordinator must be designated. The lead observer must have prior experience working as a marine mammal observer during construction;

• Other PSOs may substitute education (degree in biological science or related field) or training for experience; and

PSOs must have the following additional qualifications:

• Ability to conduct field observations and collect data according to assigned protocols.

• Experience or training in the field identification of marine mammals, including the identification of behaviors.

• Sufficient training, orientation, or experience with the construction operation to provide for personal safety during observations.

• Writing skills sufficient to prepare a report of observations including but not limited to the number and species of marine mammals observed; dates and times when in-water construction activities were conducted; dates, times, and reason for implementation of mitigation (or why mitigation was not implemented when required); and marine mammal behavior.

• Ability to communicate orally, by radio or in person, with project personnel to provide real-time information on marine mammals observed in the area as necessary.

At least two PSOs will monitor for marine mammals during all pile driving and removal activities. PSO locations will provide a view of the entire shutdown zone for all activities, other than areas where structures may potentially block limited portions of the zone, and as much of the Level B harassment zones as possible. PSO locations are as follows:

i. During vibratory pile driving, two PSOs will be stationed on the pier or shore.

ii. During impact pile driving, two PSOs will be stationed on the pier, and one additional PSO will observe from a vessel positioned approximately 200 m from shore.

Monitoring will be conducted 30 minutes before, during, and 30 minutes after pile driving/removal activities. In addition, observers shall record all incidents of marine mammal occurrence, regardless of distance from activity, and shall document any behavioral reactions in concert with distance from piles being driven or removed. Pile driving activities include the time to install or remove a single pile or series of piles, as long as the time elapsed between uses of the pile driving equipment is no more than 30 minutes.

Reporting

A draft marine mammal monitoring report will be submitted to NMFS within 90 days after the completion of pile driving and removal activities. The report will include an overall description of work completed, a narrative regarding marine mammal sightings, and associated PSO data sheets. Specifically, the report must include:

• Dates and times (begin and end) of all marine mammal monitoring.

• Construction activities occurring during each daily observation period, including how many and what type of piles were driven or removed and by what method (*i.e.,* impact or vibratory).

• Weather parameters and water conditions during each monitoring period (*e.g.,* wind speed, percent cover, visibility, sea state).

• The number of marine mammals observed, by species, relative to the pile location and if pile driving or removal was occurring at time of sighting.

• Age and sex class, if possible, of all marine mammals observed.

• PSO locations during marine mammal monitoring.

• Distances and bearings of each marine mammal observed to the pile being driven or removed for each sighting (if pile driving or removal was occurring at time of sighting).

• Description of any marine mammal behavior patterns during observation, including direction of travel and estimated time spent within the Level A and Level B harassment zones while the source was active.

• Number of individuals of each species (differentiated by month as appropriate) detected within the monitoring zone, and estimates of number of marine mammals taken, by species (a correction factor may be applied to total take numbers, as appropriate).

• Detailed information about any implementation of any mitigation triggered (*e.g.,* shutdowns and delays), a description of specific actions that ensued, and resulting behavior of the animal, if any.

• Description of attempts to distinguish between the number of individual animals taken and the number of incidences of take, such as ability to track groups or individuals.

If no comments are received from NMFS within 30 days, the draft report will constitute the final report. If comments are received, a final report addressing NMFS comments must be submitted within 30 days after receipt of comments.

In the event that a live marine mammal is found stranded, whether on shore or in or on any structure or vessel, the following steps shall be taken:

i. Project personnel who discover the marine mammal shall immediately notify the most appropriate onsite personnel with relevant expertise (*e.g.,* marine mammal observers) as well as the Navy (if non-Navy project personnel initially discover the animal).

ii. The Navy shall then immediately notify the West Coast Regional Stranding Coordinator, NMFS, and, in consultation with the Stranding Coordinator, shall immediately notify the most appropriate qualified individual (*i.e.,* biologist or veterinarian) to respond to the event.

iii. In the interim, or in the event that no qualified individual other than onsite marine mammal observers is available to respond to the event, the Navy shall manage the event response and shall take action to prevent any further deterioration of the animal's condition, to the extent possible. Appropriate action may be specific to the event. At minimum, the Navy should provide shade for the animal (if possible), shall not move the animal or cause the animal to move, and shall suspend project activity until the situation is resolved.

iv. The Navy shall report the incident to the Office of Protected Resources (OPR), NMFS, within 48 hours after discovery.

In the event that personnel involved in the construction activities discover an injured or dead marine mammal, the IHA-holder shall report the incident to the Office of Protected Resources (OPR) (301–427–8401), NMFS and to the West Coast Region Stranding Hotline (866–767–6114) as soon as feasible. If the death or injury was clearly caused by the specified activity, the IHA-holder must immediately cease the specified activities until NMFS is able to review the circumstances of the incident and determine what, if any, additional measures are appropriate to ensure compliance with the terms of the IHA. The IHA-holder must not resume their activities until notified by NMFS.

The report must include the following information:

i. Time, date, and location (latitude/longitude) of the first discovery (and updated location information if known and applicable);

ii. Species identification (if known) or description of the animal(s) involved;

iii. Condition of the animal(s) (including carcass condition if the animal is dead);

iv. Observed behaviors of the animal(s), if alive;

v. If available, photographs or video footage of the animal(s); and

vi. General circumstances under which the animal was discovered.

Negligible Impact Analysis and Determination

NMFS has defined negligible impact as an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival (50 CFR 216.103). A negligible impact finding is based on the lack of likely adverse effects on annual rates of recruitment or survival (*i.e.,* population-level effects). An estimate of the number of takes alone is not enough information on which to base an impact determination. In addition to considering estimates of the number of marine mammals that might be ''taken'' through harassment, NMFS considers other factors, such as the likely nature of any responses (*e.g.,* intensity, duration), the context of any responses (*e.g.,* critical reproductive time or location, migration), as well as effects on habitat, and the likely effectiveness of the mitigation. We also assess the number, intensity, and context of estimated takes by evaluating this information relative to population status. Consistent with the 1989 preamble for NMFS's implementing regulations (54 FR 40338; September 29, 1989), the impacts from other past and ongoing anthropogenic activities are incorporated into this analysis via their impacts on the environmental baseline (*e.g.,* as reflected in the regulatory status of the species, population size and growth rate where known, ongoing sources of human-caused mortality, or ambient noise levels).

To avoid repetition, this introductory discussion of our analyses applies to all of the species listed in Table 6, given that many of the anticipated effects of this project on different marine mammal stocks are expected to be relatively similar in nature. Where there are meaningful differences between species or stocks in anticipated individual responses to activities, impact of expected take on the population due to differences in population status, or impacts on habitat, they are described independently in the analysis below. The analysis below applies to both the Year 1 and Year 2 IHAs, except where noted otherwise.

Pile driving and removal activities associated with the project, as outlined previously, have the potential to disturb or displace marine mammals. Specifically, the specified activities may result in take, in the form of Level A harassment and Level B harassment from underwater sounds generated by pile driving and removal. Potential takes could occur if marine mammals are present in zones ensonified above the thresholds for Level A or Level B harassment, identified above, while activities are underway.

The nature of the pile driving project precludes the likelihood of serious injury or mortality. The mitigation is expected to ensure that no Level A harassment occurs to any species except harbor seal, which may be taken by Level A harassment during Year 1 activities. The nature of the estimated takes anticipated to occur are similar among all species and similar in Year 1 and Year 2, other than the potential Level A harassment take of harbor seal in Year 1, described further below.

For all species and stocks, take will occur within a limited portion of Hood Canal, and for the Hood Canal stock of harbor seals, the project site is approximately 13.2 km (8.2 mi) away from the nearest major haulout at the mouth of the Dosewallips River. For all species other than harbor seal, take will be limited to Level B harassment only due to potential behavioral disturbance and TTS. Effects on individuals that are taken by Level B harassment, on the basis of reports in the literature as well as monitoring from other similar activities, will likely be limited to reactions such as increased swimming speeds, increased surfacing time, or decreased foraging (if such activity were occurring) (*e.g.,* Thorson and Reyff 2006; HDR, Inc. 2012; Lerma 2014; ABR 2016). Level B harassment will be reduced to the level of least practicable adverse impact through use of mitigation measures described herein, and, if sound produced by project activities is sufficiently disturbing, animals are likely to simply avoid the area while the activity is occurring. While vibratory driving associated with the planned project may produce sound at distances of many kilometers from the project site, the project site itself is located on a busy waterfront with high amounts of vessel traffic. Therefore, we expect that animals disturbed by project sound will simply avoid the area and use more-preferred habitats, particularly as pile driving is expected to occur for a maximum of five hours per day. Further, the instances of take authorized for killer whale West Coast Transient stock, harbor porpoise Washington Inland Waters stock, Steller sea lion Eastern U.S. stock, and California sea lion United States stock is small when compared to stock abundance.

In addition to the expected effects resulting from Level B harassment, we anticipate that harbor seals may sustain some Level A harassment in the form of auditory injury in Year 1 only. However, animals that experience PTS will likely only receive slight PTS, *i.e.* minor degradation of hearing capabilities within regions of hearing that align most completely with the frequency range of the energy produced by pile driving (*i.e.,* the low-frequency region below 2 kilohertz (kHz)), not severe hearing impairment or impairment in the reigns of greatest hearing sensitivity. If hearing impairment does occur, it is most likely that the affected animal will lose a few dBs in its hearing sensitivity, which in most cases, is not likely to meaningfully affect its ability to forage and communicate with conspecifics. As described above, we expect that marine mammals will be likely to move away from a sound source that represents an aversive stimulus, especially at levels that would be expected to result in PTS, given sufficient notice through use of soft start.

As noted above in the Description of Marine Mammals in the Area of Specified Activities, the Navy has identified a few observations of harbor seal births at Kitsap Bangor. However, Kitsap Bangor is not a significant rookery area; observation of these births are very rare, and only a few have been reported. The closest major haulouts to Kitsap Bangor that are regularly used by harbor seals are at the mouth of the Dosewallips River, located approximately 13.2 km (8.2 mi) away. Given the rarity of harbor seal births at Kitsap Bangor and the maximum of five hours of pile driving anticipated in a day, we do not expect harbor seals to give birth in the TPP project area while the project is underway.

The project is also not expected to have significant adverse effects on affected marine mammals' habitats. The project activities will not modify existing marine mammal habitat for a significant amount of time. The activities may cause some fish to leave the area of disturbance, thus temporarily impacting marine mammals' foraging opportunities in a limited portion of the foraging range; but, because of the short duration of the activities and the relatively small area of the habitat that may be affected, the impacts to marine mammal habitat are not expected to cause significant or long-term negative consequences.

In summary and as described above, the following factors primarily support our determination that the impacts

resulting from this activity are not expected to adversely affect the species or stock through effects on annual rates of recruitment or survival:

- No mortality or serious injury is anticipated or authorized.
- For all species except harbor seal, no Level A harassment is anticipated or authorized.
- The Level A harassment exposures are anticipated to result only in slight PTS, within the lower frequencies associated with pile driving for harbor seals only;
- The intensity of anticipated takes by Level B harassment is relatively low for all stocks.
- Pile driving is only expected to occur for a maximum of five hours in a day.
- We do not expect significant or long-term negative effects to marine mammal habitat.

Year 1 IHA—Based on the analysis contained herein of the likely effects of the specified activity on marine mammals and their habitat, and taking into consideration the implementation of the monitoring and mitigation measures, NMFS finds that the total marine mammal take from the Navy's construction activities will have a negligible impact on all affected marine mammal species or stocks.

Year 2 IHA—Based on the analysis contained herein of the likely effects of the specified activity on marine mammals and their habitat, and taking into consideration the implementation of the monitoring and mitigation measures, NMFS finds that the total marine mammal take from the Navy's construction activities will have a negligible impact on all affected marine mammal species or stocks.

Small Numbers

As noted above, only small numbers of incidental take may be authorized under sections 101(a)(5)(A) and (D) of the MMPA for specified activities other than military readiness activities. The MMPA does not define small numbers and so, in practice, where estimated numbers are available, NMFS compares the number of individuals taken to the most appropriate estimation of abundance of the relevant species or stock in our determination of whether an authorization is limited to small numbers of marine mammals. When the predicted number of individuals to be taken is fewer than one third of the species or stock abundance, the take is considered to be of small numbers. Additionally, other qualitative factors may be considered in the analysis, such as the temporal or spatial scale of the activities.

For the Washington Inland Waters, Hood Canal stock of harbor seal, no current abundance estimate is available. The most recent abundance estimate for harbor seals in Washington inland waters is from 1999, which estimated 1,088 harbor seals in the Washington Inland Waters, Hood Canal stock. It is generally believed that harbor seal populations have increased significantly since (*e.g.,* Mapes, 2013). The estimated instances of take of the Washington Inland Waters, Hood Canal stock of harbor seals in Year 1 (Table 6) appear high when compared to the latest stock abundance from 1999. However, when other qualitative factors are used to inform an assessment of the likely number of individual harbor seals taken, the resulting numbers are considered small in Year 1 and Year 2.

We anticipate that estimated takes of harbor seals are likely to occur only within some portion of the relevant population, rather than to animals from the stock as a whole. For example, takes anticipated to occur at Kitsap Bangor are expected to accrue to the same individual seals that routinely occur on haulouts at these locations, rather than occurring to new seals on each construction day. In summary, harbor seals taken as a result of the specified activities are expected to comprise only a limited portion of individuals comprising the overall relevant stock abundance. Therefore, we find that small numbers of harbor seals will be taken relative to the population size of the Hood Canal stock of harbor seal in Year 1 and Year 2.

For all other species and stocks, our analysis shows that, in Year 1 and Year 2, take of all species or stocks is below one third of the estimated stock abundance. The number of animals authorized to be taken for the killer whale West Coast Transient stock, harbor porpoise Washington Inland Waters stock, Steller sea lion Eastern U.S. stock, and California sea lion United States stock, would be considered small relative to the relevant stock's abundances even if each estimated taking occurred to a new individual, which is an unlikely scenario.

Year 1 IHA- Based on the analysis contained herein of the activity (including the mitigation and monitoring measures) and the anticipated take of marine mammals, NMFS finds that small numbers of marine mammals will be taken relative to the population size of the affected species or stocks in Year 1 of the project.

Year 2 IHA- Based on the analysis contained herein of the activity (including the mitigation and monitoring measures) and the anticipated take of marine mammals, NMFS finds that small numbers of marine mammals will be taken relative to the population size of the affected species or stocks in Year 2 of the project.

Unmitigable Adverse Impact Analysis and Determination

There are no relevant subsistence uses of the affected marine mammal stocks or species implicated by this action. Therefore, NMFS has determined that the total taking of affected species or stocks will not have an unmitigable adverse impact on the availability of such species or stocks for taking for subsistence purposes.

National Environmental Policy Act

To comply with the National Environmental Policy Act of 1969 (NEPA; 42 U.S.C. 4321 *et seq.*) and NOAA Administrative Order (NAO) 216–6A, NMFS must evaluate our proposed action (*i.e.,* the issuance of an IHA) and alternatives with respect to potential impacts on the human environment. This action is consistent with categories of activities identified in Categorical Exclusion B4 of the Companion Manual for NAO 216–6A, which do not individually or cumulatively have the potential for significant impacts on the quality of the human environment and for which we have not identified any extraordinary circumstances that preclude this categorical exclusion. Accordingly, NMFS has determined that this action qualifies to be categorically excluded from further NEPA review.

Endangered Species Act

Section 7(a)(2) of the Endangered Species Act of 1973 (ESA: 16 U.S.C. 1531 *et seq.*) requires that each Federal agency insure that any action it authorizes, funds, or carries out is not likely to jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of designated critical habitat. To ensure ESA compliance for the issuance of IHAs, NMFS consults internally whenever we propose to authorize take for endangered or threatened species.

No incidental take of ESA-listed species is authorized or expected to result from this activity. Therefore, NMFS has determined that formal consultation under section 7 of the ESA is not required for this action.

Authorization

NMFS has issued two IHAs to the Navy for the potential harassment of small numbers of five marine mammal species incidental to Transit Protection Program Pier and Support Facilities Project at Naval Base Kitsap Bangor in Silverdale, Washington over two years, provided the previously mentioned mitigation, monitoring and reporting requirements are followed.

Dated: October 23, 2020.

Donna S. Wieting,

Director, Office of Protected Resources, National Marine Fisheries Service.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XA568]

Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to Auke Bay Ferry Terminal Modifications and Improvements Project in Juneau, Alaska

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

ACTION: Notice; issuance of incidental harassment authorization.

SUMMARY: NMFS has received a request from the Alaska Department of Transportation and Public Facilities (ADOT&PF) for the re-issuance of a previously issued incidental harassment authorization (IHA) with the only change being effective dates. The initial IHA authorized take of seven species of marine mammals, by Level A and Level B harassment, incidental to construction associated with the Auke Bay Ferry Terminal Modifications and Improvements Project in Juneau, Alaska. The project has been delayed and none of the work covered in the initial IHA has been conducted. The initial IHA was effective from January 1, 2020 through December 31, 2020. ADOT&PF has requested re-issuance with new effective dates of November 1, 2020 through October 31, 2021. The scope of the activities and anticipated effects remain the same, authorized take numbers are not changed, and the required mitigation, monitoring, and reporting remains the same as included in the initial IHA. NMFS is, therefore, issuing a second identical IHA to cover the incidental take analyzed and authorized in the initial IHA.

DATES: This authorization is effective from November 1, 2020 through October 31, 2021.

ADDRESSES: An electronic copy of the final 2019 IHA previously issued to ADOT&PF, ADOT&PF's application, and the **Federal Register** notices proposing and issuing the initial IHA may be obtained by visiting *https://www.fisheries.noaa.gov/action/incidental-take-authorization-alaska-department-transportation-auke-bay-ferry-terminal.* In case of problems accessing these documents, please call the contact listed below (see **FOR FURTHER INFORMATION CONTACT**).

FOR FURTHER INFORMATION CONTACT: Amy Fowler, Office of Protected Resources, NMFS, (301) 427–8401.

SUPPLEMENTARY INFORMATION:

Background

Sections 101(a)(5)(A) and (D) of the Marine Mammal Protection Act (MMPA; 16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce (as delegated to NMFS) to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and either regulations are issued or, if the taking is limited to harassment, a notice of a proposed authorization is provided to the public for review.

An authorization for incidental takings shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s), will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses (where relevant), and if the permissible methods of taking and requirements pertaining to the mitigation, monitoring and reporting of such takings are set forth.

NMFS has defined ''negligible impact'' in 50 CFR 216.103 as an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival.

The MMPA states that the term ''take'' means to harass, hunt, capture, kill or attempt to harass, hunt, capture, or kill any marine mammal.

Except with respect to certain activities not pertinent here, the MMPA defines ''harassment'' as any act of pursuit, torment, or annoyance which (i) has the potential to injure a marine mammal or marine mammal stock in the wild (Level A harassment); or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering (Level B harassment).

Summary of Request

On October 23, 2019, NMFS published final notice of our issuance of an IHA authorizing take of marine mammals incidental to the Auke Bay Ferry Terminal Modifications and Improvements Project (84 FR 56767). The effective dates of that IHA were January 1, 2020 through December 31, 2020. On August 24, 2020, ADOT&PF informed NMFS that the project was delayed. None of the work identified in the initial IHA (*e.g.,* pile driving and removal) has occurred. ADOT&PF submitted a request for a new identical IHA that would be effective from November 1, 2020 through October 31, 2021, in order to conduct the construction work that was analyzed and authorized through the previously issued IHA. Therefore, re-issuance of the IHA is appropriate.

Summary of Specified Activity and Anticipated Impacts

The planned activities (including mitigation, monitoring, and reporting), authorized incidental take, and anticipated impacts on the affected stocks are the same as those analyzed and authorized through the previously issued IHA.

ADOT&PF is planning to modify and improve the existing dolphin structures at the Auke Bay Ferry Terminal. There are currently three Alaska Marine Highway System ferry berths in Auke Bay. The planned project will involve the East Stern Berth facility, which was originally constructed in 2003 to accommodate new fast vehicle ferries. The East Stern Berth must be renovated to accommodate two new Alaska-class ferries, which entered service in spring 2020. Four existing dolphins at the ferry terminal will be removed using a vibratory driver, and three breasting dolphins and two mooring dolphins will be installed using both vibratory and impact hammers. The location, timing, and nature of the activities, including the types of equipment planned for use, are identical to those described in the initial IHA. The mitigation and monitoring are also as prescribed in the initial IHA.

Species that are expected to be taken by the planned activity include harbor porpoise (*Phocoena phocoena*), Dall's porpoise (*Phocoenoides dalli*), harbor

seal (*Phoca vitulina*), Steller sea lion (*Eumetopias jubatus*), humpback whale (*Megaptera novaeangliae*), minke whale (*Balaenoptera acutorostrata*), and killer whale (*Orcinus orca*). A description of the methods and inputs used to estimate take anticipated to occur and, ultimately, the take that was authorized is found in the previous documents referenced above. The data inputs and methods of estimating take are identical to those used in the initial IHA. NMFS has reviewed recent Stock Assessment Reports, information on relevant Unusual Mortality Events, and recent scientific literature, and determined that no new information affects our original analysis of impacts or take estimate under the initial IHA.

We refer to the documents related to the previously issued IHA, which include the **Federal Register** notice of the issuance of the initial 2019 IHA for ADOT&PF's construction work (84 FR 56767; October 23, 2019), ADOT&PF's application, the **Federal Register** notice of the proposed IHA (84 FR 22453; May 17, 2019), and all associated references and documents.

Determinations

ADOT&PF will conduct activities as analyzed in the initial 2019 IHA. As described above, the number of authorized takes of the same species and stocks of marine mammals are identical to the numbers that were found to meet the negligible impact and small numbers standards and authorized under the initial IHA and no new information has emerged that would change those findings. The re-issued 2020 IHA includes identical required mitigation, monitoring, and reporting measures as the initial IHA, and there is no new information suggesting that our analysis or findings should change.

Based on the information contained here and in the referenced documents, NMFS has determined the following: (1) The required mitigation measures will effect the least practicable impact on marine mammal species or stocks and their habitat; (2) the authorized takes will have a negligible impact on the affected marine mammal species or stocks; (3) the authorized takes represent small numbers of marine mammals relative to the affected stock abundances; and (4) ADOT&PF's activities will not have an unmitigable adverse impact on taking for subsistence purposes as no relevant subsistence uses of marine mammals are implicated by this action.

National Environmental Policy Act

To comply with the National Environmental Policy Act of 1969 (NEPA; 42 U.S.C. 4321 *et seq.*) and NOAA Administrative Order (NAO) 216–6A, NMFS must review our proposed action with respect to environmental consequences on the human environment.

Accordingly, NMFS has determined that the issuance of the IHA qualifies to be categorically excluded from further NEPA review. This action is consistent with categories of activities identified in CE B4 of the Companion Manual for NOAA Administrative Order 216–6A, which do not individually or cumulatively have the potential for significant impacts on the quality of the human environment and for which we have not identified any extraordinary circumstances that would preclude this categorical exclusion.

Endangered Species Act (ESA)

Section 7(a)(2) of the Endangered Species Act of 1973 (ESA: 16 U.S.C. 1531 *et seq.*) requires that each Federal agency insure that any action it authorizes, funds, or carries out is not likely to jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of designated critical habitat. To ensure ESA compliance for the issuance of IHAs, NMFS consults internally, in this case with the Alaska Regional Office, whenever we propose to authorize take for endangered or threatened species.

The effects of this proposed federal action were adequately analyzed in NMFS' Biological Opinion for the Auke Bay Ferry Terminal Modifications Project, dated October 3, 2019, which concluded that the take NMFS proposed to authorize through this IHA would not jeopardize the continued existence of any endangered or threatened species or destroy or adversely modify any designated critical habitat.

Authorization

NMFS has issued an IHA to ADOT&PF for in-water construction activities associated with the specified activity from November 1, 2020 through October 31, 2021. All previously described mitigation, monitoring, and reporting requirements from the initial 2019 IHA are incorporated.

Dated: October 23, 2020.

Donna S. Wieting,

Director, Office of Protected Resources, National Marine Fisheries Service.

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BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Pacific Islands Region Vessel and Gear Identification Requirements

AGENCY: National Oceanic and Atmospheric Administration (NOAA), 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 28, 2020.

ADDRESSES: Interested persons are invited to submit written comments to Adrienne Thomas, NOAA PRA Officer, at *Adrienne.thomas@noaa.gov.* Please reference OMB Control Number 0648–0360 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 Walter Ikehara, Fishery Information Specialist, National Marine Fisheries Service (NMFS), Pacific Islands Region, (808) 725–5175, *walter.ikehara@noaa.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

This request is for extension of a currently approved information collection.

The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) established the Western Pacific Fishery Management Council (Council), to develop fishery ecosystem plans (FEP) for fisheries in the U.S. Exclusive Economic Zone (EEZ) and high seas of the Pacific Islands Region. These plans, when approved by the Secretary of Commerce, are implemented in Federal regulations by

NMFS and enforced by NOAA's Office of Law Enforcement (OLE) and the U.S. Coast Guard (USCG), in cooperation with state and territorial agencies. The FEPs and Federal regulations are intended to prevent overfishing and to ensure the long-term productivity and social and economic benefit of the resources.

Regulations at 50 CFR 665.16, 300.35, and 300.217 require that all U.S. vessels with Federal permits fishing for western Pacific fishery management unit species display identification markings on the vessel. Each Vessel registered for use with a permit issued under Subparts B through E and Subparts G through I of 50 CFR 665, must have the vessel's official number displayed on both sides of the deckhouse or hull, and on an appropriate weather deck. Regulations at 50 CFR 300.35 require that each vessel fishing under the South Pacific Tuna Treaty must display its international radio call sign on the hull, the deck, and on the sides of auxiliary equipment, such as skiffs and helicopters. Vessels fishing for highly migratory species in the Western and Central Pacific Fisheries Commission (WCPFC) Convention Area and in international waters must comply with the regulations at 50 CFR 300.217 requiring the display of the vessel's international radio call sign on both sides of the deckhouse or hull, and on an appropriate weather deck, unless specifically exempted. In each case, the numbers must be a specific size and in specified locations. The display of the identifying numbers aids in fishery law enforcement.

The regulations at 50 CFR 665.128, 665.228, 665.428, 665.628, and 665.804 require that certain fishing gear must be marked. In the pelagic longline fisheries, the vessel operator must ensure that the official number of the vessel is affixed to every longline buoy and float. In the coral reef ecosystem fisheries, the vessel number must be affixed to all fish and crab traps. The marking of gear links fishing or other activity to the vessel, aids law enforcement, and is valuable in actions concerning the damage to or loss of gear, and civil proceedings.

II. Method of Collection

The vessel owner or crew paint the identification markings on each vessel and associated equipment and gear. NMFS collects no other information.

III. Data

OMB Control Number: 0648–0360.

Form Number(s): None.

Type of Review: Regular submission, extension of a current information collection.

Affected Public: Business or other for-profit organizations; Individuals or households.

Estimated Number of Respondents: 324.

Estimated Time per Response: 1.25 hours per purse seine vessel and 0.75 hours per other fishery vessel for vessel ID marking. 0.083 hours per gear marking.

Estimated Total Annual Burden Hours: 2,337.

Estimated Total Annual Cost to Public: $89,473.

Respondent's Obligation: Mandatory.

Legal Authority: 50 CFR 665, 50 CFR 300.

IV. Request for Comments

We are soliciting public comments to permit the Department/Bureau to: (a) Evaluate whether the proposed information collection is necessary for the proper functions of the Department, including whether the information will have practical utility; (b) 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; (c) Evaluate ways to enhance the quality, utility, and clarity of the information to be collected; and (d) Minimize the reporting burden on those who are to respond, including 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 Information Collection Request. 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. 2020–23822 Filed 10–27–20; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Highly Migratory Species Scientific Research Permits, Exempted Fishing Permits, and Letters of Authorization

AGENCY: National Oceanic & Atmospheric Administration (NOAA), 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 28, 2020.

ADDRESSES: Interested persons are invited to submit written comments to Adrienne Thomas, NOAA PRA Officer, at *Adrienne.thomas@noaa.gov.* Please reference OMB Control Number 0648–0471 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 Craig Cockrell at 301–427–8503, and *craig.cockrell@noaa.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

This is a request for extension of a currently approved information collection.

Exempted fishing permits (EFPs), scientific research permits (SRPs), display permits, letters of acknowledgment (LOAs), and shark research fishery permits are issued under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) (16 U.S.C. 1801 *et seq.*) and/or the Atlantic Tunas Convention Act (ATCA) (16 U.S.C. 971 *et seq.*). Issuance of EFPs

and related permits is necessary for the collection of Atlantic Highly Migratory Species (HMS) for public display and scientific research that requires exemption from regulations (*e.g.,* seasons, prohibited species, authorized gear, minimum sizes) that otherwise may prohibit such collection. Display permits are issued for the collection of HMS for the purpose of public display, and a limited number of shark research fishery permits are issued for the collection of fishery-dependent data for future stock assessments and cooperative research with commercial fishermen to meet the shark research objectives of the Agency.

Regulations at 50 CFR 600.745 and 50 CFR 635.32 govern scientific research activity, exempted fishing, and exempted educational activities with respect to Atlantic HMS. Since the Magnuson-Stevens Act does not include scientific research within the definition of ''fishing,'' scientific research is exempt from this statute, and NMFS does not issue EFPs for bona fide research activities (*e.g.,* research conducted from a research vessel and not a commercial or recreational fishing vessel) involving species that are only regulated under the Magnuson-Stevens Act (*e.g.,* most species of sharks) and not under ATCA. NMFS requests copies of scientific research plans for these activities and indicates concurrence by issuing a LOA to researchers to indicate that the proposed activity meets the definition of scientific research and is therefore exempt from regulation.

Scientific research is not exempt from regulation under ATCA. NMFS issues SRPs for collection of species managed under this statute (*i.e.,* tunas, swordfish, billfish, and some shark species), which authorize researchers to collect Atlantic HMS from bona fide research vessels (*e.g.,* NMFS or university research vessel). NMFS will issue an EFP when research/collection involving such species occurs from commercial or recreational fishing platforms.

To regulate these fishing activities, NMFS needs information to determine the justification for granting an EFP, LOA, SRP, display, or shark research fishery permit. The application requirements are detailed at 50 CFR 600.745(b)(2). Interim, annual, and no-catch/fishing reports must also be submitted to the Atlantic HMS Management Division within NMFS. The authority for NMFS requiring this information is found at 50 CFR 635.32.

NMFS has updated the burden estimates based on participation in the Atlantic HMS Management Division's exempted fishing program from 2018 to 2019 and the Shark Research Fishery from 2018 to 2019.

II. Method of Collection

Respondents can submit the required information via email via electronic forms.

III. Data

OMB Control Number: 0648–0471.

Form Number(s): None.

Type of Review: Regular submission (extension of a currently approved collection.)

Estimated Number of Respondents: 48.

Estimated Time per Response: 2 hours for a scientific research plan; 40 minutes for an application for an EFP, display permit, SRP, LOA, or shark research fishery permit; 1 hour for an interim report; 40 minutes for an annual fishing report; 15 minutes for an application for an amendment; 5 minutes for notification of departure phone calls to NMFS Enforcement; 10 minutes for calls to request and observer; and 2 minutes for ''no-catch'' reports.

Estimated Total Annual Burden Hours: 610.

Estimated Total Annual Cost to Public: None.

Respondent's Obligation: Voluntary for applications and Mandatory for reporting and notifications.

Legal Authority: Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*), and the Atlantic Tunas Convention Act of 1975 (16 U.S.C. 971 *et seq.*)

IV. Request for Comments

We are soliciting public comments to permit the Department/NMFS to: (a) Evaluate whether the proposed information collection is necessary for the proper functions of the Department, including whether the information will have practical utility; (b) 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; (c) Evaluate ways to enhance the quality, utility, and clarity of the information to be collected; and (d) Minimize the reporting burden on those who are to respond, including 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. 2020–23824 Filed 10–27–20; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Greater Atlantic Region Dealer Purchase Reports

AGENCY: National Oceanic & Atmospheric Administration (NOAA), 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 28, 2020.

ADDRESSES: Interested persons are invited to submit written comments to Adrienne Thomas, NOAA PRA Officer, at *Adrienne.thomas@noaa.gov.* Please reference OMB Control Number 0648–0229 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 David Ulmer, Fishery Reporting Specialist, Greater Atlantic Regional Fisheries Office, 55 Great Republic Drive, Gloucester, MA 01930, (757–723–0303/978–559–1552), *David.Ulmer@noaa.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

This is a request to extend a currently approved information collection.

The National Oceanic and Atmospheric Administration's National Marine Fisheries Service (NMFS) is responsible for the stewardship of the Nation's living marine resources and their habitats within the United States Exclusive Economic Zone (EEZ). The mandates and authorities are derived from numerous statutes, most significantly the Magnuson-Stevens Fishery Conservation and Management Act (MSA), the Endangered Species Act (ESA), and the Marine Mammal Protection Act (MMPA).

Under the MSA, the Secretary of Commerce has the responsibility for conservation and management of the nation's marine fishery resources. Much of this responsibility has been delegated to NMFS. In an effort to achieve the goals of the MSA, several fisheries are now being managed by harvest limits including quotas, annual target total allowable catches (TAC) and domestic annual harvest (DAH) limits. These fisheries often have short fishing seasons and require in-season management measures, such as closures and trip limits, to ensure that harvest levels established in each Fishery Management Plan (FMP) are not exceeded. Therefore, as more fisheries are being managed by harvest limits, the timely collection of data from dealers and vessel owners and operators is and will continue to be a necessary component of most management regimes, as evidenced in several FMPs.

All federal permitted dealers of Atlantic mackerel, squid, butterfish, Atlantic sea scallop, Atlantic surfclam, ocean quahog, Northeast (NE) multispecies, monkfish, summer flounder, scup, black sea bass, Atlantic bluefish, spiny dogfish, Atlantic herring, skates, tilefish, hagfish, American lobster must have been issued and have in their possession a federal dealer permit in order to purchase such species from fishing vessels. Federal permitted dealers in the above fisheries are required to submit certain information regarding their fish purchases to NMFS. Trip-level (trip by trip) reports provide the comprehensive data that are necessary for successful long-term management of each fishery.

In all fisheries requiring mandatory reporting, 'negative reporting' by dealers is required if no fish was purchased during the reporting period. Negative reports are necessary in order to accurately identify dealers who have not purchased fish as opposed to those who have failed to report their purchases.

All large vessel at-sea processors of Atlantic mackerel that have been issued and have in their possession a federal at-sea processor permit may purchase mackerel from fishing vessels at sea for processing provided the large vessel did not harvest the mackerel. These Federal permitted vessels are also required to submit certain information regarding their fish purchases to NMFS.

The information collected is used by several offices of NMFS, the Northeast Fishery Management Council, the Mid-Atlantic Fishery Management Council, and the Atlantic States Marine Fisheries Commission (ASMFC) to monitor quota-managed species, ensuring that conservation and management actions may be taken in a timely manner. Accurate and timely landings reports are especially important for monitoring commercial landings by species and evaluating the effectiveness of each FMP in achieving its fishing mortality targets.

In addition to the uses specifically relating to management of individual species, the statistics collected through these reports will be incorporated into the NMFS databases which are used in many analyses by various offices of NMFS, the Regional Fishery Management Councils, the United States Coast Guard (USCG), state fishery enforcement agencies, the Departments of State and Commerce, Office of Management and Budget (OMB), the Corps of Engineers, Congressional staffs, the fishing industry, and the public. The data also serve as inputs to a variety of uses such as biological analyses and stock assessments, and in support of Executive Order (E.O.) 12866 ''Regulatory Planning and Review'', quota and allocation selections and monitoring, economic profitability profiles, trade and import tariff decisions, allocation of grant funds among states, and identification of ecological interactions among species. Data used are also utilized for monitoring and evaluating ESA and MMPA actions.

II. Method of Collection

Dealers submit purchase information through an electronic process by one of the following: The web based system as administered by the Atlantic Coast Cooperative Statistics Program, a computer based trip ticket program approved by the NMFS, or through a NMFS approved proprietary mechanism.

III. Data

OMB Control Number: 0648–0229.
Form Number(s): None.

Type of Review: Regular submission (extension of a current information collection).

Affected Public: Individuals or households; Business or other for-profit organizations; Not-for-profit institutions; State, Local, or Tribal government; Federal government.

Estimated Number of Respondents: 596.

Estimated Time per Response: 4 minutes per trip.

Estimated Total Annual Burden Hours: 33,074.

Estimated Total Annual Cost to Public: 624,437.

Respondent's Obligation: Mandatory.

Legal Authority: Magnuson-Stevens Fishery Conservation and Management Act, Code of Federal Regulations Title 50 Part 648.

IV. Request for Comments

We are soliciting public comments to permit the Department/Bureau to: (a) Evaluate whether the proposed information collection is necessary for the proper functions of the Department, including whether the information will have practical utility; (b) 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; (c) Evaluate ways to enhance the quality, utility, and clarity of the information to be collected; and (d) Minimize the reporting burden on those who are to respond, including 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. 2020–23823 Filed 10–27–20; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Sea Grant Program Application Requirements for Grants, for Sea Grant Fellowships, Including the Dean John A. Knauss Marine Policy Fellowships, and for Designation as a Sea Grant College or Sea Grant Institution

AGENCY: National Oceanic & Atmospheric Administration (NOAA), 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 28, 2020.

ADDRESSES: Interested persons are invited to submit written comments to Adrienne Thomas, NOAA PRA Officer, at *Adrienne.thomas@noaa.gov.* Please reference OMB Control Number 0648–0362 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 Doug Bell, National Sea Grant Office, (301–734–1080), and *oar.sg.info-admin@noaa.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

This request is for the extension, with minor proposed revisions, of a currently approved information collection.

The objectives of the National Sea Grant College Program, as stated in the Sea Grant legislation (33 U.S.C. 1121 *et seq.*) are to increase the understanding, assessments, development, utilization, and conservation of the Nation's ocean, coastal, and Great Lakes resources. It accomplishes these objectives by conducting research, education, and outreach programs. Grant monies are available for funding activities that help obtain the objectives of the Sea Grant Program. Both single and multi-project grants are awarded, with the latter representing approximately 80 percent of the total grant program. In addition to other standard grant application requirements, three forms are required with the grants. The Sea Grant Control Form (NOAA Form 90–1) is used to identify the organizations and personnel who would be involved in the grant and briefly summarize the proposed activities under the grant. The Project Record Form (NOAA Form 90–2), which collects summary data on projects, helps the National Sea Grant Office (NSGO) evaluate the proposals during its funding decisions. The Sea Grant Budget Form (NOAA Form 90–4) provides information similar to, but more detailed than, standardized budget forms SF–424A or SF–424C, and allows the NSGO to determine whether or not the breakdown cost of multi-project grant awards is reasonable. Collectively, the data supplied in these documents form the basis for many of NSGO's responses to the Administration, the Congress, other agencies, and to the public about the scope of Sea Grant activities.

The National Sea Grant College Program Act (33 U.S.C. 1126) also provides for the designation of a public or private institution of higher education, institute, laboratory, or State or local agency as a Sea Grant college or Sea Grant institute. Applications are required for designation of Sea Grant Colleges and Sea Grant Institutes, although no forms are required. The data the collection provides helps the National Sea Grant Office determine the suitability of the applicant for meeting the standards and conditions for being a Sea Grant College as set forth in 33 U.S.C. 1126 and 15 CFR 918.5.

The NSGO proposes two primary revisions to this information collection. The NOAA Form 90–2 is collected using an Excel spreadsheet (>98% of use cases). The NSGO intends to migrate the Excel spreadsheet to an online webform that is hosted on Sea Grant's Planning, Implementation and Evaluation Resource (PIER) database. The online webform would provide an additional and alternative method of information collection, but not eliminate the option for an Excel-based collection. The webform may require slight modifications on the form structure and existing data formats (such as ''Classifications'' or ''Partners''). These modifications may be driven by software requirements, but are mostly sought to improve information management and the user interface. Public comments from previous extensions of this information collection have requested linkage of the NOAA Form 90–2 to the PIER database. This modification would enable synchronization of existing PIER data, so that time of user entry and data quality control is minimized. The second proposed revision utilizes existing components of the NOAA Form 90–2. The NSGO is proposing to collect more resolved information that will allow Sea Grant to classify the level of effort by topic (*i.e.,* ''Classification'') for a subset of funded activities. This collection may modify the existing NOAA Form 90–2, but may also exist as a new form, if that method of collection is determined to be more effective and efficient. This collection would improve NSGO's responses to the Administration, the Congress, other agencies, and to the public about the scope of Sea Grant activities.

II. Method of Collection

Responses are made in a variety of formats, including forms and narrative submissions, via mail, fax or email. The Sea Grant Project Record Form (NOAA Form 90–2) and Sea Grant Budget Form (NOAA Form 90–4) must be submitted in electronic format through *grants.gov* if the grant applicant has the means to do so. The proposed modification would also enable the NOAA Form 90–2 to be submitted via electronic format.

III. Data

OMB Control Number: 0648–0362.

Form Number(s): NOAA Forms 90–1, 90–2, and 90–4.

Type of Review: Regular submission (extension and revision of a currently approved information collection).

Affected Public: Academic and not-for-profit institutions; individuals or households; business or other for-profit organizations; State, Local, or Tribal government.

Estimated Number of Respondents: 680.

Estimated Time per Response: 30 minutes for a Sea Grant Control form; 20 minutes for a Project Record Form; 15 minutes for a Sea Grant Budget form; and 20 hours for an application for designation as a Sea Grant college or Sea Grant institute.

Estimated Total Annual Burden Hours: 1091.

Estimated Total Annual Cost to Public: $170 for record keeping and mailed submissions.

Respondent's Obligation: Required to Obtain or Retain Benefits.

Legal Authority: 33 U.S.C. 1121 *et seq.*

IV. Request for Comments

We are soliciting public comments to permit the Department/Bureau to: (a) Evaluate whether the proposed information collection is necessary for the proper functions of the Department, including whether the information will have practical utility; (b) 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; (c) Evaluate ways to enhance the quality, utility, and clarity of the information to be collected; and (d) Minimize the reporting burden on those who are to respond, including 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. 2020–23821 Filed 10–27–20; 8:45 am]

BILLING CODE 3510–KA–P

COMMODITY FUTURES TRADING COMMISSION

Agency Information Collection Activities: Notice of Intent To Renew Collection 3038–0103, Ownership and Control Reports, Forms 102/102S, 40/40S, and 71 (Trader and Account Identification Reports)

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 (PRA), this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Information and Regulatory Affairs (OIRA), of the Office of Management and Budget (OMB), for review and comment. The ICR describes the nature of the information collection and its expected costs and burden.

DATES: Comments must be submitted on or before November 27, 2020.

ADDRESSES: Written comments and recommendations for the proposed information collection should be submitted within 30 days of this notice's publication to OIRA, at *https://www.reginfo.gov/public/do/PRAMain.* Please find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the website's search function. Comments can be entered electronically by clicking on the ''comment'' button next to the information collection on the ''OIRA Information Collections Under Review'' page, or the ''View ICR—Agency Submission'' page. A copy of the supporting statement for the collection of information discussed herein may be obtained by visiting *https://www.reginfo.gov/public/do/PRAMain.*

In addition to the submission of comments to *https://Reginfo.gov* as indicated above, a copy of all comments submitted to OIRA may also be submitted to the Commodity Futures Trading Commission (the ''Commission'' or ''CFTC'') by clicking on the ''Submit Comment'' box next to the descriptive entry for OMB Control No. 3038–0103, at *https://comments.cftc.gov/FederalRegister/PublicInfo.aspx.*

Or by either of the following methods:

- *Mail:* Christopher Kirkpatrick, Secretary of the Commission, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW, Washington, DC 20581.
- *Hand Delivery/Courier:* Same as Mail above.

Please submit your comments using only one of these methods and identify that it is for the renewal of Collection Number 3038–0103. All comments must be submitted in English, or if not, accompanied by an English translation. Comments submitted to the Commission should include only information that you wish to make available publicly. If you wish the Commission to consider information that you believe is exempt from disclosure under the Freedom of Information Act, a petition for confidential treatment of the exempt information may be submitted according to the procedures established in § 145.9 of the Commission's regulations.[1] The Commission reserves the right, but shall have no obligation, to review, pre-screen, filter, redact, refuse or remove any or all of your submission from *https://www.cftc.gov* that it may deem to be inappropriate for publication, such as obscene language. All submissions that have been redacted or removed that contain comments on the merits of the ICR will be retained in the public comment file and will be considered as required under the Administrative Procedure Act and other applicable laws, and may be accessible under the Freedom of Information Act.

FOR FURTHER INFORMATION CONTACT: Elie Mishory, Special Counsel, Division of Market Oversight, Commodity Futures Trading Commission, at (202) 418–5609 or *emishory@cftc.gov,* and refer to OMB Control No. 3038–0103.

SUPPLEMENTARY INFORMATION:

Title: Ownership and Control Reports, Forms 102/102S, 40/40S, and 71 (Trader and Account Identification Reports) (OMB Control No. 3038–0103). This is a request for extension and revision of a currently approved information collection.

Abstract: The ownership and control reports rules[2] created new information collection requirements via §§ 17.01, 18.04, 18.05, and 20.5. Specifically, § 17.01 provides for the filing of Form 102A, Form 102B and Form 71, as follows:

- Pursuant to § 17.01(a), futures commission merchants (''FCMs''), clearing members, and foreign brokers shall identify new special accounts to the Commission on Form 102A;
- pursuant to § 17.01(b), clearing members shall identify volume threshold accounts to the Commission on Form 102B; and
- pursuant to § 17.01(c), omnibus volume threshold account originators and omnibus reportable sub-account originators shall identify reportable sub-accounts to the Commission on Form 71 when requested via a special call by the Commission or its designee.

Additional reporting requirements arise from § 18.04, which results in the collection of information via Form 40 from and regarding traders who own, hold, or control reportable positions; volume threshold account controllers; persons who own volume threshold accounts; reportable sub-account controllers; and persons who own reportable sub-accounts.

Reporting requirements also arise from § 20.5(a), which requires all reporting entities to submit Form 102S

[1] 17 CFR 145.9.

[2] *See* Commission, Final Rule: Ownership and Control Reports, Forms 102/102S, 40/40S, and 71, 78 FR 69178 (November 18, 2013). Terms used herein and not otherwise defined herein shall have the meaning assigned to such terms in the final rules or in the Commission's regulations.

for swap counterparty or customer consolidated accounts with reportable positions. In addition, § 20.5(b) requires every person subject to books or records under current § 20.6 to complete a 40S filing after a special call upon such person by the Commission.

In addition to the reporting requirements summarized above, § 18.05 imposes recordkeeping requirements upon: (1) Traders who own, hold, or control a reportable futures or options on futures position; (2) volume threshold account controllers; (3) persons who own volume threshold accounts; (4) reportable sub-account controllers; and (5) persons who own reportable sub-accounts.

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.

On, the Commission published in the **Federal Register** notice of the proposed extension of this information collection and provided 60 days for public comment on the proposed extension, 85 FR 51022 (August 19, 2020), (''60-Day Notice'') The Commission did not receive any comments on the 60-Day Notice.

Burden Statement: The Commission is revising its estimate of the burden for this collection. The respondent burden for this collection is estimated to be as follows:

Estimated Number of Respondents: 1,856.

Estimated Average Burden Hours per Respondent: 101.

Estimated Total Annual Burden Hours: 188,080.

Frequency of Collection: On occasion.

(Authority: 44 U.S.C. 3501 *et seq.*)

Dated: October 22, 2020.

Robert Sidman,

Deputy Secretary of the Commission.

[FR Doc. 2020–23793 Filed 10–27–20; 8:45 am]

BILLING CODE 6351–01–P

COMMODITY FUTURES TRADING COMMISSION

Agency Information Collection Activities Under OMB Review

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 (''PRA''), this notice announces that the Information Collection Request (''ICR'') abstracted below has been forwarded to the Office of Information and Regulatory Affairs (''OIRA''), of the Office of Management and Budget (''OMB''), for review and comment. The ICR describes the nature of the information collection and its expected costs and burden.

DATES: Comments must be submitted on or before November 27, 2020.

ADDRESSES: Written comments and recommendations for the proposed information collection should be submitted within 30 days of this notice's publication to OIRA, at *https://www.reginfo.gov/public/do/PRAMain.* Please find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the website's search function. Comments can be entered electronically by clicking on the ''comment'' button next to the information collection on the ''OIRA Information Collections Under Review'' page, or the ''View ICR—Agency Submission'' page. A copy of the supporting statement for the collection of information discussed herein may be obtained by visiting *https://www.reginfo.gov/public/do/PRAMain.*

In addition to the submission of comments to *https://Reginfo.gov* as indicated above, a copy of all comments submitted to OIRA may also be submitted to the Commodity Futures Trading Commission (the ''Commission'' or ''CFTC'') by clicking on the ''Submit Comment'' box next to the descriptive entry for OMB Control No. 3038–0059, at *https://comments.cftc.gov/FederalRegister/PublicInfo.aspx.*

Or by either of the following methods:

- *Mail:* Christopher Kirkpatrick, Secretary of the Commission, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW, Washington, DC 20581.
- *Hand Delivery/Courier:* Same as Mail above.

All comments must be submitted in English, or if not, accompanied by an English translation. Comments submitted to the Commission should include only information that you wish to make available publicly. If you wish the Commission to consider information that you believe is exempt from disclosure under the Freedom of Information Act, a petition for confidential treatment of the exempt information may be submitted according to the procedures established in § 145.9 of the Commission's regulations.[1] The Commission reserves the right, but shall have no obligation, to review, pre-screen, filter, redact, refuse or remove any or all of your submission from *https://www.cftc.gov* that it may deem to be inappropriate for publication, such as obscene language. All submissions that have been redacted or removed that contain comments on the merits of the ICR will be retained in the public comment file and will be considered as required under the Administrative Procedure Act and other applicable laws, and may be accessible under the Freedom of Information Act.

[1] 17 CFR 145.9.

FOR FURTHER INFORMATION CONTACT: David Steinberg, Associate Director, Division of Market Oversight, Commodity Futures Trading Commission, (202) 418–5102, email: *dsteinberg@cftc.gov,* and refer to OMB Control No. 3038–0059.

SUPPLEMENTARY INFORMATION:

Title: Part 41 Relating to Security Futures Products (OMB Control No. 3038–0059). This is a request for extension of a currently approved information collection.

Abstract: Section 4d(c) of the Commodity Exchange Act (''CEA''), 7 U.S.C. 6d(c), requires the CFTC to consult with the Securities and Exchange Commission (''SEC'') and issue such rules, regulations, or orders as are necessary to avoid duplicative or conflicting regulations applicable to firms that are fully registered with the SEC as brokers or dealers and the CFTC as futures commission merchants involving provisions of the CEA that pertain to the treatment of customer funds. The CFTC, jointly with the SEC, issued regulations requiring such dually-registered firms to make choices as to how its customers' transactions in security futures products will be treated, either as securities transactions held in a securities account or as futures transactions held in a futures account. How an account is treated is important in the unlikely event of the insolvency of the firm. Only securities accounts receive insurance protection under provisions of the Securities Investor Protection Act. By contrast, only futures accounts are subject to the protections provided by the segregation requirements of the CEA.

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 OMB control numbers for the CFTC's regulations were published on December 30, 1981. *See* 46 FR 63035 (Dec. 30, 1981). The **Federal Register** notice with a 60-day comment period soliciting comments on this collection of information was published on August 18, 2020 (85 FR 50805). The Commission did not receive

any comments addressing the 60-Day Notice.

Burden Statement: The respondent burden for this collection is estimated to average 1.05 hours per response. These estimates include the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; and transmit or otherwise disclose the information.

Respondents/Affected Entities: 34.

Estimated number of responses: 506.

Estimated total annual burden on respondents: 529 hours.

Frequency of collection: On occasion.

There are no capital costs or operating and maintenance costs associated with this collection.

(Authority: 44 U.S.C. 3501 *et seq.*)

Dated: October 23, 2020.

Robert Sidman,

Deputy Secretary of the Commission.

[FR Doc. 2020–23833 Filed 10–27–20; 8:45 am]

BILLING CODE 6351–01–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Advisory Committee on Women in the Services; Notice of Federal Advisory Committee Meeting

AGENCY: Under Secretary of Defense for Personnel and Readiness, Department of Defense (DoD).

ACTION: Notice of Federal Advisory Committee meeting.

SUMMARY: The DoD is publishing this notice to announce that the following Federal Advisory Committee meeting of the Defense Advisory Committee on Women in the Services (DACOWITS) will take place.

DATES:

Day 1—Open to the public Tuesday, December 8, 2020 from 8:30 a.m. to 12:00 p.m.

Day 2—Open to the public Wednesday, December 9, 2020 from 8:30 a.m. to 12:00 p.m.

ADDRESSES: The meeting will be held by videoconference. Participant access information will be provided after registering. (Pre-meeting registration is required. See guidance in **SUPPLEMENTARY INFORMATION**, ''Meeting Accessibility'').

FOR FURTHER INFORMATION CONTACT: Colonel Elaine Freeman, U.S. Army, (703) 697–2122 (Voice), 703–614–6233 (Facsimile), *roelene.e.freeman.mil@mail.mil* (Email). Mailing address is 4800 Mark Center Drive, Suite 04J25–01, Alexandria, VA 22350. website: *http://dacowits.defense.gov.* The most up-to-date changes to the meeting agenda can be found on the website.

SUPPLEMENTARY INFORMATION: This meeting is being held under the provisions of the Federal Advisory Committee Act (FACA) 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.

Availability of Materials for the Meeting: Additional information, including the agenda or any updates to the agenda, is available at the DACOWITS website, *https://dacowits.defense.gov/.* Materials presented in the meeting may also be obtained on the DACOWITS website.

Purpose of the Meeting: The purpose of the meeting is for the DACOWITS to receive written information and briefings on topics related to the recruitment, retention, employment, integration, well-being, and treatment of women in the Armed Forces of the United States.

Agenda: Tuesday, December 8, 2020, from 8:30 a.m. to 12:00 p.m.—Welcome, Introductions, and Announcements; Request for Information Status Update; and Briefings and DACOWITS discussion. Wednesday, December 9, 2020, from 8:30 a.m. to 12:00 p.m.—Welcome, Introductions, and Announcements; and Briefings and DACOWITS discussion.

Meeting Accessibility: Pursuant to 5 U.S.C. 552b and 41 CFR 102–3.140 through 102–3.165, this meeting is open to the public from 8:30 a.m. to 12:00 p.m. on December 8, 2020 and 8:30 a.m. to 12:00 p.m. on December 9, 2020. The meeting will be held by videoconference. The number of participants is limited and is on a first-come basis. All members of the public who wish to participate must register by contacting DACOWITS at *osd.pentagon.ousd-p-r.mbx.dacowits@mail.mil* or by contacting Mr. Robert Bowling at (703) 380–0116 no later than Monday, November 30, 2020. Once registered, the web address and/or audio number will be provided.

Special Accommodations: Individuals requiring special accommodations to access the public meeting should contact Mr. Robert Bowling no later than Monday, November 30, 2020 so that appropriate arrangements can be made.

Written Statements: Pursuant to 41 CFR 102–3.140, and section 10(a)(3) of the FACA, interested persons may submit a written statement to the DACOWITS. Individuals submitting a written statement must submit their statement no later than 5:00 p.m., Monday, November 30, 2020 to Mr. Robert Bowling (703) 380–0116 (voice) or to *osd.pentagon.ousd-p-r.mbx.dacowits@mail.mil* (email). If a statement is not received by Monday, November 30, 2020, prior to the meeting, which is the subject of this notice, then it may not be provided to or considered by the Committee during this quarterly business meeting. The Designated Federal Officer will review all timely submissions with the DACOWITS Chair and ensure they are provided to the members of the Committee.

Dated: October 23, 2020.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2020–23877 Filed 10–27–20; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

TRICARE; Notice of TRICARE Plan Program Changes for Calendar Year 2021

AGENCY: Office of the Secretary of Defense, Department of Defense (DoD).

ACTION: Notice.

SUMMARY: This notice provides a notification of TRICARE Plan program changes for calendar year 2021. Changes or improvements to the TRICARE program benefits are provided in the supplementary information section.

DATES: TRICARE health plan information in this notice is valid for services during calendar year 2021 (January 1, 2021–December 31, 2021).

ADDRESSES: Defense Health Agency, TRICARE Health Plan, 7700 Arlington Boulevard, Suite 5101, Falls Church, Virginia 22042–5101.

FOR FURTHER INFORMATION CONTACT: Mr. Mark A. Ellis, (703) 681–0039.

SUPPLEMENTARY INFORMATION: An interim final rule published in the **Federal Register** (FR) on September 29, 2017 (82 FR 45438–45461) established the requirement for the Director, Defense Health Agency, to provide a public notice to TRICARE program beneficiaries with a summary of changes to the TRICARE program each calendar year in connection with the open season enrollment period.

The following changes or improvements to the TRICARE program benefits apply for calendar year 2021:

• Improving what's covered:

Coronavirus Disease 2019 (COVID–19) Response:

➢ The following three temporary changes were made effective May 12, 2020, for care and treatment within the United States (US) and effective March 10, 2020, for the TRICARE Overseas Program: Temporary audio-only telephonic office visits; temporary waiver of cost-shares, co-pays and deductibles for all covered in-network telehealth services (for Prime and Select beneficiaries); and temporary interstate and international licensing. These changes will expire when the President of the US declares the national emergency is terminated. Overseas termination date may vary from the US date and will be determined by the Assistant Secretary of Defense for Health Affairs.

➢ Flexibility was added for reinstatement of coverage for TRICARE Reserve Select (TRS) by expanding the three-month window to reinstate coverage for a beneficiary due to a lapse in coverage to a five-month window. This is in effect until the termination of the state of national emergency.

Screenings:

➢ Effective January 1, 2020, Digital Breast Tomosynthesis (DBT) for Breast Cancer (BC) Screening is covered under the Provisional Coverage Program. This three-dimensional mammography DBT for BC screening may be covered annually instead of conventional two-dimensional screening mammography. It is covered for all women beginning at age 40 and covered annually beginning at age 30 for women who have a 15 percent or greater lifetime risk of breast cancer. No pre-authorization is required.

➢ Effective December 2, 2019, and covered under the TRICARE Basic Program, this change allows for the separate reimbursement of instrument-based vision screening for children age one to age six when provided by a physician other than an ophthalmologist or optometrist as part of a regular preventive office visit under the well-child care program. No pre-authorization is required.

Mental Health:

➢ The Autism Care Demonstration is focused on ensuring TRICARE beneficiaries diagnosed with autism spectrum disorder (ASD) and their families receive high-value care and services that will help them reach their maximum potential. During the COVID–19 period, DHA has authorized the temporary use of unlimited applied behavior analysis parent/training guidance (Current Procedural Terminology Code 97156) only via telehealth to ensure Military children diagnosed with ASD and their families continue to receive support during the crisis. This exception to policy allows parents to maintain elements of the treatment plan during the crisis, which has in many cases made provision of in-person services impossible or unsafe.

➢ Effective March 5, 2019, but implemented in 2020, SpravatoTM is covered under the Basic Medical Program for treatment-resistant depression. This drug is administered intra-nasally under the supervision of a TRICARE-authorized provider during an office visit. Pre-authorization under the medical benefit is required. Off-label use of Spravato is excluded.

Demonstrations, Programs & Pilots:

➢ The existing Laboratory Developed Test (LDT) demonstration ensuring beneficiaries continue to have access to safe and effective non-FDA approved LDTs has been extended for an additional three years. Additionally, TRICARE Overseas Program (TOP) beneficiaries may now receive tests covered under the LDT demonstration from either Clinical Laboratory Improvement Amendments of 1988-certified laboratories or laboratories otherwise approved by the TOP contractor in conjunction with specific government-directed standards.

➢ Effective January 1, 2020, TRICARE implemented a three-year Home Health Value-Based Purchasing demonstration designed to improve the quality and delivery of home health services by rewarding providers with incentive payments that give higher quality and more efficient care. This demonstration applies to home health agencies that provide services in the following nine states: Arizona, Florida, Iowa, Maryland, Massachusetts, Nebraska, North Carolina, Tennessee, and Washington.

➢ Launched on May 1, 2020, the TRICARE Select Navigator Program provides a health care assistance service to certain covered beneficiaries enrolled in TRICARE Select using purchased care to improve health outcomes and patient experience for covered beneficiaries with complex medical conditions.

➢ Humana Military continues to partner with Kaiser Permanente to offer care and coverage to TRICARE Prime eligible beneficiaries in the Atlanta, Georgia area through the TRICARE Accountable Care Pilot. The pilot began on January 1, 2020, and will continue through 2022.

Other Significant Changes:

➢ Effective January 1, 2020, and covered under the TRICARE Basic Medical Program, Continuous Glucose Monitor Systems (CGMS) are now covered for Type 2 diabetes in addition to Type 1 diabetes. Smart phones and watches used in conjunction with CGMS are not covered.

➢ Effective November 21, 2019, and covered under the TRICARE Basic Medical Program, this benefit enhancement adds coverage for non-implantable bone conducting hearing devices for infants and toddlers who are too young (typically age 5 and younger) for implants. These devices are considered a prosthetic bridge to transplantation for patient whose skull development will not yet support an implant, and are also covered as prosthetic devices for Active Duty Family Members who meet criteria for hearing aid coverage. No preauthorization is required.

➢ Effective April 16, 2020, TRICARE reimburses for care provided by Physical Therapist Assistants (PTAs) and Occupational Therapist Assistants (OTAs) who are supervised by physical therapists and occupational therapists, increasing the provider pool available to care for TRICARE beneficiaries.

➢ A Move Away From Lower-Value-Care Interventions: (1) Vitamin D Screening for otherwise healthy/asymptomatic individuals is excluded as the screening has no impact on health outcomes. (2) Transcutaneous Electrical Nerve Stimulators are excluded for acute, subacute and chronic low back pain because there is increasing evidence that this treatment is not effective.

• Out-of-Pocket Costs:

Certain beneficiary out-of-pocket costs (enrollment fees, premiums, catastrophic caps, deductibles, and copayments) are annually adjusted based on federal law and regulations, most notably by the annual retiree cost of living adjustment, or Cost of Living Adjustment (COLA). Currently there is a difference in copayments between those who joined the military before January 1, 2018, (Group A), and those who joined after that date (Group B). The retiree COLA will not be announced until mid-October 2020. As of August 31, 2020, the projected COLA increase is 1.3 percent. Beneficiary out-of-pocket expenses impacted by the 2020 COLA will be posted to the *tricare.mil/changes* web page before the start of TRICARE Open Season.

Pharmacy Out-of-Pocket Expenses for CY 2021 remain the same. See table below for TRICARE Pharmacy out-of-pocket expenses that take effect on January 1, 2021.

TABLE 1—PHARMACY COPAYMENTS FOR CALENDAR YEAR 2021

Year	Copayment amount for a 30-day supply of a retail generic is:	Copayment amount for a 30-day supply of a retail formulary is:	Copayment amount for a 90-day supply of a mail order generic is:	Copayment amount for a 90-day supply of a mail order formulary is:	Copayment amount for a 90-day supply of a mail order non-formulary is:
2021	$13	$33	$10	$29	$60

• For more information, visit *tricare.mil/changes* or call your regional TRICARE contractor.

Dated: October 22, 2020.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2020–23892 Filed 10–27–20; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Notice of Availability of Draft Environmental Impact Statement For the Long Range Discrimination Radar Operations at Clear Air Force Station, Alaska

AGENCY: Missile Defense Agency, Department of Defense.

ACTION: Notice of availability.

SUMMARY: The Missile Defense Agency (MDA), as the lead agency, announces the availability of the Draft Environmental Impact Statement (EIS) to evaluate the potential environmental impacts associated with proposed changes in operational concept and other associated activities for the Long Range Discrimination Radar (LRDR) located at Clear Air Force Station (CAFS), Alaska. The Federal Aviation Administration (FAA) and the Department of the Air Force (DAF) are cooperating agencies to this Draft EIS. The Draft EIS was prepared in accordance with the National Environmental Policy Act (NEPA) of 1969; the Council on Environmental Quality Regulations for Implementing the Procedural Provisions of NEPA; MDA's NEPA Implementing Procedures; DAF Environmental Impact Analysis Process; and FAA's NEPA Policies and Procedures. The Draft EIS also supports compliance with the National Historic Preservation Act of 1966 and its implementing regulations.

DATES: The 52-day public comment period will be from October 30, 2020 to December 21, 2020. All public comments are requested by December 21, 2020. Due to recent federal and state guidance on public gatherings, MDA will hold an Online Open House and Telephone Public Meeting, in place of in-person public meetings. Notification for public involvement will be published and announced in local news media to encourage public participation and review.

ADDRESSES: Comments may be submitted by:

- *Email: lrdr.info@mda.mil.*
- *Voicemail:* 256–450–1599.
- *Fax:* 907–644–2022.
- *Mail:* LRDR CAFS EIS C/O HDR 2525 C Street, Suite 500, Anchorage, AK 99503.

All comments received during the 52-day public comment period will become part of the public record and considered in the Final EIS.

FOR FURTHER INFORMATION CONTACT: Mr. Ryan Keith, MDA Public Affairs, at 256–450–1599 or by email: *lrdr.info@mda.mil.*

SUPPLEMENTARY INFORMATION:

Proposed Action and Alternative: In response to the Congressional mandate to deploy the LRDR, MDA completed a siting analysis for the LRDR, which selected CAFS out of 50 candidate Department of Defense installations in Alaska. In June 2016, MDA and DAF prepared an Environmental Assessment (EA), to evaluate the potential environmental impacts associated with the construction and operation of the LRDR at CAFS. The 2016 EA resulted in a Finding of No Significant Impact, and construction of the LRDR began in July 2017. Since that time, due to emerging threats, the MDA proposes to modify the LRDR operational requirements and procedures to reflect continuous operations. Due to the proposed changes to LRDR operations, airspace restrictions at CAFS are necessary to ensure that aircraft would not encounter high intensity radiation fields (HIRF) resulting from the LRDR operations that exceed FAA's HIRF certification standards for aircraft electrical and electronic systems. The proposed airspace restrictions include expanding the existing Restricted Area (R–2206) at CAFS by adding six new Restricted Areas.

MDA has considered two alternatives to the Proposed Action: The No Action Alternative and the two-tier alternative. Under the No Action Alternative, the LRDR would be operated in a manner that would contain HIRF within existing R–2206 such that no new actions would need to be taken to limit aircraft flight. Under the two-tier alternative, the existing R–2206 would be expanded with two new Restricted Areas. The two-tier alternative was presented during the scoping process, but was eliminated from further analysis in order to minimize potential impacts on airspace.

The environmental analysis in the Draft EIS addresses the following environmental resource areas: Airspace management; air quality; biological resources; climate; hazardous materials; solid waste and pollution prevention; historical, architectural, archaeological, and cultural resources; land use; natural resources and energy supply; noise and compatible land use; safety; socioeconomics and environmental justice; subsistence; visual effects; and water resources.

This Draft EIS supports the FAA rulemaking process related to the Restricted Areas.

Comments Invited: MDA invites all interested members of the public, as well as federal, state, tribal and local agencies, to comment on the Proposed Action and to participate in the Online Open House and the Telephone Public Meeting in review of the Draft EIS. Through these public involvement opportunities, attendees can learn about findings in the Draft EIS and may provide verbal and written comments. For more information, including a downloadable copy of the Draft EIS, visit the MDA's website at *https://www.mda.mil/system/lrdr.*

Dated: October 23, 2020.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2020–23889 Filed 10–27–20; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF ENERGY

[Case Number 2020–001; EERE–2020–BT–WAV–0005]

Energy Conservation Program: Decision and Order Granting a Waiver to Hoshizaki America, Inc. From the Department of Energy Automatic Commercial Ice Makers Test Procedure

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

ACTION: Notice of decision and order.

SUMMARY: The U.S. Department of Energy (''DOE'') gives notice of a Decision and Order (Case Number 2020–001) that grants to Hoshizaki America, Inc. (''Hoshizaki'') a waiver from specified portions of the DOE test procedure for determining the energy consumption of specified basic models of automatic commercial ice makers (''ACIM''). Under the Decision and Order, Hoshizaki is required to test and rate the specified ACIM basic models in accordance with the alternate test procedure specified in the Decision and Order.

DATES: The Decision and Order is effective on October 28, 2020. The Decision and Order will terminate upon the compliance date of any future amendment to the test procedure for ACIM located in Title 10 of the Code of Federal Regulations (''CFR''), part 431 section 134 that addresses the issues presented in this waiver. At such time, Hoshizaki must use the relevant test procedure for this equipment for any testing to demonstrate compliance with the applicable standards, and any other representations of energy use.

FOR FURTHER INFORMATION CONTACT: Ms. Lucy deButts, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies Office, EE–5B, 1000 Independence Avenue SW, Washington, DC 20585–0121. Email: *AS_Waiver_Requests@ee.doe.gov.*

Ms. Sarah Butler, U.S. Department of Energy, Office of the General Counsel, Mail Stop GC–33, Forrestal Building, 1000 Independence Avenue SW, Washington, DC 20585–0103. Telephone: (202) 586–1777. Email: *Sarah.Butler@hq.doe.gov.*

SUPPLEMENTARY INFORMATION: In accordance with Title 10 of the Code of Federal Regulations (10 CFR 431.401(f)(2)), DOE gives notice of the issuance of its Decision and Order as set forth below. The Decision and Order grants Hoshizaki a waiver from the applicable test procedure at 10 CFR 431.134 for specified basic models of ACIM and provides that Hoshizaki must test and rate such equipment using the alternate test procedure specified in the Decision and Order. Hoshizaki's representations concerning the energy consumption of the specified basic models must be based on testing according to the provisions and restrictions in the alternate test procedure set forth in the Decision and Order, and the representations must fairly disclose the test results. Distributors, retailers, and private labelers are held to the same requirements when making representations regarding the energy consumption of this equipment. (42 U.S.C. 6314(d))

Consistent with 10 CFR 431.401(j), not later than December 28, 2020, any manufacturer currently distributing in commerce in the United States equipment employing a technology or characteristic that results in the same need for a waiver from the applicable test procedure must submit a petition for waiver. Manufacturers not currently distributing such equipment in commerce in the United States must petition for and be granted a waiver prior to the distribution in commerce of that equipment in the United States. 10 CFR 431.401(j). Manufacturers may also submit a request for interim waiver pursuant to the requirements of 10 CFR 431.401.

Signing Authority

This document of the Department of Energy was signed on October 22, 2020, by Alexander N. Fitzsimmons, Deputy Assistant Secretary for Energy Efficiency, Energy Efficiency and Renewable Energy, pursuant to delegated authority from the Secretary of Energy. That document with the original signature and date is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register.**

Signed in Washington, DC, on October 23, 2020.

Treena V. Garrett,

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

Case #2020–001

Decision and Order

I. Background and Authority

The Energy Policy and Conservation Act, as amended (''EPCA''),[1] authorizes the U.S. Department of Energy (''DOE'') to regulate the energy efficiency of a number of consumer products and certain industrial equipment. (42 U.S.C. 6291–6317) Title III, Part C[2] of EPCA established the Energy Conservation Program for Certain Industrial Equipment, which sets forth a variety of provisions designed to improve energy efficiency for certain types of industrial equipment. This equipment includes automatic commercial ice makers (''ACIM''), the focus of this document. (42 U.S.C. 6311(1)(F))

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

The Federal testing requirements consist of test procedures that manufacturers of covered equipment must use as the basis for: (1) Certifying to DOE that their equipment complies with the applicable energy conservation standards adopted pursuant to EPCA (42 U.S.C. 6316(a); 42 U.S.C. 6295(s)), and (2) making representations about the efficiency of that equipment (42 U.S.C. 6314(d)). Similarly, DOE must use these test procedures to determine whether the equipment complies with relevant standards promulgated under EPCA. (42 U.S.C. 6316(a); 42 U.S.C. 6295(s))

Under 42 U.S.C. 6314, EPCA sets forth the criteria and procedures DOE is required to follow when prescribing or amending test procedures for covered equipment. EPCA requires that any test procedures prescribed or amended under this section must be reasonably designed to produce test results which reflect energy efficiency, energy use or

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

[2] For editorial reasons, upon codification in the U.S. Code, Part C was redesignated as Part A–1.

estimated annual operating cost of covered equipment during a representative average use cycle and requires that test procedures not be unduly burdensome to conduct. (42 U.S.C. 6314(a)(2)) The test procedure for ACIM is contained at 10 CFR 431.134.

Any interested person may submit a petition for waiver from DOE's test procedure requirements. 10 CFR 431.401(a)(1). DOE will grant a waiver from the test procedure requirements if DOE determines either that the basic model for which the waiver was requested contains a design characteristic that prevents testing of the basic model according to the prescribed test procedures, or that the prescribed test procedures evaluate the basic model in a manner so unrepresentative of its true energy consumption characteristics as to provide materially inaccurate comparative data. 10 CFR 431.401(f)(2). DOE may grant the waiver subject to conditions, including adherence to alternate test procedures. *Id.*

II. Hoshizaki's Petition for Waiver: Assertions and Determinations

By letter dated January 28, 2020, Hoshizaki filed a petition for waiver and a petition for interim waiver from the DOE test procedure applicable to ACIM set forth in 10 CFR 431.134. Hoshizaki additionally responded by email to two DOE requests for technical information on February 13, 2020 and March 19, 2020.[3] Hoshizaki stated that the issue with the DOE ACIM test procedure is the requirement for the ice bin to be one-half full of ice prior to the test. Specifically, Hoshizaki cited the test condition in section 6.5 of American Society of Heating, Refrigerating and Air-Conditioning Engineers (''ASHRAE'') Standard 29–2009, *Method of Testing Automatic Ice Makers* (''ASHRAE Standard 29–2009''), which is incorporated by reference in the DOE ACIM test procedure. See 10 CFR 431.133 and 10 CFR 431.134(b). Section 6.5 of ASHRAE Standard 29–2009 requires in relevant part that ''Bins shall be used when testing and shall be filled one-half full with ice.'' Additionally, the DOE ACIM test procedure requires, through reference to section 7.2.1 of ASHRAE Standard 29–2009, that ice produced during the collection period be ''intercepted'' from the half-full bin for the purpose of determining the capacity of the unit under test.

In the models for which Hoshizaki requested a waiver, DCM–270BAH and DCM–270BAH–OS, the ice bin is situated above the evaporator and ice is pushed up through the evaporator directly into the bottom of the bin. Therefore, Hoshizaki claimed that an ice bin one-half full of ice prior to the test makes it impossible to accurately test because ice produced during the test cannot be readily distinguished from the ice placed in the bin prior to the test (as compared to units in which the ice is dropped into a bin below the production area—allowing for ''intercepting'' the ice produced during the test). Hoshizaki requested an alternate test procedure in which testing is started with an empty internal bin and ice is harvested through continuous operation of the unit's dispenser as opposed to collection in the internal bin.

On July 23, 2020, DOE published a notice that announced its receipt of the petition for waiver and granted Hoshizaki an interim waiver. 85 FR 44529 (''Notice of Petition for Waiver''). In the Notice of Petition for Waiver, DOE reviewed Hoshizaki's application for an interim waiver, the alternate test procedure requested by Hoshizaki, specification and parts sheets for the specified basic models, and additional technical correspondence. Based on this review, DOE granted Hoshizaki an interim waiver for its Hoshizaki branded DCM–270BAH and DCM–270BAH–OS ACIM basic models. The alternate test procedure granted to Hoshizaki in the interim waiver provides additional clarification to the alternate test procedure requested by Hoshizaki, but does not change the test setup or conduct requested by Hoshizaki.

By letter dated July 28, 2020, Hoshizaki requested that the interim waiver be extended to include two additional basic models of ACIM, Hoshizaki branded DCM–271BAH and DCM–271BAH–OS, and that these two additional basic models be considered under its petition for waiver.[4] Hoshizaki stated that the two additional basic models employ the same technology as the basic models set forth in the January 28, 2020 petition. DOE has reviewed Hoshizaki's waiver extension request and determined that the basic models identified in Hoshizaki's request incorporate the same design characteristics as those basic models set forth in the January 28, 2020 petition such that the test procedure evaluates those basic models in a manner that is unrepresentative of their energy use. In accordance with 10 CFR 431.401(g), DOE is including these additional basic models in the scope of the waiver granted to Hoshizaki in the Decision and Order.

In the Notice of Petition for Waiver, DOE also solicited comments from interested parties on all aspects of the petition and the specified alternate test procedure. *Id.* DOE received one comment in response to the Notice of Petition of Waiver from the Pacific Gas and Electric Company, San Diego Gas and Electric, and Southern California Edison, collectively referred to herein as the California Investor-Owned Utilities (''CA IOUs'').[5] The CA IOUs agreed with the interim waiver approach of testing the specified basic models by bypassing the internal storage bin and collecting ice directly from the dispensing apparatus, which is held open via a bracket, because such testing would not increase power consumption of the unit and would not be anticipated to directly impact capacity, energy consumption, water consumption, and/or ice density. However, the CA IOUs suggested modifying the interim waiver test procedure by requiring that Hoshizaki supply the test laboratory with an ice storage bin and have the bin be one-half filled with ice for testing to more closely match the test requirements for other ACIM. The CA IOUs further recommended that the supplemental ice bin be equipped with its specified lid or be covered as much as possible with an insulating material to simulate the enclosed state of the internal bin in the unit under test. The CA IOUs noted that other ACIM, when tested to the DOE ACIM test procedure, dispense ice into the unit's ice bin, which is one-half filled with ice, to simulate field conditions for the internal rate of ice melt and to stabilize the temperature of the recently produced ice. The CA IOUs also recommended that the Decision and Order waiver be retired once this scenario is incorporated into an updated industry standard and is referenced by the DOE ACIM test procedure. (CA IOUs, No. 6 at pp. 1–2).

In response to the comment by the CA IOUs, DOE agrees that the suggested approach of collecting the dispensed ice in an external ice bin that is one-half full of ice better represents the ice produced in field conditions and maintains consistency with testing other ACIM according to the DOE test procedure. The ice generated during normal operation of the specified basic models would typically be stored for some period of time in the models' internal storage bins and would melt at a slower rate compared to ice collected

[3] See documents in the Docket No. EERE–2020–BT–WAV–0005 available on *http://www.regulations.gov.*

[4] See Docket No. EERE–2020–BT–WAV–0005 available on *http://www.regulations.gov.*

[5] The CA IOUs comment can be accessed at: *https://regulations.gov/document/EERE-2020-BT-WAV-0005-0006.*

and held in an empty container exposed to the ambient test conditions for the duration of the 14.4-minute ice collection period specified in section 7.2 of ASHRAE Standard 29–2009. For continuous ACIM, the melt rate of ice collected during testing affects the measured ice hardness factor, which is the latent heat capacity of the harvested ice. 10 CFR 431.132. This measurement accounts for the presence of any liquid water in ice produced by continuous ACIM and is used to normalize the measured energy consumption to a standardized ice quality. For the basic models at issue in the Hoshizaki petition, collecting ice samples within ice storage bins half full of ice rather than in empty collection containers would allow for determining ice hardness factors that are more representative of ice produced during typical operation. However, because the specific basic models do not have an associated external ice storage bin and because manufacturers are not always involved in performance testing of their basic models, requiring Hoshizaki to provide a specific ice bin for testing would be burdensome and inappropriate for certain types of testing. Therefore, DOE is not specifying a specific external ice storage bin for testing, but is requiring that the specified basic models be tested with the minimum length of conduit that can be used connecting the dispenser to an external ice bin, which must be filled one-half full with ice. This requirement is consistent with the ice bin requirements specified in section 6.5 of ASHRAE Standard 29–2009.

DOE also agrees with the CA IOUs' recommendation regarding the waiver no longer being effective when DOE ACIM test procedure is updated to address this test issue. DOE's regulations require that when the test procedure is amended to address the issues presented in a waiver, the waiver will automatically terminate on the date on which use of that test procedure is required to demonstrate compliance. 10 CFR 431.401(h)(2).

For the reasons explained here and in the Notice of Petition for Waiver, absent a waiver the basic models identified by Hoshizaki in its original petition and scope extension request cannot be tested and rated for energy consumption on a basis representative of their true energy consumption characteristics. DOE has reviewed the recommended procedure suggested by Hoshizaki and concludes that a modified version of the recommended alternate test procedure will allow for the accurate measurement of the energy use of the equipment, while alleviating the testing problems associated with Hoshizaki's specified basic models. DOE amended the alternate test procedure specified in the interim waiver granted to Hoshizaki based on the comment received in the Notice of Petition for Waiver, as discussed in this section.

Thus, DOE is requiring that Hoshizaki test and rate its specified ACIM basic models according to the alternate test procedure specified in this Decision and Order.

This Decision and Order is applicable only to the basic models listed and does not extend to any other basic models. DOE evaluates and grants waivers for only those basic models specifically set out in the petition, not future models that may be manufactured by the petitioner. Hoshizaki may request that DOE extend the scope of this waiver to include additional basic models that employ the same technology as those listed in this waiver. 10 CFR 431.401(g). Hoshizaki may also submit another petition for waiver from the test procedure for additional basic models that employ a different technology and meet the criteria for test procedure waivers. 10 CFR 431.401(a)(1).

DOE notes that it may modify or rescind the waiver at any time upon DOE's determination that the factual basis underlying the petition for waiver is incorrect, or upon a determination that the results from the alternate test procedure are unrepresentative of the basic models' true energy consumption characteristics. 10 CFR 431.401(k)(1). Likewise, Hoshizaki may request that DOE rescind or modify the waiver if the company discovers an error in the information provided to DOE as part of its petition, determines that the waiver is no longer needed, or for other appropriate reasons. 10 CFR 431.401(k)(2).

As set forth above, the test procedure specified in this Decision and Order is not the same as the test procedure offered by Hoshizaki. If Hoshizaki believes that the alternate test method it suggested provides representative results and is less burdensome than the test method required by this Decision and Order, Hoshizaki may submit a request for modification under 10 CFR 431.401(k)(2) that addresses the concerns that DOE has specified with that procedure. Hoshizaki may also submit another less burdensome alternative test procedure not expressly considered in this notice under the same provision.

III. Order

After careful consideration of all the material that was submitted by Hoshizaki, the various public-facing materials (*e.g.,* product specification sheets) for the models identified in the petition, and the comment received, in this matter, it is *Ordered* that:

(1) Hoshizaki must, as of the date of publication of this Order in the **Federal Register,** test and rate the following ACIM basic models with the alternate test procedure as set forth in paragraph (2):

Brand	Basic model
Hoshizaki	DCM–270BAH.
Hoshizaki	DCM–270BAH–OS.
Hoshizaki	DCM–271BAH.
Hoshizaki	DCM–271 BAH–OS.

(2) The alternate test procedure for the Hoshizaki basic models listed in paragraph (1) of this Order is the test procedure for ACIM prescribed by DOE at 10 CFR 431.134, with the modifications provided below. All other requirements of 10 CFR 431.134 and DOE's other relevant regulations remain applicable.

Prior to the start of the test, remove the front panel of the unit under test and insert a bracket to hold the shutter (which allows for the dispensing of ice during the test) completely open for the duration of the test. After inserting the bracket, return the front panel to its original position on the unit under test. Conduct the test procedure as specified in 10 CFR 431.134 except that the internal ice bin for the unit under test shall be empty at the start of the test and intercepted ice samples shall be obtained from a container in an external ice bin that is filled one-half full with ice and is connected to the outlet of the ice dispenser through the minimum length of conduit that can be used.

(3) *Representations.* Hoshizaki may not make representations about the energy use of a basic model listed in paragraph (1) of this Order for any purpose, including, for example compliance and marketing, unless the basic model has been tested in accordance with the provisions set forth above and such representations fairly disclose the results of such testing.

(4) This waiver shall remain in effect according to the provisions of 10 CFR 431.401.

(5) DOE issues this waiver on the condition that the statements, representations, and information provided by Hoshizaki are valid. If Hoshizaki makes any modifications to the controls or configurations of these basic models, such modifications will render the waiver invalid with respect to that basic model, and Hoshizaki will either be required to use the current Federal test method or submit a new application for a test procedure waiver. DOE may rescind or modify this waiver

at any time if it determines the factual basis underlying the petition for waiver is incorrect, or the results from the alternate test procedure are unrepresentative of a basic model's true energy consumption characteristics. 10 CFR 431.401(k)(1). Likewise, Hoshizaki may request that DOE rescind or modify the waiver if Hoshizaki discovers an error in the information provided to DOE as part of its petition, determines that the waiver is no longer needed, or for other appropriate reasons. 10 CFR 431.401(k)(2).

(6) Hoshizaki remains obligated to fulfill any certification requirements set forth at 10 CFR part 429.

Signed in Washington, DC, on October 22, 2020.

Alexander N. Fitzsimmons,

Deputy Assistant Secretary for Energy Efficiency, Energy Efficiency and Renewable Energy.

[FR Doc. 2020–23818 Filed 10–27–20; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 516–505]

Notice of Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Protests; Dominion Energy South Carolina, Inc.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Non-project use of project lands and water.

b. *Project No:* 516–505.

c. *Date Filed:* June 12, 2020 and supplemented on September 17, 2020.

d. *Applicant:* Dominion Energy South Carolina, Inc.

e. *Name of Project:* Saluda Hydroelectric Project.

f. *Location:* Lake Murray of the Saluda Hydroelectric Project located in Lexington, Newberry, Richland and Saluda counties, South Carolina.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791a–825r.

h. *Applicant Contact:* Mr. Raymond Ammarell, Manager, Dominion Energy South Carolina, Inc., 220 Operation Way, MC A221, Cayce, South Carolina, 29033; phone (803) 217–7322.

i. *FERC Contact:* Ms. Joy Kurtz, 202–502–6760, *joy.kurtz@ferc.gov.*

j. *Deadline for filing comments, motions to intervene, and protests:* November 21, 2020.

The Commission strongly encourages electronic filing. Please file comments, motions to intervene, and protests using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852. The first page of any filing should include the docket number P–516–505. Comments emailed to Commission staff are not considered part of the Commission record.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person whose name appears on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. *Description of Request:* The licensee requests Commission approval to grant the Joint Municipal Water and Sewer Commission (JMWSC) permission to use project lands and water within the project boundary on Lake Murray for the construction and operation of a component of a raw water intake facility (facility) to provide public drinking water. The component of the facility proposed to be constructed within the project boundary is a single screened 84′ intake pipe that would extend from the shoreline of Lake Murray into Lake Murray itself. The remaining components of the facility would be constructed outside of the project boundary. Once constructed and operational, the facility would initially withdraw 10 million gallons per day (MGD) from Lake Murray. Subsequently, JMWSC would increase withdrawals made by the facility in 10 MGD increments over time, as needed, up to a maximum of 50 MGD, as water demands dictate.

l. *Locations of the Application:* In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (*http://ferc.gov*) using the eLibrary link. Enter the docket number excluding the last three digits in the docket number field to access the document. At this time, the Commission has suspended access to the Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID–19), issued by the President on March 13, 2020. For assistance, contact the Federal Energy Regulatory Commission at *FERCOnlineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TYY, (202) 502–8659.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214, respectively. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. *Filing and Service of Documents:* Any filing must (1) bear in all capital letters the title COMMENTS, PROTEST, or MOTION TO INTERVENE as applicable; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person commenting, protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene, or protests must set forth their evidentiary basis. Any filing made by an intervenor must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 385.2010.

Dated: October 22, 2020.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2020–23867 Filed 10–27–20; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC21–11–000.

Applicants: AL Solar A, LLC, Five Points Solar Park LLC.

Description: Application for Authorization Under Section 203 of the Federal Power Act, et al. of AL Solar A, LLC, et al.

Filed Date: 10/21/20.

Accession Number: 20201021–5148.

Comments Due: 5 p.m. ET 11/12/20.

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG21–11–000.

Applicants: Nutmeg Solar, LLC.

Description: Notice of Self-Certification of Exempt Wholesale Generator Status of Nutmeg Solar, LLC.

Filed Date: 10/22/20.

Accession Number: 20201022–5078.

Comments Due: 5 p.m. ET 11/12/20.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER19–5–005.

Applicants: Commonwealth Edison Company, PJM Interconnection, L.L.C.

Description: Compliance filing: ComEd submits Compliance Filing in ER19–5 to be effective 6/1/2020.

Filed Date: 10/21/20.

Accession Number: 20201021–5119.

Comments Due: 5 p.m. ET 11/12/20.

Docket Numbers: ER19–6–006.

Applicants: Delmarva Power & Light Company, PJM Interconnection, L.L.C.

Description: Compliance filing: Delmarva submits Compliance Filing in ER19–6 to be effective 6/1/2020.

Filed Date: 10/21/20.

Accession Number: 20201021–5122.

Comments Due: 5 p.m. ET 11/12/20.

Docket Numbers: ER19–14–005.

Applicants: Baltimore Gas and Electric Company, PJM Interconnection, L.L.C.

Description: Compliance filing: BGE submits Compliance Filing in ER19–14 to be effective 6/1/2020.

Filed Date: 10/21/20.

Accession Number: 20201021–5132.

Comments Due: 5 p.m. ET 11/12/20.

Docket Numbers: ER19–18–005.

Applicants: Atlantic City Electric Company, PJM Interconnection, L.L.C.

Description: Compliance filing: ACE submits Compliance Filing in ER19–18 to be effective 6/1/2020.

Filed Date: 10/21/20.

Accession Number: 20201021–5125.

Comments Due: 5 p.m. ET 11/12/20.

Docket Numbers: ER19–1475–004.

Applicants: Potomac Electric Power Company, PJM Interconnection, L.L.C.

Description: Compliance filing: Pepco submits Compliance Filing in ER19–1475 to be effective 6/1/2020.

Filed Date: 10/22/20.

Accession Number: 20201022–5081.

Comments Due: 5 p.m. ET 11/12/20.

Docket Numbers: ER19–1553–005.

Applicants: Southern California Edison Company.

Description: Compliance filing: Compliance Filing—Appendix XII Stakeholder Review Process to be effective 9/23/2020.

Filed Date: 10/22/20.

Accession Number: 20201022–5070.

Comments Due: 5 p.m. ET 11/12/20.

Docket Numbers: ER21–61–001.

Applicants: El Paso Electric Company.

Description: Compliance filing: WECC Soft Cap Justification to be effective N/A.

Filed Date: 10/21/20.

Accession Number: 20201021–5130.

Comments Due: 5 p.m. ET 11/12/20.

Docket Numbers: ER21–173–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: First Revised ISA, Service Agreement No. 1504; Queue No. AE1–178 to be effective 9/21/2020.

Filed Date: 10/21/20.

Accession Number: 20201021–5126.

Comments Due: 5 p.m. ET 11/12/20.

Docket Numbers: ER21–174–000.

Applicants: Kanstar Transmission, LLC.

Description: Tariff Cancellation: Cancellation of Kanstar Database to be effective 10/31/2020.

Filed Date: 10/22/20.

Accession Number: 20201022–5000.

Comments Due: 5 p.m. ET 11/12/20.

Docket Numbers: ER21–175–000.

Applicants: Midwest Power Transmission Arkansas, LLC.

Description: Tariff Cancellation: Cancellation of Midwest Power Transmission Ark. Database to be effective 10/31/2020.

Filed Date: 10/22/20.

Accession Number: 20201022–5001.

Comments Due: 5 p.m. ET 11/12/20.

Docket Numbers: ER21–176–000.

Applicants: Golden Springs Development Company LLC.

Description: Appeal for Relief from Assessed Penalty of Electric of Golden Springs Development Company LLC.

Filed Date: 10/19/20.

Accession Number: 20201019–5162.

Comments Due: 5 p.m. ET 11/9/20.

Docket Numbers: ER21–177–000.

Applicants: Midcontinent Independent System Operator, Inc., Michigan Electric Transmission Company.

Description: § 205(d) Rate Filing: 2020–10–22_SA 3132 METC-Wolverine T–T 1st Rev Appendix to be effective 6/1/2018.

Filed Date: 10/22/20.

Accession Number: 20201022–5003.

Comments Due: 5 p.m. ET 11/12/20.

Docket Numbers: ER21–178–000.

Applicants: Alabama Power Company.

Description: § 205(d) Rate Filing: Amendment to Southern's Tariff Vol. No. 4 to add JEA BAA Mitigation to be effective 10/23/2020.

Filed Date: 10/22/20.

Accession Number: 20201022–5041.

Comments Due: 5 p.m. ET 11/12/20.

Docket Numbers: ER21–179–000.

Applicants: Deuel Harvest Wind Energy LLC.

Description: § 205(d) Rate Filing: Revised Market-Based Rate Tariff Filing to be effective 12/22/2020.

Filed Date: 10/22/20.

Accession Number: 20201022–5047.

Comments Due: 5 p.m. ET 11/12/20.

Docket Numbers: ER21–180–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Original ISA, Service Agreement No. 5814; Queue No. AD1–041 to be effective 9/29/2020.

Filed Date: 10/22/20.

Accession Number: 20201022–5052.

Comments Due: 5 p.m. ET 11/12/20.

Docket Numbers: ER21–181–000.

Applicants: Contrail Wind Project, LLC.

Description: § 205(d) Rate Filing: Revised Market-Based Rate Tariff to be effective 12/22/2020.

Filed Date: 10/22/20.

Accession Number: 20201022–5054.

Comments Due: 5 p.m. ET 11/12/20.

Docket Numbers: ER21–182–000.

Applicants: Crescent Wind LLC.

Description: § 205(d) Rate Filing: Revised Market-Based Rate Tariff Filing to be effective 12/22/2020.

Filed Date: 10/22/20.

Accession Number: 20201022–5056.

Comments Due: 5 p.m. ET 11/12/20.

Docket Numbers: ER21–183–000.

Applicants: Nutmeg Solar, LLC.

Description: Baseline eTariff Filing: Nutmeg Solar, LLC Application for MBR Authority to be effective 11/15/2020.

Filed Date: 10/22/20.

Accession Number: 20201022–5062.

Comments Due: 5 p.m. ET 11/12/20.

Docket Numbers: ER21–184–000.

Applicants: Alabama Power Company.

Description: § 205(d) Rate Filing: Amendment to Southern's Tariff Vol. No. 4 to remove SCEG BAA Mitigation to be effective 12/31/9998.

Filed Date: 10/22/20.

Accession Number: 20201022–5064.

Comments Due: 5 p.m. ET 11/12/20.

Docket Numbers: ER21–185–000.

Applicants: Southwestern Electric Power Company.

Description: § 205(d) Rate Filing: SWEPCO–ETEC Deep East Loop Contracting Services Agreement—Amended to be effective 10/1/2020.

Filed Date: 10/22/20.

Accession Number: 20201022–5066.

Comments Due: 5 p.m. ET 11/12/20.

Docket Numbers: ER21–186–000.

Applicants: Tampa Electric Company.

Description: § 205(d) Rate Filing: Third Revised Rate Schedule FERC No. 7—Amendment to Exhibit A to be effective 10/22/2020.

Filed Date: 10/22/20.

Accession Number: 20201022–5080.

Comments Due: 5 p.m. ET 11/12/20.

The filings are accessible in the Commission's eLibrary system (*https://elibrary.ferc.gov/idmws/search/fercgensearch.asp*) by querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: October 22, 2020.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2020–23862 Filed 10–27–20; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP18–6–000]

RH energytrans, LLC; Notice of Request for Extension of Time

Take notice that on October 19, 2020, RH energytrans, LLC (RH) requested that the Federal Energy Regulatory Commission (Commission) grant an extension of time, until December 7, 2022, to complete construction of, and place into service, its Meadville and County Line compressor stations in Crawford and Erie Counties, Pennsylvania as authorized in the December 7, 2018 Order Issuing Certificate (Certificate Order).[1] Ordering Paragraph B(1) of the Certificate Order required RH to complete the construction of the proposed Risberg Line Project facilities [2] and make them available for service within two years from issuance, or by December 7, 2020.[3]

On November 22, 2019, the Commission granted RH partial authorization to place into service the pipeline facilities associated with the Risberg Line Project,[4] and subsequently, on December 1, 2019, RH placed those facilities into service.[5] RH states that it has experienced construction delays due to winter weather, the dissolution of one of its pipeline contractors, and delays resulting from COVID–19 pandemic restrictions. As a result, RH now requests an additional two years, or until December 7, 2022, to complete the authorized construction at the Meadville and County Line compressor stations and make them available for service.

This notice establishes a 15-calendar day intervention and comment period deadline. Any person wishing to comment on RH's request for an extension of time may do so. No reply comments or answers will be considered. If you wish to obtain legal status by becoming a party to the proceedings for this request, you should, on or before the comment date stated below, file a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10).[6]

As a matter of practice, the Commission itself generally acts on requests for extensions of time to complete construction for Natural Gas Act facilities when such requests are contested before order issuance. For those extension requests that are contested,[7] the Commission will aim to issue an order acting on the request within 45 days.[8] The Commission will address all arguments relating to whether the applicant has demonstrated there is good cause to grant the extension.[9] The Commission will not consider arguments that re-litigate the issuance of the Certificate Order, including whether the Commission properly found the project to be in the public convenience and necessity and whether the Commission's environmental analysis for the certificate complied with the National Environmental Policy Act.[10] At the time a pipeline requests an extension of time, orders on certificates of public convenience and necessity are final and the Commission will not re-litigate their issuance.[11] The OEP Director, or his or her designee, will act on those extension requests that are uncontested.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (*http://ferc.gov*) using the eLibrary link. Enter the docket number excluding the last three digits in the docket number field to access the document. At this time, the Commission has suspended access to the Commission's Public Reference Room, due to the proclamation

[1] *RH energytrans, LLC,* 165 FERC 61,218 (2018) (Certificate Order).

[2] The Risberg Line Project consists of the conversion of 31.6 miles of existing 8-inch and 12-inch natural gas gathering pipeline to transmission service, construction of 28.3 miles of new 12-inch pipeline, conversion of the existing Countyline Compressor station from gathering to transmission service, and construction of a new compressor station at Meadville, PA.

[3] *Id.* at ordering para. (B)(1).

[4] *RH energytrans, LLC,* Docket No. CP18–6–000, Partial Authorization to Commence Service (November 22, 2019).

[5] The only authorized facilities not placed into service at that time were the two compressor stations, and the approval was conditioned on RH's commitment to finalize restoration of the disturbed right-of -way in the spring/summer of 2020.

[6] Only motions to intervene from entities that were party to the underlying proceeding will be accepted. *Algonquin Gas Transmission, LLC,* 170 FERC 61,144, at P 39 (2020).

[7] Contested proceedings are those where an intervenor disputes any material issue of the filing. 18 CFR 385.2201(c)(1) (2020).

[8] *Algonquin Gas Transmission, LLC,* 170 FERC 61,144, at P 40 (2020).

[9] *Id.* P 40.

[10] Similarly, the Commission will not re-litigate the issuance of an NGA section 3 authorization, including whether a proposed project is not inconsistent with the public interest and whether the Commission's environmental analysis for the permit order complied with NEPA.

[11] *Algonquin Gas Transmission, LLC,* 170 FERC 61,144, at P 40 (2020).

declaring a National Emergency concerning COVID–19, issued by the President on March 13, 2020. For assistance, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TYY, (202) 502–8659.

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the eFile link at *http://www.ferc.gov.* Persons unable to file electronically may mail similar pleadings to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

Comment Date: 5:00 p.m. Eastern Time on November 6, 2020.

Dated: October 22, 2020.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2020–23865 Filed 10–27–20; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Docket Number: PR20–53–001.

Applicants: Southcross CCNG Transmission Ltd.

Description: Tariff filing per 284.123(b),(e)/: Rate Election and Amended Statement of Operating Conditions to be effective 10/20/2020.

Filed Date: 10/20/2020.

Accession Number: 202010205020.

Comments/Protests Due: 5 p.m. ET 11/3/2020.

Docket Numbers: RP20–1267–000.

Applicants: Mississippi Hub, LLC.

Description: Annual Penalty Disbursement Report of Mississippi Hub, LLC under RP20–1267.

Filed Date: 9/30/20.

Accession Number: 20200930–5249.

Comments Due: 5 p.m. ET 11/3/20.

Docket Numbers: RP21–72–000.

Applicants: Granite State Gas Transmission, Inc.

Description: Compliance filing Petition for Approval of Settlement to be effective 11/1/2020.

Filed Date: 10/21/20.

Accession Number: 20201021–5000.

Comments Due: 5 p.m. ET 11/2/20.

Docket Numbers: RP21–73–000.

Applicants: Natural Gas Pipeline Company of America.

Description: § 4(d) Rate Filing: Negotiated Rate Agreement Filing-Conoco Phillips to be effective 11/1/2020.

Filed Date: 10/21/20.

Accession Number: 20201021–5001.

Comments Due: 5 p.m. ET 11/2/20.

Docket Numbers: RP21–74–000.

Applicants: Natural Gas Pipeline Company of America.

Description: § 4(d) Rate Filing: Negotiated Rate Agreement Filing-Morgan Stanley to be effective 11/1/2020.

Filed Date: 10/21/20.

Accession Number: 20201021–5002.

Comments Due: 5 p.m. ET 11/2/20.

Docket Numbers: RP21–75–000.

Applicants: Southern LNG Company, L.L.C.

Description: § 4(d) Rate Filing: SLNG Electric Power Cost Adjustment—2020 to be effective 12/1/2020.

Filed Date: 10/21/20.

Accession Number: 20201021–5003.

Comments Due: 5 p.m. ET 11/2/20.

Docket Numbers: RP21–76–000.

Applicants: Steckman Ridge, LP.

Description: § 4(d) Rate Filing: Steckman Ridge LINK URL Conversion Filing to be effective 11/23/2020.

Filed Date: 10/21/20.

Accession Number: 20201021–5031.

Comments Due: 5 p.m. ET 11/2/20.

Docket Numbers: RP21–77–000.

Applicants: Maritimes & Northeast Pipeline, L.L.C.

Description: § 4(d) Rate Filing: Maritimes LINK URL Conversion Filing to be effective 11/23/2020.

Filed Date: 10/21/20.

Accession Number: 20201021–5032.

Comments Due: 5 p.m. ET 11/2/20.

Docket Numbers: RP21–78–000.

Applicants: Texas Eastern Transmission, LP.

Description: Compliance filing TETLP OFO October 2020 Penalty Disbursement Report.

Filed Date: 10/21/20.

Accession Number: 20201021–5038.

Comments Due: 5 p.m. ET 11/2/20.

Docket Numbers: RP21–79–000.

Applicants: Texas Eastern Transmission, LP.

Description: § 4(d) Rate Filing: Negotiated Rates—911427 & 910230 to be effective 11/1/2020.

Filed Date: 10/21/20.

Accession Number: 20201021–5052.

Comments Due: 5 p.m. ET 11/2/20.

The filings are accessible in the Commission's eLibrary system (*https://elibrary.ferc.gov/idmws/search/fercgensearch.asp*) by querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified date(s). Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: October 22, 2020.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2020–23863 Filed 10–27–20; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 15041–000]

One Drop Hydro, LLC; Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications

On August 4, 2020, One Drop Hydro, LLC, filed an application for a preliminary permit, pursuant to section 4(f) of the Federal Power Act, proposing to study the feasibility of the Elizabeth Webbing Falls Dam Project (project) located on the Blackstone River, in Central Falls, Providence County, Rhode Island. The sole purpose of a preliminary permit, if issued, is to grant the permit holder priority to file a license application during the permit term. A preliminary permit does not authorize the permit holder to perform any land-disturbing activities or otherwise enter upon lands or waters owned by others without the owners' express permission.

The proposed project would consist of the following: (1) An existing 220-foot-long, 14-foot-high rock fill, gravity, earth dam with a crest elevation of 34.9 feet above mean sea level (msl); (2) an existing impoundment with a surface area of 2.54 acres and a total storage capacity of 23.87-acre-feet at a surface elevation of 25 feet msl; (3) an existing concrete intake structure with a 50-foot-wide mechanical trash rake; (4) an existing 45-foot-long concrete intake canal; (5) an existing 20-foot-long, 50-

foot-wide, 35-foot-high concrete powerhouse that would include a new 999-kilowatt Kaplan turbine-generator unit; (6) an existing 45-foot-long concrete tailrace; (7) a new 0.06-mile-long transmission line; and (8) appurtenant facilities. The estimated annual generation of the Elizabeth Webbings Falls Dam Project would be 6,500 megawatt-hours.

Applicant Contact: Mr. Justin Bristol, Manager, One Drop Hydro, LLC, P.O. Box 2033, Kingston, Rhode Island 02881; phone: (401) 793–6041; email: *jbristol@onedrophydro.com.*

FERC Contact: Taconya D. Goar; phone: (202) 502–8394; email: *Taconya.Goar@ferc.gov.*

Deadline for filing comments, motions to intervene, competing applications (without notices of intent), or notices of intent to file competing applications: 60 days from the issuance of this notice. Competing applications and notices of intent must meet the requirements of 18 CFR 4.36.

The Commission strongly encourages electronic filing. Please file comments, motions to intervene, notices of intent, and competing applications using the Commission's eFiling system at *https://ferconline.ferc.gov/eFiling.aspx.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *https://ferconline.ferc.gov/QuickComment.aspx.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support. In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852. The first page of any filing should include docket number P–15041–000.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (*http://ferc.gov*) using the eLibrary link. Enter the docket number excluding the last three digits in the docket number field to access the document. At this time, the Commission has suspended access to the Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID–19), issued by the President on March 13, 2020. For assistance, contact the Federal Energy Regulatory Commission at *FERCOnlineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TYY, (202) 502–8659. Enter the docket number (P–15041) in the docket number field to access the document. For assistance, contact FERC Online Support.

Dated: October 22, 2020.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2020–23870 Filed 10–27–20; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. AD20–18–000]

Offshore Wind Integration in RTOs/ISOs Supplemental Notice of Technical Conference

As first announced in the Notice of Technical Conference issued in this proceeding on June 17, 2020, the Federal Energy Regulatory Commission (Commission) will convene a staff-led technical conference in the above referenced proceeding on Tuesday, October 27, 2020, from 9:00 a.m. to 4:30 p.m. (ET).[1] The conference will be held virtually and will be webcast. Commissioners may attend and participate. This conference will consider whether and how existing regional transmission organization (RTO) and independent system operator (ISO) interconnection, merchant transmission and transmission planning frameworks can accommodate anticipated growth in offshore wind generation in an efficient or cost-effective manner that safeguards open access transmission principles. The conference also will provide an opportunity for participants to discuss possible changes or improvements to the current regulatory frameworks that may accommodate such growth. Attached to this Supplemental Notice is an agenda for the technical conference, which includes the final conference program and speakers.

We note that discussions at the conference may involve issues raised in proceedings that are currently pending before the Commission. These proceedings include, but are not limited to:

	Docket Nos.
Constellation Mystic Power, LLC v. ISO New England Inc	EL20–52–000 and EL20–52–001.
Midcontinent Independent System Operator, Inc	ER20–940–002.
Midcontinent Independent System Operator, Inc. and Southwest Power Pool, Inc	ER20–943–002.
Midcontinent Independent System Operator, Inc	ER20–942–002.
Midcontinent Independent System Operator, Inc	ER20–2788–000.
New York Independent System Operator Inc	EL20–65–000.
PJM Interconnection, L.L.C	ER20–939–001.
PJM Interconnection, L.L.C. and Midcontinent Independent System Operator, Inc	ER20–944–002.
PJM Interconnection, L.L.C	ER20–2308–000.
Southwest Power Pool, Inc	ER20–945–001.
Vineyard Wind LLC	ER19–570–000.

There is no fee for attendance, and the conference is open for the public to attend via webcast. Information on this technical conference, including a link to the webcast, will be posted on the conference's event page on the Commission's website (*https://www.ferc.gov/news-events/events/technical-conference-regarding-offshore-*

[1] 18 CFR 2.1(a)(1)(xi) (2020).

wind-integration-rtosisos-docket-no-ad20) prior to the event. The conference will be transcribed. Transcripts of the conference will be available for a fee from Ace-Federal Reporters, Inc. (202–347–3700). For more information about this technical conference, please contact:

Sarah McKinley (Logistical Information), Office of External Affairs, (202) 502–8004, *sarah.mckinley@ferc.gov*

David Rosner (Technical Information), Office of Energy Policy and Innovation, (202) 502–8479, *david.rosner@ferc.gov*

Rishi Garg (Legal Information), Office of the General Counsel, (202) 502–8667, *rishi.garg@ferc.gov*

Dated: October 22, 2020.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2020–23860 Filed 10–27–20; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 9985–033]

Rivers Electric Company, Inc.; Rivers Electric, LLC; Notice of Application for Transfer of License and Soliciting Comments, Motions To Intervene, and Protests

On August 18, 2020, Rivers Electric, LLC (transferee) filed an application for an after-the-fact transfer of license of the Mill Pond Hydroelectric Project No. 9985. The project is located on Catskill Creek, Greene County, New York.

The applicant seeks Commission approval to transfer the license for the Mill Pond Hydroelectric Project from Rivers Electric Company, Inc. (transferor) to the transferee. On June 26, 2020, Rivers Electric Company, Inc was merged into River Electric, LLC, as a result, Rivers Electric Company, Inc. is no longer active.

Applicant's Contacts: Mr. Matthew Wenger, CEO/COO, Rivers Electric, LLC, c/o Clear Energy Hydro LLC, 18 South Wilcox Street, Castle Rock, CO 80104, Phone: (303) 993–5438; Email: *notices@clearenergyhydro.com,* and Mr. Paul V. Nolan, Esq., 5515 17th Street North, Arlington, VA 22205, Phone: (703) 534–5509 (w), (703) 587–5895 (c), Email: *pvnpvndiver@gmail.com.*

FERC Contact: Anumzziatta Purchiaroni, (202) 502–6191, *anumzziatta.purchiaroni@ferc.gov.*

Deadline for filing comments, motions to intervene, and protests: 30 days from the date that the Commission issues this notice. The Commission strongly encourages electronic filing. Please file comments, motions to intervene, and protests using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY).

In lieu of electronic filing, you may submit a paper copy. Submissions sent via U.S. Postal Service must be addressed to, Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to, Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852. The first page of any filing should include docket number P–9985–033. Comments emailed to Commission staff are not considered part of the Commission record.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (*http://ferc.gov*) using the eLibrary link. Enter the docket number excluding the last three digits in the docket number field to access the document. At this time, the Commission has suspended access to the Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID–19), issued by the President on March 13, 2020. For assistance, contact the Federal Energy Regulatory Commission at *FERCOnlineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TYY, (202) 502–8659.

Dated: October 22, 2020.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2020–23868 Filed 10–27–20; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. CP15–115–000; CP15–115–001]

National Fuel Gas Supply Corporation and Empire Pipeline, Inc.; Notice of Request for Extension of Time

Take notice that on October 16, 2020, National Fuel Gas Supply Corporation (National Fuel) and Empire Pipeline, Inc. (Empire) (collectively, Applicants) requested that the Federal Energy Regulatory Commission (Commission) grant an extension of time, until December 1, 2024, to complete construction of the Northern Access 2016 Project (Project) and make the Project available for service, as authorized in the February 3, 2017 Order Granting Abandonment and Issuing Certificates (Certificate Order).[1]

The Project consists of approximately 99 miles of new pipeline, primarily 24-inches in diameter, to be constructed in McKean County, Pennsylvania, and Allegany, Cattaraugus, Erie, and Niagara Counties, New York; a new compressor station along Empire's system in Niagara County, New York; and additional compression at National Fuel's existing Porterville Compressor Station in Erie County, New York, as well as new pipeline interconnects and various auxiliary and appurtenant facilities. The Certificate Order required Applicants to complete construction of the Project facilities and make them available for service by February 3, 2019.[2] In January 2019, the Commission granted Applicants' request for a three-year extension, until February 3, 2022, to complete construction and place the Project facilities into service.[3] Due to ongoing legal and regulatory delays, Applicants now request an additional two-year extension of time, until December 1, 2024, to complete construction of the Project and place it into service.

This notice establishes a 15-calendar day intervention and comment period deadline. Any person wishing to comment on the extension motion may do so. No reply comments or answers will be considered. If you wish to obtain legal status by becoming a party to the

[1] *National Fuel Gas Supply Corp. et al.,* 158 FERC 61,145 (2017) (Certificate Order), *order on reh'g and motion for waiver determination under Section 401 of the Clean Water Act,* 164 FERC 61,084 (2018).

[2] Certificate Order, 158 FERC 61,145 at ordering para. (C)(1).

[3] Letter Order to National Fuel Gas Supply Corp. and Empire Pipeline, Inc., Docket No. CP15–115–000 (issued Jan. 31, 2019) (National Fuel Letter Order).

proceedings for this request, you should, on or before the comment date stated below, file a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10).[4]

As a matter of practice, the Commission itself generally acts on requests for extensions of time to complete construction for NGA facilities when such requests are contested before order issuance. For those extension requests that are contested,[5] the Commission acting as a whole will aim to issue an order acting on the request within 45 days.[6] The Commission will address all arguments relating to whether the applicant has demonstrated there is good cause to grant the extension.[7] The Commission will not consider arguments that re-litigate the issuance of the Certificate Order, including whether the Commission properly found the project to be in the public convenience or necessity and whether the Commission's environmental analysis for the certificate complied with the National Environmental Policy Act.[8] At the time a pipeline requests an extension of time, orders on certificates of public convenience and/or necessity are final and the Commission will not re-litigate their issuance. The OEP Director, or his or her designee, will act on all those extension requests that are uncontested.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (*http://ferc.gov*) using the eLibrary link. Enter the docket number excluding the last three digits in the docket number field to access the document. At this time, the Commission has suspended access to the Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning COVID–19, issued by the President on March 13, 2020. For assistance, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TYY, (202) 502–8659.

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the eFile link at *http://www.ferc.gov.* Persons unable to file electronically may mail similar pleadings to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

Comment Date: 5:00 p.m. Eastern Time on November 6, 2020.

Dated: October 22, 2020.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2020–23864 Filed 10–27–20; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP21–6–000]

Spire Storage West LLC; Notice of Application and Establishing Intervention Deadline

Take notice that on October 9, 2020, Spire Storage West LLC (Spire), 3773 Richmond Avenue, Suite 300, Houston, Texas 77046, filed an application under section 7(c) of the Natural Gas Act (NGA), and Part 157 of the Commission's regulations requesting authorization of its Clear Creek Expansion Project (Project). Spire requests authorization to: (i) Amend its certificate issued in Docket No. CP98–256–000, for Spire Storage's Clear Creek Storage Field in Uinta County, Wyoming, (ii) reaffirmation of market-based rate authority, and (iii) related authorizations and waivers, as requested herein, as may be necessary in order to grant the authorizations requested. The amended project would increase certificated base gas and working gas capacity each from 4.0 billion cubic feet (Bcf) to 20.0 Bcf, and increase injections and withdrawals from 35 million cubic feet per day (MMcf/d) and 50 MMcf/d to 350 MMcf/d and 500 MMcf/d, respectively, by increasing horsepower (hp) at the Clear Creek Plant from 3,740 hp to 24,340 hp and the installation of 11 injection—withdrawal wells. Additionally, the amended facilities would include approximately 10.6 miles of pipeline between the Canyon Creek compressor station, the Clear Creek Plant, and a new interconnection with the Kern River Gas Transmission mainline, as well as the establishment of a one-quarter mile buffer zone around the storage reservoir, all as more fully set forth in the application which is on file with the Commission and open for public inspection.

Spire Storage West LLC's application states that a water quality certificate under section 401 of the Clean Water Act is required for the project from the Wyoming Department of Environmental Quality, Water Quality Division. The request for certification must be submitted to the certifying agency and to the Commission concurrently. Proof of the certifying agency's receipt date must be filed no later than five (5) days after the request is submitted to the certifying agency.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (*http://ferc.gov*) using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. At this time, the Commission has suspended access to the Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID–19), issued by the President on March 13, 2020. For assistance, contact the Federal Energy Regulatory Commission at *FERCOnlineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TYY, (202) 502–8659.

Any questions regarding the proposed project should be directed to Sean P. Jamieson, General Counsel, Spire Storage West LLC, 3773 Richmond Ave., Suite 300, Houston, Texas 77046, Phone: (346) 308–7555, Email: *StorageLegal@spireenergy.com.*

Pursuant to Section 157.9 of the Commission's Rules of Practice and Procedure,[1] within 90 days of this Notice the Commission staff will either: Complete its environmental review and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS)

[4] Only motions to intervene from entities that were party to the underlying proceeding will be accepted. *Algonquin Gas Transmission, LLC,* 170 FERC 61,144, at P 39 (2020).

[5] Contested proceedings are those where an intervenor disputes any material issue of the filing. 18 CFR 385.2201(c)(1) (2019).

[6] *Algonquin Gas Transmission, LLC,* 170 FERC 61,144, at P 40 (2020).

[7] *Id.* P 40.

[8] Similarly, the Commission will not re-litigate the issuance of an NGA section 3 authorization, including whether a proposed project is not inconsistent with the public interest and whether the Commission's environmental analysis for the permit order complied with NEPA.

[1] 18 CFR 157.9.

or environmental assessment (EA) for this proposal. The filing of an EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

Public Participation

There are two ways to become involved in the Commission's review of this project: You can file comments on the project, and you can file a motion to intervene in the proceeding. There is no fee or cost for filing comments or intervening. The deadline for filing a motion to intervene is 5:00 p.m. Eastern Time on November 12, 2020.

Comments

Any person wishing to comment on the project may do so. Comments may include statements of support or objections to the project as a whole or specific aspects of the project. The more specific your comments, the more useful they will be. To ensure that your comments are timely and properly recorded, please submit your comments on or before November 12, 2020.

There are three methods you can use to submit your comments to the Commission. In all instances, please reference the Project docket number CP21–6–000 in your submission.

(1) You may file your comments electronically by using the eComment feature, which is located on the Commission's website at *www.ferc.gov* under the link to Documents and Filings. Using *eComment* is an easy method for interested persons to submit brief, text-only comments on a project;

(2) You may file your comments electronically by using the eFiling feature, which is located on the Commission's website (*www.ferc.gov)* under the link to Documents and Filings. With *eFiling,* you can provide comments in a variety of formats by attaching them as a file with your submission. New *eFiling* users must first create an account by clicking on eRegister. You will be asked to select the type of filing you are making; first select ''General'' and then select ''Comment on a Filing''; or

(3) You can file a paper copy of your comments by mailing them to the following address below.[2] Your written comments must reference the Project docket number (CP21–6–000).

Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

The Commission encourages electronic filing of comments (options 1 and 2 above) and has *eFiling* staff available to assist you at (202) 502–8258 or *FercOnlineSupport@ferc.gov.*

Persons who comment on the environmental review of this project will be placed on the Commission's environmental mailing list, and will receive notification when the environmental documents (EA or EIS) are issued for this project and will be notified of meetings associated with the Commission's environmental review process.

The Commission considers all comments received about the project in determining the appropriate action to be taken. However, the filing of a comment alone will not serve to make the filer a party to the proceeding. To become a party, you must intervene in the proceeding. For instructions on how to intervene, see below.

Interventions

Any person, which includes individuals, organizations, businesses, municipalities, and other entities,[3] has the option to file a motion to intervene in this proceeding. Only intervenors have the right to request rehearing of Commission orders issued in this proceeding and to subsequently challenge the Commission's orders in the U.S. Circuit Courts of Appeal.

To intervene, you must submit a motion to intervene to the Commission in accordance with Rule 214 of the Commission's Rules of Practice and Procedure [4] and the regulations under the NGA [5] by the intervention deadline for the project, which is November 12, 2020. As described further in Rule 214, your motion to intervene must state, to the extent known, your position regarding the proceeding, as well as the your interest in the proceeding. [For an individual, this could include your status as a landowner, ratepayer, resident of an impacted community, or recreationist. You do not need to have property directly impacted by the project in order to intervene.] For more information about motions to intervene, refer to the FERC website at *https://www.ferc.gov/resources/guides/how-to/intervene.asp.*

There are two ways to submit your motion to intervene. In both instances, please reference the Project docket number CP21–6–000 in your submission.

(1) You may file your motion to intervene by using the Commission's eFiling feature, which is located on the Commission's website (*www.ferc.gov)* under the link to Documents and Filings. New *eFiling* users must first create an account by clicking on eRegister. You will be asked to select the type of filing you are making; first select ''General'' and then select Intervention. The *eFiling* feature includes a document-less intervention option; for more information, visit *https://www.ferc.gov/docs-filing/efiling/document-less-intervention.pdf.;* or

(2) You can file a paper copy of your motion to intervene, along with three copies, by mailing the documents to the address below.[6] Your motion to intervene must reference the Project docket number CP21–6–000.

Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

The Commission encourages electronic filing of motions to intervene (option 1 above) and has *eFiling* staff available to assist you at (202) 502–8258 or *FercOnlineSupport@ferc.gov.*

Motions to intervene must be served on the applicant either by mail or email at: 3773 Richmond Ave., Suite 300, Houston, Texas 77046, or Email: *StorageLegal@spireenergy.com.* Any subsequent submissions by an intervenor must be served on the applicant and all other parties to the proceeding. Contact information for parties can be downloaded from the service list at the eService link on FERC Online. Service can be via email with a link to the document.

All timely, unopposed [7] motions to intervene are automatically granted by operation of Rule 214(c)(1).[8] Motions to intervene that are filed after the intervention deadline are untimely, and may be denied. Any late-filed motion to intervene must show good cause for being late and must explain why the time limitation should be waived and provide justification by reference to factors set forth in Rule 214(d) of the Commission's Rules and Regulations.[9] A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and

[2] Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

[3] 18 CFR 385.102(d).

[4] 18 CFR 385.214.

[5] 18 CFR 157.10.

[6] Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

[7] The applicant has 15 days from the submittal of a motion to intervene to file a written objection to the intervention.

[8] 18 CFR 385.214(c)(1).

[9] 18 CFR 385.214(b)(3) and (d).

will receive copies (paper or electronic) of all documents filed by the applicant and by all other parties.

Tracking the Proceeding

Throughout the proceeding, additional information about the project will be available from the Commission's Office of External Affairs, at (866) 208–FERC, or on the FERC website at *www.ferc.gov* using the ''eLibrary'' link as described above. The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. For more information and to register, go to *www.ferc.gov/docs-filing/esubscription.asp.*

Intervention Deadline: 5:00 p.m. Eastern Time on November 12, 2020.

Dated: October 22, 2020.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2020–23858 Filed 10–27–20; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. NJ21–1–000]

Western Area Power Administration; Notice of Filing

Take notice that on October 2, 2020, the Western Area Power Administration submitted its tariff filing: Western Area Power Administration Open Access Transmission Tariff to be effective 12/1/2020.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (*http://ferc.gov*) using the eLibrary link. Enter the docket number excluding the last three digits in the docket number field to access the document. At this time, the Commission has suspended access to the Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID–19), issued by the President on March 13, 2020. For assistance, contact the Federal Energy Regulatory Commission at *FERCOnlineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TYY, (202) 502–8659.

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the eFiling link at *http://www.ferc.gov.* Persons unable to file electronically may mail similar pleadings to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

Comment Date: 5:00 p.m. Eastern Time on November 12, 2020.

Dated: October 22, 2020.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2020–23866 Filed 10–27–20; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 10721–032]

Idaho Aviation Foundation; Notice of Availability of Environmental Assessment

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's regulations, 18 CFR part 380 (Order No. 486, 52 FR 47897), the Office of Energy Projects has reviewed the application for a subsequent license for the Big Creek Hydroelectric Project (project) and has prepared an Environmental Assessment (EA). The project is located on McCorkle Creek near the town of Yellow Pine in Valley County, Idaho, and occupies federal lands administered by the Forest Service.

In the EA, Commission staff analyzes the potential environmental effects of the project and concludes that issuing a subsequent license for the project, with appropriate environmental measures, would not constitute a major federal action significantly affecting the quality of the human environment.

The Commission provides all interested persons an opportunity to view and/or print the EA via the internet through the Commission's Home Page (*http://www.ferc.gov*) using the eLibrary link. Enter the docket number, excluding the last three digits in the docket number field, to access the document. At this time, the Commission has suspended access to Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID–19), issued by the President on March 13, 2020. For assistance, contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at (866) 208–3676, or for TTY, (202) 502–8659. You may also register online at *https://ferconline.ferc.gov/eSubscription.aspx* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

Any comments should be filed within 30 days from the date of this notice.

The Commission strongly encourages electronic filing. Please file comments using the Commission's eFiling system at *https://ferconline.ferc.gov/eFiling.aspx.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *https://ferconline.ferc.gov/QuickComment.aspx.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support. In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852. The first page of any filing should include docket number P–10721–032.

For further information, please contact Suzanne Novak at (202) 502–6665 or at *suzanne.novak@ferc.gov.*

Dated: October 22, 2020.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2020–23869 Filed 10–27–20; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2014–0125; FRL–10014–06]

Pesticide Reregistration Performance Measures and Goals; Annual Progress Report; Notice of Availability

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the availability of EPA's progress report in meeting its performance measures and goals for pesticide reregistration during fiscal year 2018. This progress report also presents the total number of products registered under the ''fast-track'' provisions of the Federal Insecticide Fungicide and Rodenticide Act (FIFRA).

DATES: Submit comments on or before December 28, 2020.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–HQ–OPP–2014–0125, 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: Ramé Cromwell, Antimicrobials Division (7510P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: (703) 308–9068; email address: *cromwell.rame@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Does this action apply to me?

This is directed to the public in general and may be of interest to a wide range of stakeholders including environmental, farm worker, and agricultural advocates; the chemical industry; pesticide users; and members of the public interested in the integration of tolerance reassessment with the reregistration process, and the status of various regulatory activities associated with reregistration and tolerances reassessment. Given the broad interest, the Agency has not attempted to identify all the specific entities that may be interested in this action.

II. What action is the Agency taking?

This notice announces the availability of EPA's progress reports in meeting its performance measures and goals for pesticide reregistration during fiscal year 2018.

The FIFRA, 7 U.S.C. 136 *et seq.,* requires EPA to publish information about EPA's annual achievements in meeting its performance measures and goals for pesticide reregistration. The report for fiscal year 2018 discusses the completion of tolerance reassessment and describes the status of various regulatory activities associated with reregistration. The 2018 report also provides the total number of products reregistered and products registered under the ''fast-track'' provisions of FIFRA.

III. How can I get a copy of the report?

1. *Docket.* The 2018 report is available at *http://www.regulations.gov,* under docket ID number EPA–HQ–OPP–2014–0125.

2. *EPA Website.* The 2018 report is also available on EPA's website at *https://www.epa.gov/pesticide-reevaluation/reregistration-and-other-review-programs-predating-pesticide-registration.*

IV. Can I comment on this report?

EPA welcomes input from stakeholders and the general public. Any written comments received will be taken into consideration in the event that EPA determines that further action is warranted. EPA does not expect this report to lead to any particular action, and therefore is not seeking particular public comment.

V. 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 email to EPA, mark the outside of the disk or CD–ROM as CBI 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 your comments, see the commenting tips at *https://www.epa.gov/dockets/commenting-epa-dockets#tips.*

Authority: 7 U.S.C. 136a–1(l).

Dated: October 20, 2020.

Alexandra Dapolito Dunn,

Assistant Administrator, Office of Chemical Safety and Pollution Prevention.

[FR Doc. 2020–23875 Filed 10–27–20; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

[FRS 17187]

Hospital Robocall Protection Group; Announcement of Virtual Meeting

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: In accordance with the Federal Advisory Committee Act, this notice announces, and provides a preliminary agenda for, a virtual meeting of the Federal Communications Commission's (Commission) Hospital Robocall Protection Group (HRPG) via live internet link on the Commission's website.

DATES: Monday, December 14, 2020, beginning at 10:00 a.m. EST.

ADDRESSES: The HRPG meeting will be held via video conference call, with video and audio coverage available to the public at *www.fcc.gov/live.*

FOR FURTHER INFORMATION CONTACT: Donna Cyrus, Designated Federal Officer (DFO), at: (202) 418–7325 (voice) or email at: *Donna.Cyrus@fcc.gov.*

SUPPLEMENTARY INFORMATION: *Proposed Agenda:* The HRPG's mission is to issue best practices concerning (1) how voice service providers can better combat unlawful robocalls made to hospitals; (2) how hospitals can better protect themselves from such calls, including by using unlawful robocall mitigation techniques; and (3) how the Federal Government and State governments can help combat such calls. The agenda for the meeting will consist of a briefing by the three HRPG Working Groups on their respective robocall mitigation best practices recommendations, as required by the TRACED Act, and voting by the HRPG on those recommendations. This agenda may be modified at the discretion of the HRPG Chair and the DFO. The meeting will be conducted in a wholly electronic format.

The December 14th meeting will be open to members of the general public via live broadcast over the internet from the FCC Live web page at *http://www.fcc.gov/live/.* The public may also follow the meeting on Twitter @*fcc* or via the Commission's Facebook page at *www.facebook.com/fcc.* Members of the public may submit any questions that arise during the meeting to *livequestions@fcc.gov.*

Open captioning will be provided for the live stream. Other reasonable accommodations for persons with disabilities are available upon request. To request an accommodation, or for materials in accessible formats for persons 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), (202) 418–0432 (TTY). Such requests should include a detailed description of the accommodation needed. In addition, please include a way for the Commission to contact the requester if more information is needed to fulfill the request. Please provide at least five days' advance notice for your request; last-minute requests will be accepted but may not be possible to accommodate.

Federal Communications Commission.

Suzanne Singleton,

Chief, Disability Rights Office, Consumer and Governmental Affairs Bureau.

[FR Doc. 2020–23859 Filed 10–27–20; 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 27, 2020.

A. Federal Reserve Bank of New York (Ivan Hurwitz, Senior Vice President) 33 Liberty Street, New York, New York 10045–0001. Comments can also be sent electronically to *Comments.applications@ny.frb.org:*

1. *Bogota Financial, MHC and Bogota Financial Corp., both of Teaneck, New Jersey; to acquire Gibraltar Bank, Oak Ridge, New Jersey.*

Board of Governors of the Federal Reserve System, October 23, 2020.

Yao-Chin Chao,

Assistant Secretary of the Board.

[FR Doc. 2020–23895 Filed 10–27–20; 8:45 am]

BILLING CODE 6210–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Solicitation of Nominations for Appointment to the Lead Exposure and Prevention Advisory Committee (LEPAC)

ACTION: Notice.

SUMMARY: The Centers for Disease Control and Prevention (CDC) is soliciting nominations for membership on the LEPAC. The LEPAC consists of 15 Federal and non-Federal experts in fields associated with lead screening, the prevention of lead exposure, and services for individuals and communities affected by lead exposure. Nominations are being sought for individuals who have expertise and qualifications necessary to contribute to the accomplishment of the committee's objectives. Nominees will be selected based on expertise in the fields of epidemiology, toxicology, mental health, pediatrics, early childhood education, special education, diet and nutrition, and environmental health. Members may be invited to serve for three-year terms. Selection of members is based on candidates' qualifications to contribute to the accomplishment of LEPAC objectives.

DATES: Nominations for membership on the LEPAC must be received no later than December 15, 2021. Packages received after this time will not be considered for the current membership cycle.

ADDRESSES: All nominations should be emailed to *LEPAC@cdc.gov.*

FOR FURTHER INFORMATION CONTACT: Ms. Perri Ruckart, M.P.H., Designated Federal Officer, National Center for Environmental Health, CDC, 4770 Buford Highway, Atlanta, GA 30341, 770–488–3300, *PRuckart@cdc.gov.*

SUPPLEMENTARY INFORMATION: The members of this committee are selected by the Secretary of the U.S. Department of Health and Human Services (HHS). The committee advises the Secretary, HHS and the Director, Centers for Disease Control and Prevention/Administrator, Agency for Toxic Substances and Disease Registry on a range of activities to include: (1) Review of Federal programs and services available to individuals and communities exposed to lead; (2) review of the current research on lead exposure to identify additional research needs; (3) review of and identification of best practices, or the need for best practices regarding lead screening and the prevention of lead exposure; (4) identification of effective services, including services relating to healthcare, education, and nutrition for individuals and communities affected by lead exposure and lead poisoning, including in consultation with, as appropriate, the lead exposure registry as established in Public Law 114–322 Section 2203(b) (42 U.S.C. 300j–27); and (5) undertaking of any other review or activities that the Secretary determines to be appropriate.

Annually as determined necessary by the Secretary or as required by Congress, the committee shall submit a report to include: (1) An evaluation of the effectiveness of the Federal programs and services available to individuals and communities exposed to lead; (2) an evaluation of additional lead exposure research needs; (3) an assessment of any effective screening methods or best practices used or developed to prevent or screen for lead exposure; (4) input and recommendations for improved access to effective services relating to health care, education, or nutrition for individuals and communities impacted by lead exposure; and (5) any other recommendations for communities affected by lead exposure, as appropriate.

At least half of the committee will consist of Federal representatives from a range of agencies that may include the Department of Housing and Urban Development; the Environmental Protection Agency; the Consumer Product Safety Commission; the Centers for Medicare and Medicaid Services; the Health Resources and Services Administration; the Food and Drug Administration; the U.S. Department of Agriculture; the Occupational Safety and Health Administration; the National Institute of Environmental Health Sciences; the U.S. Geological Survey; and such additional federal, state, tribal, and local public and private officials as the Secretary deems necessary for the committee to carry out its function. The rest of the committee will consist of non-Federal members. Only non-Federal members are being solicited with this announcement.

The U.S. Department of Health and Human Services policy stipulates that committee membership be balanced in terms of points of view represented and the committee's function. Appointments shall be made without discrimination on the basis of age, race, ethnicity, gender, sexual orientation, gender identity, HIV status, disability, and cultural, religious, or socioeconomic status. Nominees must be U.S. citizens and cannot be full-time employees of the U.S. Government. Current participation on federal workgroups or prior experience serving on a federal advisory committee does not disqualify a candidate; however, HHS policy is to avoid excessive individual service on advisory committees and multiple committee memberships.

Committee members are Special Government Employees, requiring the filing of financial disclosure reports at the beginning and annually during their terms. CDC reviews potential candidates for LEPAC membership each year and provides a slate of nominees for consideration to the Secretary of HHS for final selection. HHS notifies selected candidates of their appointment as soon as the HHS selection process is completed. Note that the need for different expertise varies from year to year and a candidate who is not selected in one year may be reconsidered in a subsequent year. Nominees must be U.S. citizens, and cannot be full-time employees of the U.S. Government.

Candidates should submit the following items:

- Current *curriculum vitae,* including complete contact information (telephone numbers, mailing address, email address).
- At least one letter of recommendation from person(s) not employed by the U.S. Department of Health and Human Services. (Candidates may submit letter(s) from current HHS employees if they wish, but at least one letter must be submitted by a person not employed by an HHS agency (*e.g.,* CDC, NIH, FDA, etc.)

Nominations may be submitted by the candidate him- or herself or by the person/organization recommending the candidate.

The Director, Strategic Business Initiatives Unit, Office of the Chief Operating Officer, Centers for Disease Control and Prevention, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Kalwant Smagh,

Director, Strategic Business Initiatives Unit, Office of the Chief Operating Officer, Centers for Disease Control and Prevention.

[FR Doc. 2020–23804 Filed 10–27–20; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Docket No. NIOSH 229–I]

Solicitation of Nominations for Appointment to the World Trade Center Health Program Scientific/ Technical Advisory Committee (STAC)

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: The Centers for Disease Control and Prevention (CDC), in accordance with provisions of the James Zadroga 9/11 Health and Compensation Act of 2010, is seeking nominations for membership on the World Trade Center (WTC) Health Program STAC. The STAC consists of 17 members including experts in fields associated with occupational medicine, pulmonary medicine, environmental medicine, environmental health, industrial hygiene, epidemiology, toxicology, mental health, and representatives of World Trade Center (WTC) responders as well as representatives of certified-eligible WTC survivors. The STAC reviews scientific and medical evidence and makes recommendations to the Administrator of the WTC Health Program on additional Program eligibility criteria and additional WTC-related health conditions, reviews and evaluates policies and procedures used to determine whether sufficient evidence exists to support adding a health condition to the List of WTC-Related Health Conditions, makes recommendations regarding individuals to conduct independent peer reviews of the scientific and technical evidence underlying a final rule adding a condition to the List of WTC-Related Health Conditions, and provides consultation on research regarding certain health conditions related to the September 11, 2001 terrorist attacks.

DATES: Nominations for membership on the STAC must be received no later than November 20, 2020. Packages received after this time will not be considered for the current membership cycle.

ADDRESSES: You may submit nominations, identified by Docket No. NIOSH–229–I by the following methods below.

- *Mail:* Docket number NIOSH 229–I c/o Mia Wallace, Committee Management Specialist, National Institute for Occupational Safety and Health, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS: E–20, Atlanta, Georgia 30333.
- *Email:* (recommended) to *nioshdocket@cdc.gov*.

Instructions: All submissions received must include the Agency name and Docket Number. All relevant nominations received will be posted without change to *https://www.cdc.gov/niosh/docket/default.html,* including any personal information provided. For access to the docket to read background documents or nominations received, go to *https://www.cdc.gov/niosh/docket/default.html.*

FOR FURTHER INFORMATION CONTACT: Tania Carreón-Valencia, Designated Federal Officer, 1600 Clifton Road NE, MS: R–12, Atlanta, GA 30333,

Telephone: (513) 841–4515 (this is not a toll-free number); Email: *TCarreonValencia@cdc.gov.*

SUPPLEMENTARY INFORMATION: Nominations are being sought for individuals who have expertise and qualifications necessary to contribute to accomplishing the committee's objectives. The Administrator of the WTC Health Program is seeking nominations for members fulfilling the following categories:

- Occupational physician who has experience treating WTC rescue and recovery workers;
- Environmental medicine/environmental health professional;
- Toxicologist;
- Epidemiologist;
- Occupational physician;
- Representative of WTC responders; and
- Representative of certified-eligible WTC survivors.

Members may be invited to serve for four-year terms. Selection of members is based on candidates' qualifications to contribute to the accomplishment of STAC objectives. More information on the committee is available at *https://www.cdc.gov/wtc/stac.html.* The U.S. Department of Health and Human Services (HHS) policy stipulates that committee membership be balanced in terms of points of view represented, and the committee's function. Appointments shall be made without discrimination on the basis of age, race, ethnicity, gender, sexual orientation, gender identity, HIV status, disability, and cultural, religious, or socioeconomic status. Nominees must be U.S. citizens. Current participation on federal workgroups or prior experience serving on a federal advisory committee does not disqualify a candidate; however, HHS policy is to avoid excessive individual service on advisory committees and multiple committee memberships. Committee members are Special Government Employees, requiring the filing of financial disclosure reports at the beginning and annually during their terms. NIOSH identifies potential candidates and provides a slate of nominees for consideration to the Director of CDC for STAC membership each year, CDC reviews the proposed slate of candidates, and provides a slate of nominees for consideration to the Secretary of HHS for final selection. HHS notifies selected candidates of their appointment near the start of the term in October, or as soon as the HHS selection process is completed. Note that the need for different expertise varies from year to year and a candidate who is not selected in one year may be reconsidered in a subsequent year.

Candidates should submit the following items:

- Current curriculum vitae, including complete contact information (telephone numbers, mailing address, email address);
- The category of membership (environmental medicine or environmental health specialist, occupational physician, pulmonary physician, representative of WTC responders, certified-eligible WTC survivor representative, industrial hygienist, toxicologist, epidemiologist, or mental health professional) that the candidate is qualified to represent);
- A summary of the background, experience, and qualifications that demonstrates the candidate's suitability for the nominated membership category; and
- At least one letter of recommendation from person(s) not employed by the U.S. Department of Health and Human Services. (Candidates may submit letter(s) from current HHS employees if they wish, but at least one letter must be submitted by a person not employed by an HHS agency (*e.g.,* CDC, NIH, FDA, etc.).

Nominations may be submitted by the candidate him- or herself, or by the person/organization recommending the candidate. The Director, Strategic Business Initiatives Unit, Office of the Chief Operating Officer, Centers for Disease Control and Prevention, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Kalwant Smagh,

Director, Strategic Business Initiatives Unit, Office of the Chief Operating Officer, Centers for Disease Control and Prevention.

[FR Doc. 2020–23803 Filed 10–27–20; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier: CMS–10307 and CMS–10495]

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 28, 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 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–10307 Medical Necessity and Claims Denial Disclosures under MHPAEA

CMS–10495 Data Collection and Submission, Registration, Attestation, Dispute and Resolution, Record Retention, and Assumptions Document Submission, for Open Payments

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:* Medical Necessity and Claims Denial Disclosures under MHPAEA; *Use:* The Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008 (MHPAEA) (P.L.110–343) generally requires that group health plans and group health insurance issuers offering mental health or substance use disorder (MH/SUD) benefits in addition to medical and surgical (med/surg) benefits ensure that they do not apply any more restrictive financial requirements (*e.g.,* co-pays, deductibles) and/or treatment limitations (*e.g.,* visit limits) to MH/SUD benefits than those requirements and/or limitations applied to substantially all med/surg benefits.

The Patient Protection and Affordable Care Act, Public Law 111–148, was enacted on March 23, 2010, and the Health Care and Education Reconciliation Act of 2010, Public Law 111–152, was enacted on March 30, 2010, collectively known as the ''Affordable Care Act.'' The Affordable Care Act extended MHPAEA to apply to the individual health insurance market. Additionally, the Department of Health and Human Services (HHS) final regulation regarding essential health benefits (EHB) requires health insurance issuers offering non-grandfathered health insurance coverage in the individual and small group markets, through an Exchange or outside of an Exchange, to comply with the requirements of the MHPAEA regulations in order to satisfy the requirement to cover EHB (45 CFR 147.150 and 156.115).

MHPAEA section 512(b) specifically amends the Public Health Service (PHS) Act to require plan administrators or health insurance issuers to provide, upon request, the criteria for medical necessity determinations made with respect to MH/SUD benefits to current or potential participants, beneficiaries, or contracting providers. The Interim Final Rules Under the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008 (75 FR 5410, February 2, 2010) and the Final Rules under the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008 set forth rules for providing criteria for medical necessity determinations. CMS oversees non-Federal governmental plans and health insurance issuers.

MHPAEA section 512(b) specifically amends the PHS Act to require plan administrators or health insurance issuers to supply, upon request, the reason for any denial or reimbursement of payment for MH/SUD services to the participant or beneficiary involved in the case. The Interim Final Rules Under the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008 (75 FR 5410, February 2, 2010) and the Final Rules under the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008 implement 45 CFR 146.136(d)(2), which sets forth rules for providing reasons for claims denial. CMS oversees non-Federal governmental plans and health insurance issuers, and the regulation provides a safe harbor such that non-Federal governmental plans (and issuers offering coverage in connection with such plans) are deemed to comply with requirements of paragraph (d)(2) of 45 CFR 146.136 if they provide the reason for claims denial in a form and manner consistent with ERISA requirements found in 29 CFR 2560.503–1. Section 146.136(d)(3) of the final rule clarifies that PHS Act section 2719 governing internal claims and appeals and external review as implemented by 45 CFR 147.136, covers MHPAEA claims denials and requires that, when a non-quantitative treatment limitation (NQTL) is the basis for a claims denial, that a non-grandfathered plan or issuer must provide the processes, strategies, evidentiary standard, and other factors used in developing and applying the NQTL with respect to med/surg benefits and MH/SUD benefits.

Group health plan participants, beneficiaries, covered individuals in the individual market, or persons acting on their behalf, may use this optional model form to request information from plans regarding NQTLs that may affect patients' MH/SUD benefits or that may have resulted in their coverage being denied. *Form Number:* CMS–10307 (OMB control number: 0938–1080); *Frequency:* On Occasion; *Affected Public:* State, Local, or Tribal Governments, Private Sector, Individuals; *Number of Respondents:* 250,137; *Total Annual Responses:* 987,714; *Total Annual Hours:* 35,475. (For policy questions regarding this collection contact Usree Bandyopadhyay at 410–786–6650.)

2. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Data Collection and Submission, Registration, Attestation, Dispute and Resolution, Record Retention, and Assumptions Document Submission, for Open Payments; *Use:* Section 6002 of the Affordable Care Act added section 1128G to the Social Security Act (the Act), which requires applicable manufacturers of covered drugs, devices, biologicals, or medical supplies (as defined at 42 CFR 403.902) to report annually to the Secretary certain payments or other transfers of value to covered recipients. Section 1128G of the Act also requires applicable manufacturers and applicable group purchasing organizations (GPOs) to report certain information regarding the ownership or investment interests held by physicians or the immediate family members of physicians in such entities.

Specifically, manufacturers of covered drugs, devices, biologicals, and medical supplies (applicable manufacturers) are required to submit on an annual basis the information required in section 1128G(a)(1) of the Act about certain payments or other transfers of value made to covered recipients during the course of the preceding calendar year. Similarly, section 1128G(a)(2) of the Act requires applicable manufacturers and

applicable GPOs to disclose any ownership or investment interests in such entities held by physicians or their immediate family members, as well as information on any payments or other transfers of value provided to such physician owners or investors. *Form Number:* CMS–10495 (OMB control number: 0938–1237); *Frequency:* Once; *Affected Public:* Private sector; Business or other for-profits; *Number of Respondents:* 34,616; *Total Annual Responses:* 78,812; *Total Annual Hours:* 1,897,790. (For policy questions regarding this collection contact Kathleen Ott 410–786–4246.)

Dated: October 23, 2020.

William N. Parham, III,

Director, Paperwork Reduction Staff, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2020–23893 Filed 10–27–20; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier: CMS–10570 and CMS–10437]

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 27, 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 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:* Reinstatement of a previously approved collection; *Title of Information Collection:* Appropriate Use Criteria (AUC) for Advanced Diagnostic Imaging Services; *Use:* Section 218(b) of the Protecting Access to Medicare Act (PAMA) of 2014 amended the Medicare Part B statute by adding a new section 1834(q) of the Act entitled, ''Recognizing Appropriate Use Criteria for Certain Imaging Services,'' which directs the Secretary to establish a program to promote the use of AUC. This program is codified at 42 CFR 414.94. Evidence-based AUC for imaging can assist clinicians in selecting the imaging study that is most likely to improve health outcomes for patients based on their individual context. A provider-led entity (PLE) as defined in 42 CFR 414.94(b) is a national professional medical specialty society or other organization that is comprised primarily of providers or practitioners who, either within the organization or outside the organization, predominantly provide direct patient care. This program requires professionals ordering applicable imaging services as defined in § 414.94(b) to consult with specified applicable AUC, which are criteria developed, endorsed or modified by a qualified PLE.

The cornerstone of the PLE qualification process is for PLEs to demonstrate that they engage in a rigorous evidence-based process for developing, modifying, or endorsing AUC. Section 1834(q)(2)(B) specifies that the Secretary must consider whether AUC have stakeholder consensus, are scientifically valid and evidence-based, and are based on studies that are published and reviewable by stakeholders. In the 2016 Physician Fee Schedule Final Rule with comment period (80 FR 70886, November 16, 2015; see pages 71102–71116 and pages 71380–71382) we established a qualification process and requirements for qualified PLEs in order to ensure that the AUC development or endorsement processes used by a PLE result in high quality, evidence-based AUC in accordance with section 1834(q)(2)(B).

In order to become and remain a qualified PLE, we require PLEs to demonstrate adherence to specific requirements when developing, modifying or endorsing AUC. To ensure that these requirements are met, we require PLEs to submit information demonstrating their adherence to these requirements. CMS qualifies those PLEs that demonstrate adherence to the requirements for a period of five years. Qualified PLEs are also required, during the 5th year after their most recent approval date, to ensure adherence has been maintained and to account for any changes in the entities' processes. Qualified PLEs must reapply every five years and must submit the applications by January 1 of the 5th year after the PLE's most recent approval date. *Form Number:* CMS–10570 (OMB control number: 0938–1288); *Frequency:* Occasionally; *Affected Public:* Private:

Business or other for-profit and Not for-profit institutions; *Number of Respondents:* 10; *Number of Responses:* 10; *Total Annual Hours:* 150. (For policy questions regarding this collection, contact Heather Hostetler at 410–786–4515.)

2. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Generic Social Marketing & Consumer Testing Research; *Use:* The purpose of this submission is to extend the approval of the generic clearance for a program of consumer research aimed at a broad audience of those affected by CMS programs including Medicare, Medicaid, Children's Health Insurance Program (CHIP), and health insurance exchanges. This program extends strategic efforts to reach and tailor communications to beneficiaries, caregivers, providers, stakeholders, and any other audiences that would support the Agency in improving the functioning of the health care system, improve patient care and outcomes, and reduce costs without sacrificing quality of care. The information collected will be used to create a streamlined and proactive process for collection of data and utilizing the feedback on service delivery for continuous improvement of communication activities aimed at diverse CMS audiences.

The generic clearance will allow rapid response to inform CMS initiatives using a mixture of qualitative and quantitative consumer research strategies (including formative research studies and methodological tests) to improve communication with key CMS audiences. As new information resources and persuasive technologies are developed, they can be tested and evaluated for beneficiary response to the materials and delivery channels. Results will inform communication development and information architecture as well as allow for continuous quality improvement. The overall goal is to maximize the extent to which consumers have access to useful sources of CMS program information in a form that can help them make the most of their benefits and options

The activities under this clearance involve social marketing and consumer research using samples of self-selected customers, as well as convenience samples, and quota samples, with respondents selected either to cover a broad range of customers or to include specific characteristics related to certain products or services. All collection of information under this clearance will utilize a subset of items drawn from a core collection of customizable items referred to as the Social Marketing and Consumer Testing Item Bank. This item bank is designed to establish a set of pre-approved generic question that can be drawn upon to allow for the rapid turn-around consumer testing required for us to communicate more effectively with our audiences. The questions in the item bank are divided into two major categories. One set focuses on characteristics of individuals and is intended primarily for participant screening and for use in structured quantitative on-line or telephone surveys. The other set is less structured and is designed for use in qualitative one-on-one and small group discussions or collecting information related to subjective impressions of test materials. Results will be compiled and disseminated so that future communication can be informed by the testing results. We will use the findings to create the greatest possible public benefit. *Form Number:* CMS–10437 (OMB control number: 0938–1247); *Frequency:* Yearly; *Affected Public:* Individuals; *Number of Respondents:* 7,732; *Number of Responses:* 61,992; *Total Annual Hours:* 26,588. (For policy questions regarding this collection contact Sabreet Kang Rajeev at 410–786–5616.)

Dated: October 23, 2020.

William N. Parham, III,

Director, Paperwork Reduction Staff, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2020–23890 Filed 10–27–20; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

Performance Review Board Membership

AGENCY: Centers for Medicare & Medicaid Services

ACTION: Notice of Performance Review Board Membership

SUMMARY: In accordance with regulations prescribed by the Office of Personnel Management, one or more Senior Executive Service (SES) Performance Review Boards (PRBs). The PRB shall review and evaluate the initial summary rating of a senior executive's performance, the executive's response, and the higher-level official's comments on the initial summary rating. In addition, the PRB will review and recommend executive performance bonuses and pay increases.

FOR FURTHER INFORMATION CONTACT: Kathy Vaughn, 410–786–1050 or *katherine.vaughn@cms.hhs.gov*

SUPPLEMENTARY INFORMATION: 5 U.S.C. 4314(c)(4) requires the appointment of board members to be published in the **Federal Register**. The following persons comprise a standing roster to serve as members of the SES PRB for the Centers for Medicare & Medicaid Services:

Jennifer Main, Chief Operating Officer (serves as the Chair)
Kimberly Brandt, Principal Deputy Administrator for Policy and Operations
Tia Butler, Director, Office of Human Capital
Nancy O'Connor, Director, Office of Program Operations and Local Engagement
Randy Pate, Deputy Administrator and Director, Center for Consumer Information and Insurance Oversight
Elizabeth Richter, Deputy Center Director, Center for Medicare
Karen Shields, Deputy Center Director, Center for Medicaid and CHIP Services
Arrah Tabe-Bedward, Deputy Director, Center for Medicare and Medicaid Innovation
Jeffrey Wu, Deputy Director for Operations, Center for Consumer Information and Insurance Oversight

The Chief Operating Officer of the Centers for Medicare & Medicaid Services (CMS), Jennifer Main, having reviewed and approved this document, authorizes Lynette Wilson, who is the Federal Register Liaison, to electronically sign this document for purposes of publication in the **Federal Register**.

Dated: October 23, 2020.

Lynette Wilson,

Federal Register Liaison, Department of Health and Human Services.

[FR Doc. 2020–23891 Filed 10–27–20; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2014–N–1030]

Agency Information Collection Activities; Proposed Collection; Comment Request; Food Allergen Labeling and Reporting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or Agency) is

announcing an opportunity for public comment on the proposed collection of certain information by the Agency. Under the Paperwork Reduction Act of 1995 (PRA), Federal Agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on information collection provisions of the labeling requirements for major food allergens in the Federal Food, Drug, and Cosmetic Act (FD&C Act) and the information collection provisions of the guidance entitled ''Guidance for Industry: Food Allergen Labeling Exemption Petitions and Notifications.''

DATES: Submit either electronic or written comments on the collection of information by December 28, 2020.

ADDRESSES: You may submit comments as follows. Please note that late, untimely filed comments will not be considered. Electronic comments must be submitted on or before December 28, 2020. The *https://www.regulations.gov* electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of December 28, 2020. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are postmarked or the delivery service acceptance receipt is on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand Delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2014–N–1030 for ''Agency Information Collection Activities; Proposed Collection; Comment Request; Food Allergen Labeling and Reporting.'' Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

- 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.

FOR FURTHER INFORMATION CONTACT: Domini Bean, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–5733, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3521), Federal Agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes Agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal Agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on these topics: (1) Whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Food Allergen Labeling and Reporting

OMB Control Number 0910–0792—Extension

This information collection supports the reporting associated with the submission of petitions and notifications seeking exemptions from the labeling requirements for ingredients derived from major food allergens, and the Agency's associated guidance document.

I. Background

The Food Allergen Labeling and Consumer Protection Act of 2004 (FALCPA) (Title II, Pub. L. 108–282) amended the FD&C Act by defining the term ''major food allergen'' and stating that foods regulated under the FD&C Act are misbranded unless they declare the presence of each major food allergen on the product label using the name of the food source from which the major food allergen is derived. Section 403(w)(1) of the FD&C Act (21 U.S.C. 343(w)(1)) sets forth the requirements for declaring the presence of each major food allergen on the product label. Section 201(qq) of the FD&C Act ((21 U.S.C. 321(qq)) defines a major food allergen as ''[m]ilk, egg, fish (*e.g.,* bass, flounder, or cod), Crustacean shellfish (*e.g.,* crab, lobster, or shrimp), tree nuts (*e.g.,* almonds, pecans, or walnuts), wheat, peanuts, and soybeans'' and also as a food ingredient that contains protein derived from such foods. The definition excludes any highly refined oil derived from a major food allergen and any ingredient derived from such highly refined oil.

In some cases, the production of an ingredient derived from a major food allergen may alter or eliminate the allergenic proteins in that derived ingredient to such an extent that it does not contain allergenic protein. In addition, a major food allergen may be used as an ingredient or as a component of an ingredient such that the level of allergenic protein in finished food products does not cause an allergic response that poses a risk to human health. Therefore, FALCPA provides two mechanisms through which such ingredients may become exempt from the labeling requirement of section 403(w)(1) of the FD&C Act. An ingredient may obtain an exemption through submission and approval of a petition containing scientific evidence that demonstrates that the ingredient ''does not cause an allergic response that poses a risk to human health'' (section 403(w)(6) of the FD&C Act) (21 U.S.C. 343(w)(6). Alternately, an ingredient may become exempt through submission of a notification containing scientific evidence showing that the ingredient ''does not contain allergenic protein'' or that there has been a previous determination through a premarket approval process under section 409 of the FD&C Act (21 U.S.C. 348) that the ingredient ''does not cause an allergic response that poses a risk to human health'' (section 403(w)(7) of the FD&C Act) (21 U.S.C. 343(w)(7)).

A. Third-Party Disclosure

The labeling requirements of section 403(w)(1) of the FD&C Act apply to all packaged foods sold in the United States that are regulated under the FD&C Act, including both domestically manufactured and imported foods. As noted, section 403(w)(1) of the FD&C Act requires that the label of a food product declare the presence of each major food allergen. We estimate the information collection burden of the third-party disclosure associated with food allergen labeling under section 403(w)(1) of the FD&C Act as the time needed for a manufacturer to review the labels of new or reformulated products for compliance with the requirements of section 403(w)(1) of the FD&C Act and the time needed to make any needed modifications to the labels of those products. The allergen information disclosed on the label or labeling of a food product benefits consumers who purchase that food product. Because even small exposure to a food allergen can potentially cause an adverse reaction, consumers use food labeling information to help determine their product choices.

Description of Respondents: The respondents to this collection of information are manufacturers and packers of packaged foods sold in the United States that declare the presence of a major food allergen on the product label. In terms of reporting, the respondents are manufacturers and packers of packaged foods sold in the United States that seek an exemption from the labeling requirements of section 403(w)(1) of the FD&C Act.

We estimate the third-party disclosure burden of the collection of information as follows:

TABLE 1—ESTIMATED ANNUAL THIRD-PARTY DISCLOSURE BURDEN [1]

FD&C section; activity	Number of respondents	Number of disclosures per respondent	Total annual disclosures	Average burden per disclosure	Total hours
403(w)(1); review labels for compliance with food allergen labeling requirements	77,500	1	77,500	1	77,500
403(w)(1); redesign labels to comply with food allergen labeling requirements	1	1	1	16	16
Total					77,516

[1] There are no operating and maintenance costs associated with this collection of information.

Based on a review of the information collection since our last request for OMB approval, we are decreasing our burden estimate for the redesign of labels. FALCPA was enacted in 2004, and we issued associated Agency guidance in 2015. Firms have had substantial time to redesign their labels for compliance with section 403(w) of the FD&C Act. We do not anticipate any firms needing to redesign their label to come into compliance with section 403(w)(1) of the FD&C Act. Thus, we are decreasing the number of respondents redesigning their label from 3,875 to 1 and the number of hours from 62,000 to 16. We estimate one respondent for the purpose of maintaining this information collection provision.

B. Reporting

Under sections 403(w)(6) and (7) of the FD&C Act, respondents may request from us a determination that an ingredient is exempt from the labeling requirement of section 403(w)(1) of the FD&C Act. An ingredient may obtain an exemption through submission and approval of a petition containing scientific evidence that demonstrates that the ingredient ''does not cause an allergic response that poses a risk to human health'' (section 403(w)(6) of the FD&C Act). This section also states that ''the burden shall be on the petitioner to provide scientific evidence (including

the analytical method used to produce the evidence) that demonstrates that such food ingredient, as derived by the method specified in the petition, does not cause an allergic response that poses a risk to human health.'' Alternately, an ingredient may become exempt through submission of a notification containing scientific evidence showing that the ingredient ''does not contain allergenic protein'' or that there has been a previous determination through a premarket approval process under section 409 of the FD&C Act that the ingredient ''does not cause an allergic response that poses a risk to human health'' (section 403(w)(7) of the FD&C Act).

We issued a guidance document entitled ''Guidance for Industry: Food Allergen Labeling Exemption Petitions and Notifications,'' which is available on our website at *https://www.fda.gov/regulatory-information/search-fda-guidance-documents/guidance-industry-food-allergen-labeling-exemption-petitions-and-notifications.* The guidance sets forth our recommendations with regard to the information that respondents should submit in such a petition or notification. The guidance states that to evaluate these petitions and notifications, we will consider scientific evidence that describes: (1) The identity or composition of the ingredient; (2) the methods used to produce the ingredient; (3) the methods used to characterize the ingredient; (4) the intended use of the ingredient in food; and (5) either (a) for a petition, data and information, including the expected level of consumer exposure to the ingredient, that demonstrate that the ingredient, when manufactured and used as described, does not cause an allergic response that poses a risk to human health; or (b) for a notification, data and information that demonstrate that the ingredient, when manufactured as described, does not contain allergenic protein, or documentation of a previous determination under a process under section 409 of the FD&C Act that the ingredient does not cause an allergic response that poses a risk to human health. We use the information submitted in the petition or notification to determine whether the ingredient satisfies the criteria of section 403(w)(6) and (7) of the FD&C Act for granting the exemption.

We estimate the reporting burden associated with the collection of information as follows:

TABLE 2—ESTIMATED ANNUAL REPORTING BURDEN [1]

FD&C section; activity	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
403(w)(6); petition for exemption	5	1	5	100	500
403(w)(7); notification	5	1	5	68	340
Total					840

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

Dated: October 22, 2020.

Lauren K. Roth,

Acting Principal Associate Commissioner for Policy.

[FR Doc. 2020–23846 Filed 10–27–20; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2017–D–0114]

Referencing Approved Drug Products in Abbreviated New Drug Application Submissions; 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 ''Referencing Approved Drug Products in Abbreviated New Drug Application Submissions.'' Any person is permitted to submit an abbreviated new drug application (ANDA) in order to seek approval to market a generic version of a previously approved drug product. The purpose of this guidance is to provide information to potential applicants on how to identify a reference listed drug (RLD), a reference standard, and the basis of submission in an ANDA submission.

DATES: The announcement of the guidance is published in the **Federal Register** on October 28, 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–2017–D–0114 for ''Referencing Approved Drug Products in Abbreviated New Drug Application Submissions.'' 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 this 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: Susan Levine, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Silver Spring, MD, 20993, 240–402–7936.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a guidance for industry entitled ''Referencing Approved Drug Products in Abbreviated New Drug Submissions'' To obtain approval of an ANDA submitted under section 505(j) of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C 355(j)), an ANDA applicant generally must show, among other things, that the proposed generic drug has the same active ingredient(s), conditions of use, route of administration, dosage form, strength, and, with certain permissible differences, labeling as the specific listed drug referred to in the ANDA, *i.e.,* the RLD. Under section 505(j)(2)(A)(iv) of the FD&C Act, the ANDA applicant also must demonstrate that the proposed generic drug is bioequivalent to the RLD and, if any in vivo bioequivalence study is required for approval of the ANDA, the applicant must use the reference standard selected by FDA in such testing (21 CFR 314.3(b)). Further, under section 505(j)(2)(A)(vi) of the FD&C Act, a generic drug must meet the same high standards of quality and manufacturing as drug products approved under section 505(c) of the FD&C Act.

This guidance provides information to potential applicants on how to identify a ''reference listed drug,'' ''reference standard,'' and the ''basis of submission'' in ANDA submissions. A variety of factors has led to confusion among stakeholders on what these terms mean and how an ANDA applicant should use them. These factors include the discontinued marketing of many approved drug products and FDA's past practice of identifying reference standards with the RLD symbol (''+'') in the printed version, and with a ''Yes'' under the ''RLD'' column in the electronic version, of FDA's ''Approved Drug Products with Therapeutic Equivalence Evaluations'' (the ''Orange Book''). This guidance is intended to address this confusion by explaining what these terms mean and by clarifying the differences among them. This guidance provides recommendations on how applicants can accurately use these terms in an ANDA, how persons can request FDA designation of an RLD, and how persons can request FDA selection of a reference standard.

This guidance finalizes the draft guidance announced in the **Federal Register** on January 17, 2017 (82 FR 4894). The final guidance incorporates clarifying revisions in light of comments received on the draft guidance. The final guidance also explains that a controlled correspondence may be submitted to FDA instead of a citizen petition to request that FDA designate a different listed drug as an RLD.

This guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The guidance represents the current thinking of FDA on ''Referencing Approved Drug Products in Abbreviated New Drug Application Submissions.'' It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations.

II. Paperwork Reduction Act of 1995

This guidance contains no collection of information. Therefore, clearance by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3521) is not required.

However, this guidance refers to previously approved collections of information found in FDA regulations. These collections of information are subject to review by OMB under the PRA. The collections of information in 21 CFR part 314 for the submission of new drug applications and ANDAs have been approved under OMB control number 0910–0001, the submission of citizen petitions is approved under OMB control number 0910–0191, and the submission of controlled correspondence pertaining to ANDAs is approved under OMB control number 0910–0797.

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 22, 2020.

Lauren K. Roth,

Acting Principal Associate Commissioner for Policy.

[FR Doc. 2020–23848 Filed 10–27–20; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2020–N–1330]

Cardiovascular and Renal Drugs Advisory Committee; Notice of Meeting; Establishment of a Public Docket; Request for Comments

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; establishment of a public docket; request for comments.

SUMMARY: The Food and Drug Administration (FDA) announces a forthcoming public advisory committee meeting of the Cardiovascular and Renal Drugs Advisory Committee. The general function of the committee is to provide advice and recommendations to FDA on regulatory issues. The meeting will be open to the public. FDA is establishing a docket for public comment on this document.

DATES: The meeting will be held on December 15, 2020, from 9 a.m. to 5 p.m. Eastern Time.

ADDRESSES: Please note that due to the impact of this COVID–19 pandemic, all meeting participants will be joining this advisory committee meeting via an online teleconferencing platform. Answers to commonly asked questions about FDA advisory committee meetings may be accessed at: *https://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm408555.htm.*

FDA is establishing a docket for public comment on this meeting. The docket number is FDA–2020–N–1330. The docket will close on December 14, 2020. Submit either electronic or written comments on this public meeting by December 14, 2020. Please note that late, untimely filed comments will not be considered. Electronic comments must be submitted on or before December 14, 2020. The *https://www.regulations.gov* electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of December 14, 2020. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are postmarked or the delivery service acceptance receipt is on or before that date.

Comments received on or before December 1, 2020, will be provided to the committee. Comments received after that date will be taken into consideration by FDA. In the event that the meeting is cancelled, FDA will continue to evaluate any relevant applications or information, and consider any comments submitted to the docket, as appropriate.

You may submit comments as follows:

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand Delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2020–N–1330 for ''Cardiovascular and Renal Drugs Advisory Committee; Notice of Meeting; Establishment of a Public Docket; Request for Comments.'' Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' FDA 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 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 the information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240–402–7500.

FOR FURTHER INFORMATION CONTACT: Joyce Yu, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 31, Rm. 2417, Silver Spring, MD 20993–0002, 301–796–9001, Fax: 301–847–8533, email: *CRDAC@fda.hhs.gov,* or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area). A notice in the **Federal Register** about last minute modifications that impact a previously announced advisory committee meeting cannot always be published quickly enough to provide timely notice. Therefore, you should always check the FDA's website at *https://www.fda.gov/AdvisoryCommittees/default.htm* and scroll down to the appropriate advisory committee meeting link, or call the

advisory committee information line to learn about possible modifications before coming to the meeting.

SUPPLEMENTARY INFORMATION:

Agenda: The meeting presentations will be heard, viewed, captioned, and recorded through an online teleconferencing platform.

The committee will discuss supplemental new drug application (sNDA) 207620–S18, for the angiotensin receptor-neprilysin inhibitor, ENTRESTO (sacubitril and valsartan) tablets, submitted by Novartis Pharmaceuticals Corp., for the proposed indication of heart failure with preserved ejection fraction (HFpEF).

FDA intends to make background material available to the public no later than 2 business days before the meeting. If FDA is unable to post the background material on its website prior to the meeting, the background material will be made publicly available on FDA's website at the time of the advisory committee meeting. Background material and the link to the online teleconference meeting room will be available at *https://www.fda.gov/AdvisoryCommittees/Calendar/default.htm.* Scroll down to the appropriate advisory committee meeting link. The meeting will include slide presentations with audio components to allow the presentation of materials in a manner that most closely resembles an in-person advisory committee meeting.

Procedure: Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. All electronic and written submissions submitted to the Docket (see **ADDRESSES**) on or before December 1, 2020, will be provided to the committee. Oral presentations from the public will be scheduled between approximately 1 p.m. and 2 p.m. Eastern Time. Those individuals interested in making formal oral presentations should notify the contact person and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation on or before November 27, 2020. Time allotted for each presentation may be limited. If the number of registrants requesting to speak is greater than can be reasonably accommodated during the scheduled open public hearing session, FDA may conduct a lottery to determine the speakers for the scheduled open public hearing session. The contact person will notify interested persons regarding their request to speak by November 30, 2020.

For press inquiries, please contact the Office of Media Affairs at *fdaoma@fda.hhs.gov* or 301–796–4540.

FDA welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with disabilities. If you require accommodations due to a disability, please contact Joyce Yu (see **FOR FURTHER INFORMATION CONTACT**) at least 7 days in advance of the meeting.

FDA is committed to the orderly conduct of its advisory committee meetings. Please visit our website at *https://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm111462.htm* for procedures on public conduct during advisory committee meetings.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: October 22, 2020.

Lauren K. Roth,

Acting Principal Associate Commissioner for Policy.

[FR Doc. 2020–23842 Filed 10–27–20; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2020–N–1330]

Cardiovascular and Renal Drugs Advisory Committee; Notice of Meeting; Establishment of a Public Docket; Request for Comments

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; establishment of a public docket; request for comments.

SUMMARY: The Food and Drug Administration (FDA) announces a forthcoming public advisory committee meeting of the Cardiovascular and Renal Drugs Advisory Committee. The general function of the committee is to provide advice and recommendations to FDA on regulatory issues. The meeting will be open to the public. FDA is establishing a docket for public comment on this document.

DATES: The meeting will be held on December 16, 2020, from 9 a.m. to 1:30 p.m. Eastern Time.

ADDRESSES: Please note that due to the impact of this COVID–19 pandemic, all meeting participants will be joining this advisory committee meeting via an online teleconferencing platform. Answers to commonly asked questions about FDA advisory committee meetings may be accessed at: *https://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm408555.htm.*

FDA is establishing a docket for public comment on this meeting. The docket number is FDA–2020–N–1330. The docket will close on December 15, 2020. Submit either electronic or written comments on this public meeting by December 15, 2020. Please note that late, untimely filed comments will not be considered. Electronic comments must be submitted on or before December 15, 2020. The *https://www.regulations.gov* electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of December 15, 2020. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are postmarked or the delivery service acceptance receipt is on or before that date.

Comments received on or before December 1, 2020, will be provided to the committee. Comments received after that date will be taken into consideration by FDA. In the event that the meeting is cancelled, FDA will continue to evaluate any relevant applications or information, and consider any comments submitted to the docket, as appropriate.

You may submit comments as follows:

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand Delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2020–N–1330 for ''Cardiovascular and Renal Drugs Advisory Committee; Notice of Meeting; Establishment of a Public Docket; Request for Comments.'' Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' FDA 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 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 the information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240–402–7500.

FOR FURTHER INFORMATION CONTACT: Joyce Yu, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 31, Rm. 2417, Silver Spring, MD 20993–0002, 301–796–9001, Fax: 301–847–8533, email: *CRDAC@fda.hhs.gov,* or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area). A notice in the **Federal Register** about last minute modifications that impact a previously announced advisory committee meeting cannot always be published quickly enough to provide timely notice. Therefore, you should always check the FDA's website at *https://www.fda.gov/AdvisoryCommittees/default.htm* and scroll down to the appropriate advisory committee meeting link, or call the advisory committee information line to learn about possible modifications before coming to the meeting.

SUPPLEMENTARY INFORMATION:

Agenda: The meeting presentations will be heard, viewed, captioned, and recorded through an online teleconferencing platform.

The committee will discuss spironolactone for the proposed treatment of heart failure with preserved ejection fraction, a serious and often fatal condition for which no drug is approved to improve outcomes. The data supporting the new indication are post-hoc analyses of the National Heart, Lung, and Blood Institute sponsored Treatment of Preserved Cardiac Function Heart Failure With an Aldosterone Antagonist trial, which nominally failed to meet its primary endpoint. Spironolactone is currently marketed in the U.S. for the treatment of heart failure with reduced ejection fraction, hypertension, primary hyperaldosteronism, and for the management of edema.

FDA intends to make background material available to the public no later than 2 business days before the meeting. If FDA is unable to post the background material on its website prior to the meeting, the background material will be made publicly available on FDA's website at the time of the advisory committee meeting. Background material and the link to the online teleconference meeting room will be available at *https://www.fda.gov/AdvisoryCommittees/Calendar/default.htm.* Scroll down to the appropriate advisory committee meeting link. The meeting will include slide presentations with audio components to allow the presentation of materials in a manner that most closely resembles an in-person advisory committee meeting.

Procedure: Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. All electronic and written submissions submitted to the Docket (see **ADDRESSES**) on or before December 1, 2020, will be provided to the committee. Oral presentations from the public will be scheduled between approximately 11:30 a.m. and 12:30 p.m. Eastern Time. Those individuals interested in making formal oral presentations should notify the contact person and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation on or before November 27, 2020. Time allotted for each presentation may be limited. If the number of registrants requesting to speak is greater than can be reasonably accommodated during the scheduled open public hearing session, FDA may conduct a lottery to determine the speakers for the scheduled open public hearing session. The contact person will notify interested persons regarding their request to speak by November 30, 2020.

For press inquiries, please contact the Office of Media Affairs at *fdaoma@fda.hhs.gov* or 301–796–4540.

FDA welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with disabilities. If you require accommodations due to a disability, please contact Joyce Yu (see **FOR FURTHER INFORMATION CONTACT**) at least 7 days in advance of the meeting.

FDA is committed to the orderly conduct of its advisory committee meetings. Please visit our website at *https://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm111462.htm* for procedures on public conduct during advisory committee meetings.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: October 22, 2020.

Lauren K. Roth,

Acting Principal Associate Commissioner for Policy.

[FR Doc. 2020–23843 Filed 10–27–20; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2019–D–4188]

Tobacco Products: Principles for Designing and Conducting Tobacco Product Perception and Intention Studies; Draft Guidance for Industry; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of a draft guidance for industry entitled ''Tobacco Products: Principles for Designing and Conducting Tobacco Product Perception and Intention Studies.'' The draft guidance provides information intended to assist applicants design and conduct tobacco product perception and intention (TPPI) studies that may be submitted as part of a modified risk tobacco product application (MRTPA), a premarket tobacco product application (PMTA), or a substantial equivalence (SE) report. The draft guidance is intended to discuss a variety of scientific issues applicants may want to consider as they design and conduct TPPI studies.

DATES: Submit either electronic or written comments on the draft guidance by December 28, 2020 to ensure that the Agency considers your comment on this draft guidance before it begins work on the final version of the guidance.

ADDRESSES: You may submit comments 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–4188 for ''Tobacco Products: Principles for Designing and Conducting Tobacco Product Perception and Intention Studies; Draft Guidance for Industry; Availability.'' 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 office 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 this draft guidance to the Center for Tobacco Products, Food and Drug Administration, Document Control Center, Bldg. 71, Rm. G335, 10903 New Hampshire Ave., Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your request or include a fax number to which the draft guidance may be sent. See the **SUPPLEMENTARY INFORMATION** section for information on electronic access to the draft guidance.

FOR FURTHER INFORMATION CONTACT: Paul Hart, Center for Tobacco Products, Food and Drug Administration, 10903 New Hampshire Ave., Document Control Center, Bldg. 71, Rm. G335, 10903 New Hampshire Ave., Silver Spring, MD 20993–0002, 877–287–1373, *AskCTP@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability for public comment of a draft guidance for industry entitled ''Tobacco Products: Principles for Designing and Conducting Tobacco Product Perception and Intention Studies.''

On June 22, 2009, the President signed the Family Smoking Prevention and Tobacco Control Act (Pub. L. 111–31) (Tobacco Control Act) into law. The Tobacco Control Act grants FDA authority to regulate the manufacture, marketing, and distribution of tobacco products to protect public health generally and to reduce tobacco use by minors. The Federal Food, Drug, and Cosmetic Act (FD&C Act) requires new tobacco products to undergo review and receive an order from FDA before being

introduced or delivered for introduction into interstate commerce. The FD&C Act establishes three pathways to market for new tobacco products:

- Submission of a PMTA under section 910(b) of the FD&C Act (21 U.S.C. 387j(b)) and receipt of a marketing order under section 910(c)(1)(A)(i),
- Submission of a SE report under section 905(j)(1)(A) (21 U.S.C. 387e(j)(1)(A)) and receipt of an SE marketing order, or
- Submission of a request for an exemption from the requirements of demonstrating SE under section 905(j)(3) and receipt of an exemption from FDA (implemented at § 1107.1 (21 CFR 1107.1)).

To introduce or deliver for introduction into interstate commerce a modified risk tobacco product, there must be in effect an order under section 911(g) of the FD&C Act (21 U.S.C. 387k(g)) and the applicant must satisfy any applicable premarket review requirements under section 910 of the FD&C Act.

The draft guidance is intended to assist applicants design and conduct TPPI studies that may be submitted as part of an MRTPA, a PMTA, or a SE report. Conducting TPPI studies can assist applicants submitting tobacco product applications demonstrate that their product meets applicable requirements to receive marketing authorization under the appropriate pathway. For example, TPPI studies can be used to assess, among other things, individuals' perceptions of tobacco products, understanding of tobacco product information, and intention to use tobacco products. The draft guidance is intended to address a variety of scientific issues applicants may consider as they design and conduct TPPI studies to support tobacco product applications.

II. Significance of Draft Guidance

FDA is issuing this draft guidance consistent with FDA's good guidance practices regulation (21 CFR 10.115). The draft guidance, when finalized, will represent the current thinking of FDA on designing and conducting tobacco product perception and intention studies. It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations.

III. Paperwork Reduction Act of 1995

This draft guidance refers to previously approved collections of information found in FDA regulations. These collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The collections of information in § 1107.1(b) and (c) have been approved under OMB control number 0910–0684. The collections of information under section 910 of the FD&C Act have been approved under OMB control number 0910–0768. The collections of information in section 905(j) of the FD&C Act have been approved under OMB control number 0910–0673.

IV. Electronic Access

Persons with access to the internet may obtain an electronic version of the draft guidance at either *https://www.regulations.gov* or *https://www.fda.gov/tobacco-products/products-guidance-regulations/rules-regulations-and-guidance.*

Dated: October 22, 2020.

Lauren K. Roth,

Acting Principal Associate Commissioner for Policy.

[FR Doc. 2020–23840 Filed 10–27–20; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2020–N–1862]

The Drug Supply Chain Security Act Pilot Project Program and Enhanced Drug Distribution Security; Public Meeting; Request for Comments

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of public meeting; request for comments.

SUMMARY: The Food and Drug Administration (FDA or the Agency) is announcing the following virtual public meeting entitled ''The Drug Supply Chain Security Act Pilot Project Program and Enhanced Drug Distribution Security.'' The purpose of the public meeting is to provide members of the pharmaceutical distribution supply chain and other interested stakeholders an opportunity to discuss with FDA and provide input on strategies and issues related to the enhanced drug distribution security provisions of the Drug Supply Chain Security Act (DSCSA) and the results of FDA's DSCSA Pilot Project Program.

DATES: The public meeting will be held on December 8 and 9, 2020, from 9 a.m. to 4 p.m., Eastern Time, each day, and will take place virtually (by webcast only). Submit either electronic or written comments on this public meeting by December 28, 2020.

ADDRESSES: The public meeting will be held virtually and hosted by FDA. Registration to participate in this meeting and other information can be found at *https://www.fda.gov/drugs/news-events-human-drugs/drug-supply-chain-security-act-pilot-project-program-and-enhanced-drug-distribution-security.* See the **SUPPLEMENTARY INFORMATION** section for registration date and other information.

Comments: To permit the widest possible opportunity to obtain public comment, FDA is soliciting either electronic or written comments on all aspects of the public meeting topics. You may submit comments as follows. Please note that late, untimely filed comments will not be considered. Electronic and written comments must be submitted on or before December 28, 2020. The *https://www.regulations.gov* electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of December 28, 2020. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are postmarked or the delivery service acceptance receipt is on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand Delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2020–N–1862 for ''The Drug Supply Chain Security Act Pilot Project Program and Enhanced Drug Distribution Security; Public Meeting; Request for Comments.'' Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240–402–7500.

FOR FURTHER INFORMATION CONTACT: Kristle Green, Office of Compliance, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Silver Spring, MD 20993, 301–796–3130, *CDERODSIRPublicMeetings@fda.hhs.gov*.

SUPPLEMENTARY INFORMATION:

I. Background

On November 27, 2013, the DSCSA (Title II, Pub. L. 113–54) was signed into law. The DSCSA outlines critical steps for building an electronic, interoperable system by 2023 to identify and trace certain prescription drugs as they are distributed within the United States. This system will enhance FDA's ability to protect U.S. consumers from exposure to drugs that may be counterfeit, diverted, stolen, intentionally adulterated, or otherwise harmful by improving the detection and removal of potentially dangerous drugs from the drug supply chain. Section 582(j) of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 360eee–1(j)), which was added by the DSCSA, directs FDA to establish one or more pilot projects, in coordination with authorized manufacturers, repackagers, wholesale distributors, and dispensers, to explore and evaluate methods to enhance the safety and security of the pharmaceutical distribution supply chain. Additionally, section 582(i) of the FD&C Act directs FDA to hold public meetings to enhance the safety and security of the pharmaceutical distribution supply chain and provide opportunities for comment from members of the pharmaceutical distribution supply chain and other interested stakeholders. Section 582(h)(3) of the FD&C Act directs FDA to conduct a public meeting and issue guidance addressing the system attributes necessary to enable secure product tracing of product at the package level.

II. Topics for Discussion at the Public Meeting

FDA will hold a virtual public meeting on December 8 and 9, 2020, on FDA's DSCSA Pilot Project Program and related enhanced drug distribution security issues. The purpose of this public meeting is to provide members of the pharmaceutical distribution supply chain and other interested stakeholders an opportunity to discuss with FDA, and provide input on, strategies and issues related to the enhanced drug distribution security provisions of the DSCSA and FDA's DSCSA Pilot Project Program. The public meeting will focus on the following topics for discussion:

- Findings and lessons learned from FDA's DSCSA Pilot Project Program.
- Other piloting or piloted activities related to DSCSA implementation.
- System attributes necessary for enabling secure product tracing of product at the package level. Examples of discussion topics include, but are not limited to, the system attributes, circumstances, and processes necessary for facilitating:
  - Interoperability among trading partners in the pharmaceutical distribution supply chain, FDA, and other appropriate Federal or State official(s);
  - enhanced product tracing activities involving the exchange of data in a secure manner, including management and maintenance of the data;
  - the use of aggregation and inference for product tracing and/or verification; and
  - enhanced verification activities involving communications between trading partners and FDA and exchange of data in a secure manner, including management and maintenance of the data.

FDA may include additional discussion topics. Materials for the public meeting will be provided on FDA's website at *https://www.fda.gov/drugs/news-events-human-drugs/drug-supply-chain-security-act-pilot-project-program-and-enhanced-drug-distribution-security* 7 days before the public meeting.

III. Participating in the Public Meeting

Registration: To request registration for the public meeting, provide your information, including name, company or organization, address, telephone number, and email address, to FDA at *https://www.fda.gov/drugs/news-events-human-drugs/drug-supply-chain-security-act-pilot-project-program-and-enhanced-drug-distribution-security.* FDA may limit attendance to ensure manageability of the virtual public meeting and breakout sessions. In addition, FDA may limit the number of participants from each organization to help ensure that meeting participants represent the diversity of the pharmaceutical supply chain and other stakeholders. FDA recommends that

each organization determine who should register for the public meeting to represent his/her organization. Registrants will receive confirmation of participation for the meeting from FDA within 14 days before the meeting. There is no registration fee for the public meeting, and there will be no onsite registration. If registration reaches maximum capacity, FDA will post a notice closing registration for the meeting on FDA's website at *https://www.fda.gov/drugs/news-events-human-drugs/drug-supply-chain-security-act-pilot-project-program-and-enhanced-drug-distribution-security.*

If you need special accommodations due to a disability, please contact Kristle Green (see **FOR FURTHER INFORMATION CONTACT**) no later than 7 days before the public meeting.

Streaming Webcast of the Public Meeting: Portions of the public meeting will be recorded and webcast on the day of the meeting. Information on how to access the webcast will be available at *https://www.fda.gov/drugs/news-events-human-drugs/drug-supply-chain-security-act-pilot-project-program-and-enhanced-drug-distribution-security* within 7 days before the public meeting. The webcast will be conducted in listening mode only.

Dated: October 22, 2020.

Lauren K. Roth,

Acting Principal Associate Commissioner for Policy.

[FR Doc. 2020–23838 Filed 10–27–20; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2020–D–1877]

Necessary Automated External Defibrillator Accessories: Policy Regarding Compliance Date; Immediately in Effect Guidance for Industry, Stakeholders, Health Care Professionals, and Food and Drug Administration Staff; 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 entitled ''Necessary Automated External Defibrillator Accessories: Policy Regarding Compliance Date.'' FDA is issuing this guidance to revise its compliance policy regarding the deadline for filing premarket approval (PMA) applications for previously cleared accessories necessary to the operation of automated external defibrillator (AED) systems.

DATES: The announcement of the guidance is published in the **Federal Register** on October 28, 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–2020–D–1877 for ''Necessary Automated External Defibrillator Accessories: Policy Regarding Compliance Date.'' 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)).

An electronic copy of the guidance document is available for download from the internet. See the **SUPPLEMENTARY INFORMATION** section for information on electronic access to the guidance. Submit written requests for a single hard copy of the guidance document entitled ''Necessary Automated External Defibrillator Accessories: Policy Regarding Compliance Date'' to the Office of Policy, Guidance and Policy Development, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 5431, Silver Spring,

MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your request.

FOR FURTHER INFORMATION CONTACT: Jessica Paulsen, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 2108, Silver Spring, MD 20993–0002, 301–796–6883.

SUPPLEMENTARY INFORMATION:

I. Background

In February 2015, FDA published a final order requiring the submission of premarket approval (PMA) applications for new and existing AEDs and necessary AED accessories. The final order required the submission of a PMA application for any preamendments and substantially equivalent AED necessary accessory—such as batteries, pad electrodes, adapters, and hardware keys for pediatric use—within 90 days of the date of the final order; however, the final order also stated that FDA did not intend to enforce compliance with the PMA submission requirement for these necessary AED accessories for 60 months following the date of the final order, which was February 3, 2020.

For the reasons described in the guidance, at this time FDA does not intend to enforce compliance with the PMA submission requirement for these necessary AED accessories until February 3, 2022.

This guidance is being implemented without prior public comment because the Agency has determined that prior public participation is not feasible or appropriate (see section 701(h)(1)(C) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 371(h)(1)(C)) and 21 CFR 10.115(g)(2)). FDA has determined that this guidance document presents a less burdensome policy that is consistent with public health. Although this guidance is immediately in effect, FDA will consider all comments received and revise the guidance document as appropriate.

This guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The guidance represents the current thinking of FDA on Necessary Automated External Defibrillator Accessories: Policy Regarding Compliance Date. 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. Electronic Access

Persons interested in obtaining a copy of the guidance may do so by downloading an electronic copy from the internet. A search capability for all Center for Devices and Radiological Health guidance documents is available at *https://www.fda.gov/medical-devices/device-advice-comprehensive-regulatory-assistance/guidance-documents-medical-devices-and-radiation-emitting-products.* This guidance document is also available at *https://www.regulations.gov.* Persons unable to download an electronic copy of ''Necessary Automated External Defibrillator Accessories: Policy Regarding Compliance Date'' may send an email request to *CDRH-Guidance@fda.hhs.gov* to receive an electronic copy of the document. Please use the document number 20043 and complete title to identify the guidance you are requesting.

III. Paperwork Reduction Act of 1995

While this guidance contains no collection of information, it does refer to previously approved collections of information. Therefore, clearance by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3521) is not required for this guidance. The previously approved collections of information are subject to review by OMB under the PRA. The collection of information in the following FDA regulations have been approved by OMB as listed in the following table:

21 CFR part	Topic	OMB control No.
814, subparts A through E	Premarket approval	0910–0231

Dated: October 22, 2020.

Lauren K. Roth,

Acting Principal Associate Commissioner for Policy.

[FR Doc. 2020–23841 Filed 10–27–20; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Submission to OMB for Review and Approval; Public Comment Request; Information Collection Request Title: Enhancing Linkage of Sexually Transmitted Infection and Human Immunodeficiency Virus Surveillance Data in the Ryan White HIV/AIDS Program Evaluation, OMB No. 0906–New

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services.

ACTION: Notice.

SUMMARY: In compliance with of the Paperwork Reduction Act of 1995, HRSA has submitted an Information Collection Request (ICR) to the Office of Management and Budget (OMB) for review and approval. Comments submitted during the first public review of this ICR will be provided to OMB. OMB will accept further comments from the public during the review and approval period. OMB may act on HRSA's ICR only after the 30 day comment period for this Notice has closed.

DATES: Comments on this ICR should be received no later than November 27, 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 Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: To request a copy of the clearance requests submitted to OMB for review, email Lisa

Wright-Solomon, the HRSA Information Collection Clearance Officer at *paperwork@hrsa.gov* or call (301) 443–1984.

SUPPLEMENTARY INFORMATION:

Information Collection Request Title: Enhancing Linkage of Sexually Transmitted Infection and Human Immunodeficiency Virus Surveillance Data in the Ryan White HIV/AIDS Program Evaluation, OMB No. 0906–xxxx–NEW

Abstract: HRSA's Ryan White HIV/AIDS Program (RWHAP) funds and coordinates with cities, states, and local clinics/community-based organizations to deliver efficient and effective Human Immunodeficiency Virus (HIV) care, treatment, and support to low-income people with HIV. Nearly two-thirds of clients (patients) live at or below 100 percent of the Federal poverty level and approximately three-quarters of RWHAP clients are racial and ethnic minorities. Since 1990, the RWHAP has developed a comprehensive system of HIV service providers who deliver high quality direct health care and support services to over half a million people with HIV—more than 50 percent of all people with diagnosed HIV in the United States.

HRSA's HIV/AIDS Bureau is conducting a multi-year evaluation of the Enhancing Linkage of Sexually Transmitted Infection (STI) and HIV Surveillance Data in the RWHAP (Enhancing STI Linkage) demonstration project. The Enhancing STI Linkage demonstration project is a capacity building cooperative agreement that seeks to improve linkage, re-engagement in care, and health outcomes for people with HIV in the RWHAP. Through this demonstration project, a Technical Assistance Provider is collaborating with four RWHAP Part B jurisdictions to provide them with tailored training and technical assistance to facilitate data sharing across STI and HIV surveillance systems. A persistent barrier to addressing HIV and STI infections simultaneously and jointly is the lack of data systems linking HIV and STI surveillance data. Aside from helping to address problems around coinfection, there are substantial opportunities—particularly for the RWHAP—associated with linking HIV and STI surveillance data, including, but not limited to, identifying people with HIV currently out of care and identifying people with STIs who could be tested for HIV and promptly linked to care. This clearance request is for approval of data collection activities associated with the Enhancing STI Linkage evaluation which will occur simultaneously with the demonstration project, over a 3-year project period.

A 60-day notice published in the **Federal Register** on August 20, 2020, vol. 85 No. 162; pp. 51454–51455. There were no public comments.

Need and Proposed Use of the Information: This mixed methods evaluation will assess the achievement and effectiveness of the Enhancing STI Linkage demonstration project. HRSA will collect quantitative and qualitative data to inform the HRSA on how to enhance jurisdictions' use of STI and HIV surveillance data to improve service delivery and HIV-related health outcomes. Information gleaned from the Enhancing STI Linkage evaluation may be used to enhance and coordinate health departments' responses to HIV and STI epidemics and affect change in HIV care continuum outcomes.

Likely Respondents: Multiple respondents from four HRSA RWHAP Part B recipients, including data end-users identified by the Part B recipients within their jurisdiction.

Burden Statement: Burden in this context means the time expended by persons to generate, maintain, retain, disclose or provide the information requested. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information; to search data sources; to complete and review the collection of information; and to transmit or otherwise disclose the information. The total annual burden hours estimated for this ICR are summarized in the table below.

Total Estimated Annualized Burden—Hours

ANNUALIZED DATA COLLECTION BURDEN—YEARS 2 AND 3

Type of respondent	Form name	Number of respondents	Number of responses per respondent *	Total responses	Average burden per response (in hours)	Total burden hours
Jurisdiction TA Recipient	Jurisdiction TA Recipient Semi-Structured Interview Guide.	12	2	24	1.00	24
Policy Stakeholder	Policy Stakeholder Semi-Structured Interview Guide	12	2	24	.50	12
Data End-User	Data End-User Survey	105	2	210	.17	36
Total	.....	129	.....	258	.....	72

* Note: Burden hours represent responses for both years 2 and 3; and there are 2 responses per respondent, indicating one in each year (one in year 2 and another in year 3).

HRSA specifically requests comments on (1) the necessity and utility of the proposed information collection for the proper performance of the agency's functions, (2) the accuracy of the estimated burden, (3) ways to enhance the quality, utility, and clarity of the information to be collected, and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Maria G. Button,

Director, Executive Secretariat.

[FR Doc. 2020–23871 Filed 10–27–20; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Charter Renewal of the Secretary's Advisory Committee on Human Research Protection

AGENCY: Office for Human Research Protections, Office of the Assistant Secretary for Health, Office of the Secretary, Department of Health and Human Services.

ACTION: Notice.

SUMMARY: The Department of Health and Human Services is hereby giving notice that the charter for the Secretary's Advisory Committee on Human Research Protection (SACHRP) has been renewed.

FOR FURTHER INFORMATION CONTACT: Ms. Julia Gorey, Designated Federal Officer for the SACHRP, Office for Human Research Protections, 1101 Wootton Parkway, Rockville, MD 20852. Phone: (240) 453–8141; Email: *SACHRP@hhs.gov.*

SUPPLEMENTARY INFORMATION: SACHRP is a discretionary Federal advisory committee. SACHRP is authorized under 42 U.S.C. 217a, Section 222 of the Public Health Service (PHS) Act, as amended. The Committee is governed by the provisions of the Federal Advisory Committee Act (FACA), Public Law 92–463, as amended (5 U.S.C. App), which sets forth standards for the formation and use of advisory committees.

SACHRP functions to provide advice to the Secretary, through the Assistant Secretary for Health, on matters pertaining to the continuance and improvement of functions within the authority of the Department of Health and Human Services concerning protections for human subjects in research.

SACHRP is authorized to have 11 public voting members. The members are selected from among individuals possessing demonstrated experience and expertise in any of the several disciplines and fields pertinent to human subjects protection and/or clinical research. The Committee's public members are appointed by the Secretary. All public members of the Committee are classified as special government employees (SGEs). The Committee structure includes non-voting *ex-officio* representation from eight Departmental agencies; the eighth, the Office of the National Coordinator for Health Information Technology, is being added with this charter renewal.

On September 30, 2020, the Secretary approved for the SACHRP charter to be renewed. The new charter was effected and filed with the appropriate Congressional committees and the Library of Congress on October 1, 2020. Renewal of the Committee's charter gives authorization for the Committee to continue to operate until October 1, 2022.

A copy of the SACHRP charter is available on the Committee's website at *https://www.hhs.gov/ohrp/sachrp-committee/charter/index.html.* A copy of the charter can also be obtained by accessing the FACA database that is maintained by the Committee Management Secretariat under the General Services Administration. The website address for the FACA database is *www.facadatabase.gov.*

Dated: October 21, 2020.

Jerry Menikoff,

Director, Office for Human Research Protections.

[FR Doc. 2020–23789 Filed 10–27–20; 8:45 am]

BILLING CODE 4150–36–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Indian Health Service

[CFDA NUMBERS: 93.971, 93.123, AND 93.972]

Indian Health Professions Preparatory, Indian Health Professions Pre-Graduate and Indian Health Professions Scholarship Programs

Announcement Type: Initial.

Key Dates

Application Deadline Date: February 28, 2021, 7:00 p.m. Eastern.

Application Review Date: March 30–April 30, 2021.

Continuation Award Notification Deadline Date: June 5, 2021.

New Award Notification Deadline Date: July 15, 2021.

Award Start Date: August 1, 2021.

Acceptance/Decline of Awards Deadline Date: August 15, 2021.

I. Funding Opportunity Description

The Indian Health Service (IHS) is committed to encouraging American Indians and Alaska Natives to enter the health professions and to assuring the availability of Indian health professionals to serve Indians. The IHS is committed to the recruitment of students for the following programs:

- *The Indian Health Professions Preparatory Scholarship* (Preparatory Scholarship) authorized by Section 103 of the Indian Health Care Improvement Act, Public Law 94–437 (1976), as amended (IHCIA), codified at 25 U.S.C. 1613(b)(1).
- *The Indian Health Professions Pre-graduate Scholarship* (Pre-graduate Scholarship) authorized by Section 103 of the IHCIA, codified at 25 U.S.C. 1613(b)(2).
- *The Indian Health Professions Scholarship* (Health Professions Scholarship) authorized by Section 104 of the IHCIA, codified at 25 U.S.C. 1613a.

Full-time and part-time scholarships will be funded for each of the three scholarship programs. The scholarship award selections and funding are subject to availability of funds.

II. Award Information

Type of Award

Scholarship.

Estimated Funds Available

An estimated $13.7 million will be available for fiscal year (FY) 2021 awards. The IHS Scholarship Program (IHSSP) anticipates, but cannot guarantee, student scholarship selections from any or all of the approved disciplines in the Preparatory Scholarship, Pre-graduate Scholarship, and Health Professions Scholarship programs for the scholarship period 2021–2022 academic year. Due to the rising cost of education and the decreasing number of scholars who can be funded by the IHSSP, the IHSSP previously changed the funding policy for Preparatory Scholarship and Pre-graduate Scholarship awards and reallocated a greater percentage of its funding in an effort to increase the number of Health Professions Scholarship, and inherently the number of service-obligated scholars, to better meet the health care needs of the IHS and its Tribal and Urban Indian health care system partners. This policy continues in effect for 2021–2022 academic year.

Anticipated Number of Awards

Approximately 25 new awards will be made by the IHSSP under the Preparatory Scholarship and Pre-graduate Scholarship programs for Indians. The awards are for 10 months in duration, with an additional 2 months for approved summer school requests, and will cover both tuition and fees and other related costs (ORC). The average award to a full-time student in both programs is approximately $40,372.61. Approximately 100 new awards will be made by the IHSSP under the Health Professions Scholarship program. The awards are for 12 months in duration and will cover both tuition and fees and ORC. The average award to a full-time student is approximately $120,814.38. Approximately a total of 300 awards will be made under the IHSSP Scholarship Program for FY 2021–2022.

Project Period

The project period for the Preparatory Scholarship stipend support, tuition, fees and ORC is limited to 2 years for full-time students and the part-time equivalent of 2 years, not to exceed 4 years for part-time students. The project period for the Pre-graduate Scholarship stipend support, tuition, fees and ORC

is limited to 4 years for full-time students and the part-time equivalent of 4 years, not to exceed 8 years for part-time students. The Health Professions Scholarship provides stipend support, tuition, fees, and ORC and is limited to 4 years for full-time students and the part-time equivalent of 4 years, not to exceed 8 years for part-time students.

III. Eligibility Information

This is a limited competition announcement. New and continuation scholarship awards are limited to ''Indians'' as defined at 25 U.S.C. Section 1603(13). NOTE: The definition of ''Indians'' for Section 103 Preparatory Scholarship and Pre-graduate Scholarship is broader than the definition of ''Indians'' for the Section 104 Health Professions Scholarship, as specified below. Continuation awards are non-competitive.

1. Eligibility

The Indian Health Professions Preparatory Scholarship awards are made to American Indians (members of Federally recognized Tribes, including those from Tribes terminated since 1940, first and second degree descendants of members of federally recognized Tribes, members of State-recognized Tribes and first and second degree descendants of members of State-recognized Tribes), or Eskimo, Aleut, and other Alaska Natives who:

- Have successfully completed high school education or high school equivalency; and
- Have been accepted for enrollment in a compensatory, pre-professional general education course or curriculum.

The Indian Health Professions Pre-graduate Scholarship awards are made to American Indians (members of Federally recognized Tribes, including those from Tribes terminated since 1940, first and second degree descendants of members of federally recognized Tribes, members of State recognized Tribes, and first and second degree descendants of members of State-recognized Tribes), or Eskimo, Aleut, or other Alaska Natives who:

- Have successfully completed high school education or high school equivalency; and
- Have been accepted for enrollment or are enrolled in an accredited pre-graduate program leading to a baccalaureate degree in pre-medicine or pre-dentistry.

The Indian Health Professions Scholarship may only be awarded to an individual who is an Indian as defined by Section 1603(13) of the IHCIA. Membership in a Tribe recognized only by a State does not meet this statutory requirement. To receive an Indian Health Professions Scholarship, an otherwise eligible individual must be enrolled in an appropriately accredited school and pursuing a course of study in an eligible profession.

2. Cost Sharing/Matching

The IHS does not require matching funds or cost sharing for grants or cooperative agreements.

3. Benefits From State, Local, Tribal and Other Federal Sources

Awardees of the Preparatory Scholarship, Pre-graduate Scholarship, or Health Professions Scholarship, who accept outside funding from other scholarship, grant, and fee waiver programs, will have these monies applied to their student account tuition and fees charges at the college or university they are attending, before the IHSSP will pay any of the remaining balance, unless said outside scholarship, grant, or fee waiver award letter specifically excludes use for tuition and fees. These outside funding sources must be reported on the student's invoicing documents submitted by the college or university they are attending. Student loans and Veterans Administration (VA)/G.I. Bill benefits accepted by Health Professions Scholarship recipients will have no effect on the IHSSP payment made to their college or university.

IV. Application Submission Information

1. Electronic Application System and Application Handbook Instructions and Forms

Applicants must go online to: *www.ihs.gov/scholarship/online_application/index.cfm* to apply for an IHS scholarship and access the Application Handbook instructions for submitting a properly completed application for review and funding consideration. Applicants are strongly encouraged to seek consultation from their Area Scholarship Coordinator (ASC) in preparing their scholarship application for award consideration. The ASCs are listed on the IHS website at: *https://www.ihs.gov/scholarship/areascholarshipcoordinators//.* This information is listed below. Please review the following list to identify the appropriate IHS ASC for your State.

IHS area office and states/locality served	Scholarship coordinator address
Great Plains Area IHS: Nebraska, Iowa, North Dakota, South Dakota	Mr. Matthew Martin, IHS Area Scholarship Coordinator, Great Plains Area IHS, 115 Fourth Avenue SE, Aberdeen, SD 57401, Tel: (605) 226–7502.
Alaska Area Native Health Services: Alaska	Mr. Ryan Tubon, IHS Area Scholarship Coordinator, Alaska Area Native Health, 3900 Ambassador Drive, Anchorage, AK 99508, Tel: (907) 729–1324.
Albuquerque Area IHS: Colorado, New Mexico	Ms. Michelle Aguilar Bowser, IHS Area Scholarship Coordinator, Albuquerque Area IHS, 4101 Indian School Rd. NE, Suite 225, Albuquerque, NM 87110, Tel: (505) 505–256–6731.
Bemidji Area IHS: Illinois, Indiana, Michigan, Minnesota, Wisconsin	Mr. Tony Buckanaga, IHS Area Scholarship Coordinator, Bemidji Area IHS, 522 Minnesota Avenue NW, Room 115A, Bemidji, MN 56601, Tel: (218) 444–0486, (800) 892–3079 (toll free).
Billings Area IHS: Montana, Wyoming	Mr. Brett Miller, IHS Area Scholarship Coordinator, Billings Area IHS, Area Personnel Office, P.O. Box 36600, 2900 Fourth Avenue North, Suite 400, Billings, MT 59107, Tel: (406) 247–7211.
California Area IHS: California	Mr. Hakim Smith, IHS Area Scholarship Coordinator, California Area IHS, 650 Capitol Mall, Suite 7–100, Sacramento, CA 95814, Tel: (916) 930–3981 Ext. 316.

IHS area office and states/locality served	Scholarship coordinator address
Nashville Area IHS:	
Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, District of Columbia.	Mr. Keith Neves, IHS Area Scholarship Coordinator, Nashville Area IHS, 711 Stewarts Ferry Pike, Nashville, TN 37214, Tel: (615) 467–1616.
Navajo Area IHS:	
Arizona, New Mexico, Utah	Ms. Aletha John, IHS Area Scholarship Coordinator, Navajo Area IHS, P.O. Box 9020, Window Rock, AZ 86515, Tel: (928) 871–1360.
Oklahoma City Area IHS:	
Kansas, Missouri, Oklahoma, Texas	Mr. Jarrod Tahsequah, IHS Area Scholarship Coordinator, Oklahoma City Area IHS, 701 Market Drive, Oklahoma City, OK 73114, Tel: (405) 951- 3714, (800) 722–3357 (toll free).
Phoenix Area IHS:	
Arizona, Nevada, Utah	Mr. Aaron Arviso, IHS Area Scholarship Coordinator, Phoenix Area IHS, Southwest Region Human Resources, 40 North Central Avenue, Suite 510, Phoenix, AZ 85004, Tel: (602) 364–5228.
Portland Area IHS:	
Idaho, Oregon, Washington	Ms. Heidi Hulsey, IHS Area Scholarship Coordinator, Portland Area IHS, 1414 NW Northrup Street, Suite 800, Portland, OR 97209, Tel: (503) 414–7745.
Tucson Area IHS:	
Arizona	Mr. Aaron Arviso, (See Phoenix Area).

2. Content and Form Submission

Each applicant will be responsible for entering their basic applicant account information online, in addition to submitting required documents as requested. Applicants must initiate an application through the online portal or the application will be considered incomplete. For more information on how to use the online portal, go to *www.ihs.gov/scholarship*. The portal is expected to be open by December 30, 2020.

The following documents must be submitted by February 28, 2021, 7:00 p.m. Eastern:

- A completed online application.
- Official transcript(s) must be uploaded from the last college/university degree you earned, and from your current degree program. Official transcript(s) must support your intended enrollment/classification status for 2021–2022.
- Two Faculty/Employer Evaluations with faculty evaluators identified, evaluations transmitted and completed in the online applicant portal.
- Online narratives-reasons for requesting the scholarship.
- Delinquent Debt form completed in the online applicant portal.
- Course Curriculum Form completed in the online applicant portal. Non-selected applicants will be notified by the end of May. Selected applicants will be notified to upload the following documents within 30 days of notification:
- Current Letter of Acceptance from a college/university or proof of application to a college/university or health professions program.
- Applicant's Documents for Indian Eligibility.

If you are a member of a federally recognized Tribe or Alaska Native (recognized by the Secretary of the Interior), provide evidence of

A. Certification of Tribal enrollment by the Secretary of the Interior, acting through the Bureau of Indian Affairs (BIA) Certification: Form 4432—Category A or D, (whichever is applicable).

Note: If you meet the criteria of Form 4432—Category B or C, you are eligible only for the Preparatory or Pre-graduate Scholarships, which have eligibility criteria as follows in Section B.

B. For Preparatory Scholarship or Pre-graduate Scholarship, only: If you are a member of a Tribe terminated since 1940 or a State-recognized Tribe, provide official documentation that you meet the requirements of Tribal membership as prescribed by the charter, articles of incorporation or other legal instrument of the Tribe and have been officially designated as a Tribal member as evidenced by an accompanying document signed by an authorized Tribal official; or other evidence, satisfactory to the Secretary of the Interior, that you are a member of the Tribe. In addition, if the terminated or State-recognized Tribe of which you are a member is not on a list of such Tribes published by the Secretary of the Interior in the **Federal Register**, you must submit an official signed document that the Tribe has been terminated since 1940 or is recognized by the State in which the Tribe is located in accordance with the law of that State.

C. For Preparatory Scholarship or Pre-graduate Scholarship, only: If you are not a Tribal member, but are a natural child or grandchild of a Tribal member you must submit: (1) Evidence of that fact, *e.g.,* your birth certificate and/or your parent's/grandparent's birth/death certificate showing the name of the Tribal member; and (2) evidence of your parent's or grandparent's Tribal membership in accordance with paragraphs A and B. The relationship to the Tribal member must be clearly documented. Failure to submit the required documentation will result in the application not being accepted for review.

- Degree/Major Plan of Study.
- Declaration of Federal Employment-OMB Form 3206–0162.
- Addendum OF 306 Form—OMB Form 0917–0028.

3. Submission Dates

Application Receipt Date: The online application submission deadline is February 28, 2021, 7:00 p.m. Eastern. No supporting documents will be accepted after this date and time, except final Letters of Acceptance, which must be submitted no later than July 1, 2021.

4. Intergovernmental Review

Executive Order 12372 requiring intergovernmental review is not applicable to this program.

5. Funding Restrictions

No more than five percent of available funds will be used for part-time scholarships this fiscal year. Students are considered part-time if they are enrolled for a minimum of six hours of instruction and are not considered in

full-time status by their college/university. Documentation must be received from part-time applicants that their school and course curriculum allows less than full-time status. Both part-time and full-time scholarship awards will be made in accordance with the applicable authorizing statutes at 25 U.S.C. 1613 and 1613a and the regulations at 42 CFR part 136 Subpart J, Subdivisions J–3, J–4, and J–8 and this information will be published in all IHSSP Application and Student Handbooks as they pertain to the IHSSP.

6. Other Submissions Requirements

New and continuation applicants are responsible for using the online application system. See section 3. Submission Dates for application deadlines.

V. Application Review Information

1. Criteria

Selected applications will be reviewed and scored with the following criteria.

- Academic Performance (40 Points)

Applicants are rated according to their academic performance as evidenced by transcripts and faculty evaluations. In cases where a particular applicant's school has a policy not to rank students academically, faculty members are asked to provide a personal judgment of the applicant's achievement. Preparatory, Pre-graduate and Health Professions applicants with a cumulative GPA below 2.0 are not eligible for award.

- Faculty/Employer Recommendations (30 Points)

Applicants are rated according to evaluations by faculty members, current and/or former employers and Tribal officials regarding the applicant's potential in the chosen health related professions.

- Stated Reasons for Asking for the Scholarship and Stated Career Goals Related to the Needs of the IHS (30 Points)

Applicants must provide a brief written explanation of reasons for asking for the scholarship and of their career goals. Applicants are considered for scholarship awards based on their desired career goals and how these goals relate to current Indian health personnel needs.

The applicant's narrative will be judged on how well it is written and its content.

Applications for each health career category are reviewed and ranked separately.

- Applicants who are closest to graduation or completion of training are awarded first. For example, senior and junior applicants under the Pre-graduate Scholarship receive funding before freshmen and sophomores.

- Priority Categories

The following is a list of health professions that will be considered for funding in each scholarship program in FY 2021.

○ Preparatory Scholarship is limited to sophomore students pursuing the following degrees.

A. Pre-Nursing.

○ Pre-graduate Scholarship is limited to junior year and above students pursuing the following degrees.

A. Pre-Dentistry.

B. Pre-Medicine.

○ Health Professions Scholarship. This scholarship is limited to students who are or will be in the following plan of study by August 1, 2021.

A. Medicine—Allopathic and Osteopathic doctorate degrees.

B. Nursing—Bachelor of Science (BSN).

C. Nursing (NP, DNP)—Nurse Practitioner/Advanced Practice Nurse.

D. Nursing—Certified Nurse Midwife (CNM).

E. Certified Registered Nurse Anesthetist (CRNA).

F. Physician Assistant (certified).

G. Dentistry—DDS or DMD degree.

H. Social Work—Master's degree (Clinical).

I. Clinical Psychology—Ph.D. or PsyD.

J. Counseling Psychology—Ph.D.

K. Optometry—OD.

L. Pharmacy—PharmD.

M. Podiatry—DPM.

N. Physical Therapy—DPT.

O. Chiropractic—DC.

2. Review and Selection Process

Selected applications will be reviewed and scored by the IHSSP Application Review Committee appointed by the IHS. Reviewers will not be allowed to review an application from their area or their own Tribe. Each application will be reviewed by three reviewers. The average score of the three reviews provides the final ranking score for each applicant. To determine the ranking of each applicant, these scores are sorted from the highest to the lowest within each scholarship health discipline by date of graduation and score. If several students have the same date of graduation and score within the same discipline, the computer will randomly sort the ranking list and will not sort by alphabetical name. Selections are then made from the top of each ranking list to the extent that funds allocated by the IHS among the three scholarships are available for obligation.

VI. Award Administration Information

1. Award Notices

It is anticipated that recipients applying for extension of their scholarship funding will be notified in writing during the second week of June, 2021 and new applicants will be notified in writing during the second week of July 2021. An Award Letter will be issued to successful applicants. Unsuccessful applicants will be notified in writing.

2. Administrative and National Policy Requirements

Regulations at 42 CFR 136.304 provide that the IHS shall, from time to time, publish a list of allied health professions eligible for consideration for the award of the Preparatory Scholarship, Pre-graduate Scholarship, and Health Professions Scholarship. Section 104(b)(1) of the IHCIA, 25 U.S.C. 1613a(b)(1), authorizes the IHS to determine the distribution of scholarships among the health professions.

Awards for the Health Professions Scholarship will be made in accordance with the IHCIA, 25 U.S.C. 1613a and 42 CFR 136.330–136.334. Awardees shall incur a service obligation prescribed under the IHCIA, Section 1613a(b), shall be met by service, through full-time clinical practice (as detailed on page 18 of the IHSSP Service Commitment Handbook at: *http://www.ihs.gov/scholarship/handbooks/service_commitment_handbook.pdf*):

(1) In the IHS;

(2) In a program conducted under a contract or compact entered into under the Indian Self-Determination and Education Assistance Act (Pub. L. 93–638) and its amendments;

(3) In a program assisted under Title V of the Indian Health Care Improvement Act (Pub. L. 94–437) and its amendments; or

(4) In a private practice option of his or her profession if the practice (a) is situated in a health professional shortage area, designated in regulations promulgated by the Secretary of Health and Human Services (Secretary) and (b) addresses the health care needs of a substantial number (75 percent of the total served) of Indians as determined by the Secretary in accordance with guidelines of the Service.

Pursuant to the IHCIA Section 1613a(b)(3)(C), an awardee of a Health Professions Scholarship may, at the election of the awardee, meet his or her

service obligation prescribed under IHCIA Section 1613a(b) by a program specified in options (1)–(4) above that:

(i) Is located on the reservation of the Tribe in which the awardee is enrolled; or

(ii) Serves the Tribe in which the awardee is enrolled, if there is an open vacancy available in the discipline for which the awardee was funded under the Health Professions Scholarship during the required 90-day placement period.

In summary, all awardees of the Indian Health Professions Scholarship are reminded that acceptance of this scholarship will result in a service obligation required by both statute and contract, that must be performed, through full-time clinical practice, at an approved service payback facility. The IHS Director (Director) reserves the right to make final decisions regarding assignment of scholarship recipients to fulfill their service obligation.

Moreover, the Director has the authority to make the final determination, designating a facility, whether managed and operated by the IHS, or one of its Tribal or Urban Indian partners, consistent with IHCIA, as approved for scholar-obligated service payback.

3. Reporting Requirements

Scholarship Program Minimum Academic Requirements

It is the policy of the IHS that a scholarship awardee funded under the Health Professions Scholarship Program of the IHCIA must maintain a 2.0 cumulative GPA, remain in good academic standing each semester/trimester/quarter, maintain full-time student status (institutional definition of ''minimum hours'' constituting full-time enrollment applies) or part-time student status (institutional definition of ''minimum and maximum'' hours constituting part-time enrollment applies) for the entire academic year, as indicated on the scholarship application submitted for that academic year. The Health Professions Scholarship awardee may not change his or her enrollment status between terms of enrollment during the same academic year unless approved in advance by the Branch Chief of Scholarships. New recipients may not request a leave of absence the first academic year. All requests for leave of absence are to be approved in advance by the Director, Division of Health Professions Support.

An awardee of a scholarship under the Preparatory Scholarship and Pre-graduate Scholarship authority must maintain a 2.0 cumulative GPA, remain in good standing each semester/trimester/quarter and be a full-time student (institutional definition of ''minimum hours'' constituting full-time enrollment applies, typically 12 credit hours per semester) or a part-time student (institutional definition of ''minimum and maximum'' hours constituting part-time enrollment applies, typically 6–11 credit hours). The Preparatory Scholarship and Pre-graduate Scholarship awardee may not change from part-time status to full-time status or vice versa in the same academic year unless approved in advance by the Branch Chief of Scholarships. New recipients may not request a leave of absence the first academic year.

The following reports must be sent to the IHSSP at the identified time frame. Each scholarship awardee will have access to online Student and Service Commitment Handbooks and required program forms and instructions on when, how, and to whom these must be submitted, by logging into the IHSSP website at *www.ihs.gov/scholarship.* If a scholarship awardee fails to submit these forms and reports as required, they will be ineligible for continuation of scholarship support and scholarship award payments will be discontinued.

A. Recipient's and Initial Progress Report

Within thirty days from the beginning of each semester/trimester/quarter, scholarship awardees must submit a Recipient's Initial Program Progress Report (Form IHS–856–8), found on the IHS Scholarship Program website at: *http://www.ihs.gov/scholarship/programresources/studentforms/.*

B. Transcripts

Within thirty days from the end of each academic period, *i.e.,* semester/trimester/quarter, or summer session, scholarship awardees must submit an official transcript showing the results of the classes taken during that period.

C. Notification of Academic Problem

If at any time during the semester/trimester/quarter, scholarship awardees are advised to reduce the number of credit hours for which they are enrolled below the minimum of the 12 (or the number of hours considered by their school as full-time) for a full-time student or at least 6 hours for part-time students, or if they experience academic problems, they must submit this report (Form IHS–856–9), found on the IHS Scholarship Program website at: *www.ihs.gov/scholarship/programresources/studentforms/.*

D. Change of Status

- Change of Academic Status

Scholarship awardees must immediately notify their Scholarship Program Analyst if they are placed on academic probation, dismissed from school, or voluntarily withdraw for any reason (personal or medical).

- Change of Health Discipline

Scholarship awardees may not change from the approved IHSSP health discipline during the school year. If an unapproved change is made, scholarship payments will be discontinued.

- Change in Graduation Date

Any time that a change occurs in a scholarship awardee's expected graduation date, they must notify their Scholarship Program Analyst immediately in writing. Justification must be attached from the school advisor. Approvals must be made by the Branch Chief of Scholarships. New awardees are not eligible to change their graduation dates during the first year in the program since awards were based on graduation dates.

VII. Agency Contacts

1. Questions on the application process may be directed to the appropriate IHS Area Scholarship Coordinator.

2. Questions on other programmatic matters may be addressed to: Ms. Reta Brewer, Chief, Scholarship Program, 5600 Fishers Lane, Mail Stop: OHR (11E53A), Rockville, Maryland 20857, Telephone: (301) 443–6197 (This is not a toll-free number).

3. Questions on payment information may be directed to: Mr. Craig Boswell, Grants Scholarship Coordinator, Division of Grants Management, Indian Health Service, 5600 Fishers Lane, Mail Stop: (09E65A), Rockville, Maryland 20857, Telephone: (301) 443–0056 (This is not a toll-free number).

VIII. Other Information

The Public Health Service (PHS) is committed to achieving the health promotion and disease prevention objectives of *Healthy People 2020,* a PHS-led activity for setting priority areas. This program announcement is related to the priority area of Education and Community-Based Programs. Potential applicants may download a copy of *Healthy People 2020* from *http://www.healthypeople.gov.*

Interested individuals are reminded that the list of eligible IHSSP health and allied professions is effective for applicants for the 2021–2022 academic

year. These priorities will remain in effect until superseded. Applicants who apply for health career categories not listed as a priorities during the current scholarship cycle will not be considered for a scholarship award.

Michael D. Weahkee,

RADM, Assistant Surgeon General, U.S. Public Health Service, Director, Indian Health Service.

[FR Doc. 2020–23820 Filed 10–27–20; 8:45 am]

BILLING CODE 4165–16–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel Emergency Awards: Rapid Investigation of Severe Acute Respiratory Syndrome Coronavirus 2 (SARS–CoV–2) and Coronavirus Disease 2019 (COVID–19)

Date: November 16–17, 2020.

Time: 2:00 p.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute of Allergy and Infectious Diseases; National Institutes of Health, 5601 Fishers Lane, Room 3G13B, Rockville, MD 20892, (Telephone Conference Call).

Contact Person: Yong Gao, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3G13B, Rockville, MD 20892–9834, (240) 669–5048, *yong.gao@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: October 23, 2020.

Tyeshia M. Roberson,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2020–23879 Filed 10–27–20; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Library of Medicine; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the Literature Selection Technical Review Committee. The meeting is devoted to the review and evaluation of journals for potential indexing by the National Library of Medicine and will be closed to the public in accordance with the provisions set forth in section 552b(c)(9)(B), Title 5 U.S.C., as amended. Premature disclosure of the titles of the journals as potential titles to be indexed by the National Library of Medicine, the discussions, and the presence of individuals associated with these publications could significantly frustrate the review and evaluation of individual journals.

Name of Committee: Literature Selection Technical Review Committee.

Date: February 25–26, 2021.

Time: 9:30 a.m. to 5:00 p.m.

Agenda: To review and evaluate journals as potential titles to be indexed by the National Library of Medicine.

Place: Virtual Meeting.

Contact Person: Dianne Babski, Acting Deputy Associate Director, Division of Library Operations, National Library of Medicine, 8600 Rockville Pike, Building 38, Room 2W04A, Bethesda, MD 20894, 301–827–4729, *babskid@mail.nih.gov.*

Any member of the public may submit written comments no later than 15 days after the meeting.

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

(Catalogue of Federal Domestic Assistance Program No. 93.879, Medical Library Assistance, National Institutes of Health, HHS).

Dated: October 23, 2020.

Ronald J. Livingston, Jr.,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2020–23878 Filed 10–27–20; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel Small Business Innovation Research (SBIR), Phase II Program Contract Solicitation (PHS 2019–1) Topics 73.

Date: November 20, 2020.

Time: 10:00 a.m. to 2:00 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3G62A, Rockville, MD 20892, (Virtual Meeting).

Contact Person: Eleazar Cohen, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3G62A, Bethesda, MD 20892, (240) 669–5081, *ecohen@niaid.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: October 23, 2020.

Tyeshia M. Roberson,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2020–23882 Filed 10–27–20; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Center for Advancing Translational Sciences; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as

amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Center for Advancing Translational Sciences Special Emphasis Panel; R13 Conference Grant Review.

Date: November 17–18, 2020.

Time: 9:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Center for Advancing Translational Sciences, National Institutes of Health, 6701 Democracy Boulevard, Room 1078, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Rahat (Rani) Khan, Ph.D., Scientific Review Officer, Office of Scientific Review, National Center for Advancing Translational Sciences, National Institutes of Health, 6701 Democracy Boulevard, Room 1078, Bethesda, MD 20892, 301–594–7319, *khanr2@csr.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.859, Pharmacology, Physiology, and Biological Chemistry Research; 93.350, B—Cooperative Agreements; 93.859, Biomedical Research and Research Training, National Institutes of Health, HHS)

Dated: October 23, 2020.

Patricia B. Hansberger,

Supervisory Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2020–23881 Filed 10–27–20; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel Harnessing Natural Killer (NK) Cells to Prevent, Control, or Eradicate HIV (R01 Clinical Trial Not Allowed).

Date: November 23–24, 2020.

Time: 11:00 a.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3G11, Rockville, MD 20892, (Telephone Conference Call).

Contact Person: Kumud K. Singh, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3G11, Rockville, MD 20892, 301–761–7830, *kumud.singh@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: October 23, 2020.

Tyeshia M. Roberson,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2020–23880 Filed 10–27–20; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2020–0317]

Commercial Diving Operations—Equivalent Levels of Safety Policy Letter

AGENCY: Coast Guard, DHS.

ACTION: Notice of availability.

SUMMARY: The Coast Guard is announcing the availability of CG–OES Policy Letter 02–20, *Commercial Diving Operations—Equivalent Levels of Safety.* This policy letter provides guidance on Coast Guard acceptance of certain industry-recognized standards for commercial diving operations as providing a level of safety that is equivalent to the requirements contained in Coast Guard regulations.

DATES: This policy is applicable October 28, 2020.

FOR FURTHER INFORMATION CONTACT: If you have questions or feedback related to this policy, contact Mr. Ken A. Smith, Vessel and Facility Operating Standards Division (CG–OES–2), Coast Guard; telephone 202–372–1413, email *Ken.A.Smith@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Abbreviations

ADCI Association of Diving Contractors International
CFR Code of Federal Regulations
DHS Department of Homeland Security
FR Federal Register
IMCA International Marine Contractors Association
U.S.C. United States Code

II. Discussion

The Coast Guard's requirements for commercial diving are found in Title 46 of the Code of Federal Regulations (CFR), part 197, subpart B. Based on data obtained by the Coast Guard in 2014, the majority of commercial diving operators subject to these requirements were members of commercial diving organizations that have established commercial diving standards.[1] As members of these organizations, these operators have committed to complying with the standards established by their organizations.

These organizations have made improvements over the years, such as in the training and qualification requirements of commercial divers, medical examinations, and procedures associated with the different modes of diving, that have made commercial diving operations safer. The Association of Diving Contractors International (ADCI) and the International Marine Contractors Association (IMCA) contacted the Coast Guard and requested that we review their standards and issue a Commercial Diving Operations—Equivalent Levels of Safety Policy Letter. The Coast Guard has completed the review and is issuing CG–OES Policy Letter 02–20, *Commercial Diving Operations—Equivalent Levels of Safety.*

In summary, CG–OES Policy Letter 02–20 provides that the Coast Guard considers commercial diving operations being performed in accordance with ADCI International Consensus Standards for Commercial Diving and Underwater Operations, edition 6.3 (2016)[2] and IMCA International Code of Practice for Offshore Diving (IMCA D

[1] U.S. Coast Guard, ''Commercial Diving Operations: Notice of Proposed Rulemaking Preliminary Regulatory Analysis and Initial Regulatory Flexibility Analysis,'' table 2–3, page 25 (Dec. 2014), (available at *https://www.regulations.gov/document?D=USCG-1998-3786-0195.*

[2] Available at *https://www.adc-int.org/content.asp?contentid=173.*

014 Version 2 (Nov 2019) [3] to provide a level of safety equivalent to the commercial diving regulations found in 46 CFR 197.300 through 197.462, which cover equipment, operations, diving mode procedures, periodic tests and inspections. Compliance with 46 CFR 197.480 through 197.488 is still required.

Other organizations wishing to be considered by the Coast Guard as providing an equivalent level of safety to the commercial diving regulations in 46 CFR part 197 may submit information to the point of contact identified in the **FOR FURTHER INFORMATION CONTACT** section above, demonstrating how they meet the equivalency requirements.

III. Access to CG–OES Policy Letter 02–20

In addition to being available with other Coast Guard guidance documents at *https://www.uscg.mil/guidance,* a copy of CG–OES Policy Letter 02–20, *Commercial Diving Operations—Equivalent Levels of Safety,* is available in docket USCG–2020–0317 at *https://www.regulations.gov* and also at *https://www.dco.uscg.mil/Our-Organization/Assistant-Commandant-for-Prevention-Policy-CG-5P/Commercial-Regulations-standards-CG-5PS/office-oes/.*

IV. Legal Authority

Pursuant to Title 33 of the United States Code (U.S.C.) 1509, 46 U.S.C. 3306, and 43 U.S.C. 1333, the Coast Guard has issued safety regulations for commercial diving operations. These requirements are found in 46 CFR part 197, subpart B. The Coast Guard is issuing *CG–OES Policy Letter 02–20, Commercial Diving Operations—Equivalent Levels of Safety* in accordance with 46 CFR 197.206, which provides that the Coast Guard may accept substitutes for equipment, materials, apparatus, arrangements, procedures, or tests required by 46 CFR part 197 if the substitute provides an equivalent level of safety. This notice of availability is issued in accordance with 5 U.S.C. 552.

Dated: October 16, 2020.

R.V. Timme,

Rear Admiral, U.S. Coast Guard, Assistant Commandant for Prevention Policy.

[FR Doc. 2020–23855 Filed 10–27–20; 8:45 am]

BILLING CODE 9110–04–P

[3] Available at *https://www.imca-int.com/publications/120/imca-international-code-of-practice-for-offshore-diving/.*

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

[1651–0109]

Agency Information Collection Activities: Guam-CNMI Visa Waiver Information

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 27, 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.* 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: 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 37466) on June 16, 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: Guam-CNMI Visa Waiver Information.

OMB Number: 1651–0109.

Form Number: I–736.

Current Action: Renewal.

Type of Review: Extension/Revision (with change).

Affected Public: Individuals.

Abstract: Public Law 110–229 provides for certain aliens to be exempt from the nonimmigrant visa requirement if seeking entry into Guam or the Commonwealth of the Northern Mariana Islands (CNMI) as a visitor for a maximum stay of 45 days, provided that no potential threat exists to the welfare, safety, or security of the United States, or its territories, and other criteria are met. Upon arrival at the Guam or CNMI Ports-of-Entry, each applicant for admission presents a completed paper Form I–736 to CBP, which collects information about the applicant's identity and travel documents.

Several elements will be added to the Form I–736: The foreign passport type, social media identifier, valid email address, and social media provider/platform. Adding these data elements will enhance the existing vetting

process and provide CBP additional information to determine travelers' admissibility to enter Guam or the CNMI under the Guam-CNMI Visa Waiver Program. CBP intends to migrate from the paper Form I–736 process to a mandatory automated process via rulemaking.

Type of Collection: CBP Form I–736.

Estimated Number of Respondents: 1,560,000.

Estimated Number of Annual Responses per Respondent: 1.

Estimated Number of Total Annual Responses: 1,560,000.

Estimated Time per Response: 19 minutes (0.316 hours).

Estimated Total Annual Burden Hours: 492,960.

Dated: October 23, 2020.

Seth D. Renkema,

Branch Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection.

[FR Doc. 2020–23830 Filed 10–27–20; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Customs Broker Permit User Fee Payment for 2021

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: General notice.

SUMMARY: This document provides notice to customs brokers that the annual user fee that is assessed for each permit held by a broker, whether it may be an individual, partnership, association, or corporation, is due by January 29, 2021. Pursuant to fee adjustments required by the Fixing America's Surface Transportation Act (FAST ACT) and U.S. Customs and Border Protection (CBP) regulations, the annual user fee payable for calendar year 2021 will be $150.33.

DATES: Payment of the 2021 Customs Broker Permit User Fee is due by January 29, 2021.

FOR FURTHER INFORMATION CONTACT: Melba Hubbard, Broker Management Branch, Office of Trade, (202) 325–6986, or *melba.hubbard@cbp.dhs.gov.*

SUPPLEMENTARY INFORMATION:

Background

Pursuant to section 111.96 of title 19 of the Code of Federal Regulations (19 CFR 111.96(c)), U.S. Customs and Border Protection (CBP) assesses an annual user fee for each customs broker district and national permit held by an individual, partnership, association, or corporation. CBP regulations provide that this fee is payable for each calendar year in each broker district where the broker was issued a permit to do business by the due date. *See* 19 CFR 24.22(h) and (i)(9). Broker districts are defined in the General Notice entitled, ''Geographic Boundaries of Customs Brokerage, Cartage and Lighterage Districts,'' published in the **Federal Register** on March 15, 2000 (65 FR 14011), and corrected, with minor changes, on March 23, 2000 (65 FR 15686) and on April 6, 2000 (65 FR 18151).

Sections 24.22 and 24.23 of title 19 of the Code of Federal Regulations (19 CFR 24.22 and 24.23) provide for and describe the procedures that implement the requirements of the Fixing America's Surface Transportation Act (FAST Act) (Pub. L. 114–94, December 4, 2015). Specifically, paragraph (k) in section 24.22 (19 CFR 24.22(k)) sets forth the methodology to determine the change in inflation as well as the factor by which the fees and limitations will be adjusted, if necessary. The customs broker permit user fee is set forth in Appendix A of part 24. (19 CFR 24.22 Appendix A.) On July 29, 2020, CBP published a **Federal Register** notice, CBP Dec. 20–14, which among other things, announced that the annual customs broker permit user fee would increase to $150.33 for calendar year 2021. *See* 85 FR 45646.

As required by 19 CFR 111.96, CBP must provide notice in the **Federal Register** no later than 60 days before the date that the payment is due for each broker permit. This document notifies customs brokers that for calendar year 2021, the due date for payment of the user fee is January 29, 2021.

Dated: October 22, 2020.

Brenda B. Smith,

Executive Assistant Commissioner, Office of Trade.

[FR Doc. 2020–23831 Filed 10–27–20; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2007–0008]

National Advisory Council; Meeting

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Committee management; notice of open Federal Advisory Committee meeting.

SUMMARY: The Federal Emergency Management Agency's National Advisory Council (NAC) will meet November 17–18, 2020. The meeting will be open to the public through virtual means.

DATES: The NAC will meet by virtual means Tuesday, November 17 and Wednesday, November 18, 2020, between 12:30 p.m. to 5 p.m. Eastern Time. Please note that the meeting may close early if the NAC has completed its business.

ADDRESSES: All membership, FEMA, invited guest and public participation is by virtual means only. Anyone who wishes to participate must register with FEMA prior to the meeting by providing their name, telephone number, email address, title, and organization to the person listed in the **FOR FURTHER INFORMATION CONTACT** caption below by 5 p.m. ET Friday, November 13, 2020.

To facilitate public participation, members of the public are invited to provide written comments on the issues to be considered by the NAC. The topic areas are indicated in the **SUPPLEMENTARY INFORMATION** caption below. The full agenda and any related documents for this meeting will be available by Friday, November 13, 2020, by contacting the person listed in **FOR FURTHER INFORMATION CONTACT** below. Written comments must be submitted and received by 5 p.m. Eastern Time on November 13, 2020, identified by Docket ID FEMA–2007–0008, and submitted by the following method: Federal eRulemaking Portal: *http://www.regulations.gov.* Follow the instructions for submitting comments.

Instructions: All submissions must include the words ''Federal Emergency Management Agency'' and the docket number for this action. Comments received, including any personal information provided, will be posted without alteration at *http://www.regulations.gov.*

Docket: For access to the docket to read comments received by the NAC, go to *http://www.regulations.gov,* and search for Docket ID FEMA–2007–0008.

Public comment periods will be held on Tuesday, November 17, 2020, from 1:00 p.m. to 1:15 p.m. and on Wednesday, November 18, 2020, from 4:30 p.m. to 4:40 p.m. Eastern Time. All speakers must limit their comments to three minutes. Comments should be addressed to the NAC. Any comments not related to the agenda topics will not be considered by the NAC. To register to make remarks during the public comment period, contact the person listed in **FOR FURTHER INFORMATION CONTACT** below by 5 p.m. ET Friday,

November 13, 2020. Please note that the public comment period may end before the time indicated, following the last call for comments.

FOR FURTHER INFORMATION CONTACT: Jasper Cooke, Designated Federal Officer, Office of the National Advisory Council, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472–3184, telephone (202) 646–2700, and email *FEMA-NAC@fema.dhs.gov.* The NAC website is *http://www.fema.gov/national-advisory-council.*

SUPPLEMENTARY INFORMATION: Notice of this meeting is given under the Federal Advisory Committee Act, 5 U.S.C. Appendix.

The NAC advises the FEMA Administrator on all aspects of emergency management. The NAC incorporates input from state, local, territorial and tribal governments, and the private sector in the development and revision of FEMA plans and strategies. The NAC includes a cross-section of officials, emergency managers, and emergency response providers from State, local, territorial and Tribal governments, the private sector, and nongovernmental organizations.

Agenda: On Tuesday, November 17, 2020, the NAC will discuss final recommendations, and vote on the recommendations and the report.

On Wednesday, November 18, 2020, the NAC will present recommendations to and receive feedback from leadership and discuss strategic priorities with FEMA leadership and topical experts.

The full agenda and any related documents for this meeting will be available by Friday, November 13, 2020, by contacting the person listed in **FOR FURTHER INFORMATION CONTACT** above.

Pete Gaynor,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2020–23956 Filed 10–26–20; 11:15 am]

BILLING CODE 9111–48–P

DEPARTMENT OF HOMELAND SECURITY

[Docket No. CISA–2020–0015]

Notice of President's National Security Telecommunications Advisory Committee Meeting

AGENCY: Cybersecurity and Infrastructure Security Agency (CISA), Department of Homeland Security (DHS).

ACTION: Notice of meeting; request for comments.

SUMMARY: CISA is publishing this notice to announce the following President's National Security Telecommunications Advisory Committee (NSTAC) meeting. This meeting will be partially closed to the public.

DATES:

Meeting Registration: Registration to attend the meeting is required and must be received no later than 5:00 p.m. Eastern Time (ET) on November 5, 2020. For more information on how to participate, please contact *NSTAC@cisa.dhs.gov.*

Speaker Registration: Registration to speak during the meeting's public comment period must be received no later than 5:00 p.m. ET on November 5, 2020.

Written Comments: Written comments must be received no later than 5:00 p.m. ET on November 5, 2020.

Meeting Date: The NSTAC will meet on November 12, 2020, from 12:30 p.m. to 4:15 p.m. ET. The meeting may close early if the committee has completed its business.

ADDRESSES: The meeting will be held via conference call. For access to the conference call bridge, information on services for individuals with disabilities, or to request special assistance, please email *NSTAC@cisa.dhs.gov* by 5:00 p.m. ET on November 5, 2020.

Comments: Members of the public are invited to provide comment on the issues that will be considered by the committee as listed in the **SUPPLEMENTARY INFORMATION** section below. Associated materials that participants may discuss during the meeting will be available at *https://www.cisa.gov/national-security-telecommunications-advisory-committee* for review on October 28, 2020. Comments may be submitted by 5:00 p.m. ET on November 5, 2020 and must be identified by Docket Number CISA–2020–0015. Comments may be submitted by one of the following methods:

- *Federal eRulemaking Portal: www.regulations.gov.* Please follow the instructions for submitting written comments.
- *Email: NSTAC@cisa.dhs.gov.* Include the Docket Number CISA–2020–0015 in the subject line of the email.

Instructions: All submissions received must include the words ''Department of Homeland Security'' and the Docket Number for this action. Comments received will be posted without alteration to *www.regulations.gov,* including any personal information provided.

Docket: For access to the docket and comments received by the NSTAC, please go to *www.regulations.gov* and enter docket number CISA–2020–0015.

A public comment period will be held during the meeting from 3:15 p.m. to 3:25 p.m. ET. Speakers who wish to participate in the public comment period must register by emailing *NSTAC@cisa.dhs.gov.* Speakers are requested to limit their comments to three minutes and will speak in order of registration. Please note that the public comment period may end before the time indicated, following the last request for comments.

FOR FURTHER INFORMATION CONTACT: Sandra Benevides, 703–705–6232, *sandra.benevides@cisa.dhs.gov.*

SUPPLEMENTARY INFORMATION: The NSTAC was established by Executive Order (E.O.) 12382, 47 FR 40531 (September 13, 1982), as amended and continued under the authority of E.O. 13889, dated September 27, 2019. Notice of this meeting is given under FACA, 5 U.S.C. Appendix (Pub. L. 92–463). The NSTAC advises the President on matters related to national security and emergency preparedness (NS/EP), telecommunications and cybersecurity policy.

Agenda: The NSTAC will hold a conference call on Thursday, November 12, 2020, to discuss current NSTAC activities pertinent to Government cybersecurity initiatives and NS/EP priorities with senior Government officials. This meeting will include an open and closed session. During the open session, NSTAC members will: (1) Participate in a strategic discussion on promoting U.S. leadership in emerging information and communications technologies (ICT); (2) receive a status update from the NSTAC Communications Resiliency Subcommittee; and (3) receive a keynote address.

Basis for Closure: In accordance with section 10(d) of FACA and *The Government in the Sunshine Act* (5 U.S.C. 552b(c)(9)(B)), it has been determined that certain agenda items require closure, as the disclosure of the information that will be discussed would not be in the public interest.

The committee will meet in a closed session from 12:30 p.m. to 2:00 p.m. Participants will engage in discussions on key NS/EP communications topics, which may include strategic considerations for hardware and chipsets. The NSTAC will also discuss potential study topics for the upcoming work cycle. For these items, Government officials will share data with NSTAC members on ongoing NS/EP, cybersecurity, and communications resiliency initiatives across the public

and private sectors. The information discussed will include specific vulnerabilities that affect the United States' national defense/homeland security posture and ICT risk mitigation strategies. The premature disclosure of this information to the public is likely to frustrate implementation of proposed Government action significantly. Therefore, this portion of the meeting is required to be closed pursuant to section 10(d) of FACA and *The Government in the Sunshine Act* (5 U.S.C. 552b(c)(9)(B)).

Sandra J. Benevides,

Designated Federal Officer, NSTAC, Cybersecurity and Infrastructure Security Agency, Department of Homeland Security.

[FR Doc. 2020–23835 Filed 10–27–20; 8:45 am]

BILLING CODE 9910–9P–P

DEPARTMENT OF HOMELAND SECURITY

Transportation Security Administration

[Docket No. TSA–2003–14610]

Notice To Extend Exemption From Renewal of the Hazardous Materials Endorsement Security Threat Assessment for Certain Individuals

AGENCY: Transportation Security Administration, DHS.

ACTION: Notice, extension of temporary exemption.

SUMMARY: TSA is extending the exemption from Renewal of the Hazardous Materials Endorsement Security Threat Assessment for Certain Individuals that TSA published on July 31, 2020 which was scheduled to expire on October 30, 2020, through December 31, 2020. Under this exemption, states may extend the expiration date of hazardous materials endorsements (HMEs) that expire on or after March 1, 2020, for 180 days, due to restrictions and business closures in place in response to the COVID–19 pandemic. If a state grants an extension, the individual with an expired HME must initiate the process of renewing his or her security threat assessment (STA) for the HME no later than 60 days before the end of the state-granted extension. Federal partners, state licensing agencies and related associations report ongoing difficulties in timely renewal of expiring HMEs and asked TSA to consider extending the exemption until the end of calendar year 2020. TSA has determined it is in the public interest to extend the exemption through December 31, 2020, which aligns with similar waivers issued by the U.S. Department of Transportation. TSA may extend this exemption at a future date depending on the status of the COVID–19 crisis.

DATES: This extension of the previously issued exemption published on July 31, 2020 (85 FR 46152) becomes effective on October 30, 2020, and remains in effect through December 31, 2020, unless otherwise modified by TSA through a notice published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Stephanie Hamilton, 571–227–2851 or *HME.question@tsa.dhs.gov.*

SUPPLEMENTARY INFORMATION:

Background

A public health emergency exists in this country as a consequence of the COVID–19 pandemic.[1] In response to this pandemic, on April 2, 2020, TSA issued an exemption from requirements in 48 CFR part 1572 regarding expiration of a TSA security threat assessment (STA) for HMEs.[2] TSA subsequently extended the duration of the exemption through October 29, 2020.[3]

The USA PATRIOT Act of 2001 requires individuals who transport hazardous materials via commercial motor vehicle to undergo a STA conducted by TSA.[4] As required by TSA's implementing regulations in 49 CFR part 1572, the STA for an HME consists of criminal, immigration, and terrorist checks. The STA and HME remain valid for five years.

Under 49 CFR 1572.13(a), no state may issue or renew an HME for an individual's commercial driver's license (CDL), unless the state first receives a Determination of No Security Threat for the individual from TSA following the STA. An individual seeking renewal of an HME must initiate an STA at least 60 days before expiration of his or her current HME.[5] The process of initiating an STA requires the individual to submit information either to the state licensing agency or a TSA enrollment center, including fingerprints and the information required by 49 CFR 1572.9,[6] at least 60 days before the expiration of the HME.[7]

It may be impracticable for some commercial drivers to renew their STAs during the current COVID–19 crisis. Measures to prevent the spread of COVID–19 may affect the ability of commercial drivers to present themselves in-person to a state licensing agency or TSA enrollment center for the collection of fingerprints and applicant information. Without the new STA, TSA's regulations prevent states from renewing or extending the expiration of the individual's state-issued HME.[8]

Consistent with the requirements in 49 CFR 1572.13(b), if the state grants an extension to a driver, the state must, if practicable, notify the driver that the state is extending the expiration date of the HME, the date that the extension will end, and the individual's responsibility to initiate the STA renewal process at least 60 days before the end of the extension. If it is not practicable for a state to give individualized notice to drivers, the state may publish general notice, for example, on the appropriate website.

Authority and Determination

TSA may grant an exemption from a regulation if TSA determines that the exemption is in the public interest.[9] On April 2, 2020, TSA determined that it was in the public interest to grant an exemption from certain process requirements in 49 CFR part 1572 related to STAs for HMEs, given the need for HME drivers to work without interruption during the COVID–19 crisis.[10] On July 31, 2020, TSA extended that exemption by 90 days through October 29, 2020.[11] TSA has determined that it is in the public interest to extend the exemption through December 31, 2020.

The exemption does not compromise the current level of transportation security because TSA continues to conduct recurrent security threat checks on HME holders and is able to take action to revoke an HME if derogatory information becomes available, regardless of expiration date. TSA uses data previously submitted by these

[1] *See* HHS, Renewal of Determination that a Public Health Emergency Exists (Oct. 2, 2020), available at *https://www.phe.gov/emergency/news/healthactions/phe/Pages/covid19-2Oct2020.aspx. See also* Proclamation 9994, *Declaring a National Emergency Concerning the Novel Coronavirus Disease (COVID–19) Outbreak* (March 13, 2020). Published at 85 FR 15337 (Mar. 18, 2020).

[2] *See* 85 FR 19767 (April 8, 2020).

[3] *See* 85 FR 46152 (July 31, 2020).

[4] Public Law 107–56 (Oct. 26, 2001; 115 Stat. 396), § 1012(a)(1), *codified as amended at* 49 U.S.C. 5103a.

[5] 49 CFR 1572.13(b).

[6] 49 CFR 1572.15.

[7] 49 CFR 1572.13(b).

[8] 49 CFR 1572.13(a).

[9] 49 U.S.C. 114(q). The Administrator of TSA delegated this authority to the Executive Assistant Administrator for Operations Support, effective March 26, 2020, during the period of the National Emergency cited supra, n. 1.

[10] *See* Exemption from Renewal of the Hazardous Materials Endorsement Security Threat Assessment for Certain Individuals, 85 FR 19767 (Apr. 8, 2020).

[11] *See* Notice to Extend Exemption from Renewal of the Hazardous Materials Endorsement Security Threat Assessment for Certain Individuals, 85 FR 46152 (July 31, 2020).

individuals to conduct recurrent vetting against terrorism watch lists and databases to ensure that they continue to meet TSA requirements for having an HME.

The exemption permits states to extend the expiration date for an HME for up to 180 days for individuals with an HME that expires on or after March 1, 2020, even if the individual did not initiate or complete submission of required information for an STA at least 60 days before expiration of the HME.[12] With the extension TSA announces in this notice, states may continue this procedure through December 31, 2020. Individuals who were eligible for an extension of their HMEs during the initial exemption may continue to be eligible under this notice of extension of the exemption.

Federal partners, States, the American Trucking Associations and the American Association of Motor Vehicle Administrators asked TSA to consider extending the exemption to align with the U.S. Department of Transportation Federal Motor Carrier Safety Administration's exemptions and waivers for drivers and States impacted by the COVID–19 crisis.[13] Some states continue to face challenges maintaining regular operations at state Drivers Licensing Centers due to public health considerations related to the inability to predict how or where COVID–19 may spread in the future. Although most TSA enrollment centers have remained open during the pandemic, temporary closures in states and regions with limited enrollment center alternatives have complicated drivers' ability to enroll for an STA. TSA's enrollment provider has re-opened sites that were temporarily closed, but due to the uncertain nature of the spread of COVID–19, applicants may encounter renewed closures in the coming months. The extension will help ensure that drivers can continue to perform critical services during the pandemic.

For these reasons, TSA is extending the exemption through December 31, 2020.

[12] This exemption remains in effect through December 31, 2020, unless otherwise modified by TSA through a notice published in the **Federal Register**. TSA considered tying the duration of the exemption to the duration of a public health emergency declaration, but believes that the option for further modification as noted above provides clearer notice to and better certainty for states administering the program.

[13] *See* FMCSA, Waiver in Response to the COVID–19 National Emergency—For States, CDL Holders, CLP Holders, and Interstate Drivers Operating Commercial Motor Vehicles (Sept. 18, 2020), available at *https://www.fmcsa.dot.gov/emergency/waiver-response-covid-19-national-emergency-states-cdl-holders-clp-holders-and-0.*

Dated: October 23, 2020.

Stacey Fitzmaurice,

Executive Assistant Administrator, Operations Support.

[FR Doc. 2020–23961 Filed 10–26–20; 4:15 pm]

BILLING CODE 9110–05–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–7024–N–43]

30-Day Notice of Proposed Information Collection: Housing Finance Agency Risk-Sharing Program; OMB Control No.: 2502–0500

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: HUD has submitted the proposed information collection requirement described below to the Office of Management and Budget (OMB) for review, in accordance with the Paperwork Reduction Act. The purpose of this notice is to allow for an additional 30 days of public comment.

DATES: *Comments Due Date: November 27, 2020.*

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. 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/Start* Printed Page 15501PRAMain. 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: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street, SW, Washington, DC 20410; email Colette Pollard at *Colette.Pollard@hud.gov* or telephone 202–402–3400. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339. This is not a toll-free number. Copies of available documents submitted to OMB may be obtained from Ms. Pollard.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD has submitted to OMB a request for approval of the information collection described in Section A. The **Federal Register** notice that solicited public comment on the information collection for a period of 60 days was published on June 4, 2020 at 85 FR 34459.

A. Overview of Information Collection

Title of Information Collection: Housing Finance Agency Risk-Sharing Program.

OMB Approval Number: 2502–0500.

OMB Expiration Date: 4/30/2020.

Type of Request: Revision of a currently approved collection.

Form Numbers HUD–94192, HUD–94193, HUD–94194, HUD–94195, HUD–94196.

Description of the need for the information and proposed use: Section 542 of the Housing and Community Development Act of 1992 directs the Secretary to implement risk sharing with State and local housing finance agencies (HFAs). Under this program, HUD provides full mortgage insurance on multifamily housing projects whose loans are underwritten, processed, and serviced by HFAs. The HFAs will reimburse HUD a certain percentage of any loss under an insured loan depending upon the level of risk the HFA contracts to assume.

Respondents (*i.e.* affected public): Business and other for profit.

Estimated Number of Respondents: 6530.

Estimated Number of Responses: 22,374.

Frequency of Response: Annually, semi-annually, and on-occasion.

Average Hours per Response: 1 hour to 40 hours.

Total Estimated Burden: 43,023.

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

(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.

HUD encourages interested parties to submit comment in response to these questions.

C. Authority

Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Colette Pollard,

Department Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 2020–23829 Filed 10–27–20; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[201A2100DD/AAKC001030/ A0A501010.999900 253G; OMB Control Number 1076–0177]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Tribal Energy Development Capacity Program

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, we, the Office of the Assistant Secretary—Indian Affairs are proposing to revise an information collection.

DATES: Interested persons are invited to submit comments on or before November 27, 2020.

ADDRESSES: Send written comments on this information collection request (ICR) to the Office of Management and Budget's Desk Officer for the Department of the Interior by email at *OIRA_Submission@omb.eop.gov;* or via facsimile to (202) 395–5806. Please provide a copy of your comments to Ms. Winter Jojola-Talburt, Deputy Division Chief, 13922 Denver West Parkway Suite 200, Lakewood, CO 80401; or by email to *winter.jojola-talburt@bia.gov.* Please reference OMB Control Number 1076–0177 in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Ms. Winter Jojola-Talburt by email at *winter.jojola-talburt@bia.gov,* or by telephone at 720–407–0668. 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, we provide the general public and other Federal agencies with an opportunity to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

A **Federal Register** notice with a 60-day public comment period soliciting comments on this collection of information was published on May 12, 2020 (85 FR 28035). No comments were received.

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 AS–IA; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the AS–IA enhance the quality, utility, and clarity of the information to be collected; and (5) how might the AS–IA 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. 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 Energy Policy Act of 2005 authorizes the Secretary of the Interior to provide assistance to Indian Tribes and Tribal energy resource development organizations for energy development and appropriates funds for such projects on a year-to-year basis. *See* 25 U.S.C. 3502. When funding is available, the Office of Indian Energy and Economic Development (IEED) may solicit proposals for projects for building capacity for Tribal energy resource development on Indian land from Tribal energy resource development organizations and Indian Tribes, including Alaska Native regional and village corporations under the TEDC program. For the purposes of this program, ''Indian land'' includes: all land within the boundaries of an Indian reservation, pueblo, or rancheria; any land outside those boundaries that is held by the United States in trust for a Tribe or individual Indian or by a Tribe or individual Indian with restrictions on alienation; and land owned by an Alaska Native regional or village corporation.

Those who would like to submit a TEDC project proposal must submit an application that includes certain information and, once funding is received must submit reports on how they are using the funding. A complete application must contain the following:

- A formal signed resolution of the governing body of the Tribe or Tribal energy resource development organization demonstrating authority to apply;
- A proposal describing the planned activities and deliverable products; and
- A detailed budget estimate, including contracted personnel costs, travel estimates, data collection and analysis costs, and other expenses.

The project proposal must include the information about the Tribe or Tribal energy resource development organization sufficient to allow IEED to evaluate the proposal based on the following criteria:

(a) Energy resource potential;

(b) Applicant's energy resource development history and current status;

(c) Applicant's existing energy resource development capabilities;

(d) Demonstrated willingness of the applicant to establish and maintain an independent energy resource development business entity;

(e) Intent to develop and retain energy development capacity within the applicant's government or business entities; and

(f) Applicant commitment of staff, training, or monetary resources.

The IEED requires this information to ensure that it provides funding only to those projects that meet the goals of the TEDC and the purposes for which Congress provides the appropriations.

Title of Collection: Tribal Energy Development Capacity Program.

OMB Control Number: 1076–0177.

Form Number: None.

Type of Review: Revision of a currently approved collection.

Respondents/Affected Public: Indian Tribes and Tribal energy resource development organizations under 25 U.S.C. 3502.

Total Estimated Number of Annual Respondents: 26 per year, on average; 9 project participants each year, on average.

Total Estimated Number of Annual Responses: 40 applications per year, on average; 44 progress reports per year, on average.

Estimated Completion Time per Response: 40 hours per application; 1.5 hours per progress report.

Total Estimated Number of Annual Burden Hours: 1,666 hours (1,600 for applications and 66 for progress reports).

Respondent's Obligation: Responses required to receive a benefit.

Frequency of Collection: Once per year for applications; 4 times per year for progress reports.

Total Estimated Annual Nonhour Burden Cost: $0.

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*).

Elizabeth K. Appel,

Director, Office of Regulatory Affairs and Collaborative Action—Indian Affairs.

[FR Doc. 2020–23887 Filed 10–27–20; 8:45 am]

BILLING CODE 4337–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[201A2100DD/AAKC001030/ A0A501010.999900253G]

Indian Gaming; Extension of Tribal-State Class III Gaming Compact (Rosebud Sioux Tribe and the State of South Dakota)

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: This notice announces the extension of the Class III gaming compact between the Rosebud Sioux Tribe and the State of South Dakota.

DATES: The extension takes effect on October 28, 2020.

FOR FURTHER INFORMATION CONTACT: Ms. Paula L. Hart, Director, Office of Indian Gaming, Office of the Assistant Secretary—Indian Affairs, Washington, DC 20240, (202) 219–4066.

SUPPLEMENTARY INFORMATION: An extension to an existing Tribal-State Class III gaming compact does not require approval by the Secretary if the extension does not modify any other terms of the compact. 25 CFR 293.5. The Rosebud Sioux Tribe and the State of South Dakota have reached an agreement to extend the expiration date of their existing Tribal-State Class III gaming compact to January 17, 2021. This publication provides notice of the new expiration date of the compact. The Deputy Assistant Secretary—Policy and Economic Development for Indian Affairs is exercising this authority under the Departmental Manual at 210 DM 8.2.

Mark Cruz,

Deputy Assistant Secretary—Policy and Economic Development for Indian Affairs.

[FR Doc. 2020–23844 Filed 10–27–20; 8:45 am]

BILLING CODE 4337–15–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0031017; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Ball State University, Department of Anthropology, Muncie, IN

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Ball State University, Department of Anthropology has completed an inventory of human remains and associated funerary objects in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, and has determined that there is no cultural affiliation between the human remains and associated funerary objects and any present-day Indian Tribes or Native Hawaiian organizations. Representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request to the Ball State University, Department of Anthropology. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the Indian Tribes or Native Hawaiian organizations stated in this notice may proceed.

DATES: Representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to the Ball State University, Department of Anthropology at the address in this notice by November 27, 2020.

ADDRESSES: Kevin C. Nolan, Ball State University, Department of Anthropology, 2000 University Avenue, Muncie, IN 47306, telephone (765) 285–5325, email *kcnolan@bsu.edu.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects under the control of the Ball State University, Department of Anthropology, Muncie, IN. The human remains and associated funerary objects were removed from the vicinities of Strawtown, Hamilton County and Middletown, Henry County, IN.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3) and 43 CFR 10.11(d). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the Ball State University, Department of Anthropology professional staff in consultation with representatives of the Citizen Potawatomi Nation, Oklahoma; Delaware Nation, Oklahoma; Eastern Shawnee Tribe of Oklahoma; Hannahville Indian Community, Michigan; Miami Tribe of Oklahoma; and the Pokagon Band of Potawatomi Indians, Michigan and Indiana (hereafter referred to as ''The Consulted Tribes'').

The Absentee-Shawnee Tribe of Indians of Oklahoma; Bad River Band of the Lake Superior Tribe of Chippewa Indians of the Bad River Reservation, Wisconsin; Bay Mills Indian Community, Michigan; Cherokee Nation; Chippewa Cree Indians of the Rocky Boy's Reservation, Montana (previously listed as Chippewa-Cree Indians of the Rocky Boy's Reservation, Montana); Delaware Tribe of Indians; Eastern Band Of Cherokee Indians; Forest County Potawatomi Community, Wisconsin; Grand Traverse Band of Ottawa and Chippewa Indians, Michigan; Kaw Nation, Oklahoma; Keweenaw Bay Indian Community, Michigan; Kickapoo Traditional Tribe of Texas; Kickapoo Tribe of Indians of the Kickapoo Reservation in Kansas; Kickapoo Tribe of Oklahoma; Lac Courte Oreilles Band of Lake Superior Chippewa Indians of Wisconsin; Lac du Flambeau Band of Lake Superior Chippewa Indians of the Lac du Flambeau Reservation of Wisconsin; Lac Vieux Desert Band of Lake Superior Chippewa Indians of Michigan; Minnesota Chippewa Tribe, Minnesota (Six component reservations: Bois Forte Band (Nett Lake); Fond du Lac Band;

Grand Portage Band; Leech Lake Band; Mille Lacs Band; White Earth Band); Nottawaseppi Huron Band of the Potawatomi, Michigan (previously listed as Huron Potawatomi, Inc.); Omaha Tribe of Nebraska; Ottawa Tribe of Oklahoma; Peoria Tribe of Indians of Oklahoma; Ponca Tribe of Indians of Oklahoma; Ponca Tribe of Nebraska; Prairie Band Potawatomi Nation (previously listed as Prairie Band of Potawatomi Nation, Kansas); Quapaw Nation (previously listed as The Quapaw Tribe of Indians); Quechan Tribe of the Fort Yuma Indian Reservation, California & Arizona; Red Cliff Band of Lake Superior Chippewa Indians of Wisconsin; Red Lake Band of Chippewa Indians, Minnesota; Sac & Fox Nation of Missouri in Kansas and Nebraska; Sac & Fox Nation, Oklahoma; Sac & Fox Tribe of the Mississippi in Iowa; Saginaw Chippewa Indian Tribe of Michigan; Sault Ste. Marie Tribe of Chippewa Indians, Michigan; Seneca Nation of Indians (previously listed as Seneca Nation of New York); Seneca-Cayuga Nation (previously listed as Seneca-Cayuga Tribe of Oklahoma); Shawnee Tribe; Sokaogon Chippewa Community, Wisconsin; St. Croix Chippewa Indians of Wisconsin; Stockbridge Munsee Community, Wisconsin; The Osage Nation (previously listed as Osage Tribe); Tonawanda Band of Seneca (previously listed as Tonawanda Band of Seneca Indians of New York); Turtle Mountain Band of Chippewa Indians of North Dakota; Tuscarora Nation; United Keetoowah Band of Cherokee Indians in Oklahoma; and the Wyandotte Nation (hereafter referred to as ''The Invited Tribes'') were invited to consult but did not participate.

History and Description of the Remains

In 1938 or 1939, human remains representing, at minimum, two individuals were removed from the vicinity of Strawtown in Hamilton County, IN. They were excavated by Cloe Morris. In 1987, these human remains (denoted accession 87.49) were donated to the Ball State University Department of Anthropology via James Hixon. The human remains consist of the partial crania of a 25-year-old adult male and a 9–10-year-old juvenile of unknown sex. No known individuals were identified. The 97 associated funerary objects are one antler beam, 79 miscellaneous animal bone fragments, five mussel shells, eight pieces of chert debitage, three pottery sherds, and one ash sample.

In 1985, human remains representing, at minimum, two individuals were removed from the vicinity of Middletown in Henry County, IN. These individuals were recovered during a salvage effort, after the human remains were exposed and disturbed during earth moving activities on private land. These human remains were recovered from a burial pit. (Two additional burial pits lacking coffins and grave markers were reported on the site form.) While no artifacts were recovered to provide a date range, both the nature of the site and the morphology of the burial pits indicate a likely pre-Colonial period Native American occupation (the investigators, Sharon Fields and Donald Cochran, suspected a Late Archaic or Late Woodland date). Since their excavation, the human remains have been curated at the Ball State University, Department of Anthropology under accession 12–Hn–349. The human remains consist of comingled cranial and post-cranial fragments of a 29–45-year-old adult female and a 29–45-year-old adult of unknown sex. No known individuals were identified. No associated funerary objects are present.

Determinations Made by the Ball State University, Department of Anthropology

Officials of the Ball State University, Department of Anthropology have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice are Native American based on their association with prehistoric artifacts and animal bone, the nature of the site (12–Hn–349 is suspected Late Archaic or Late Woodland) where they were discovered, and the absence of historic Euroamerican artifacts and modern dental or surgical modifications to the human remains.
- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of four individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(3)(A), the 97 objects described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- Pursuant to 25 U.S.C. 3001(2), a relationship of shared group identity cannot be reasonably traced between the Native American human remains and associated funerary objects and any present-day Indian Tribe.
- According to final judgments of the Indian Claims Commission or the Court of Federal Claims, the land from which the Native American human remains and associated funerary objects were removed is the aboriginal land of the Delaware Nation, Oklahoma; Delaware Tribe of Indians; and the Miami Tribe of Oklahoma.
- Pursuant to 43 CFR 10.11(c)(1), the disposition of the human remains and associated funerary objects may be to the Delaware Nation, Oklahoma; Delaware Tribe of Indians; and the Miami Tribe of Oklahoma (hereafter referred to as ''The Tribes'').

Additional Requestors and Disposition

Representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Kevin C. Nolan, Ball State University, Department of Anthropology, 2000 University Avenue, Muncie, IN 47306, telephone (765) 285–5325, email *kcnolan@bsu.edu,* by November 27, 2020. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to The Tribes may proceed.

The Ball State University, Department of Anthropology is responsible for notifying The Consulted Tribes and The Invited Tribes that this notice has been published.

Dated: October 9, 2020.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2020–23825 Filed 10–27–20; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0031018; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Laboratory of Anthropology at the University of Illinois at Urbana-Champaign, Champaign, IL

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Laboratory of Anthropology at the University of Illinois at Urbana-Champaign has completed an inventory of human remains and associated funerary objects in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, and has determined that there is no cultural affiliation between the human remains and associated funerary objects and any present-day Indian Tribes or Native Hawaiian organizations. Representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice

that wish to request transfer of control of these human remains and associated funerary objects should submit a written request to the University of Illinois at Urbana-Champaign NAGPRA Office. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the Indian Tribes or Native Hawaiian organizations stated in this notice may proceed.

DATES: Representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to the University of Illinois at Urbana-Champaign NAGPRA Office at the address in this notice by November 27, 2020.

ADDRESSES: Krystiana Krupa, NAGPRA Program Officer, University of Illinois at Urbana-Champaign, 412 Swanlund Administration Building, 601 E John Street, MC–304, Champaign, IL 61820, telephone (217) 244–2587, email *klkrupa@illinois.edu.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects under the control of the Laboratory of Anthropology at the University of Illinois at Urbana-Champaign, Champaign, IL. The human remains and associated funerary objects were removed from Nickajack Cave, Marion County, TN.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3) and 43 CFR 10.11(d). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the University of Illinois at Urbana-Champaign professional staff in consultation with representatives of the Alabama-Coushatta Tribe of Texas (previously listed as Alabama-Coushatta Tribes of Texas); Cherokee Nation; Coushatta Tribe of Louisiana; Eastern Band of Cherokee Indians; The Chickasaw Nation; The Muscogee (Creek) Nation; and the United Keetoowah Band of Cherokee Indians in Oklahoma (hereafter referred to as ''The Consulted Tribes'').

History and Description of the Remains

On an unknown date, human remains representing, at minimum, one individual were removed from Nickajack Cave in Marion County, TN. According to an accession card (Nickajack Cave A4782) dated November 1979, the Nickajack Cave materials were found by L.S. Ashley a few hundred yards from the cave entrance, on the margin of a creek flowing through Nickajack Cave, and comprised a collection of Virginia deer leg bones. In 2018, Laboratory of Anthropology staff located and identified a single human right humerus, likely from an adult of unknown sex, and two deer long bones associated with Nickajack Cave A4782. No known individuals were identified. The two associated funerary objects are two deer long bones.

Determinations Made by the Laboratory of Anthropology at the University of Illinois at Urbana-Champaign

Officials of the Laboratory of Anthropology at the University of Illinois at Urbana-Champaign have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice are Native American based on osteological evidence and collection history.
- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of one individual of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(3)(A), the two objects described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- Pursuant to 25 U.S.C. 3001(2), a relationship of shared group identity cannot be reasonably traced between the Native American human remains and associated funerary objects and any present-day Indian Tribe.
- The 1817 Treaty with the Cherokee (Land Cessions 84) and the 1819 Treaty with the Cherokee (Land Cessions 101 and 102) indicate that the land from which the Native American human remains and associated funerary objects were removed is the aboriginal land of the Cherokee Nation; Eastern Band of Cherokee Indians; and the United Keetoowah Band of Cherokee Indians in Oklahoma.
- Pursuant to 43 CFR 10.11(c)(1), the disposition of the human remains and associated funerary objects may be to the Cherokee Nation; Eastern Band of Cherokee Indians; and United Keetoowah Band of Cherokee Indians in Oklahoma (hereafter referred to as ''The Tribes'').

Additional Requestors and Disposition

Representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Krystiana Krupa, NAGPRA Program Officer, University of Illinois at Urbana-Champaign, 412 Swanlund Administration Building, 601 E John Street, MC–304, Champaign, IL 61820, telephone (217) 244–2587, email *klkrupa@illinois.edu,* by November 27, 2020. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to The Tribes may proceed.

The Laboratory of Anthropology at the University of Illinois at Urbana-Champaign is responsible for notifying The Consulted Tribes that this notice has been published.

Dated: October 9, 2020.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2020–23828 Filed 10–27–20; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0031019; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: California Department of Transportation, Sacramento, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The California Department of Transportation (Caltrans), assisted by the Fowler Museum at the University of California Los Angeles (UCLA) and the San Luis Obispo County Archaeological Society Research and Collections Facility (SLOCAS), has completed an inventory of human remains and associated funerary objects, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations and has determined that there is a cultural affiliation between the human remains and associated funerary objects and present-day Indian Tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian

organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request to the California Department of Transportation. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to the California Department of Transportation at the address in this notice by November 27, 2020.

ADDRESSES: Sarah Allred, California Department of Transportation, P.O. Box 942874 MS 27, Sacramento, CA 94271–0001, telephone (916) 653–0013, email *Sarah.Allred@dot.ca.gov.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects under the control of the California Department of Transportation, Sacramento, CA, and in the physical custody of the Fowler Museum at the University of California Los Angeles, Los Angeles, CA and the San Luis Obispo County Archaeological Society Research and Collections Facility, San Luis Obispo, CA. The human remains and associated funerary objects were removed from San Luis Obispo County, CA.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains and associated funerary objects was made by California Department of Transportation, UCLA, and SLOCAS professional staff in consultation with representatives of the Santa Ynez Band of Chumash Mission Indians of the Santa Ynez Reservation, California and three non-federally recognized Indian groups—the Barbareno/Ventureno Band of Mission Indians, Northern Chumash Tribe, and Salinan Tribe of San Luis Obispo and Monterey Counties (hereafter referred to as ''The Consulted Tribes and Groups'').

History and Description of the Remains

In 1965 and 1966, human remains representing, at minimum, 74 individuals were removed from CA–SLO–175 in San Luis Obispo County, CA. David Abrams and Nelson Leonard, in association with the University of California Archeological Survey, began excavations when Caltrans sought to widen Highway 1, which would significantly impact this Middle-to-Late Period site. The land was originally owned by the Hearst Corporation; Caltrans purchased the right-of-way in June 1966. All laboratory work was completed at UCLA. Abrams reported on the site and excavation in the MA thesis he submitted to the University of California Davis. Except for the human remains and associated funerary objects, UCLA sent the collection from CA–SLO–175 to SLOCAS (located at Cuesta College) for further study and analysis in March 1973. Subsequently, additional materials associated with the site were found at UCLA, and in May 1978, they were sent to SLOCAS for permanent curation. On July 14, 2017, UCLA sent the human remains and associated funerary objects to SLOCAS in order to bring the collection back together for an inventory, and to look for missing and loaned artifacts with the assistance of Chumash community members. The human remains derive from 40 formal burials and recovered fragmentary remains, representing a minimum number of 74 individuals in total. (The field notes refer to a Burial 41, but only 40 burials in total were identified, as ''Burial 6'' was not assigned.) They belong to 47 adult individuals, 15 of whom could be identified as male and nine of whom could be identified as female; 22 juvenile individuals; one infant; and four individuals of unidentifiable age or sex. No known individuals were identified. The 1,277 associated funerary objects include 107 pieces and 12 bags of unmodified faunal remains; three bone awl fragments; 14 bone ornaments; six bone whistles; five bone sweat sticks; three modified bone pieces; 46 pieces of chipped chert; one limestone fragment; one coral fragment; one sandstone hammerstone; one siltstone pick; three stone fragments; three steatite beads; two tarring pebbles; two net weights; five obsidian flakes; five pieces of red ochre; 15 fragments and one bag of asphaltum (13 of the 15 pieces are inlaid with shell beads); two asphaltum plugs; 1,019 beads and one bag of shell beads; three shell ornaments; 12 pieces and one bag of unmodified shell; one piece and one bag of shell with asphaltum residue; and one piece of charcoal. (Eight additional items—two pieces of unmodified shell, two pieces of chipped chert, one net weight, one piece of cut wood, and two asphaltum inlaid pipes—have not yet been located.)

In 1965, human remains representing, at minimum, 11 individuals were removed from CA–SLO–179 in San Luis Obispo County, CA. Nelson Leonard and a UCLA Archaeological Survey crew conducted excavation at this large shell midden near Pico Creek before the widening of Highway 1, which would partially destroy the Middle-to-Late Period site. All analysis and reports were completed at UCLA in Anthropology. Except for the human remains and associated funerary objects, UCLA sent the collection from CA–SLO–179 to SLOCAS for further study and analysis in March 1973. Subsequently, additional materials associated with the site were found at UCLA, and in May 1978, they were sent to SLOCAS for permanent curation. On July 14, 2017, UCLA sent the human remains and associated funerary objects to SLOCAS in order to bring the collection back together for an inventory, and to look for missing and loaned artifacts with the assistance of Chumash community members. The human remains of three individuals—two adult males and a juvenile—derive from two formal burials, while the human remains of, at minimum, eight individuals—three of them juvenile—were recovered from midden contexts. No known individuals were identified. The five associated funerary objects are projectile point fragments. (One glass fragment and one large mussel shell are currently missing from the collections. Records indicate that the missing items were transferred to Cuesta College in May 1978. No further information could be found.)

Based on geographical, ethnographic, historical, oral traditional, and archeological information, Caltrans has determined that CA–SLO–175 and CA–SLO–179 lie within the traditional territory of the Chumash and Salinan people. The associated funerary objects, too, are consistent with those belonging to groups ancestral to the present-day Chumash and Salinan people.

Determinations Made by the California Department of Transportation

Officials of the California Department of Transportation have determined that:

• Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of 85 individuals of Native American ancestry.

• Pursuant to 25 U.S.C. 3001(3)(A), the 1,282 objects described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.

• Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and associated funerary objects and the Santa Ynez Band of Chumash Mission Indians of the Santa Ynez Reservation, California.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Sarah Allred, California Department of Transportation, P.O. Box 942874 MS 27, Sacramento, CA 94271–0001, telephone (916) 653–0013, email *Sarah.Allred@dot.ca.gov,* by November 27, 2020. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to the Santa Ynez Band of Chumash Mission Indians of the Santa Ynez Reservation, California may proceed.

The California Department of Transportation is responsible for notifying The Consulted Tribes and Groups that this notice has been published.

Dated: October 9, 2020.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2020–23827 Filed 10–27–20; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0031058; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intent To Repatriate Cultural Items: Minnesota Historical Society, St. Paul, MN; Correction

AGENCY: National Park Service, Interior.

ACTION: Notice; correction.

SUMMARY: The Minnesota Historical Society has corrected a Notice of Intent to Repatriate published in the **Federal Register** on November 14, 2018. This notice corrects the identity and affiliation of one cultural item. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to claim this cultural item should submit a written request to the Minnesota Historical Society. If no additional claimants come forward, transfer of control of the cultural item to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to claim this cultural item should submit a written request with information in support of the claim to the Minnesota Historical Society at the address in this notice by November 27, 2020.

ADDRESSES: Ben Gessner, Minnesota Historical Society, 345 W Kellogg Blvd., St. Paul, MN 55102, telephone (651) 259–3281, email *benjamin.gessner@mnhs.org.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3005, of the intent to repatriate a cultural item under the control of the Minnesota Historical Society, St. Paul, MN, that meets the definition of unassociated funerary object and object of cultural patrimony under 25 U.S.C. 3001.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American cultural items. The National Park Service is not responsible for the determinations in this notice.

This notice corrects the identity and affiliation of one cultural item, a Jefferson Peace Medal, that was published in a Notice of Intent to Repatriate in the **Federal Register** (83 FR 56871–56872, November 14, 2018). Transfer of control of the item in this correction notice has not occurred.

The Minnesota Historical Society's NAGPRA Committee and leadership examined additional geographic, historical, anthropological and archeological information provided by the Prairie Island Indian Community in the State of Minnesota (Mdewakanton Dakota), including a report provided by the Prairie Island Tribal Historic Preservation Officer and Dr. Ron Schirmer, Professor of Anthropology at Minnesota State University, Mankato, and have determined that in his role as a village headman, Tatankamani would have accepted a Jefferson Peace Medal on behalf of his entire community. Therefore, the Peace Medal cannot be owned by an individual. Further, Minnesota Historical Society's NAGPRA Committee and leadership have determined that the Peace Medal has ongoing historical, traditional, and cultural importance central to the Prairie Island Indian Community in the State of Minnesota. Mdewakanton Dakota people have lived on the shores of Lake Pepin and on Prairie Island since at least A.D. 1680, and the historical record unequivocally establishes the continuous presence of the Red Wing band of Mdewakanton Dakota people in the area from the 1600s to the current time. Consequently, Minnesota Historical Society's NAGPRA Committee and leadership have determined that the Peace Medal is both an unassociated funerary object and an object of cultural patrimony.

The Prairie Island Indian Community has requested the repatriation of this unassociated funerary object and object of cultural patrimony. Their request is supported by the Santee Sioux Nation, Nebraska, as well as a lineal descendant of Tatankamani, Sheila Ann Red Wing.

Correction

In the **Federal Register** (83 FR 56871, November 14, 2018), column 2, paragraph 1, sentence 1 under the heading ''Notice of Intent to Repatriate Cultural Items: Minnesota Historical Society, St. Paul, MN'' is corrected by substituting the following sentence:

The Minnesota Historical Society, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, has determined that the cultural item listed in this notice meets the definition of unassociated funerary object and object of cultural patrimony.

In the **Federal Register** (83 FR 56871, November 14, 2018), column 2, paragraph 4, sentence 1 is corrected by substituting the following sentence:

Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3005, of the intent to repatriate a cultural item under the control of the Minnesota Historical Society, St. Paul, MN, that meets the definition of unassociated funerary object and object of cultural patrimony under 25 U.S.C. 3001.

In the **Federal Register** (83 FR 56872, November 14, 2018), column 1, paragraph 1 is corrected by adding the following sentence after sentence 1:

Pursuant to 25 U.S.C. 3001(3)(D), the one cultural item described above has ongoing

historical, traditional, or cultural importance central to the Native American group or culture itself, rather than property owned by an individual.

In the **Federal Register** (83 FR 56872, November 14, 2018), column 1, paragraph 1, sentence 2 is corrected by substituting the following sentence:

Pursuant to 43 CFR 10.14(b), Josie Redwing, Melody Redwing, and Sheila Ann Red Wing are direct lineal descendants of Tatankamani, based on genealogical evidence on file with the Minnesota Historical Society.

In the **Federal Register** (83 FR 56872, November 14, 2018), column 1, paragraph 1, is corrected by adding the following sentence to the end of the paragraph:

Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the unassociated funerary object and object of cultural patrimony and the Prairie Island Indian Community in the State of Minnesota.

Additional Requestors and Disposition

Representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to claim this cultural item should submit a written request with information in support of the claim to Ben Gessner, Minnesota Historical Society, 345 W Kellogg Blvd., St. Paul, MN 55102, telephone (651) 259–3281, email *benjamin.gessner@mnhs.org,* by November 27, 2020. After that date, if no additional claimants have come forward, transfer of control of the unassociated funerary object and object of cultural patrimony to the Prairie Island Indian Community in the State of Minnesota may proceed.

The Minnesota Historical Society is responsible for notifying Josie Redwing; Melody Redwing; Sheila Ann Red Wing; the Crow Creek Sioux Tribe of the Crow Creek Reservation, South Dakota; Flandreau Santee Sioux Tribe of South Dakota; Lower Sioux Indian Community in the State of Minnesota; Oglala Sioux Tribe (previously listed as Oglala Sioux Tribe of the Pine Ridge Reservation, South Dakota); Prairie Island Indian Community in the State of Minnesota; Santee Sioux Nation, Nebraska; Shakopee Mdewakanton Sioux Community of Minnesota; Sisseton-Wahpeton Oyate of the Lake Traverse Reservation, South Dakota; and the Upper Sioux Community, Minnesota, that this notice has been published.

Dated: October 15, 2020

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2020–23826 Filed 10–27–20; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

Bureau of Ocean Energy Management

[OMB Control Number 1010–0191; Docket ID: BOEM–2017–0016]

Agency Information Collection Activities; Negotiated Noncompetitive Agreement for the Use of Sand, Gravel and Shell Resources on the Outer Continental Shelf

AGENCY: Bureau of Ocean Energy Management, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Bureau of Ocean Energy Management (BOEM) is proposing to renew an information collection request.

DATES: Interested persons are invited to submit comments on or before November 27, 2020.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent to the Office of Management and Budget's Desk Officer for the Department of the Interior within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this 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 BOEM Information Collection Clearance Officer, Anna Atkinson, Bureau of Ocean Energy Management, 45600 Woodland Road, Sterling, Virginia, 20166; or by email to *anna.atkinson@boem.gov.* Please reference Office of Management and Budget (OMB) Control Number 1010–0191 in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this Information Collection Request (ICR), contact Anna Atkinson by email, or by telephone at 703–787–1025. 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, BOEM provides the general public and other Federal agencies with an opportunity to comment on new, proposed, revised, and continuing collections of information. This helps BOEM assess the impact of the information collection requirements and minimize the public's reporting burden. It also helps the public understand BOEM's information collection requirements and provide the requested data in the desired format.

Abstract: In 2017, BOEM published a final rule that created part 583 in Title 30 of the Code of Federal Regulations to address the use of Outer Continental Shelf (OCS) sand, gravel and shell resources for shore protection, beach restoration, or coastal wetlands restoration projects by Federal, State or local government agencies, or for use in construction projects authorized by, or funded in whole or in part, by the Federal Government.

The OCS Lands Act, 43 U.S.C. 1331 *et seq.* as amended, authorizes the Secretary of the Interior to prescribe rules and regulations to administer leasing of mineral resources on the OCS other than oil, gas and sulphur. Section 1337(k)(1) authorizes the Secretary ''. . . to grant to the qualified persons offering the highest cash bonuses on a basis of competitive bidding leases of any mineral other than oil, gas, and sulphur in any area of the [O]uter Continental Shelf not then under lease for such mineral upon such royalty, rental, and other terms and conditions as the Secretary may prescribe at the time of offering the area for lease.'' An amendment to the OCS Lands Act adding a paragraph (2) to section 8(k) authorizes the Secretary to negotiate agreements (in lieu of the previously required competitive bidding process) for the use of OCS sand, gravel, and shell resources for certain specified types of public uses. The specified uses will support construction of governmental projects for beach nourishment, shore protection, and wetlands enhancement, or any such project authorized by the Federal Government.

Under the authority delegated by the Secretary of the Interior, BOEM is authorized, pursuant to section 1337(k)(2) of the OCS Lands Act, to convey rights to OCS sand, gravel, and shell resources by negotiated noncompetitive agreement for use in shore protection and beach and coastal restoration, or for use in construction projects funded in whole or part by, or authorized by, the Federal Government.

Title of Collection: 30 CFR 583, Negotiated Noncompetitive Agreement for Use of Sand, Gravel and Shell Resources on the Outer Continental Shelf.

Form Number: None.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: Potential respondents include Federal, State, or local governments.

Total Estimated Number of Annual Responses: 45 responses.

Total Estimated Number of Annual Burden Hours: 299 hours.

Respondent's Obligation: Required to retain or obtain a benefit.

Frequency of Collection: On occasion.

Total Estimated Annual Non-hour Burden Cost: No non-hour paperwork cost burden.

Estimated Reporting and Recordkeeping Hour Burden: We estimate that the annual reporting burden for this collection is 299 hours, which would be an increase of 56 annual burden hours from the OMB-approved burden hours. This increase is due to changes in estimated hour burdens and number of responses related to 30 CFR 583, subpart C, since the publication of the regulations in 2017. The hour burden estimates would be revised to more accurately estimate the number of state and local governments requesting negotiated noncompetitive agreements from BOEM. In addition, BOEM has reviewed the hour burdens for requested information under this subpart, and the increase would better reflect the hours it takes for respondents to collect and submit the information.

A **Federal Register** notice with a 60-day public comment period soliciting comments on this proposed information collection request was published on July 14, 2020 (85 FR 42428). BOEM received one comment from a private citizen during the 60-day comment period. This citizen suggested publishing information on the web about how sand resources are used and by whom. BOEM posts information on the Marine Mineral Program at *boem.gov/marine-minerals.* This site provides information on the National Offshore Sand Inventory, requests and active leases, state marine mineral projects, research and studies, and other related information.

BOEM is again soliciting comments on the proposed ICR that is described above. BOEM is especially interested in public comment addressing the following issues: (1) Is the collection necessary to the proper functions of BOEM; (2) what can BOEM do to ensure this information will be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might BOEM enhance the quality, utility, and clarity of the information to be collected; and (5) how might BOEM minimize the burden of this collection on the respondents, including minimizing the burden through the use of information technology?

Comments that you submit in response to this notice are a matter of public record. BOEM will include or summarize each comment in its request to the Office of Management and Budget (OMB) for approval of this ICR. You should be aware that your entire comment—including your address, phone number, email address, or other personally identifying information—may be made publicly available at any time. In order for BOEM to withhold from disclosure your personally identifiable information, you must identify any information contained in the submittal of your comments that, if released, would clearly constitute an unwarranted invasion of your personal privacy. You must also briefly describe any possible harmful consequences of the disclosure of your information, such as embarrassment, injury, or other harm. While you can ask BOEM in your comment to withhold your personally identifiable information from public review, BOEM cannot guarantee that it will be able to do so.

BOEM protects proprietary information in accordance with the Freedom of Information Act (FOIA, 5 U.S.C. 552), and the Department of the Interior's FOIA implementing regulations (43 CFR part 2).

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.*).

Deanna Meyer-Pietruszka,

Chief, Office of Policy, Regulation, and Analysis.

[FR Doc. 2020–23851 Filed 10–27–20; 8:45 am]

BILLING CODE 4310–MR–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1226]

Certain Artificial Eyelash Extension Systems, Products, and Components Thereof; Institution of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on September 10, 2020, under section 337 of the Tariff Act of 1930, as amended, on behalf of Lashify, Inc. of Glendale, California. The complaint alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain artificial eyelash extension systems, products, and components thereof by reason of infringement of certain claims of U.S. Patent No. 10,660,388 (''the '388 patent''); U.S. Patent No. 10,721,984 (''the '984 patent''); U.S. Design Patent No. D877,416 (''the 'D416 patent''); and U.S. Patent No. D867,664 (''the 'D664 patent''). The complaint further alleges that an industry in the United States exists as required by the applicable Federal Statute.

The complainant requests that the Commission institute an investigation and, after the investigation, issue a general exclusion order, or in the alternative a limited exclusion order, and cease and desist orders.

ADDRESSES: The complaint, except for any confidential information contained therein, may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.* For help accessing EDIS, please email *EDIS3Help@usitc.gov.* Hearing impaired individuals are advised that information on this matter can be obtained 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 at *https://www.usitc.gov.*

FOR FURTHER INFORMATION CONTACT: Pathenia M. Proctor, The Office of Unfair Import Investigations, U.S. International Trade Commission, telephone (202) 205–2560.

SUPPLEMENTARY INFORMATION:

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 CFR 210.10 (2020).

Scope of Investigation: Having considered the complaint, the U.S. International Trade Commission, on October 22, 2020, *Ordered that*—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain products identified in paragraph (2) by reason of infringement of one or more of claims 1–4 and 7–22 of the '388 patent; claims 1–29 of the '984; the claim of the 'D416 patent; and the claim of the 'D664 patent; and whether an industry in the

United States exists as required by subsection (a)(2) of section 337;

(2) Pursuant to section 210.10(b)(1) of the Commission's Rules of Practice and Procedure, 19 CFR 210.10(b)(1), the plain language description of the accused products or category of accused products, which defines the scope of the investigation, is ''artificial eyelash extensions, cartridges for packaging and storage of artificial eyelash extensions, application devices, bonding agents, and removers, as well as artificial eyelash extension systems containing one or more of the same'';

(3) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is:

Lashify, Inc., 11437 Chandler Boulevard, Suite A, Glendale, CA 91601

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

KISS Nail Products, Inc., 25 Harbor Park Drive, Port Washington, NY 11050

Ulta Beauty, Inc., 1000 Remington Boulevard, Suite 120, Bolingbrook, IL 60440

Walmart, Inc., 702 SW 8th Street, Bentonville, AR 72716

CVS Health Corporation, One CVS Drive, Woonsocket, RI 02895

Qingdao Hollyren Cosmetics Co., Ltd. d/b/a Hollyren, No. 3 Qianbali East Road, Pingdu Development Zone, Pingdu City, Qingdao City, Shandong Province, China

Qingdao Xizi International Trading Co., Ltd. d/b/a Xizi Lashes, No. 3 Qianbali East Road, Pingdu Development Zone, Pingdu City, Qingdao City, Shandong Province, China

Qingdao LashBeauty Cosmetic Co., Ltd. d/b/a Worldbeauty, Room 219, No. 2 Building Yinhua Plaza, No. 190 Shandong Road, Shibei District, Qingdao, China, 266034

Alicia Zeng d/b/a Lilac St.; Artemis Family Beginnings, Inc., 918 Capp St., San Francisco, CA 94110

Rachael Gleason d/b/a Avant Garde Beauty Co., 990 Singleton Blvd., Apt. 1259, Dallas, TX 75212

(c) The Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street SW, Suite 401, Washington, DC 20436; and

(4) For the investigation so instituted, the Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(e) and 210.13(a), as amended in 85 FR 15798 (March 19, 2020), such responses will be considered by the Commission if received not later than 20 days after the date of service by the complainant of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.

Issued: October 23, 2020.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2020–23837 Filed 10–27–20; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1227]

Certain Routers, Access Points, Controllers, Network Management Devices, Other Networking Products, and Hardware and Software Components Thereof; Institution of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on September 22, 2020, under section 337 of the Tariff Act of 1930, as amended, on behalf of Q3 Networking LLC of Frisco, Texas. A supplement was filed on October 8, 2020. The complaint alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain routers, access points, controllers, network management devices, other networking products, and hardware and software components thereof by reason of infringement of certain U.S. Patent No. 7,457,627 (''the '627 patent''); Patent No. 7,609,677 (''the '677 patent''); U.S. Patent No. 7,895,305 (''the '305 patent''); and U.S. Patent No. 8,797,853 (''the '853 patent''). The complaint further alleges that an industry in the United States exists as required by the applicable Federal Statute.

The complainant requests that the Commission institute an investigation and, after the investigation, issue a limited exclusion order and cease and desist orders.

ADDRESSES: The complaint, except for any confidential information contained therein, may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.* For help accessing EDIS, please email *EDIS3Help@usitc.gov.* Hearing impaired individuals are advised that information on this matter can be obtained 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 at *https://www.usitc.gov.*

FOR FURTHER INFORMATION CONTACT: Katherine Hiner, Office of Docket Services, U.S. International Trade Commission, telephone (202) 205–1802.

SUPPLEMENTARY INFORMATION:

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 CFR 210.10 (2019).

Scope of Investigation: Having considered the complaint, the U.S. International Trade Commission, on October 22, 2020, *ordered that—*

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain products identified in paragraph (2) by reason of infringement of one or more of claims 1–3 and 8 of the '627 patent; claims 1–6 and 8 of the '677 patent; claims 1–3, 5, 6, 8, 9, and 11–14 of the '305 patent;

and claims 1–9 of the '853 patent, and whether an industry in the United States exists as required by subsection (a)(2) of section 337;

(2) Pursuant to section 210.10(b)(1) of the Commission's Rules of Practice and Procedure, 19 CFR 210.10(b)(1), the plain language description of the accused products or category of accused products, which defines the scope of the investigation, is ''Wi-Fi networking products, routers, satellites, extenders, Wi-Fi systems, mesh networks, mesh systems, gateways, modems, access points, controllers, network management devices, storage systems, switches, bridges, wireless services modules, wireless subscriber units, base stations, adapters, other networking products, and their related software/applications'';

(3) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is:

Q3 Networking LLC, 5570 FM 423, Suite 250–2026, Frisco, TX 75034

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

CommScope Holding Company, Inc., 1100 CommScope Place SE, Hickory, NC 28602

CommScope, Inc., 1100 CommScope Place SE, Hickory, NC 28602

Arris US Holdings, Inc., 3871 Lakefield Drive, Suwanee, GA 30024

Ruckus Wireless, Inc., 350 West Java Drive, Sunnyvale, CA 94089

Hewlett Packard Enterprise Co., 3000 Hanover Street, Palo Alto, CA 94304

Aruba Networks, Inc., 3333 Scott Boulevard, Santa Clara, CA 95054

Netgear, Inc., 350 East Plumeria Drive, San Jose, CA 95134

(4) For the investigation so instituted, the Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

The Office of Unfair Import Investigations will not be named as a party to this investigation.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(e) and 210.13(a), as amended in 85 FR 15798 (March 19, 2020), such responses will be considered by the Commission if received not later than 20 days after the date of service by the complainant of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.

Issued: October 23, 2020.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2020–23854 Filed 10–27–20; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1225]

Certain Active Matrix OLED Display Devices and Components Thereof; Notice of Institution

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on September 14, 2020, under section 337 of the Tariff Act of 1930, as amended, on behalf of Solas OLED Ltd. of Ireland. A supplement was filed on September 30, 2020. The complaint alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain active matrix OLED display devices and components thereof by reason of infringement of certain claims of U.S. Patent No. 8,139,007 (''the '007 patent''), U.S. Patent No. 7,573,068 (''the '068 patent''); and 7,868,880 (''the '880 patent''). The complaint further alleges that an industry in the United States exists as required by the applicable Federal Statute. The complainant requests that the Commission institute an investigation and, after the investigation, issue a limited exclusion order and cease and desist orders.

ADDRESSES: The complaint, except for any confidential information contained therein, may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.* For help accessing EDIS, please email *EDIS3Help@usitc.gov.* Hearing impaired individuals are advised that information on this matter can be obtained 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 at *https://www.usitc.gov.*

FOR FURTHER INFORMATION CONTACT: Pathenia M. Proctor, The Office of Unfair Import Investigations, U.S. International Trade Commission, telephone (202) 205–2560.

SUPPLEMENTARY INFORMATION:

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 CFR 210.10 (2020).

Scope of Investigation: Having considered the complaint, the U.S. International Trade Commission, on October 21, 2020, *ordered that*—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain products identified in paragraph (2) by reason of infringement of one or more of claims 1–15 of the '007 patent; claims 13–17 of the '068 patent; and claims 2–40 of the '880 patent, and whether an industry in the United States exists as required by subsection (a)(2) of section 337;

(2) Pursuant to section 210.10(b)(1) of the Commission's Rules of Practice and Procedure, 19 CFR 210.10(b)(1), the plain language description of the accused products or category of accused products, which defines the scope of the investigation, is ''smartwatches with active matrix OLED displays, laptops with active matrix OLED displays, televisions and monitors with active matrix OLED displays, and mobile phones and tablets with active matrix OLED displays'';

(3) Pursuant to section 210.10(b)(3) of the Commission's Rules of Practice and Procedure, 19 CFR 210.10(b)(3), the presiding Administrative Law Judge shall hold an early evidentiary hearing, find facts, and issue an early decision, within 100 days of institution except for good cause shown, as to whether the complainant has satisfied the economic prong of the domestic industry requirement. Notwithstanding any Commission Rules to the contrary, which are hereby waived, any such decision should be issued in the form of an initial determination (ID) under Commission Rule 210.42(a)(3), 19 CFR 210.42(a)(3). The ID will become the Commission's final determination 30 days after the date of service of the ID unless the Commission determines to review the ID. Any such review will be conducted in accordance with Commission Rules 210.43, 210.44, and 210.45, 19 CFR 210.43, 210.44, and 210.45. The issuance of an early ID finding that the complainant does not satisfy the economic prong of the domestic industry requirement shall stay the investigation unless the Commission orders otherwise; any other decision shall not stay the investigation or delay the issuance of a final ID covering the other issues of the investigation;

(4) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is:

Solas OLED Ltd., Suite 23, The Hyde Building, Carrickmines, Dublin 18, Ireland

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Apple Inc., One Apple Park Way, Cupertino, CA 95014

Dell Technologies Inc., One Dell Way, Round Rock, TX 78682

LG Electronics Inc., LG Twin Tower 128 Yeoui-daero, Yeongdeungpo-gu, Seoul, 07336, South Korea

LG Electronics USA, Inc., 1000 Sylvan Ave., Englewood Cliffs, NJ 07632

LG Display America, Inc., 2540 North First St, Suite 400, San Jose, CA 95131

LG Display Co., Ltd., LG Twin Tower 128 Yeoui-daero, Yeongdeungpo-gu, Seoul, 07336, South Korea

Motorola Mobility LLC, 222 W Merchandise Mart Plaza, Suite 1800, Chicago, IL 60654

Samsung Electronics Co., Ltd., 129 Samsung-Ro, Yeongtong-gu, Suwon-si, Gyeonggi-do, 443–742, South Korea

Samsung Electronics America, Inc., 85 Challenger Rd., Ridgefield Park, NJ 07660

Samsung Display Co., Ltd., 1 Samsung-Ro, Giheung-gu, Yongin-si, Gyeonggi-Do, 17113, South Korea

Sony Electronics Inc., 16535 Via Esprillo, San Diego, CA 92127

(c) The Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street SW, Suite 401, Washington, DC 20436; and

(5) For the investigation so instituted, the Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(e) and 210.13(a), as amended in 85 FR 15798 (March 19, 2020), such responses will be considered by the Commission if received not later than 20 days after the date of service by the complainant of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.

Issued: October 22, 2020.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2020–23786 Filed 10–27–20; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–735]

Bulk Manufacturer of Controlled Substances Application: Bulk Manufacturer of Marihuana: Contract Pharmacal Corp.

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of application.

SUMMARY: The Drug Enforcement Administration (DEA) is providing notice of an application it has received from an entity applying to be registered to manufacture in bulk basic class(es) of controlled substances listed in schedule I. DEA intends to evaluate this and other pending applications according to proposed regulations that, if finalized, would govern the program of growing marihuana for scientific and medical research under DEA registration.

DATES: Registered bulk manufacturers of the affected basic class(es), and applicants therefor, may file written comments on or objections to the issuance of the proposed registration on or before December 28, 2020.

ADDRESSES: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/DPW, 8701 Morrissette Drive, Springfield, Virginia 22152. To ensure proper handling of comments, please reference Docket No—DEA–735 in all correspondence, including attachments.

SUPPLEMENTARY INFORMATION: The Controlled Substances Act (CSA) prohibits the cultivation and distribution of marihuana except by persons who are registered under the CSA to do so for lawful purposes. In accordance with the purposes specified in 21 CFR 1301.33(a), DEA is providing notice that the entity identified below has applied for registration as a bulk manufacturer of schedule I controlled substances. In response, registered bulk manufacturers of the affected basic class(es), and applicants therefor, may file written comments on or objections of the requested registration, as provided in this notice. This notice does not constitute any evaluation or determination of the merits of the application submitted.

The applicant plans to manufacture bulk active pharmaceutical ingredients (APIs) for product development and distribution to DEA registered researchers. If the application for registration is granted, the registrant would not be authorized to conduct

other activity under this registration aside from those coincident activities specifically authorized by DEA regulations. DEA will evaluate the application for registration as a bulk manufacturer for compliance with all applicable laws, treaties, and regulations and to ensure adequate safeguards against diversion are in place.

As this applicant has applied to become registered as a bulk manufacturer of marihuana, the application will be evaluated under the criteria of 21 U.S.C. 823(a). DEA proposes to conduct this evaluation in the manner described in the rule proposed at 85 FR 16292, published on March 23, 2020, if finalized.

In accordance with 21 CFR 1301.33(a), DEA is providing notice that on August 21, 2020, Contract Pharmacal Corp., 165 Oser Avenue, Hauppaugh, New York 11788, applied to be registered as a bulk manufacturer of the following basic class(es) of controlled substances:

Controlled substance	Drug code	Schedule
Marihuana Extract	7350	I
Marihuana	7360	I
Tetrahydrocannabinols	7370	I

The applicants notice above applied to become registered with DEA to grow marihuana as a bulk manufacturer subsequent to a 2020 DEA notice of proposed rulemaking that provided information on how DEA intends to expand the number of registrations and described the way it would oversee those additional growers. If finalized, the proposed rule would govern persons seeking to become registered with DEA to grow marihuana as a bulk manufacturer, consistent with applicable law. The notice of proposed rulemaking is available at 85 FR 16292.

William T. McDermott,

Assistant Administrator.

[FR Doc. 2020–23845 Filed 10–27–20; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Notice of Lodging Proposed Consent Decree

In accordance with Departmental Policy, 28 CFR 50.7, notice is hereby given that a proposed Consent Decree in *United States* v. *Bobby Wolford Trucking & Salvage, Inc. and Karl Frederick Klock Pacific Bison, LLC,* Case No. 2:18–cv–747–TSZ, was lodged with the United States District Court for the Western District of Washington on October 19, 2020.

This proposed Consent Decree concerns a complaint filed by the United States against Defendants Bobby Wolford Trucking & Salvage, Inc. and Karl Frederick Klock Pacific Bison, LLC, pursuant to Clean Water Act Section 309, 33 U.S.C. 1319, to obtain injunctive relief from and impose civil penalties against the Defendants for violating the Clean Water Act by discharging pollutants without a permit into waters of the United States. The proposed Consent Decree resolves these allegations by requiring the Defendants to restore the impacted areas, perform mitigation, and pay a civil penalty.

The Department of Justice will accept written comments relating to this proposed Consent Decree for thirty (30) days from the date of publication of this Notice. Please address comments to Kent E. Hanson, Senior Attorney, United States Department of Justice, Environmental Defense Section, Post Office Box 7611, Washington, DC 20044–7611, and refer to *United States* v. *Bobby Wolford Trucking & Salvage, Inc., et al.,* DJ #90–5–1–1–19923.

The proposed Consent Decree may be examined electronically at *http://www.justice.gov/enrd/consent-decrees.* Due to the ongoing Coronavirus/COVID–19 emergency, the Clerk's Office, United States District Court for the Western District of Washington, 700 Stewart Street, Suite 2310, Seattle, WA, continues to have limited public access.

Cherie Rogers,

Assistant Section Chief, Environmental Defense Section, Environment and Natural Resources Division.

[FR Doc. 2020–23809 Filed 10–27–20; 8:45 am]

BILLING CODE 4410–CW–P

DEPARTMENT OF LABOR

Employment and Training Administration

Notice of a Change in Status of an Extended Benefit (EB) Program for Missouri

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice.

This notice announces a change in benefit period eligibility under the EB program for Missouri.

The following change has occurred since the publication of the last notice regarding the State's EB status:

• Missouri's 13-week insured unemployment rate (IUR) for the week ending September 19, 2020, was 4.97 percent, falling below the 5.00 percent threshold necessary to remain ''on'' EB. Therefore, the EB period for Missouri will end on October 10, 2020. The state will remain in an ''off'' period for a minimum of 13 weeks.

Information for Claimants

The duration of benefits payable in the EB Program, and the terms and conditions on which they are payable, are governed by the Federal-State Extended Unemployment Compensation Act of 1970, as amended, and the operating instructions issued to the states by the U.S. Department of Labor. In the case of a state ending an EB period, the State Workforce Agency will furnish a written notice to each individual who is currently filing claims for EB of the forthcoming termination of the EB period and its effect on the individual's right to EB (20 CFR 615.13 (c)).

FOR FURTHER INFORMATION CONTACT: U.S. Department of Labor, Employment and Training Administration, Office of Unemployment Insurance Room S–4524, Attn: Thomas Stengle, 200 Constitution Avenue NW, Washington, DC 20210, telephone number (202)–693–2991 (this is not a toll-free number) or by email: *Stengle.Thomas@dol.gov.*

Signed in Washington, DC.

John Pallasch,

Assistant Secretary for Employment and Training.

[FR Doc. 2020–23815 Filed 10–27–20; 8:45 am]

BILLING CODE 4510–FW–P

DEPARTMENT OF LABOR

Employment and Training Administration

Notice of a Change in Status of the Extended Benefit (EB) Program for Delaware

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice.

This notice announces a change in benefit period eligibility under the EB program for Delaware.

The following change has occurred since the publication of the last notice regarding the State's EB status:

Based on the data released by the Bureau of Labor Statistics on September 18, 2020, the seasonally-adjusted total unemployment rate (TUR) for Delaware rose to exceed the 8.0% threshold necessary to trigger ''on'' to a high unemployment period in EB. Delaware enacted emergency legislation mandating that there would be a state ''on'' indicator for weeks after September 19, 2020, if the average TUR met the necessary criteria. As

such, the payable period for Delaware under a high unemployment period begins October 11, 2020, and eligibility for claimants has been extended from up to 13 weeks of potential duration to up to 20 weeks of potential duration in the EB program.

The trigger notice covering state eligibility for the EB program can be found at: *http://ows.doleta.gov/unemploy/claims_arch.as.*

Information for Claimants

The duration of benefits payable in the EB program, and the terms and conditions on which they are payable, are governed by the Federal-State Extended Unemployment Compensation Act of 1970, as amended, and the operating instructions issued to the states by the U.S. Department of Labor. In the case of a state beginning an EB period, the State Workforce Agency will furnish a written notice of potential entitlement to each individual who has exhausted all rights to regular benefits and is potentially eligible for EB (20 CFR 615.13(c)(1)).

Persons who believe they may be entitled to EB, or who wish to inquire about their rights under the program, should contact their State Workforce Agency.

FOR FURTHER INFORMATION CONTACT: U.S. Department of Labor, Employment and Training Administration, Office of Unemployment Insurance Room S–4524, Attn: Thomas Stengle, 200 Constitution Avenue NW, Washington, DC 20210, telephone number (202) 693–2991 (this is not a toll-free number) or by email: *Stengle.Thomas@dol.gov.*

Signed in Washington, DC.

John Pallasch,

Assistant Secretary for Employment and Training.

[FR Doc. 2020–23814 Filed 10–27–20; 8:45 am]

BILLING CODE 4510–FW–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2010–0026]

The Mechanical Power Presses Standard; Extension of the Office of Management and Budget's (OMB) Approval of Information Collection (Paperwork) Requirements

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Request for public comments.

SUMMARY: OSHA solicits public comments concerning the proposal to extend the Office of Management and Budget's (OMB) approval of the information collection requirements specified in the Mechanical Power Presses Standard.

DATES: Comments must be submitted (postmarked, sent, or received) by December 28, 2020.

ADDRESSES:

Electronically: You may submit comments and attachments electronically at *http://www.regulations.gov,* which is the Federal e-Rulemaking Portal. Follow the instructions online for submitting comments.

Facsimile: If your comments, including attachments, are not longer than 10 pages you may fax them to the OSHA Docket Office at (202) 693–1648.

Mail, hand delivery, express mail, messenger, or courier service: When using this method, you must submit a copy of your comments and attachments to the OSHA Docket Office, Docket No. OSHA–2010–0026, Occupational Safety and Health Administration, U.S. Department of Labor, Room N–3653, 200 Constitution Avenue NW, Washington, DC 20210. Please note: While OSHA's Docket Office is continuing to accept and process submissions by regular mail, due to the COVID–19 pandemic, the Docket Office is closed to the public and not able to receive submissions to the docket by hand, express mail, messenger, and courier service.

Instructions: All submissions must include the agency name and the OSHA docket number (OSHA–2010–0026) for the Information Collection Request (ICR). All comments, including any personal information you provide, such as social security number and date of birth, are placed in the public docket without change, and may be made available online at *http://www.regulations.gov.* For further information on submitting comments see the ''Public Participation'' heading in the section of this notice titled **SUPPLEMENTARY INFORMATION.**

Docket: To read or download comments or other material in the docket, go to *http://www.regulations.gov* or the OSHA Docket Office at the above address. All documents in the docket (including this **Federal Register** notice) are listed in the *http://www.regulations.gov* index; however, some information (*e.g.,* copyrighted material) is not publicly available to read or download from the website. All submissions, including copyrighted material, are available for inspection and copying at the OSHA Docket Office. You also may contact Theda Kenney at the below phone number to obtain a copy of the ICR.

FOR FURTHER INFORMATION CONTACT: Theda Kenney or Seleda Perryman, Directorate of Standards and Guidance, OSHA, U.S. Department of Labor; telephone (202) 693–2222.

SUPPLEMENTARY INFORMATION:

I. Background

The Department of Labor, as part of the continuing effort to reduce paperwork and respondent (*i.e.,* employer) burden, conducts a preclearance consultation program to provide the public with an opportunity to comment on proposed and continuing information collection requirements in accordance with the Paperwork Reduction Act (PRA) (44 U.S.C. 3506(c)(2)(A)). This program ensures that information is in the desired format, reporting burden (time and costs) is minimal, collection instruments are clearly understood, and OSHA's estimate of the information collection burden is accurate. The Occupational Safety and Health Act of 1970 (OSH Act) (29 U.S.C. 651 *et seq.*) authorizes information collection by employers as necessary or appropriate for enforcement of the OSH Act or for developing information regarding the causes and prevention of occupational injuries, illnesses, and accidents (29 U.S.C. 657). The OSH Act also requires that OSHA obtain such information with minimum burden upon employers, especially those operating small businesses, and to reduce to the maximum extent feasible unnecessary duplication of efforts in obtaining information (29 U.S.C. 657).

The collection of information contained in the Mechanical Power Presses Standard are necessary to reduce workers' risk of death or serious injury by ensuring that employers maintain the mechanical power presses used by the workers in safe operating condition.

The following sections describe who uses the information collected under each requirement, as well as how they use it.

Section 1910.217(e)(1)(i)

Paragraph (e)(1)(i) requires employers to establish and follow a program of periodic and regular inspections of power presses to ensure that all their parts, auxiliary equipment, and safeguards are in safe operating condition and adjustment. Employers must maintain a certification record of inspections that includes the date of inspection, the signature of the person who performed the inspection, and the

serial number, or other identifiers, of the power press that was inspected.

Section 1910.217(e)(1)(ii)

Paragraph (e)(1)(ii) requires employers to inspect and test each press no less than weekly to determine the condition of the clutch/brake mechanism, antirepeat feature, and single-stroke mechanism. Employers must perform and complete necessary maintenance or repair or both before the press is operated. In addition, employers must maintain a record of inspections, tests, and maintenance work. The record must include the date of the inspection, test, or maintenance; the signature of the person who performed the inspection, test, or maintenance; and the serial number, or other identifiers, of the press that was inspected, tested, or maintained.

II. Special Issues for Comment

OSHA has a particular interest in comments on the following issues:

- Whether the proposed information collection requirements are necessary for the proper performance of the agency's functions, including whether the information is useful;
- The accuracy of OSHA's estimate of the burden (time and costs) of the information collection requirements, including the validity of the methodology and assumptions used;
- The quality, utility, and clarity of the information collected; and
- Ways to minimize the burden on employers who must comply; for example, by using automated or other technological information collection and transmission techniques.

III. Proposed Actions

OSHA is requesting a burden hour adjustment decrease of 17,160 hours from 37,967 hours to 20,807 hours. This change in calculation methods accounts for the large decrease in the agency's estimate of mechanical power presses currently in service, still an overestimation.

Type of Review: Extension of a currently approved collection.

Title: Mechanical Power Presses Standard. (29 CFR 1910.217(e)(1)(i) and (e)(1)(ii)).

OMB Number: 1218–0229.

Affected Public: Business or other for-profit; farms.

Number of Respondents: 104,035.

Frequency of Response: On occasion.

Total Responses: 62,421.

Average Time per Response: Various.

Estimated Total Burden Hours: 20,807.

Estimated Cost (Operation and Maintenance): $0.

IV. Public Participation—Submission of Comments on This Notice and Internet Access to Comments and Submissions

You may submit comments in response to this document as follows: (1) Electronically at *http://www.regulations.gov,* which is the Federal e-Rulemaking Portal; (2) by facsimile; or (3) by hard copy. All comments, attachments, and other material must identify the agency name and the OSHA docket number for this ICR (Docket No. OSHA–2010–0026). You may supplement electronic submissions by uploading document files electronically. If you wish to mail additional materials in reference to an electronic or facsimile submission, you must submit them to the OSHA Docket Office (see the section of this notice titled **ADDRESSES**). The additional materials must clearly identify your electronic comments by your name, date, and the docket number so the agency can attach them to your comments.

Because of security procedures, the use of regular mail may cause a significant delay in the receipt of comments. For information about security procedures concerning the delivery of materials by hand, express delivery, messenger, or courier service, please contact the OSHA Docket Office at (202) 693–2350, (TTY (877) 889–5627).

Comments and submissions are posted without change at *http://www.regulations.gov.* Therefore, OSHA cautions commenters about submitting personal information such as your social security number and date of birth. Although all submissions are listed in the *http://www.regulations.gov* index, some information (*e.g.,* copyrighted material) is not publicly available to read or download from this website. All submissions, including copyrighted material, are available for inspection and copying at the OSHA Docket Office. Information on using the *http://www.regulations.gov* website to submit comments and access the docket is available at the website's ''User Tips'' link. Contact the OSHA Docket Office for information about materials not available from the website, and for assistance in using the internet to locate docket submissions.

V. Authority and Signature

Loren Sweatt, Principal Deputy Assistant Secretary of Labor for Occupational Safety and Health, directed the preparation of this notice. The authority for this notice is the Paperwork Reduction Act of 1995 (44 U.S.C. 3506 *et seq.*) and Secretary of Labor's Order No. 1–2012 (77 FR 3912).

Signed at Washington, DC, on October 22, 2020.

Loren Sweatt,

Principal Deputy Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2020–23816 Filed 10–27–20; 8:45 am]

BILLING CODE 4510–26–P

NUCLEAR REGULATORY COMMISSION

[NRC–2020–0051]

Environmental Considerations Associated With Micro-Reactors

AGENCY: Nuclear Regulatory Commission.

ACTION: Interim staff guidance; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing Interim Staff Guidance (ISG), ''Micro-Reactor License Application COL–ISG–029, 'Environmental Considerations Associated with Micro-Reactors.' '' The purpose of this ISG is to modify existing guidance and provide supplemental guidance to assist the NRC staff in determining the scope and scale of environmental reviews of micro-reactor applications.

DATES: This guidance is effective on November 27, 2020.

ADDRESSES: Please refer to Docket ID NRC–2020–0051 when contacting the NRC about the availability of information regarding this document. You may obtain publicly available information related to this document using any of the following methods:

- *Federal Rulemaking Website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2020–0051. 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 individuals listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at *https://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The documents entitled, ''Micro-Reactor License Application COL–ISG–029, 'Environmental

Considerations Associated with Micro-Reactors,' '' and ''Resolution of Public Comments on Draft COL–ISG–029,'' are available in ADAMS Package Accession No. ML20252A075.

• *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.

FOR FURTHER INFORMATION CONTACT: Jack Cushing, Office of Nuclear Material Safety and Safeguards, telephone: 301–415–1424, email: *Jack.Cushing@nrc.gov* and Mallecia Sutton, Office of Nuclear Reactor Regulation, telephone: 301–415–0673, email: *Mallecia.Sutton@nrc.gov.* Both are staff of the U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

SUPPLEMENTARY INFORMATION:

I. Background

On February 26, 2020 the U.S. Nuclear Regulatory Commission (NRC) issued a **Federal Register** notice (85 FR 11127) soliciting public comment on its draft Interim Staff Guidance (ISG), ''Micro-Reactor License Application COL–ISG–029, 'Environmental Considerations Associated with Micro-Reactors.' '' The NRC responded to the comments and revised the draft ISG as appropriate and is issuing it as a final ISG. The NRC staff is preparing for the environmental reviews of prospective design, license, and permit applications for advanced nuclear power reactors (advanced reactors), including micro-reactors. The guidance in the ISG highlights unique considerations for micro-reactors in each resource area typically covered in the staff's environmental review. The ISG also offers guidance on identifying considerations and approaches to simplify and shorten the environmental reviews for micro-reactors relative to the environmental reviews that the NRC has previously performed for other nuclear facilities, such as large light-water reactors (LWRs). The ISG outlines what the NRC staff considers to be an appropriate scope and level of detail for the specific aspects of an environmental review needed for a micro-reactor licensing action. A micro-reactor may have some, but not necessarily all, of the following characteristics:

- Occupies only a small area of land and/or disturbs only previously disturbed lands.
- Uses zero or only small quantities of resources, such as water or fuel.
- Releases zero or only small quantities of emissions to the environment.
- Avoids environmentally sensitive areas such as wetlands and floodplains.
- Avoids areas with cultural, historic, or environmental justice significance.
- Avoids habitat for threatened or endangered species.
- Uses mitigation to reduce impacts.
- Involves only low levels of employment for both construction and operation.
- Uses simpler designs than those for large LWRs, with limited interfaces with the exterior environment.

While the ISG is designed to aid the NRC staff in developing a micro-reactor environmental impact statement, the staff recognizes the value of the guidance as a supplemental source of insight into the NRC's environmental review process that can inform the development of an applicant's environmental report. Applicants should scale their level of effort appropriately when preparing Environmental Reports, commensurate with the significance of the impact on the resource area being addressed.

The scope of this ISG is limited to environmental review considerations specific to micro-reactors, such as the following:

- Preapplication interactions
- purpose and need for the proposed project
- size of the proposed project and resources used
- mitigation
- land use
- water resources
- terrestrial ecology
- aquatic ecology
- socioeconomics and environmental justice
- historic and cultural resources
- need for power and alternatives
- meteorology and air quality
- nonradiological health
- radiological health
- postulated accidents
- severe accident mitigation alternatives
- acts of terrorism
- fuel cycle impacts, transportation of fuel and waste, and continued storage of spent fuel
- cumulative impact analysis
- consistency with safety licensing documents
- incorporation by reference

The NRC staff will continue to look for other opportunities to effectively streamline environmental reviews and work with prospective applicants to identify opportunities to streamline ERs while still meeting the NRC's regulations.

II. Backfitting, Issue Finality, and Forward Fitting Discussion

The guidance in this final ISG–029 clarifies how the NRC will approach environmental reviews for a micro-reactor application for combined license, early site permit, construction permit, operating license and/or limited work authorization. Issuance of this final ISG would not constitute backfitting as defined in section 50.109 of title 10 of the *Code of Federal Regulations* (10 CFR) (the Backfit Rule) and as described in NRC Management Directive 8.4, ''Management of Backfitting, Forward Fitting, Issue Finality, and Information Requests;'' would not affect the issue finality of an approval under 10 CFR part 52; and would not constitute forward fitting as that term is defined and described in Management Directive 8.4. The staff's position is based upon the following considerations:

1. The final ISG positions, would not constitute backfitting or forward fitting or affect issue finality, inasmuch as the ISG would be internal guidance to NRC staff.

The ISG provides interim guidance to the staff on how to review an application for NRC regulatory approval in the form of licensing. Changes in internal staff guidance, without further NRC action, are not matters that meet the definition of backfitting or forward fitting or affect the issue finality of a part 52 approval.

2. Current or future applicants are not, with limited exceptions not applicable here, within the scope of the backfitting and issue finality regulations and forward fitting policy.

Applicants are not, with certain exceptions, covered by either the Backfit Rule or any issue finality provisions under 10 CFR part 52. This is because neither the Backfit Rule nor the issue finality provisions under 10 CFR part 52—with certain exclusions discussed below—were intended to apply to every NRC action which substantially changes the expectations of current and future applicants.

The exceptions to the general principle are applicable whenever an applicant references a 10 CFR part 52 license (*e.g.,* an early site permit) and/or NRC regulatory approval (*e.g.,* a design certification rule) with specified issue finality provisions or a construction permit under 10 CFR part 50. The staff does not, at this time, intend to impose the positions represented in the ISG section (if finalized) in a manner that would constitute backfitting or affect the issue finality of a part 52 approval. If, in the

future, the staff seeks to impose a position in a manner that constitutes backfitting or does not provide issue finality as described in the applicable issue finality provision, then the staff would need to address the Backfit Rule or the criteria for avoiding issue finality as described in the applicable issue finality provision.

The Commission's forward fitting policy generally does not apply when an applicant files an initial licensing action for a new facility. Nevertheless, the staff does not, at this time, intend to impose the positions represented in the final ISG section in a manner that would constitute forward fitting.

III. Congressional Review Act

This interim staff guidance is a rule as defined in the Congressional Review Act (5 U.S.C. 801–808). However, the Office of Management and Budget has not found it to be a major rule as defined in the Congressional Review Act.

Dated: October 23, 2020.

For the Nuclear Regulatory Commission.

Kenneth T. Erwin,

Chief, Environmental Review New Reactor Branch, Division of Rulemaking, Environmental, and Financial Support, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 2020–23873 Filed 10–27–20; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 70–7029; NRC–2020–0232]

Defense Threat Reduction Agency

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: License application; opportunity to request a hearing and to petition for leave to intervene; order imposing procedures.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) has received an application from the Defense Threat Reduction Agency (DTRA) for a license which authorizes possession and use of Special Nuclear Materials (SNM) for analytical or scientific research and development. The license application request contains sensitive unclassified non-safeguards information (SUNSI).

DATES: A request for a hearing or petition for leave to intervene must be filed by December 28, 2020. Any potential party, as defined in section 2.4 of title 10 of the *Code of Federal Regulations* (10 CFR), who believes access to SUNSI is necessary to respond to this notice must request document access by November 9, 2020.

ADDRESSES: Please refer to Docket ID NRC–2020–0232 when contacting the NRC about the availability of information for this action. You may obtain publicly available information related to this action by any of the following methods:

- *Federal Rulemaking website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2020–0232. Address questions about Docket IDs 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.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at *https://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in this document.
- *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.

FOR FURTHER INFORMATION CONTACT: Tyrone Naquin, Office of Nuclear Materials Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–7352; email: *Tyrone.Naquin@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Introduction

The NRC received a letter of intent to submit an application for a 10 CFR part 70 License for Special Nuclear Materials, by letter dated February 11, 2019 (ADAMS Accession No. ML20274A037), from the DTRA. By correspondence dated August 21, 2020 (ADAMS Accession No. ML20238B814), the NRC received an application to possess and use SNM in an amount less than the maximum amount described as a Category II quantity as defined in 10 CFR 70.4. If the NRC approves the application, DTRA will possess, store, and use SNM in sealed test objects for general use in detection training and scientific research and development. The application is available in ADAMS under Accession No. ML20254A189.

An NRC administrative completeness review, dated September 24, 2020 (ADAMS Accession No. ML20258A275), found the application acceptable for a technical review. Prior to approving the application, the NRC will need to make the findings required, as required by the Atomic Energy Act of 1954 as amended (the Act), and the NRC's regulations. The NRC's findings will be documented in a Safety Evaluation Report and an environmental assessment.

II. Opportunity To Request a Hearing and Petition for Leave To Intervene

Within 60 days after the date of publication of this notice, any persons (petitioner) whose interest may be affected by this action may file a request for a hearing and petition for leave to intervene (petition) with respect to the action. Petitions shall be filed in accordance with the Commission's ''Agency Rules of Practice and Procedure'' in 10 CFR part 2. Interested persons should consult a current copy of 10 CFR 2.309. The NRC's regulations are accessible electronically from the NRC Library on the NRC's website at *https://www.nrc.gov/reading-rm/doc-collections/cfr/.* If a petition is filed, the Commission or a presiding officer will rule on the petition and, if appropriate, a notice of a hearing will be issued.

As required by 10 CFR 2.309(d) the petition should specifically explain the reasons why intervention should be permitted with particular reference to the following general requirements for standing: (1) The name, address, and telephone number of the petitioner; (2) the nature of the petitioner's right under the Act to be made a party to the proceeding; (3) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (4) the possible effect of any decision or order which may be entered in the proceeding on the petitioner's interest.

In accordance with 10 CFR 2.309(f), the petition must also set forth the specific contentions that the petitioner seeks to have litigated in the proceeding. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner must provide a brief explanation of the bases for the contention and a concise statement of the alleged facts or expert opinion that support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to the specific sources and documents on which the petitioner

intends to rely to support its position on the issue. The petition must include sufficient information to show that a genuine dispute exists with the applicant or licensee on a material issue of law or fact. Contentions must be limited to matters within the scope of the proceeding. The contention must be one that, if proven, would entitle the petitioner to relief. A petitioner who fails to satisfy the requirements at 10 CFR 2.309(f) with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene. Parties have the opportunity to participate fully in the conduct of the hearing with respect to resolution of that party's admitted contentions, including the opportunity to present evidence, consistent with the NRC's regulations, policies, and procedures.

Petitions must be filed no later than 60 days from the date of publication of this notice. Petitions and motions for leave to file new or amended contentions that are filed after the deadline will not be entertained absent a determination by the presiding officer that the filing demonstrates good cause by satisfying the three factors in 10 CFR 2.309(c)(1)(i) through (iii). The petition must be filed in accordance with the filing instructions in the ''Electronic Submissions (E-Filing)'' section of this document.

A State, local governmental body, Federally recognized Indian Tribe, or agency thereof, may submit a petition to the Commission to participate as a party under 10 CFR 2.309(h)(1). The petition should state the nature and extent of the petitioner's interest in the proceeding. The petition should be submitted to the Commission no later than 60 days from the date of publication of this notice. The petition must be filed in accordance with the filing instructions in the ''Electronic Submissions (E-Filing)'' section of this document, and should meet the requirements for petitions set forth in this section. Alternatively, a State, local governmental body, Federally recognized Indian Tribe, or agency thereof may participate as a non-party under 10 CFR 2.315(c).

If a petition is submitted, any person who is not a party to the proceeding and is not affiliated with or represented by a party may, at the discretion of the presiding officer, be permitted to make a limited appearance pursuant to the provisions of 10 CFR 2.315(a). A person making a limited appearance may make an oral or written statement of his or her position on the issues but may not otherwise participate in the proceeding. A limited appearance may be made at any session of the hearing or at any prehearing conference, subject to the limits and conditions as may be imposed by the presiding officer. Details regarding the opportunity to make a limited appearance will be provided by the presiding officer if such sessions are scheduled.

III. Electronic Submissions (E-Filing)

All documents filed in NRC adjudicatory proceedings, including a request for hearing and petition for leave to intervene (petition), any motion or other document filed in the proceeding prior to the submission of a request for hearing or petition to intervene, and documents filed by interested governmental entities that request to participate under 10 CFR 2.315(c), must be filed in accordance with the NRC's E-Filing rule (72 FR 49139, August 28, 2007, as amended at 77 FR 46562, August 3, 2012). The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases to mail copies on electronic storage media. Detailed guidance on making electronic submissions may be found in the Guidance for Electronic Submissions to the NRC and on the NRC website at *https://www.nrc.gov/site-help/e-submittals.html.* Participants may not submit paper copies of their filings unless they seek an exemption in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least 10 days prior to the filing deadline, the participant should contact the Office of the Secretary by email at *hearing.docket@nrc.gov,* or by telephone at 301–415–1677, to (1) request a digital identification (ID) certificate, which allows the participant (or its counsel or representative) to digitally sign submissions and access the E-Filing system for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a petition or other adjudicatory document (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the hearing in this proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on the NRC's public website at *https://www.nrc.gov/site-help/e-submittals/getting-started.html.* Once a participant has obtained a digital ID certificate and a docket has been created, the participant can then submit adjudicatory documents. Submissions must be in Portable Document Format (PDF). Additional guidance on PDF submissions is available on the NRC's public website at *https://www.nrc.gov/site-help/electronic-sub-ref-mat.html.* A filing is considered complete at the time the document is submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. (EST) on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an email notice confirming receipt of the document. The E-Filing system also distributes an email notice that provides access to the document to the NRC's Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the document on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before adjudicatory documents are filed so that they can obtain access to the documents via the E-Filing system.

A person filing electronically using the NRC's adjudicatory E-Filing system may seek assistance by contacting the NRC's Electronic Filing Help Desk through the ''Contact Us'' link located on the NRC's public website at *https://www.nrc.gov/site-help/e-submittals.html,* by email to *MSHD.Resource@nrc.gov,* or by a toll-free call at 1–866–672–7640. The NRC Electronic Filing Help Desk is available between 9 a.m. and 6 p.m.,(EST), Monday through Friday, excluding government holidays.

Participants who believe that they have a good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing stating why there is good cause for not filing electronically and requesting authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) First class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, 11555 Rockville Pike, Rockville, Maryland, 20852, Attention: Rulemaking and Adjudications Staff. Participants filing adjudicatory

documents in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service. A presiding officer, having granted an exemption request from using E-Filing, may require a participant or party to use E-Filing if the presiding officer subsequently determines that the reason for granting the exemption from use of E-Filing no longer exists.

Documents submitted in adjudicatory proceedings will appear in the NRC's electronic hearing docket which is available to the public at *https://adams.nrc.gov/ehd,* unless excluded pursuant to an order of the Commission or the presiding officer. If you do not have an NRC-issued digital ID certificate as described above, click cancel when the link requests certificates and you will be automatically directed to the NRC's electronic hearing dockets where you will be able to access any publicly available documents in a particular hearing docket. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or personal phone numbers in their filings, unless an NRC regulation or other law requires submission of such information. For example, in some instances, individuals provide home addresses in order to demonstrate proximity to a facility or site. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants are requested not to include copyrighted materials in their submission.

Order Imposing Procedures for Access to Sensitive Unclassified Non-Safeguards Information for Contention Preparation

A. This Order contains instructions regarding how potential parties to this proceeding may request access to documents containing SUNSI.

B. Within 10 days after publication of this notice of hearing and opportunity to petition for leave to intervene, any potential party who believes access to SUNSI is necessary to respond to this notice may request access to SUNSI. A ''potential party'' is any person who intends to participate as a party by demonstrating standing and filing an admissible contention under 10 CFR 2.309. Requests for access to SUNSI submitted later than 10 days after publication of this notice will not be considered absent a showing of good cause for the late filing, addressing why the request could not have been filed earlier.

C. The requestor shall submit a letter requesting permission to access SUNSI to the Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff, and provide a copy to the Deputy General Counsel for Hearings and Administration, Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001. The expedited delivery or courier mail address for both offices is: U.S. Nuclear Regulatory Commission, 11555 Rockville Pike, Rockville, Maryland 20852. The email address for the Office of the Secretary and the Office of the General Counsel are *Hearing.Docket@nrc.gov* and *OGCMailCenter.Resource@nrc.gov,* respectively.[1] The request must include the following information:

(1) A description of the licensing action with a citation to this **Federal Register** notice;

(2) The name and address of the potential party and a description of the potential party's particularized interest that could be harmed by the action identified in C.(1); and

(3) The identity of the individual or entity requesting access to SUNSI and the requestor's basis for the need for the information in order to meaningfully participate in this adjudicatory proceeding. In particular, the request must explain why publicly available versions of the information requested would not be sufficient to provide the basis and specificity for a proffered contention.

D. Based on an evaluation of the information submitted under paragraph C.(3) the NRC staff will determine within 10 days of receipt of the request whether:

(1) There is a reasonable basis to believe the petitioner is likely to establish standing to participate in this NRC proceeding; and

(2) The requestor has established a legitimate need for access to SUNSI.

E. If the NRC staff determines that the requestor satisfies both D.(1) and D.(2) above, the NRC staff will notify the requestor in writing that access to SUNSI has been granted. The written notification will contain instructions on how the requestor may obtain copies of the requested documents, and any other conditions that may apply to access to those documents. These conditions may include, but are not limited to, the signing of a Non-Disclosure Agreement or Affidavit, or Protective Order[2] setting forth terms and conditions to prevent the unauthorized or inadvertent disclosure of SUNSI by each individual who will be granted access to SUNSI.

F. Filing of Contentions. Any contentions in these proceedings that are based upon the information received as a result of the request made for SUNSI must be filed by the requestor no later than 25 days after receipt of (or access to) that information. However, if more than 25 days remain between the petitioner's receipt of (or access to) the information and the deadline for filing all other contentions (as established in the notice of hearing or opportunity for hearing), the petitioner may file its SUNSI contentions by that later deadline.

G. Review of Denials of Access.

(1) If the request for access to SUNSI is denied by the NRC staff after a determination on standing and requisite need, the NRC staff shall immediately notify the requestor in writing, briefly stating the reason or reasons for the denial.

(2) The requestor may challenge the NRC staff's adverse determination by filing a challenge within 5 days of receipt of that determination with: (a) The presiding officer designated in this proceeding; (b) if no presiding officer has been appointed, the Chief Administrative Judge, or if he or she is unavailable, another administrative judge, or an Administrative Law Judge with jurisdiction pursuant to 10 CFR 2.318(a); or (c) if another officer has been designated to rule on information access issues, with that officer.

(3) Further appeals of decisions under this paragraph must be made pursuant to 10 CFR 2.311.

H. Review of Grants of Access. A party other than the requestor may challenge an NRC staff determination granting access to SUNSI whose release would harm that party's interest independent of the proceeding. Such a challenge must be filed within 5 days of the notification by the NRC staff of its grant of access and must be filed with: (a) The presiding officer designated in this proceeding; (b) if no presiding officer has been appointed, the Chief Administrative Judge, or if he or she is unavailable, another administrative

[1] While a request for hearing or petition to intervene in this proceeding must comply with the filing requirements of the NRC's ''E-Filing Rule,'' the initial request to access SUNSI under these procedures should be submitted as described in this paragraph.

[2] Any motion for Protective Order or draft Non-Disclosure Affidavit or Agreement for SUNSI must be filed with the presiding officer or the Chief Administrative Judge if the presiding officer has not yet been designated, within 30 days of the deadline for the receipt of the written access request.

judge, or an Administrative Law Judge with jurisdiction pursuant to 10 CFR 2.318(a); or (c) if another officer has been designated to rule on information access issues, with that officer.

If challenges to the NRC staff determinations are filed, these procedures give way to the normal process for litigating disputes concerning access to information. The availability of interlocutory review by the Commission of orders ruling on such NRC staff determinations (whether granting or denying access) is governed by 10 CFR 2.311.[3]

I. The Commission expects that the NRC staff and presiding officers (and any other reviewing officers) will consider and resolve requests for access to SUNSI, and motions for protective orders, in a timely fashion in order to minimize any unnecessary delays in identifying those petitioners who have standing and who have propounded contentions meeting the specificity and basis requirements in 10 CFR part 2. The attachment to this Order summarizes the general target schedule for processing and resolving requests under these procedures.

IT IS SO ORDERED.

Dated: October 23, 2020.

For the Nuclear Regulatory Commission.

Annette L. Vietti-Cook,

Secretary of the Commission.

ATTACHMENT 1—GENERAL TARGET SCHEDULE FOR PROCESSING AND RESOLVING REQUESTS FOR ACCESS TO SENSITIVE UNCLASSIFIED NON-SAFEGUARDS INFORMATION IN THIS PROCEEDING

Day	Event/activity
0	Publication of **Federal Register** notice of hearing and opportunity to petition for leave to intervene, including order with instructions for access requests.
10	Deadline for submitting requests for access to Sensitive Unclassified Non-Safeguards Information (SUNSI) with information: Supporting the standing of a potential party identified by name and address; describing the need for the information in order for the potential party to participate meaningfully in an adjudicatory proceeding.
60	Deadline for submitting petition for intervention containing: (i) Demonstration of standing; and (ii) all contentions whose formulation does not require access to SUNSI (+25 Answers to petition for intervention; +7 petitioner/requestor reply).
20	U.S. Nuclear Regulatory Commission (NRC) staff informs the requestor of the staff's determination whether the request for access provides a reasonable basis to believe standing can be established and shows need for SUNSI. (NRC staff also informs any party to the proceeding whose interest independent of the proceeding would be harmed by the release of the information.) If NRC staff makes the finding of need for SUNSI and likelihood of standing, NRC staff begins document processing (preparation of redactions or review of redacted documents).
25	If NRC staff finds no ''need'' or no likelihood of standing, the deadline for petitioner/requestor to file a motion seeking a ruling to reverse the NRC staff's denial of access; NRC staff files copy of access determination with the presiding officer (or Chief Administrative Judge or other designated officer, as appropriate). If NRC staff finds ''need'' for SUNSI, the deadline for any party to the proceeding whose interest independent of the proceeding would be harmed by the release of the information to file a motion seeking a ruling to reverse the NRC staff's grant of access.
30	Deadline for NRC staff reply to motions to reverse NRC staff determination(s).
40	(Receipt +30) If NRC staff finds standing and need for SUNSI, deadline for NRC staff to complete information processing and file motion for Protective Order and draft Non-Disclosure Affidavit. Deadline for applicant/licensee to file Non-Disclosure Agreement for SUNSI.
A	If access granted: Issuance of presiding officer or other designated officer decision on motion for protective order for access to sensitive information (including schedule for providing access and submission of contentions) or decision reversing a final adverse determination by the NRC staff.
A + 3	Deadline for filing executed Non-Disclosure Affidavits. Access provided to SUNSI consistent with decision issuing the protective order.
A + 28	Deadline for submission of contentions whose development depends upon access to SUNSI. However, if more than 25 days remain between the petitioner's receipt of (or access to) the information and the deadline for filing all other contentions (as established in the notice of opportunity to request a hearing and petition for leave to intervene), the petitioner may file its SUNSI contentions by that later deadline.
A + 53	(Contention receipt +25) Answers to contentions whose development depends upon access to SUNSI.
A + 60	(Answer receipt +7) Petitioner/Intervenor reply to answers.
>A + 60	Decision on contention admission.

[FR Doc. 2020–23883 Filed 10–27–20; 8:45 am]

BILLING CODE 7590–01–P

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2021–20 and CP2021–21; MC2021–21 and CP2021–22]

New Postal Products

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing for the Commission's consideration concerning a negotiated service agreement. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* October 30, 2020.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction

The Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related

[3] Requestors should note that the filing requirements of the NRC's E-Filing Rule (72 FR 49139; August 28, 2007, as amended at 77 FR 46562; August 3, 2012) apply to appeals of NRC staff determinations (because they must be served on a presiding officer or the Commission, as applicable), but not to the initial SUNSI request submitted to the NRC staff under these procedures.

to negotiated service agreement(s). The request(s) may propose the addition or removal of a negotiated service agreement from the market dominant or the competitive product list, or the modification of an existing product currently appearing on the market dominant or the competitive product list.

Section II identifies the docket number(s) associated with each Postal Service request, the title of each Postal Service request, the request's acceptance date, and the authority cited by the Postal Service for each request. For each request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 (Public Representative). Section II also establishes comment deadline(s) pertaining to each request.

The public portions of the Postal Service's request(s) can be accessed via the Commission's website (*http://www.prc.gov*). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3011.301.[1]

The Commission invites comments on whether the Postal Service's request(s) in the captioned docket(s) are consistent with the policies of title 39. For request(s) that the Postal Service states concern market dominant product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3622, 39 U.S.C. 3642, 39 CFR part 3030, and 39 CFR part 3040, subpart B. For request(s) that the Postal Service states concern competitive product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633, 39 U.S.C. 3642, 39 CFR part 3035, and 39 CFR part 3040, subpart B. Comment deadline(s) for each request appear in section II.

II. Docketed Proceeding(s)

1. *Docket No(s).:* MC2021–20 and CP2021–21; *Filing Title:* USPS Request to Add Priority Mail Contract 677 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* October 22, 2020; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3040.130 through 3040.135, and 39 CFR 3035.105; *Public Representative:* Jennaca D. Upperman; *Comments Due:* October 30, 2020.

2. *Docket No(s).:* MC2021–21 and CP2021–22; *Filing Title:* USPS Request to Add Priority Mail Contract 678 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* October 22, 2020; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3040.130 through 3040.135, and 39 CFR 3035.105; *Public Representative:* Jennaca D. Upperman; *Comments Due:* October 30, 2020.

This Notice will be published in the **Federal Register**.

Erica A. Barker,

Secretary.

[FR Doc. 2020–23872 Filed 10–27–20; 8:45 am]

BILLING CODE 7710–FW–P

[1] *See* Docket No. RM2018–3, Order Adopting Final Rules Relating to Non-Public Information, June 27, 2018, Attachment A at 19–22 (Order No. 4679).

SECURITIES AND EXCHANGE COMMISSION

[Release Nos. 33–10877; 34–90260; File No. 265–32]

SEC Small Business Capital Formation Advisory Committee

AGENCY: Securities and Exchange Commission.

ACTION: Notice of meeting.

SUMMARY: The Securities and Exchange Commission Small Business Capital Formation Advisory Committee, established pursuant to Section 40 of the Securities Exchange Act of 1934 as added by the SEC Small Business Advocate Act of 2016, is providing notice that it will hold a public meeting by videoconference. The public is invited to submit written statements to the Committee.

DATES: The meeting will be held on Monday, November 9, 2020, from 10:00 a.m. to 2:30 p.m. (ET) and will be open to the public. Written statements should be received on or before November 9, 2020.

ADDRESSES: The meeting will be conducted by remote means (videoconference). Members of the public may attend the meeting by viewing the webcast on the Commission's website at *www.sec.gov.* Written statements may be submitted by any of the following methods:

Electronic Statements

- Use the Commission's internet submission form (*https://www.sec.gov/rules/submitcomments.htm*); or
- Send an email message to *rule-comments@sec.gov.* Please include File Number 265–32 on the subject line; or

Paper Statements

- Send paper statements to Vanessa A. Countryman, Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File No. 265–32. This file number should be included on the subject line if email is used. To help us process and review your statement more efficiently, please use only one method. The Commission will post all statements on the SEC's website at *www.sec.gov.*

Statements also 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. (ET). All statements received will be posted without change; we do not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly.

FOR FURTHER INFORMATION CONTACT: Julie Z. Davis, Senior Special Counsel, Office of the Advocate for Small Business Capital Formation, at (202) 551–5407, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–3628.

SUPPLEMENTARY INFORMATION: The meeting will be open to the public. Persons needing special accommodations because of a disability should notify the contact person listed in the section above entitled **FOR FURTHER INFORMATION CONTACT**. The agenda for the meeting includes matters relating to rules and regulations affecting small and emerging companies and their investors under the federal securities laws.

Dated: October 23, 2020.

Vanessa A. Countryman,

Secretary.

[FR Doc. 2020–23834 Filed 10–27–20; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–90255; File No. SR–CboeBZX–2020–076]

Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Extend the Pilot Programs in Connection With the Listing and Trading of P.M.-Settled Series on Certain Broad-Based Index Options

October 22, 2020.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on October

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

13, 2020, Cboe BZX Exchange, Inc. (the ''Exchange'' or ''BZX Options'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Exchange filed the proposal as a ''non-controversial'' proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act [3] and Rule 19b–4(f)(6) thereunder.[4] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Cboe BZX Exchange, Inc. (the ''Exchange'' or ''BZX Options'') proposes to extend the pilot programs in connection with the listing and trading of P.M.-settled series on certain broad-based index options. The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Exchange's website (*http://markets.cboe.com/us/equities/regulation/rule_filings/bzx/*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The proposed rule change extends the listing and trading of P.M.-settled series on certain broad-based index options on a pilot basis.[5] Rule 29.11(a)(6) currently permits the listing and trading of XSP options with third-Friday-of-the-month expiration dates, whose exercise settlement value will be based on the closing index value on the expiration day (''P.M.-settled'') on a pilot basis set to expire on November 2, 2020 (the ''XSPPM Pilot Program''). Rule 29.11(j)(3) also permits the listing and trading of P.M.-settled options on broad-based indexes with weekly expirations (''Weeklys'') and end-of-month expirations (''EOMs'') on a pilot basis set to expire on November 2, 2020 (the ''Nonstandard Expirations Pilot Program'', and together with the XSPPM Pilot Program, the ''Pilot Programs''). The Exchange proposes to extend the Pilot Programs through May 3, 2021.

XSPPM Pilot Program

Rule 29.11(a)(6) permits the listing and trading, in addition to A.M.-settled XSP options, of P.M.-settled XSP options with third-Friday-of-the-month expiration dates on a pilot basis. The Exchange believes that continuing to permit the trading of XSP options on a P.M.-settled basis will continue to encourage greater trading in XSP options. Other than settlement and closing time on the last trading day (pursuant to Rule 29.10(a)) [6], contract terms for P.M.-settled XSP options are the same as the A.M.-settled XSP options. The contract uses a $100 multiplier and the minimum trading increments, strike price intervals, and expirations are the same as the A.M.-settled XSP option series. P.M.-settled XSP options have European-style exercise. The Exchange also has flexibility to open for trading additional series in response to customer demand.

If the Exchange were to propose another extension of the XSPPM Pilot Program or should the Exchange propose to make the XSPPM Pilot Program permanent, the Exchange would submit a filing proposing such amendments to the XSPPM Pilot Program. Further, any positions established under the XSPPM Pilot Program would not be impacted by the expiration of the XSPPM Pilot Program. For example, if the Exchange lists a P.M.-settled XSP option that expires after the XSPPM Pilot Program expires (and is not extended), then those positions would continue to exist. If the pilot were not extended, then the positions could continue to exist. However, any further trading in those series would be restricted to transactions where at least one side of the trade is a closing transaction.

As part of the XSPPM Pilot Program, the Exchange submits a pilot report to the Commission at least two months prior to the expiration date of the pilot. This annual report contains an analysis of volume, open interest, and trading patterns. In proposing to extend the XSPPM Pilot Program, the Exchange will continue to abide by the reporting requirements described in the Notice.[7] Additionally, the Exchange will provide the Commission with any additional data or analyses the Commission requests because it deems such data or analyses necessary to determine whether the XSPPM Pilot Program is consistent with the Exchange Act. The Exchange is in the process of making public on its website data and analyses previously submitted to the Commission under the Pilot Program, and will make public any data and analyses it submits to the Commission under the Pilot Program in the future. The Exchange also notes that its affiliated options exchange, Cboe Exchange, Inc. (''Cboe Options'') currently has pilots that permit P.M.-settled third Friday-of-the-month XSP options.[8]

Nonstandard Expirations Pilot Program

Rule 29.11(j)(1) permits the listing and trading, on a pilot basis, of P.M.-settled options on broad-based indexes with nonstandard expiration dates and is currently set to expire on November 2, 2020. The Nonstandard Expirations Pilot Program permits both Weeklys and EOMs as discussed below. Contract terms for the Weekly and EOM expirations are similar to those of the A.M.-settled broad-based index options, except that the Weekly and EOM expirations are P.M.-settled.

[3] 15 U.S.C. 78s(b)(3)(A)(iii).

[4] 17 CFR 240.19b–4(f)(6).

[5] The Exchange is authorized to list for trading options that overlie the Mini-SPX Index (''XSP'') and the Russell 2000 Index (''RUT''). *See* Rule 29.11(a). *See also* Securities Exchange Act Release Nos. 84480 (October 24, 2018), 83 FR 54635 (October 30, 2018) (Notice of Filing of a Proposed Rule Change To Permit the Listing and Trading of P.M.-Settled Series on Certain Broad-Based Index Options on a Pilot Basis) (SR–CboeBZX–2018–066) (''Notice''); 85181 (February 22, 2019), 84 FR 6842 (February 28, 2019) (Notice of Deemed Approval of a Proposed Rule Change To Permit the Listing and Trading of P.M.-Settled Series on Certain Broad-Based Index Options on a Pilot Basis) (SR–CboeBZX–2018–066); 88052 (January 27, 2020), 85 FR 5753 (January 31, 2020) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Extend the Pilot Programs in Connection With the Listing and Trading of P.M.-Settled Series on Certain Broad-Based Index Options) (SR–CboeBZX–2020–004); *and* 88788 (April 30, 2020) 85 FR 27008 (May 6, 2020) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Extend the Pilot Programs in Connection With the Listing and Trading of P.M.-Settled Series on Certain Broad-Based Index Options) (SR–CboeBZX–2020–038).

[6] Rule 29.10(a) permits transactions in P.M.-settled XSP options on their last trading day to be effected on the Exchange between the hours of 9:30 a.m. and 4:00 p.m. Eastern time. All other transactions in index options are effected on the Exchange between the hours of 9:30 a.m. and 4:15 p.m. Eastern time.

[7] *See supra* note 5.

[8] *See* Cboe Options Rule 4.13.13.

In particular, Rule 29.11(j)(1) permits the Exchange to open for trading Weeklys on any broad-based index eligible for standard options trading to expire on any Monday, Wednesday, or Friday (other than the third Friday-of-the-month or days that coincide with an EOM). Weeklys are subject to all provisions of Rule 29.11 and are treated the same as options on the same underlying index that expire on the third Friday of the expiration month. However, under the Nonstandard Expirations Pilot Program, Weeklys are P.M.-settled, and new Weekly series may be added up to and including on the expiration date for an expiring Weekly.

Rule 29.11(a)(2) permits the Exchange to open for trading EOMs on any broad-based index eligible for standard options trading to expire on the last trading day of the month. EOMs are subject to all provisions of Rule 29.11 and treated the same as options on the same underlying index that expire on the third Friday of the expiration month. However, under the Nonstandard Expirations Pilot Program, EOMs are P.M.-settled, and new series of EOMs may be added up to and including on the expiration date for an expiring EOM.

As stated above, this proposed rule change extends the Nonstandard Expirations Pilot Program for broad-based index options on a pilot basis, for a period of six months. If the Exchange were to propose an additional extension of the Nonstandard Expirations Pilot Program or should the Exchange propose to make it permanent, the Exchange would submit additional filings proposing such amendments. Further, any positions established under the Nonstandard Expirations Pilot Program would not be impacted by the expiration of the pilot. For example, if the Exchange lists a Weekly or EOM that expires after the Nonstandard Expirations Pilot Program expires (and is not extended), then those positions would continue to exist. However, any further trading in those series would be restricted to transactions where at least one side of the trade is a closing transaction.

As part of the Nonstandard Expirations Pilot Program, the Exchange submits a pilot report to the Commission at least two months prior to the expiration date of the pilot. This annual report contains an analysis of volume, open interest, and trading patterns. In proposing to extend the Nonstandard Expirations Pilot Program, the Exchange will continue to abide by the reporting requirements described in the Notice.[9] Additionally, the Exchange will provide the Commission with any additional data or analyses the Commission requests because it deems such data or analyses necessary to determine whether the Nonstandard Expirations Pilot Program is consistent with the Exchange Act. The Exchange is in the process of making public on its website data and analyses previously submitted to the Commission under the Pilot Program, and will make public any data and analyses it submits to the Commission under the Pilot Program in the future. The Exchange notes that other exchanges, including its affiliated exchange, Cboe Options, currently have pilots that have weekly and end-of-month expirations.[10]

Additional Information

The Exchange believes there is sufficient investor interest and demand in the XSPPM and Nonstandard Expirations Pilot Programs to warrant their extension. The Exchange believes that the Programs have provided investors with additional means of managing their risk exposures and carrying out their investment objectives. The proposed extensions will continue to offer investors the benefit of added transparency, price discovery, and stability, as well as the continued expanded trading opportunities in connection with different expiration times. The Exchange proposes the extension of the Pilot Programs in order to continue to give the Commission more time to consider the impact of the Pilot Programs. To this point, the Exchange believes that the Pilot Programs have been well-received by its Members and the investing public, and the Exchange would like to continue to provide investors with the ability to trade P.M.-settled XSP options and contracts with nonstandard expirations. All terms regarding the trading of the Pilot Products shall continue to operate as described in the XSPPM and Nonstandard Expirations Notice.[11] The Exchange merely proposes herein to extend the terms of the Pilot Programs to May 3, 2021.

Furthermore, the Exchange has not experienced any adverse market effects with respect to the Programs. The Exchange will continue to monitor for any such disruptions or the development of any factors that would cause such disruptions. The Exchange represents it continues to have an adequate surveillance program in place for index options and that the proposed extension will not have an adverse impact on capacity.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[12] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[13] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

In particular, the Exchange believes that the proposed extension of the Pilot Programs will continue to provide greater opportunities for investors. The Exchange believes that the Pilot Programs have been successful to date. The proposed rule change allows for an extension of the Program for the benefit of market participants. The Exchange believes that there is demand for the expirations offered under the Program and believes that P.M.-settled XSP, Weekly Expirations and EOMs will continue to provide the investing public and other market participants with the opportunities to trade desirable products and to better manage their risk exposure. The proposed extension will also provide the Commission further opportunity to observe such trading of the Pilot Products. Further, the Exchange has not encountered any problems with the Programs; it has not experienced any adverse effects or meaningful regulatory or capacity concerns from the operation of the Pilot Programs. Also, the Exchange believes that such trading pursuant to the XSPPM Pilot Program has not, and will not, adversely impact fair and orderly markets on Expiration Fridays for the underlying stocks comprising the S&P 500 index.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose

[9] *See supra* note 5.

[10] *See* Cboe Options Rule 4.13(e); and Phlx Rule 1101A(b)(5).

[11] *See supra* note 5.

[12] 15 U.S.C. 78f(b).

[13] 15 U.S.C. 78f(b)(5).

any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. Specifically, the Exchange believes that, by extending the expiration of the Pilot Programs, the proposed rule change will allow for further analysis of the Program and a determination of how the Program shall be structured in the future. In doing so, the proposed rule change will also serve to promote regulatory clarity and consistency, thereby reducing burdens on the marketplace and facilitating investor protection.

Specifically, the Exchange does not believe the continuation of the Pilot Program will impose any unnecessary or inappropriate burden on intramarket competition because it will continue to apply equally to all BZX Options market participants, and the Pilot Products will continue to be available to all BZX Options market participants. The Exchange believes there is sufficient investor interest and demand in the Pilot Programs to warrant its extension. The Exchange believes that, for the period that the Pilot Programs has been in operation, it has provided investors with desirable products with which to trade. Furthermore, as stated above, the Exchange maintains that it has not experienced any adverse market effects or regulatory concerns with respect to the Pilot Programs. The Exchange further does not believe that the proposed extension of the Pilot Programs will impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because it only applies to trading on BZX Options. To the extent that the continued trading of the Pilot Products may make BZX Options a more attractive marketplace to market participants at other exchanges, such market participants may elect to become BZX Options market participants.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act [14] and subparagraph (f)(6) of Rule 19b-4 thereunder.[15]

A proposed rule change filed pursuant to Rule 19b–4(f)(6) under the Act [16] normally does not become operative for 30 days after the date of its filing. However, Rule 19b–4(f)(6)(iii) [17] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that investors may continue to trade options that are part of the Pilot Programs on an uninterrupted basis. 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 Pilot Programs to continue uninterrupted, thereby avoiding investor confusion that could result from a temporary interruption in the Pilot Programs. Accordingly, the Commission hereby waives the operative delay and designates the proposed rule change operative upon filing.[18]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–CboeBZX–2020–076 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–CboeBZX–2020–076. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CboeBZX–2020–076, and should be submitted on or before November 18, 2020.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[19]

J. Matthew DeLesDernier,

Assistant Secretary.

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BILLING CODE 8011–01–P

[14] 15 U.S.C. 78s(b)(3)(A).

[15] 17 CFR 240.19b–4(f)(6). In addition, Rule19b–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.

[16] 17 CFR 240.19b–4(f)(6).

[17] 17 CFR 240.19b–4(f)(6)(iii).

[18] 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).

[19] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–90250; File No. SR–CboeEDGX–2020–049]

Self-Regulatory Organizations; Cboe EDGX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Enhance Its Drill-Through Protections and Make Other Clarifying Changes

October 22, 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 9, 2020, Cboe EDGX Exchange, Inc. (''Exchange'' or ''EDGX'') 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

Cboe EDGX Exchange, Inc. (the ''Exchange'' or ''EDGX Options'') proposes to enhance its drill-through protections and make other clarifying changes. The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Exchange's website (*http://markets.cboe.com/us/options/regulation/rule_filings/edgx/*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to enhance its drill-through protections for simple and complex orders and make other clarifying changes. Currently, pursuant to Rule 21.17(a)(4) and (b)(6), the System will execute a marketable buy (sell) order or complex order,[3] respectively, up to a buffer amount above (below) the limit of the Opening Collar or the national best offer (''NBO'') (national best bid (''NBB'')), as applicable, or the synthetic national best offer (''SNBO'') or synthetic national best bid (''SNBB''), respectively (the ''drill-through price''). The System enters any order (or unexecuted portion), simple or complex, into the EDGX Options Book or the complex order book (''COB''), respectively, at the drill-through price for a specified period of time (determined by the Exchange).[4] At the end of the time period, the System cancels any portion of the order not executed during that time period.

The Exchange proposes to permit orders to rest in the EDGX Options Book or COB, as applicable, for multiple time periods and at more aggressive displayed prices during each time period.[5] Specifically, the System enters the order in the EDGX Options Book or COB with a displayed [6] price equal to the drill-through price (as discussed below, if an order's limit price is less aggressive than the drill-through price, the order will rest in the EDGX Options Book or COB, as applicable, at its limit price and subject to the User's instructions, and the drill-through mechanism as proposed to be amended would no longer apply to the order).[7] The order (or unexecuted portion) will rest in the EDGX Options Book or COB, as applicable, until the earlier to occur of the order's full execution and [sic] the end of the duration of the number of time periods.[8] Following the end of each period prior to the final period, the System adds (if a buy order) or subtracts (if a sell order) one buffer amount to the drill-through price displayed during the immediately preceding period (each new price becomes the ''drill-through price'').[9] The order (or unexecuted portion) rests in the EDGX Options Book or COB, as applicable, at that new drill-through price for the duration of the subsequent period. Following the end of the final period, the System cancels the simple or complex order (or unexecuted portion) not executed during any time period.[10] The Exchange has received feedback from Users that the current application of the drill-through mechanism is too limited. The Exchange believes this proposed rule change will provide additional execution opportunities for these orders (or unexecuted portions) while providing protection against execution at prices that may be erroneous.

For example, suppose the Exchange's market for a series in a class with a 0.05 minimum increment is 0.90–1.00, represented by a quote for 10 contracts on each side (the quote offer is Quote A). The following sell orders or quote offers for the series also rest in the EDGX Options Book:

- Order A: 10 contracts at 1.05;
- Quote B: 10 contracts at 1.10;
- Order B: 10 contracts at 1.15; and
- Order C: 20 contracts at 1.25.

The market for away exchanges is 0.80–1.45. The Exchange's buffer amount for the class is 0.10, the drill-through resting time period is one second, and the number of time periods is three. The

[3] The System may also initiate a complex order auction (''COA'') at the drill-through price for a complex order that would otherwise initiate a COA.

[4] The current time period is two seconds, and the current default amounts are available in the technical specifications available at *https://cdn.cboe.com/resources/membership/US_Options_BOE_Specification.pdf*. Upon implementation of the proposed rule change, the Exchange will likely reduce the length of the time period and maintain the same buffer amounts.

[5] The Exchange will announce to Trading Permit Holders the buffer amount, the number of time periods, and the length of the time periods in accordance with Rule 16.3. The Exchange notes that each time period will be the same length (as designated by the Exchange), and the buffer amount applied for each time period will be the same.

[6] Currently, the drill-through price is the price of orders and complex orders in the book or COB, respectively. The proposed rule change clarifies that the drill-through price is displayed, which is consistent with current functionality.

[7] *See* proposed Rule 21.17(a)(4)(B) and (b)(6)(B).

[8] The Exchange will determine on a class-by-class basis the number of time periods, which may not exceed five, and the length of the time period, which may not exceed three seconds. *See* proposed Rule 21.17(a)(4)(B) and (b)(6)(B)(i). The proposed rule change adds class flexibility so that the Exchange may determine different time periods and buffer amounts for different classes, which may exhibit different trading characteristics and have different market models.

[9] The System will apply a timestamp to the order (or unexecuted portion) based on the time it enters or is re-priced in the book or COB, as applicable, for priority purposes. *See* proposed Rule 21.17(a)(4)(B)(iii) and (b)(6)(B)(iii). This is consistent with the current drill-through functionality, pursuant to which the System applies a timestamp to the order (or unexecuted portion) based on the time it enters the book or COB, as applicable, modified to reflect the multiple price levels at which an order may rest. *See* current Rule 21.17(a)(4) and (b)(6)(A).

[10] Note current Rule 21.17(b)(6)(B) uses the language ''cancel or reject'' while the proposed rule change deletes ''reject,'' as both terms have the same result and merely relate to internal System code, making the use of both terms unnecessary.

System receives an incoming order to buy 100 at 1.40, which executes against resting orders and quotes as follows: 10 against Quote A at 1.00 (which is the national best offer), 10 against Order A at 1.05, and 10 against Quote B at 1.10. The System will not automatically execute any of the remaining 70 contracts from the incoming buy order against Order B, because 1.15 is more than 0.10 away from the national best offer at the time of order entry of 1.00 and thus exceeds the drill-through price check. The 70 unexecuted contracts then rest in the EDGX Options Book for one second at a price of 1.10 (the initial drill-through price). No incoming orders are entered during that one-second time period to trade against the remaining 70 contracts. The System then re-prices the buy order in the EDGX Options Book at a new drill-through price of 1.20 (drill-through price plus one buffer of 0.10). Ten contracts immediately execute against Order B at a price of 1.15 (the buy order is still handled as the ''incoming order'' that executes against the resting Order B, and thus receives price improvement to 1.15). An incoming order to sell 20 contracts at 1.20 enters the EDGX Options Book and executes against 20 of the resting contracts at that price. At the end of the second one-second time period, there are 40 remaining contracts. These contracts then rest in the EDGX Options Book at a price of 1.30 for the final one second time period. Twenty contracts immediately execute against Order C at a price of 1.25. No incoming orders are entered during that time period to trade against the remaining 20 contracts. At the end of the final one-second time period, the System cancels the remaining 20 contracts.[11]

Currently, Users may establish a higher or lower buffer amount than the default amount set by the Exchange with respect to complex orders subject to the drill-through protection.[12] Pursuant to the proposed rule change, if a User establishes its own buffer amount, the drill-through protection will work as it does today. In other words, if a User establishes its own buffer amount, a complex order will rest in the COB for one time period at the drill-through price and any unexecuted portion will be cancelled at the end of the time period. The proposed rule change clarifies that the length of the time period will continue to be determined by the Exchange, and will be the same as the length of the time period that applies to complex orders for which the User does not establish its own buffer amount. The Exchange believes this is consistent with a User's desire to set its own buffer to accommodate its own risk tolerance. All Users have the ability either to establish their own buffer amounts for complex orders, and thus have unexecuted orders rest for one time period, or let their complex orders be subject to the Exchange default buffer amount for complex orders, and thus have unexecuted orders rest at multiple price points for multiple time periods, as proposed.

The proposed rule change also makes certain clarifying and nonsubstantive changes, including movement of certain terms and provisions within Rule 21.17(a)(4) and (b)(6) due to the proposed rule changes described above. First, the proposed rule change combines the provisions in current subparagraphs (A) and (B) of Rule 21.17(a)(4) into proposed subparagraph (A). The drill-through protection in the following subparagraphs of Rule 21.17(a)(4) (currently and as proposed) apply to orders that enter the EDGX Options Book at the conclusion of the opening auction and intraday in the same manner. Therefore, current (and proposed) subparagraph (a)(4)(B) apply to all orders that enter the EDGX Options Book as described in proposed subparagraph (a)(4)(A) (current subparagraphs (a)(4)(A) and (B)). The proposed rule change clarifies that the drill-through protection applies to all orders that would enter the EDGX Options Book at prices worse than the drill-through price, including orders not executed during the opening auction and orders entered intraday. This is consistent with and a clarification of current functionality.

Second, the proposed rule change adds clarifying language regarding how the System handles orders for which the limit price is equal to or less than (if a buy order) or greater than (if a sell order) the drill-through price. Current Rule 21.17(b)(6) contemplates that complex orders with limit prices equal to or less aggressive than the drill-through price will not be subject to the mechanism pursuant to which orders will rest in the COB for a time period and then be cancelled. Specifically, Rule 21.17(b)(6)(A) states if a buy (sell) complex order would execute or enter the COB at a price *higher (lower) than the drill-through price,* the System enters the complex order into the COB with a price equal to the drill-through price and rests for the time period in accordance with the drill-through mechanism. Additionally, Rule 21.17(b)(6)(B) states that any complex order with a displayed price equal to the drill-through price *(unless the drill-through price equals the order's limit price)* will rest in the COB for the drill-through time period. Therefore, currently, if the limit price of a complex order is less aggressive than or equal to the drill-through price (*i.e.,* if a buy (sell) complex order (or unexecuted portion) would execute or enter the COB at a price lower (higher) than or equal to the drill-through price), the complex order will rest in the COB, as applicable, and the drill-through mechanism stops (*i.e.,* the time period will not occur and the System will not cancel the order). This is also true for simple orders but is not specified in the current Rules.

The proposed rule change clarifies that notwithstanding the provisions described above regarding an order or complex order resting in the EDGX Options Book or COB, respectively, for brief time periods at drill-through prices, if a buy (sell) order's limit price equals or is less (greater) than the drill-through price at any time during application of the drill-through mechanism, the order rests in the EDGX Options Book or COB, as applicable, subject to a User's instructions,[13] at its limit price and any remaining time period(s) described above do not occur.[14] If the drill-through price is equal to or more aggressive than the order's limit price, the additional protection of having the order rest in the COB for a short time period is not necessary given that the order will rest at the limit price entered by the User (and thus an acceptable execution price for that User). Additionally, displaying an order at a drill-through price (a price at which execution is possible) worse than the limit price of the order would be inconsistent with the terms of the order. This is consistent with current functionality (updated to reflect the proposed rule change to allow multiple time periods) and the definition of limit orders and merely clarifies this in the Rules.

Third, the proposed rule change clarifies in proposed Rule 21.17(b)(6)(B)(ii) that if the synthetic best bid or offer (''SBBO'') changes prior to the end of any time period but the complex order cannot leg into the simple book, and the new SBB or SBO, as applicable, crosses the drill-through price, the System changes the displayed price of the complex order to the new

[11] The proposed drill-through protection for complex orders works in an identical manner.

[12] *See* Rule 21.17(b)(6) (proposed subparagraph (b)(6)(A)).

[13] For example, the order will remain in force subject to any time-in-force instruction applied to the order by the User upon entry.

[14] *See* proposed Rule 21.17(a)(4)(C)(iv) and (b)(6)(B)(iv).

SBB or SBO, as applicable, plus or minus the applicable minimum increment for the class. The current Rule states that $0.01 is added to or subtracted from the new SBBO. However, a class may have a minimum increment other than $0.01 pursuant to Rule 5.4(b). Currently, the System adds or subtracts the applicable minimum increment. The proposed rule change corrects an inadvertent error in the Rules to conform to current System functionality and Rules regarding minimum increments for complex orders. The proposed rule change will ensure that a complex order will rest in the COB only with a displayed price in the applicable minimum increment applicable for the class of that complex order. The proposed rule change also clarifies that the complex order will rest in the COB (the current rule text says the complex order is not cancelled), and adds detail that the complex order rests at that displayed price, subject to a User's instructions, and if it was not the final period, any remaining time period(s) do not occur.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[15] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[16] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[17] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, the Exchange believes the proposed enhancement to the drill-through mechanism removes impediments to and perfects the mechanism of a free and open market and a national market system, and, in general, protects investors and the public interest. The proposed rule change will permit orders (or unexecuted portions) to rest in the EDGX Options Book or COB, as applicable, at different displayed prices for a brief but overall longer period of time, which will provide market participants' orders with additional execution opportunities while continuing to protect them against execution at potentially erroneous prices. The proposed enhancement to the drill-through protection is similar to current drill-through functionality. The Exchange may determine the buffer amount for orders and the time period in which orders may rest in the EDGX Options Book or COB. The proposed rule change permits an order to rest at multiples of the buffer amount, which would have the same effect as the Exchange setting a larger buffer amount. For example, if the Exchange set a buffer amount of $0.75, that would allow orders to execute at any price no further than $0.75 away from the NBBO or SNBBO at the time of order entry (including at prices $0.25 and $0.50 away from the NBBO or SNBBO at the time of order entry). This allows for the same potential execution prices that would be possible if the Exchange set a buffer of $0.25 and three time periods under the proposed rule change. While the overall time period for which an order may rest in the EDGX Options Book or COB may be longer than the currently permissible time period, the longer time period will still be relatively brief (maximum of 15 seconds). The Exchange notes it may maintain the same buffer amounts that are in place today. However, rather than increase the buffer amount at one time, the proposed rule change adds the overall larger buffer amount incrementally over a potentially overall longer time period. While this may permit executions at prices farther away from the NBBO or SNBBO at the time of order entry, it will still never permit executions at prices through orders' limit prices. This will provide execution opportunities for orders at incremental amounts away from the NBBO or SNBBO, as applicable, over a slightly longer time period and thus against a potentially larger number of orders. Users also have the ability to cancel orders prior to the completion of the time periods if they do not want the orders resting for a longer period of time (and Users can set their own buffer for complex orders, which would cause those complex orders to rest for a single time period rather than multiple as proposed).

The Exchange believes the proposed clarifying and nonsubstantive changes to the drill-through protection rules protect investors by adding transparency to the rules regarding the drill-through functionality. These changes are consistent with current functionality and thus do not impact the applicability of the drill-through mechanism to orders.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange does not believe that the proposed rule change will impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because the enhanced drill-through protection will apply to all marketable orders in the same manner. Users may cancel orders resting on the EDGX Options Book during the drill-through time periods or set their own buffer with respect to complex orders if they do not want their orders resting for a longer period of time as proposed.

The Exchange does not believe that the proposed rule change will impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because it relates solely to how and when marketable orders will rest on the EDGX Options Book or COB. The proposed enhancement to the drill-through protection is consistent with the current protection and provides orders subject to the protection with additional execution opportunities while providing continued protection against execution against potentially erroneous prices.

The Exchange believes the proposed rule change would ultimately provide all market participants with additional execution opportunities when appropriate while providing protection from erroneous execution. The Exchange believes the proposal will enhance risk protections, the individual firm benefits of which flow downstream to counterparties both at the Exchange and at other options exchanges, which increases systemic protections as well. The Exchange believes enhancing risk protections will allow Users to enter orders and quotes with further reduced fear of inadvertent exposure to excessive risk, which will benefit investors through increased liquidity for the execution of their orders. Without adequate risk management tools, such as the one proposed to be enhanced in this

[15] 15 U.S.C. 78f(b).

[16] 15 U.S.C. 78f(b)(5).

[17] *Id.*

filing, Trading Permit Holders could reduce the amount of order flow and liquidity they provide. Such actions may undermine the quality of the markets available to customers and other market participants. Accordingly, the proposed rule change is designed to encourage Trading Permit Holders to submit additional order flow and liquidity to the Exchange. The proposed flexibility may similarly provide additional execution opportunities, which further benefits liquidity in potentially volatile markets. In addition, providing Trading Permit Holders with more tools for managing risk will facilitate transactions in securities because, as noted above, Trading Permit Holders will have more confidence protections are in place that reduce the risks from potential system errors and market events.

The proposed clarifying and nonsubstantive changes are consistent with current functionality and are intended to add clarity to the Rules, and thus the Exchange expects those changes to have no competitive impact.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act [18] and subparagraph (f)(6) of Rule 19b-4 thereunder.[19]

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: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) 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–CboeEDGX–2020–049 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–CboeEDGX–2020–049. 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–CboeEDGX–2020–049 and should be submitted on or before November 18, 2020.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[20]

J. Matthew DeLesDernier,

Assistant Secretary.

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BILLING CODE 8011–01–P

[18] 15 U.S.C. 78s(b)(3)(A)(iii).

[19] 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.

[20] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–90257; File No. SR–ISE–2020–33]

Self-Regulatory Organizations; Nasdaq ISE, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Extend a Pilot on the Nasdaq–100 Reduced Value Index

October 22, 2020.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on October 14, 2020, Nasdaq ISE, LLC (''ISE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to extend the pilot to permit the listing and trading of options based on ⅕ the value of the Nasdaq–100 Index (''Nasdaq–100'') currently set to expire on November 2, 2020.

The text of the proposed rule change is available on the Exchange's website at *https://listingcenter.nasdaq.com/rulebook/ise/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

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

ISE filed a proposed rule change to permit the listing and trading of index options on the Nasdaq 100 Reduced Value Index (''NQX'') on a twelve month pilot basis.[3]

NQX options trade independently of and in addition to NDX options, and the NQX options are subject to the same rules that presently govern the trading of index options based on the Nasdaq–100, including sales practice rules, margin requirements, trading rules, and position and exercise limits. Similar to NDX, NQX options are European-style and cash-settled, and have a contract multiplier of 100. The contract specifications for NQX options mirror in all respects those of the NDX options contract listed on the Exchange, except that NQX options are based on 1/5 of the value of the Nasdaq–100, and are P.M.-settled pursuant to Options 4A, Section 12(a)(6).

The Exchange proposes to amend ISE Options 4A, Section 12(a)(6) to extend the current NQX pilot period to May 4, 2021. This pilot was previously extended with the last extension through November 2, 2020.[4] The Exchange continues to have sufficient capacity to handle additional quotations and message traffic associated with the proposed listing and trading of NQX options. In addition, index options are integrated into the Exchange's existing surveillance system architecture and are thus subject to the relevant surveillance processes. The Exchange also continues to have adequate surveillance procedures to monitor trading in NQX options thereby aiding in the maintenance of a fair and orderly market. Additionally, there is continued investor interest in these products and this extension will provide additional time to collect data related to the pilot.

Pilot Report

The Exchange currently makes public on its website the data and analysis previously submitted to the Commission on the Pilot Program and will continue to make public any data or analysis it submits under the Pilot Program in the future. The Exchange will be submitting a rule change to request that the pilot program become permanent. In lieu of submitting any additional annual reports, the Exchange would provide additional information requested by the Commission in connection with the permanency rule change for this pilot program.

2. Statutory Basis

The Exchange believes that the proposed rule change 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. By extending the pilot, the Exchange believes it will attract order flow to the Exchange, increase the variety of listed options, and provide a valuable hedge tool to retail and other investors. Specifically, the Exchange believes that the pilot will provide additional trading and hedging opportunities for investors while providing the Commission with data to monitor for and assess any potential for adverse market effects of allowing P.M.-settlement for NQX options, including on the underlying component stocks.

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. NQX options would be available for trading to all market participants and therefore would not impose an undue burden on intra-market competition. The Exchange believes that the proposed rule change will not impose an undue burden on inter-market competition as this rule change will continue to facilitate the listing and trading of a new option product that will enhance competition among market participants, to the benefit of investors and the marketplace. The continued listing of NQX will enhance competition by providing investors with an additional investment vehicle, in a fully-electronic trading environment, through which investors can gain and hedge exposure to the Nasdaq–100. Furthermore, this product could offer a competitive alternative to other existing investment products that seek to allow investors to gain broad market exposure. Finally, it is possible for other exchanges to develop or license the use of a new or different index to compete with the Nasdaq–100 and seek Commission approval to list and trade options on such an index.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the 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 subparagraph (f)(6) of Rule 19b–4 thereunder.[8]

A proposed rule change filed pursuant to Rule 19b–4(f)(6) under the Act[9] normally does not become operative for 30 days after the date of its filing. However, Rule 19b–4(f)(6)(iii)[10] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that investors may continue to trade NQX options listed by the Exchange as part of the pilot program on an uninterrupted basis. 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 pilot program to continue uninterrupted, thereby avoiding investor confusion that could result from a temporary interruption in the pilot program.

[3] *See* Securities Exchange Act Release No. 82911 (March 20, 2018), 83 FR 12966 (March 26, 2018) (SR–ISE–2017–106) (Approval Order).

[4] *See* Securities Exchange Act Release Nos. 86071 (June 10, 2019), 84 FR 27822 (June 14, 2019) (SR–ISE–2019–18); 87379 (October 22, 2019), 84 FR 57793 (October 28, 2019) (SR–ISE–2019–27); and 88683 (April 17, 2020), 85 FR 22768 (April 23, 2020) (SR–ISE–2020–18).

[5] 15 U.S.C. 78f(b).

[6] 15 U.S.C. 78f(b)(5).

[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).

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.

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–ISE–2020–33 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–ISE–2020–33. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–ISE–2020–33, and should be submitted on or before November 18, 2020.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[12]

J. Matthew DeLesDernier,

Assistant Secretary.

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[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).

[12] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–90251; File No. SR–MIAX–2020–33]

Self-Regulatory Organizations; Miami International Securities Exchange, LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Exchange Rule 518, Complex Orders and Rule 519A, Risk Protection Monitor

October 22, 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, Miami International Securities Exchange, LLC (''MIAX Options'' or the ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is filing a proposal to amend Exchange Rule 518, Complex Orders; and Rule 519A, Risk Protection Monitor.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

The text of the proposed rule change is available on the Exchange's website at *http://www.miaxoptions.com/rule-filings/* at MIAX Options' principal office, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Exchange Rule 518 and Exchange Rule 519A to facilitate the use of Related Futures Cross (''RFC'') orders on the Exchange. The Exchange recently adopted the RFC order type for trading on the Exchange.[3] RFC orders provide market participants with the ability to exchange SPIKES options positions with corresponding futures positions, or to exchange corresponding futures positions with SPIKES options positions.[4]

Specifically, the Exchange proposes to amend Policy .05(e)(1)(iii) of Rule 518, entitled, Wide Market Condition [5] and cPRIME,[6] cC2C,[7] and cQCC [8] Orders, to

[3] *See* Securities Exchange Act Release No. 89213 (July 1, 2020), 85 FR 41077 (July 8, 2020) (SR–MIAX–2020–11).

[4] *See* Policy .08 of Exchange Rule 518.

[5] A ''wide market condition'' is defined as any individual option component of a complex strategy having, at the time of evaluation, an MBBO quote width that is wider than the permissible valid quote width as defined in Rule 603(b)(4). *See* Policy .05(e)(1) of Exchange Rule 518.

[6] A Complex PRIME or ''cPRIME'' Order is a complex order (as defined in Rule 518(a)(5)) that is submitted for participation in a cPRIME Auction. Trading of cPRIME Orders is governed by Rule 515A, Interpretations and Policies .12. *See* Exchange Rule 518(b)(7).

[7] A Complex Customer Cross or ''cC2C'' Order is comprised of one Priority Customer complex order to buy and one Priority Customer complex order to sell at the same price and for the same quantity. Trading of cC2C Orders is governed by Rule 515(h)(3). *See* Exchange Rule 518(b)(5).

[8] A Complex Qualified Contingent Cross or ''cQCC'' Order is comprised of an originating complex order to buy or sell where each component

Continued

facilitate the trading of RFC orders on the Exchange during wide market conditions. Currently, during free trading, if a wide market condition exists for a component of a complex strategy, trading in the complex strategy will be suspended.[9] Similarly, if a wide market condition exists for a component of a complex strategy following a Complex Auction,[10] trading in the complex strategy will be suspended.[11] cPRIME Orders, cC2C Orders, and cQCC Orders are currently excluded from this protection during wide market conditions, and the trading and processing of these orders will continue during wide market conditions.[12]

Specifically, current Policy .05(e)(1)(iii) provides that a wide market condition shall have no impact on the trading of cPRIME Orders and processing of cPRIME Auctions (including the processing of cPRIME Auction responses) pursuant to Rule 515A, Interpretations and Policies .12, or on the trading of cC2C and cQCC Orders pursuant to Rules 515(h)(3) and (4). Such trading and processing will not be suspended and will continue during wide market conditions.

The Exchange is proposing to also exclude RFC orders from this current trade protection provision related to wide market conditions. The Exchange proposes to amend Policy .05(e)(1)(iii) of Rule 518 to rename the title of the provision to, Wide Market Condition and cPRIME, cC2C, cQCC and RFC Orders. The Exchange also proposes to amend the text of the provision to provide that a wide market condition shall have no impact on the trading of cPRIME Orders and processing of cPRIME Auctions (including the processing of cPRIME Auction responses) pursuant to Rule 515A, Policy .12, or on the trading of cC2C, cQCC, or RFC Orders pursuant to Rules 515(h)(3) and (4), and Policy .08 of this Rule respectively. Such trading and processing will not be suspended and will continue during wide market conditions.

The Exchange also proposes to amend Policy .02, .02(a), and .02(b) of Rule 519A, to make RFC orders eligible to participate in certain Risk Protection Monitor functionality. Currently, the MIAX System[13] will maintain a counting program (''counting program'') for each participating Member[14] that will count the number of orders entered and the number of contracts traded via an order entered by a Member on the Exchange within a specified time period that has been established by the Member (the ''specified time period''). The maximum duration of the specified time period will be established by the Exchange and announced via a Regulatory Circular.[15] The Risk Protection Monitor maintains one or more Member-configurable Allowable Order Rate[16] settings and Allowable Contract Execution Rate settings. When a Member's order is entered or when an execution of a Member's order occurs, the System will look back over the specified time period to determine if the Member has: (i) Entered during the specified time period a number of orders exceeding their Allowable Order Rate setting(s), or (ii) executed during the specified time period a number of contracts exceeding their Allowable Contract Execution Rate setting(s). Once engaged, the Risk Protection Monitor will then, as determined by the Member: Automatically either (A) prevent the System from receiving any new orders in all series in all classes from the Member; (B) prevent the System from receiving any new orders in all series in all classes from the Member and cancel all existing orders with a time-in-force of Day in all series in all classes from the Member; or (C) send a notification to the Member without any further preventative or cancellation action by the System. When engaged, the Risk Protection Monitor will still allow the Member to interact with existing orders entered prior to exceeding the Allowable Order Rate setting or the Allowable Contract Execution Rate setting, including sending cancel order messages and receiving trade executions from those orders. The Risk Protection Monitor shall remain engaged until the Member communicates with the Help Desk[17] to enable the acceptance of new orders.[18]

Under current Policy .02 of Rule 519A, PRIME Orders,[19] cPRIME Orders, QCC Orders,[20] cQCC Orders, Customer Cross Orders,[21] cC2C Orders, and PRIME Solicitation Orders will each be counted as two orders for the purposes of calculating the Allowable Order Rate.[22]

The Exchange now proposes to amend Policy .02 to allow RFC orders to be included in the counting program by amending the text to provide that, PRIME Orders, cPRIME Orders, PRIME Solicitation Orders, QCC Orders, cQCC Orders, Customer Cross Orders, cC2C Orders, RFC Orders, and GTC Orders participate in the Risk Protection Monitor as follows:

(a) The System includes PRIME Orders, cPRIME Orders, PRIME Solicitation Orders, QCC Orders, cQCC Orders, Customer Cross Orders, cC2C Orders, RFC Orders, and GTC Orders in the counting program for purposes of this Rule;

(b) PRIME Orders, cPRIME Orders, PRIME Solicitation Orders, QCC Orders, cQCC Orders, Customer Cross Orders, cC2C Orders, and RFC Orders will each be counted as two orders for the purpose of calculating the Allowable Order Rate.

The Exchange believes that treating RFC orders similarly to other paired order types for purposes of the counting program will instill confidence in Members that an unusually high number of orders submitted within a

is at least 1,000 contracts that is identified as being part of a qualified contingent trade, as defined in Rule 516, Interpretations and Policies .01, coupled with a contra-side complex order or orders totaling an equal number of contracts. Trading of cQCC Orders is governed by Rule 515(h)(4). *See* Exchange Rule 518(b)(6).

[9] *See* Policy .05(e)(1)(i) of Exchange Rule 518.

[10] A ''Complex Auction'' is an auction of a complex order as set forth in Exchange Rule 518(d). *See* Exchange Rule 518(a)(3).

[11] *See* Policy .05(e)(1)(ii) of Exchange Rule 518.

[12] *See* Policy .05(e)(1)(iii) of Exchange Rule 518.

[13] The term ''System'' means the automated trading system used by the Exchange for the trading of securities. *See* Exchange Rule 100.

[14] The term ''Member'' means an individual or organization approved to exercise the trading rights associated with a Trading Permit. Members are deemed ''members'' under the Exchange Act. *See* Exchange Rule 100.

[15] The Exchange has established a maximum duration of ten seconds. *See* MIAX Regulatory Circular 2016–57, Corresponding Specified Time Period for RPM Rate Settings (October 31, 2016) available at *https://www.miaxoptions.com/sites/default/files/circular-files/MIAX_RC_2016_57.pdf.*

[16] Members must establish at least one Allowable Order Rate setting, with a corresponding specified time period of not less than one second, and not to exceed ten seconds, as established by the Exchange and communicated to Members via Regulatory Circular. *See* Exchange Rule 519A(b).

[17] The term ''Help Desk'' means the Exchange's control room consisting of Exchange staff authorized to make certain trading determinations on behalf of the Exchange. The Help Desk shall report to and be supervised by a senior executive officer of the Exchange. *See* Exchange Rule 100.

[18] *See* Exchange Rule 519A(a).

[19] PRIME is a process by which a Member may electronically submit for execution (''Auction'') an order it represents as agent (''Agency Order'') against principal interest, and/or an Agency Order against solicited interest. *See* Exchange Rule 515A(a).

[20] A Qualified Contingent Cross Order is comprised of an originating order to buy or sell at least 1,000 contracts, or 10,000 mini-option contracts, that is identified as being part of a qualified contingent trade, as that term is defined in Interpretations and Policies .01 of Rule 516, coupled with a contra-side order or orders totaling an equal number of contracts. A Qualified Contingent Cross Order is not valid during the opening rotation process described in Rule 503. *See* Exchange Rule 516(j).

[21] A Customer Cross Order is comprised of a Priority Customer Order to buy and a Priority Customer Order to sell at the same price and for the same quantity. A Customer Cross Order is not valid during the opening rotation process described in Rule 503. *See* Exchange Rule 516(i).

[22] *See* Policy .02(b) of Exchange Rule 519A.

specified time period will be accurately counted in regards to the possible engagement of the Risk Protection Monitor to prevent additional orders from being transmitted to the Exchange.

2. Statutory Basis

MIAX believes that its proposed rule change is consistent with Section 6(b) of the Act [23] in general, and furthers the objectives of Section 6(b)(5) of the Act [24] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in, securities, to remove impediments to and perfect the mechanisms 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 exclude RFC orders from the wide market condition trade protection promotes just and equitable principles of trade, removes impediments to and perfects the mechanism of a free and open market and a national market system and in general, protects investors and the public interest. Allowing RFC orders to continue to trade during wide market conditions is consistent with the Exchange's treatment of other paired order types such as cPRIME, cC2C, and cQCC orders. cPRIME Orders, cC2C Orders, and cQCC Orders are all received with either a paired Agency Order (in the case of a PRIME and cPRIME Orders) or a contra-side order or orders. cPRIME and cC2C orders are received with an execution price at least $0.01 better than (inside) the icMBBO [25] price or the best net price of a complex order on the Strategy Book,[26] whichever is more aggressive. cQCC Orders are received with an execution price that (i) is not at the same price as a Priority Customer Order [27] on the Exchange's Book; [28] and (ii) is at or between the NBBO.[29] An RFC order is comprised of a SPIKES options combo coupled with a contra-side order or orders totaling an equal number of SPIKES option combo orders, which is identified to the Exchange as being part of an exchange of option contracts for related futures positions.[30] In order to execute an RFC order an EEM [31] must submit the RFC order to the System, which may execute automatically without exposure.[32] An EEM may execute an RFC order pursuant to the previous statement only if: (i) Each option leg executes at a price that complies with Exchange Rule 518(c), provided that no option leg executes at the same price as a Priority Customer Order in the Simple Book; [33] (ii) each option leg executes at a price at or between the NBBO for the applicable series; and (iii) the execution price is better than the price of any complex order resting in the Strategy Book, unless the RFC order is a Priority Customer Order and the resting complex order is a non-Priority Customer Order, in which case the execution price may the same as or better than the price of the resting complex order. The System cancels an RFC order it if cannot execute.[34] Therefore, these order types, all of which consist of paired orders with execution price requirements, are not affected by wide market conditions because they may only be executed at or inside of their obligatory prices, and as such are appropriately excluded from this trade protection feature.

The Exchange's proposal to include RFC orders in the Exchange's Risk Protection Monitor promotes just and equitable principles of trade, removes impediments to and perfects the mechanism of a free and open market and a national market system and, in general, protects investors and the public interest by treating RFC orders similarly to other paired orders for purposes of the Risk Protection Monitor counting program.

The Exchange's proposal to add RFC orders to the list of order types to which Policy .02 and .02(a) of Rule 519A applies; and to the list of order types to be counted as two orders for purposes of calculating the Allowable Order Rate in Policy .02(b) of Rule 519A, perfects the mechanisms of a free and open market and a national market system by assisting investors in managing their acceptable risk levels respecting open orders. The submission of a single message into the System for the execution of a paired order type is a submission representing two orders, and the Risk Protection Monitor counts them as such for purposes of calculating the Allowable Order Rate. Participants thus will know that their single message for these order types represents two orders for purposes of the counting system and may determine their appropriate risk tolerance parameters accordingly.

The Exchange believes that the proposed amendments to its trade protection rules should instill additional confidence in Members that submit orders to the Exchange that their risk tolerance levels are protected, and thus should encourage such Members to submit additional order flow and liquidity to the Exchange with the understanding that they retain necessary protections and avoid unnecessary protections with respect to all orders they submit to the Exchange, including complex orders, thereby removing impediments to and perfecting the mechanisms of a free and open market and a national market system and, in general, protecting investors and the public interest

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

The Exchange believes its proposal will promote intra-market competition by ensuring that RFC orders are eligible to trade during wide market conditions, similar to other paired order types. Additionally, including RFC orders in certain trade protections available on the Exchange enables MIAX Options participants to submit more orders to the Exchange knowing that risk protection measures are in place. The proposal applies equally to all market participants and should benefit intra-market competition accordingly.

The Exchange's proposal is limited to transactions involving a Proprietary

[23] 15 U.S.C. 78f(b).

[24] 15 U.S.C. 78f(b)(5).

[25] The Implied Complex MIAX Best Bid or Offer (''icMBBO'') is a calculation that uses the best price from the Simple Order Book for each component of a complex strategy including displayed and non-displayed trading interest. *See* Exchange Rule 518(a)(11). The ''Simple Order Book'' is the Exchange's regular electronic book of orders and quotes. *See* Exchange Rule 518(a)(15).

[26] The ''Strategy Book'' is the Exchange's electronic book of complex orders and complex quotes. *See* Exchange Rule 518(a)(17).

[27] The term ''Priority Customer'' means a person or entity that (i) is not a broker or dealer in securities, and (ii) does not place more than 390 orders in listed options per day on average during a calendar month for its own beneficial account(s). The number of orders shall be counted in accordance with the following Interpretation and Policy .01 hereto. *See* Exchange Rule 100.

[28] The term ''Book'' means the electronic book of buy and sell orders and quotes maintained by the System. *See* Exchange Rule 100.

[29] *See* Exchange Rule 515(h)(4). The term ''NBBO'' means the national best bid or offer as calculated by the Exchange based on market information received by the Exchange from the appropriate Securities Information Processor (''SIP'') *See* Exchange Rule 518(a)(14).

[30] *See* Policy .08(a) of Exchange Rule 518.

[31] The term ''Electronic Exchange Member'' or ''EEM'' means the holder of a Trading Permit who is not a Market Maker. Electronic Exchange Members are deemed ''members'' under the Exchange Act. *See* Exchange Rule 100.

[32] *See* Policy .08(a)(1) of Exchange Rule 518.

[33] The ''Simple Order Book'' is the Exchange's regular electronic book of orders and quotes. *See* Exchange Rule 518(a)(15).

[34] *See* Policy .08(a)(2) of Exchange Rule 518.

Product [35] of the Exchange, and therefore has no impact on inter-market competition.

For all the reasons stated, the Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act, and believes the proposed change will in fact enhance competition.

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 after the date of the filing, or such shorter time as the Commission may designate, it has become effective pursuant to 19(b)(3)(A) of the Act [36] and Rule 19b–4(f)(6) [37] thereunder.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–MIAX–2020–33 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–MIAX–2020–33. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal offices of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–MIAX–2020–33, and should be submitted on or before November 18, 2020.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[38]

J. Matthew DeLesDernier,

Assistant Secretary.

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[35] The term ''Proprietary Product'' means a class of options that is listed exclusively on the Exchange and any of its affiliates. *See* Exchange Rule 100.

[36] 15 U.S.C. 78s(b)(3)(A).

[37] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[38] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–90253; File No. SR–CboeEDGX–2020–050]

Self-Regulatory Organizations; Cboe EDGX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Extend the Pilot Programs in Connection With the Listing and Trading of P.M.-Settled Series on Certain Broad-Based Index Options

October 22, 2020.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on October 13, 2020, Cboe EDGX Exchange, Inc. (the ''Exchange'' or ''EDGX Options'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Exchange filed the proposal as a ''non-controversial'' proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act [3] and Rule 19b–4(f)(6) thereunder.[4] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Cboe EDGX Exchange, Inc. (the ''Exchange'' or ''EDGX Options'') proposes to extend the pilot programs in connection with the listing and trading of P.M.-settled series on certain broad-based index options. The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Exchange's website (*http://markets.cboe.com/us/options/regulation/rule_filings/edgx/*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(iii).

[4] 17 CFR 240.19b–4(f)(6).

statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The proposed rule change extends the listing and trading of P.M.-settled series on certain broad-based index options on a pilot basis.[5] Rule 29.11(a)(6) currently permits the listing and trading of XSP options with third-Friday-of-the-month expiration dates, whose exercise settlement value will be based on the closing index value on the expiration day (''P.M.-settled'') on a pilot basis set to expire on November 2, 2020 (the ''XSPPM Pilot Program''). Rule 29.11(j)(3) also permits the listing and trading of P.M.-settled options on broad-based indexes with weekly expirations (''Weeklys'') and end-of-month expirations (''EOMs'') on a pilot basis set to expire on November 2, 2020 (the ''Nonstandard Expirations Pilot Program'', and together with the XSPPM Pilot Program, the ''Pilot Programs''). The Exchange proposes to extend the Pilot Programs through May 3, 2021.

XSPPM Pilot Program

Rule 29.11(a)(6) permits the listing and trading, in addition to A.M.-settled XSP options, of P.M.-settled XSP options with third-Friday-of-the-month expiration dates on a pilot basis. The Exchange believes that continuing to permit the trading of XSP options on a P.M.-settled basis will continue to encourage greater trading in XSP options. Other than settlement and closing time on the last trading day (pursuant to Rule 29.10(a)),[6] contract terms for P.M.-settled XSP options are the same as the A.M.-settled XSP options. The contract uses a $100 multiplier and the minimum trading increments, strike price intervals, and expirations are the same as the A.M.-settled XSP option series. P.M.-settled XSP options have European-style exercise. The Exchange also has flexibility to open for trading additional series in response to customer demand.

If the Exchange were to propose another extension of the XSPPM Pilot Program or should the Exchange propose to make the XSPPM Pilot Program permanent, the Exchange would submit a filing proposing such amendments to the XSPPM Pilot Program. Further, any positions established under the XSPPM Pilot Program would not be impacted by the expiration of the XSPPM Pilot Program. For example, if the Exchange lists a P.M.-settled XSP option that expires after the XSPPM Pilot Program expires (and is not extended), then those positions would continue to exist. If the pilot were not extended, then the positions could continue to exist. However, any further trading in those series would be restricted to transactions where at least one side of the trade is a closing transaction.

As part of the XSPPM Pilot Program, the Exchange submits a pilot report to the Commission at least two months prior to the expiration date of the pilot. This annual report contains an analysis of volume, open interest, and trading patterns. In proposing to extend the XSPPM Pilot Program, the Exchange will continue to abide by the reporting requirements described in the Notice.[7] Additionally, the Exchange will provide the Commission with any additional data or analyses the Commission requests because it deems such data or analyses necessary to determine whether the XSPPM Pilot Program is consistent with the Exchange Act. The Exchange is in the process of making public on its website data and analyses previously submitted to the Commission under the Pilot Program, and will make public any data and analyses it submits to the Commission under the Pilot Program in the future. The Exchange also notes that its affiliated options exchange, Cboe Exchange, Inc. (''Cboe Options'') currently has pilots that permit P.M.-settled third Friday-of-the-month XSP options.[8]

Nonstandard Expirations Pilot Program

Rule 29.11(j)(1) permits the listing and trading, on a pilot basis, of P.M.-settled options on broad-based indexes with nonstandard expiration dates and is currently set to expire on November 2, 2020. The Nonstandard Expirations Pilot Program permits both Weeklys and EOMs as discussed below. Contract terms for the Weekly and EOM expirations are similar to those of the A.M.-settled broad-based index options, except that the Weekly and EOM expirations are P.M.-settled.

In particular, Rule 29.11(j)(1) permits the Exchange to open for trading Weeklys on any broad-based index eligible for standard options trading to expire on any Monday, Wednesday, or Friday (other than the third Friday-of-the-month or days that coincide with an EOM). Weeklys are subject to all provisions of Rule 29.11 and are treated the same as options on the same underlying index that expire on the third Friday of the expiration month. However, under the Nonstandard Expirations Pilot Program, Weeklys are P.M.-settled, and new Weekly series may be added up to and including on the expiration date for an expiring Weekly.

Rule 29.11(a)(2) permits the Exchange to open for trading EOMs on any broad-based index eligible for standard options trading to expire on the last trading day of the month. EOMs are subject to all provisions of Rule 29.11 and treated the same as options on the same underlying index that expire on the third Friday of the expiration month. However, under the Nonstandard Expirations Pilot Program, EOMs are P.M.-settled, and new series of EOMs may be added up to and including on the expiration date for an expiring EOM.

As stated above, this proposed rule change extends the Nonstandard Expirations Pilot Program for broad-based index options on a pilot basis, for a period of six months. If the Exchange were to propose an additional extension of the Nonstandard Expirations Pilot Program or should the Exchange propose to make it permanent, the Exchange would submit additional filings proposing such amendments. Further, any positions established under the Nonstandard Expirations Pilot Program would not be impacted by the expiration of the pilot. For example, if

[5] The Exchange is authorized to list for trading options that overlie the Mini-SPX Index (''XSP'') and the Russell 2000 Index (''RUT''). *See* Rule 29.11(a). *See also* Securities Exchange Act Release Nos. 84481 (October 24, 2018), 83 FR 54624 (October 30, 2018) (Notice of Filing of a Proposed Rule Change To Permit the Listing and Trading of P.M.-Settled Series on Certain Broad-Based Index Options on a Pilot Basis) (SR-CboeEDGX–2018–037) (''Notice''); 85182 (February 22, 2019), 84 FR 6846 (February 28, 2019) (Notice of Deemed Approval of a Proposed Rule Change To Permit the Listing and Trading of P.M.-Settled Series on Certain Broad-Based Index Options on a Pilot Basis) (SR-CboeEDGX–2018–037); 88054 (January 27, 2020), 85 FR 5761 (January 31, 2020) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Extend the Pilot Programs in Connection With the Listing and Trading of P.M.-Settled Series on Certain Broad-Based Index Options) (SR-CboeEDGX–2020–002); *and* 88787 (April 30, 2020), 85 FR 26995 (May 6, 2020) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Extend the Pilot Programs in Connection With the Listing and Trading of P.M.-Settled Series on Certain Broad-Based Index Options) (SR-CboeEDGX–2020–019).

[6] Rule 29.10(a) permits transactions in P.M.-settled XSP options on their last trading day to be effected on the Exchange between the hours of 9:30 a.m. and 4:00 p.m. Eastern time. All other transactions in index options are effected on the Exchange between the hours of 9:30 a.m. and 4:15 p.m. Eastern time.

[7] *See supra* note 5.

[8] *See* Cboe Options Rule 4.13.13.

the Exchange lists a Weekly or EOM that expires after the Nonstandard Expirations Pilot Program expires (and is not extended), then those positions would continue to exist. However, any further trading in those series would be restricted to transactions where at least one side of the trade is a closing transaction.

As part of the Nonstandard Expirations Pilot Program, the Exchange submits a pilot report to the Commission at least two months prior to the expiration date of the pilot. This annual report contains an analysis of volume, open interest, and trading patterns. In proposing to extend the Nonstandard Expirations Pilot Program, the Exchange will continue to abide by the reporting requirements described in the Notice.[9] Additionally, the Exchange will provide the Commission with any additional data or analyses the Commission requests because it deems such data or analyses necessary to determine whether the Nonstandard Expirations Pilot Program is consistent with the Exchange Act. The Exchange is in the process of making public on its website data and analyses previously submitted to the Commission under the Pilot Program, and will make public any data and analyses it submits to the Commission under the Pilot Program in the future. The Exchange notes that other exchanges, including its affiliated exchange, Cboe Options, currently have pilots that have weekly and end-of-month expirations.[10]

Additional Information

The Exchange believes there is sufficient investor interest and demand in the XSPPM and Nonstandard Expirations Pilot Programs to warrant their extension. The Exchange believes that the Programs have provided investors with additional means of managing their risk exposures and carrying out their investment objectives. The proposed extensions will continue to offer investors the benefit of added transparency, price discovery, and stability, as well as the continued expanded trading opportunities in connection with different expiration times. The Exchange proposes the extension of the Pilot Programs in order to continue to give the Commission more time to consider the impact of the Pilot Programs. To this point, the Exchange believes that the Pilot Programs have been well-received by its Members and the investing public, and the Exchange would like to continue to provide investors with the ability to trade P.M.-settled XSP options and contracts with nonstandard expirations. All terms regarding the trading of the Pilot Products shall continue to operate as described in the XSPPM and Nonstandard Expirations Notice.[11] The Exchange merely proposes herein to extend the terms of the Pilot Programs to May 3, 2021.

Furthermore, the Exchange has not experienced any adverse market effects with respect to the Programs. The Exchange will continue to monitor for any such disruptions or the development of any factors that would cause such disruptions. The Exchange represents it continues to have an adequate surveillance program in place for index options and that the proposed extension will not have an adverse impact on capacity.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[12] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) [13] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

In particular, the Exchange believes that the proposed extension of the Pilot Programs will continue to provide greater opportunities for investors. The Exchange believes that the Pilot Programs have been successful to date. The proposed rule change allows for an extension of the Program for the benefit of market participants. The Exchange believes that there is demand for the expirations offered under the Program and believes that P.M.-settled XSP, Weekly Expirations and EOMs will continue to provide the investing public and other market participants with the opportunities to trade desirable products and to better manage their risk exposure. The proposed extension will also provide the Commission further opportunity to observe such trading of the Pilot Products. Further, the Exchange has not encountered any problems with the Programs; it has not experienced any adverse effects or meaningful regulatory or capacity concerns from the operation of the Pilot Programs. Also, the Exchange believes that such trading pursuant to the XSPPM Pilot Program has not, and will not, adversely impact fair and orderly markets on Expiration Fridays for the underlying stocks comprising the S&P 500 index.

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. Specifically, the Exchange believes that, by extending the expiration of the Pilot Programs, the proposed rule change will allow for further analysis of the Program and a determination of how the Program shall be structured in the future. In doing so, the proposed rule change will also serve to promote regulatory clarity and consistency, thereby reducing burdens on the marketplace and facilitating investor protection.

Specifically, the Exchange does not believe the continuation of the Pilot Program will impose any unnecessary or inappropriate burden on intramarket competition because it will continue to apply equally to all EDGX Options market participants, and the Pilot Products will continue to be available to all EDGX Options market participants. The Exchange believes there is sufficient investor interest and demand in the Pilot Programs to warrant its extension. The Exchange believes that, for the period that the Pilot Programs has been in operation, it has provided investors with desirable products with which to trade. Furthermore, as stated above, the Exchange maintains that it has not experienced any adverse market effects or regulatory concerns with respect to the Pilot Programs. The Exchange further does not believe that the proposed extension of the Pilot Programs will impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because it only applies to trading on EDGX Options. To the extent that the continued trading of the Pilot Products may make EDGX Options a more attractive marketplace to market participants at other exchanges, such market participants may elect to become EDGX Options market participants.

[9] *See supra* note 5.

[10] *See* Cboe Options Rule 4.13(e); and Phlx Rule 1101A(b)(5).

[11] *See supra* note 5.

[12] 15 U.S.C. 78f(b).

[13] 15 U.S.C. 78f(b)(5).

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the 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 [14] and subparagraph (f)(6) of Rule 19b-4 thereunder.[15]

A proposed rule change filed pursuant to Rule 19b–4(f)(6) under the Act [16] normally does not become operative for 30 days after the date of its filing. However, Rule 19b–4(f)(6)(iii) [17] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that investors may continue to trade options that are part of the Pilot Programs on an uninterrupted basis. 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 Pilot Programs to continue uninterrupted, thereby avoiding investor confusion that could result from a temporary interruption in the Pilot Programs. Accordingly, the Commission hereby waives the operative delay and designates the proposed rule change operative upon filing.[18]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR-CboeEDGX–2020–050 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR-CboeEDGX–2020–050. 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-CboeEDGX–2020–050 and should be submitted on or before November 18, 2020.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[19]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2020–23798 Filed 10–27–20; 8:45 am]

BILLING CODE 8011–01–P

[14] 15 U.S.C. 78s(b)(3)(A).

[15] 17 CFR 240.19b–4(f)(6). In addition, Rule19b–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.

[16] 17 CFR 240.19b–4(f)(6).

[17] 17 CFR 240.19b–4(f)(6)(iii).

[18] 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).

[19] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–90256; File No. SR–Phlx–2020–48]

Self-Regulatory Organizations; Nasdaq PHLX LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Extend the Exchange's Nonstandard Expirations Pilot Program

October 22, 2020.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on October 14, 2020, Nasdaq PHLX LLC (''Phlx'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

A proposal to extend the pilot period for the Exchange's nonstandard expirations pilot program, currently set to expire on November 2, 2020.

The text of the proposed rule change is available on the Exchange's website at *https://listingcenter.nasdaq.com/rulebook/phlx/rules,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

On December 15, 2017, the Commission approved a proposed rule change for the listing and trading on the Exchange, on a twelve month pilot basis, of p.m.-settled options on broad-based indexes with nonstandard expirations dates.[3] The pilot program permits both Weekly Expirations and End of Month (''EOM'') expirations similar to those of the a.m.-settled broad-based index options, except that the exercise settlement value of the options subject to the pilot are based on the index value derived from the closing prices of component stocks. This pilot was extended various times and is currently extended through November 2, 2020.

Pursuant to Phlx Options 4A, Section 12(b)(5)(A) the Exchange may open for trading Weekly Expirations on any broad-based index eligible for standard options trading to expire on any Monday, Wednesday, or Friday (other than the third Friday-of-the-month or days that coincide with an EOM expiration). Weekly Expirations are subject to all provisions of Options 4A, Section 12 and are treated the same as options on the same underlying index that expire on the third Friday of the expiration month. Unlike the standard monthly options, however, Weekly Expirations are p.m.-settled.

Similarly, pursuant to Options 4A, Section 12(b)(5)(B) the Exchange may open for trading EOM expirations on any broad-based index eligible for standard options trading to expire on the last trading day of the month. EOM expirations are subject to all provisions of Options 4A, Section 12 and treated the same as options on the same underlying index that expire on the third Friday of the expiration month. However, the EOM expirations are p.m.-settled.

The Exchange now proposes to amend Options 4A, Section 12(b)(5)(C) so that the duration of the pilot program for these nonstandard expirations will be through May 4, 2021. The Exchange continues to have sufficient systems capacity to handle p.m.-settled options on broad-based indexes with nonstandard expirations dates and has not encountered any issues or adverse market effects as a result of listing them. Additionally, there is continued investor interest in these products. The Exchange will continue to make public on its website any data and analysis it submits to the Commission under the pilot program.

The Exchange will be submitting a rule change to request that the pilot program become permanent. In lieu of submitting any additional annual reports, the Exchange would provide additional information requested by the Commission in connection with the permanency rule change for this pilot program.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[4] in general, and furthers the objectives of Section 6(b)(5) of the Act,[5] 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 believes the proposed rule change will protect investors and the public interest by providing the Exchange, the Commission and investors the benefit of additional time to analyze nonstandard expiration options. By extending the pilot program, investors may continue to benefit from a wider array of investment opportunities. Additionally, both the Exchange and the Commission may continue to monitor the potential for adverse market effects of p.m.-settlement on the market, including the underlying cash equities market, at the expiration of these options.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. Options with nonstandard expirations would be available for trading to all market participants.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the 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[6] and subparagraph (f)(6) of Rule 19b–4 thereunder.[7]

A proposed rule change filed pursuant to Rule 19b–4(f)(6) under the Act[8] normally does not become operative for 30 days after the date of its filing. However, Rule 19b–4(f)(6)(iii)[9] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that investors may continue to trade nonstandard expiration options listed by the Exchange as part of the pilot program on an uninterrupted basis. 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 pilot program to continue uninterrupted, thereby avoiding investor confusion that could result from a temporary interruption in the pilot program. Accordingly, the Commission hereby waives the operative delay and designates the proposed rule change operative upon filing.[10]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if

[3] *See* Securities Exchange Act Release No. 82341 (December 15, 2017), 82 FR 60651 (December 21, 2017) (approving SR–Phlx–2017–79) (Order Approving a Proposed Rule Change, as Modified by Amendment No. 1 and Granting Accelerated Approval of Amendment No. 2, of a Proposed Rule Change To Establish a Nonstandard Expirations Pilot Program).

[4] 15 U.S.C. 78f(b).

[5] 15 U.S.C. 78f(b)(5).

[6] 15 U.S.C. 78s(b)(3)(A).

[7] 17 CFR 240.19b–4(f)(6). In addition, Rule19b–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.

[8] 17 CFR 240.19b–4(f)(6).

[9] 17 CFR 240.19b–4(f)(6)(iii).

[10] 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).

it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR-Phlx–2020–48 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR-Phlx–2020–48. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–Phlx–2020–48, and should be submitted on or before November 18, 2020.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[11]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2020–23800 Filed 10–27–20; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–90248; File No. SR–MSRB–2020–08]

Self-Regulatory Organizations; Municipal Securities Rulemaking Board; Notice of Filing of a Proposed Rule Change To Amend MSRB Form G–32

October 22, 2020.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'' or ''Exchange Act'')[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on October 13, 2020 the Municipal Securities Rulemaking Board (''MSRB'' or ''Board'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the MSRB. 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 MSRB filed with the Commission a proposed rule change to amend MSRB Form G–32 to clarify that brokers, dealers, and municipal securities dealers (collectively, ''dealers'' and, individually, each a ''dealer'') acting as underwriters in the primary offering of municipal securities are obligated to manually complete three data fields on amended Form G–32 when such fields are applicable to a primary offering (the ''proposed rule change''). More specifically, the proposed rule change would clarify the method of completing amended Form G–32 for the following three data fields:

- *Bank Qualified Flag*—The proposed rule change would clarify that the ''yes/no'' flag on amended Form G–32 would, when applicable, need to be manually completed by an underwriter to indicate whether a bank can deduct a portion of the interest cost of the carry for the municipal securities, in accordance with the applicable provisions of the code of the Internal Revenue Service (the ''BQ Data Field'').
- *Planned Amortization Class Bond (''PAC Bond'') Flag*—The proposed rule change would clarify that the ''yes/no'' flag on amended Form G–32 would, when applicable, need to be manually completed to indicate whether the offering is an asset-backed bond payable with a fixed sinking fund schedule (the ''PAC Bond Data Field'').
- *Put End Date Entry*—The proposed rule change would clarify that data fields on Form G–32 relating to whether the offering is puttable would, when applicable, need to be manually completed to indicate when a put end date is defined at the time of issuance (the ''Put Date Field'' and, collectively, with the BQ Data Field and the PAC Bond Data Field, the ''Amended Manual Fields'').

The proposed rule change is intended to clarify File No. SR–MSRB–2019–07,[3] a prior rule filing that the MSRB submitted to the SEC on April 10, 2019 and that was subsequently approved by the SEC, as amended, on June 27, 2019 (the ''Primary Offering Practices Amendments'').[4] Among other changes,[5] the Primary Offering Practices Amendments authorized updates to Form G–32 that will add the BQ Data Field, the PAC Bond Data Field, the Put Date Field, as well as the 63 other new data fields,[6] upon their effective date of

[11] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] File No. SR–MSRB–2019–07, available at *http://msrb.org/~/media/Files/SEC-Filings/2019/MSRB-2019-07-Refiled-2.ashx?*.

[4] Exchange Act Release No. 86219 (June 27, 2019), 84 FR 31961 (July 3, 2019) (File No. SR–MSRB–2019–07) (the ''2019 SEC Approval Notice''), available at *http://www.msrb.org/~/media/Files/SEC-Filings/2019/MSRB-2019-07-Fed-Reg-Approval.ashx?*.

[5] The Primary Offering Practices Amendments not only authorized amendments to Form G–32, but also authorized amendments to the text of MSRB Rule G–11, on primary offering practices, and MSRB Rule G–32, on disclosures in connection with primary offerings. *See* MSRB Notice 2019–15, available at *http://msrb.org/~/media/Files/Regulatory-Notices/Announcements/2019-15.ashx??n=1.*

[6] *See, e.g.,* File No. SR–MSRB–2019–07, at p. 7 (''The proposed rule change would add 57 data fields to Form G–32 to capture data that an underwriter already is required to input into NIIDS, as applicable, for NIIDS-eligible offerings.''). The other nine of the New Data Fields (*i.e.,* the Manual Fields (as hereinafter defined)) are unique to Form G–32 in that they cannot be populated from New Issue Information Dissemination Service (''NIIDS'') fields, as corresponding NIIDS fields do not exist. NIIDS is an automated, electronic system that receives comprehensive new issue information on a market-wide basis for the purposes of establishing depository eligibility and immediately re-

Continued

March 31, 2021 (collectively, these 66 fields are hereinafter referred to as the ''New Data Fields,'' and Form G–32 as modified with the New Data Fields is hereinafter referred to as ''Amended Form G–32'').[7] Consistent with the Primary Offering Practices Amendments, the proposed rule change does not seek approval for the inclusion of the BQ Data Field, the PAC Bond Data Field, and the Put Date Field on Amended Form G–32, but more narrowly seeks to describe the precise method by which underwriters must complete these previously approved fields.[8]

The MSRB believes that the proposed rule change is necessary and appropriate to more clearly define the compliance obligation of an underwriter when completing one of the Amended Manual Fields on Amended Form G–32, and, thereby, would promote greater regulatory transparency in the municipal securities market, as further described below. If the proposed rule change is approved,[9] the MSRB intends to maintain the existing compliance date for the New Data Fields of March 31, 2021 (the ''compliance date'').[10]

The text of the proposed rule change is available on the MSRB's website at *www.msrb.org/Rules-and-Interpretations/SEC-Fili_ngs/2020-Filings.aspx*, at the MSRB's principal office, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the MSRB 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 MSRB has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The proposed rule change is intended to put market participants on notice that, when applicable, the Amended Manual Fields will *not* be auto-populated on Amended Form G–32 with information input into the NIIDS, and, as a result, must be manually completed.

Background

Overview of Form G–32 Information Submission

Pursuant to Rule G–32, an ''underwriter'' [11] in a primary offering of municipal securities is required to electronically submit certain primary offering disclosure documents and related information, including the data elements set forth on Form G–32.[12] This submission is completed through the MSRB's Electronic Municipal Market Access Dataport system (''EMMA Dataport'').[13] An underwriter's submission of Form G–32 in EMMA Dataport is commonly, but not always,[14] preceded by the underwriter's (1) procurement of CUSIP numbers from CUSIP Global Services, (2) registration of the municipal securities for depository eligibility with the Depository Trust and Clearing Corporation (''DTCC''), and (3) submission of certain information about the characteristics of the offering to NIIDS, all generally pursuant to MSRB Rule G–34, on CUSIP numbers, new issue, and market information requirements.[15] As described in the Primary Offering Practices Amendments and prior amendments approved in 2012,[16] Form G–32 incorporates matching data fields relating to certain of the information submitted to NIIDS and CUSIP Global Services and, thereby, facilitates the MSRB's collection of market information utilized in various rulemaking and transparency activities.

Discussion of the Primary Offering Practices Amendments and Amended Form G–32

The Primary Offering Practices Amendments described each of the New Data Fields as falling into one of two

disseminating the information to information vendors supplying formatted municipal securities information for use in automated trade processing systems.

[7] *See* File No. SR–MSRB–2020–01 (April 13, 2020), at pp. 6–7 (extending the compliance date for Amended Form G–32 to March 31, 2021 from the first announced compliance date of November 30, 2020), available at *http://msrb.org/~/media/Files/SEC-Filings/2020/MSRB-2020-01-Revised.ashx?; see also* MSRB Notice 2019–21 (December 20, 2019) (setting an initial November 30, 2020 compliance date, which was subsequently extended by File No. SR–MSRB–2020–01), available at *http://msrb.org/~/media/Files/Regulatory-Notices/Announcements/2019-21.ashx??n=1.*

[8] This clarification would only be applicable to NIIDS-eligible offerings that are (1) bank qualified, (2) composed of PAC Bonds, or (3) puttable by a certain date at the time of issuance. In other words, underwriters of a NIIDS-eligible primary offering would be required to manually complete the Amended Manual Fields on Amended Form G–32 if and when applicable, and underwriters of non-NIIDS-eligible offerings would not be required to complete any of three Amended Manual Fields.

[9] As previously stated in the Primary Offering Practices Amendments, the MSRB will make both Amended Form G–32, as well as the updated EMMA Dataport Manual for Primary Market Submissions and the Specifications for Primary Market Submissions Service documents available to underwriters in advance of the compliance date. The MSRB will announce the availability of Amended Form G–32 and the updated manual and specification document by publishing a regulatory notice.

[10] *See* footnote seven *supra* for citations and references related to the March 31, 2021 compliance date.

[11] Rule G–32(b)(vi)(B) requires the underwriter of a primary offering of municipal securities to make certain submissions to the MSRB by electronic completion of Form G–32 through EMMA Dataport. Rule G–32(c)(xii) defines the term ''underwriter'' to mean ''a broker, dealer or municipal securities dealer that is an underwriter as defined in Securities Exchange Act Rule 15c2–12(f)(8), including but not limited to a broker, dealer or municipal securities dealer that acts as remarketing agent for a remarketing of municipal securities that constitutes a primary offering.'' For purposes of completing Form G–32, the term underwriter, as defined by reference to Rule 15c2–12(f)(8), encompasses certain dealers acting as agents in the private placements of municipal securities offerings. *See* Exchange Act Release No. 26985 (June 28, 1989) (File No. S7–20–88), 54 FR 28799 (July 10, 1989), at 28809–28810 (discussing how the definition of underwriter in the final Rule 15c2–12 differed from the proposed definition in order to, ''. . . clarify that a broker, dealer, or municipal securities dealer may be acting as an underwriter, for purposes of [Rule 15c2–12], *in connection with a private offering.*'' (emphasis added)). Dealers acting as placement agents in the offering of municipal securities are reminded of their obligations under MSRB rules, including the completion of Form G–32 pursuant to Rule G–32.

[12] *See* Rule G–32(b)(i)(A) (stating that, except as otherwise noted, ''the underwriter of a primary offering of municipal securities shall submit . . . Form G–32 information relating to the offering in a timely and accurate manner . . .''); *see also* Rule G–32(b)(vi)(B) (''All submissions of information required under [Rule G–32] shall be made by means of Form G–32 submitted electronically to EMMA in such format and manner, and including such items of information provided at such times, as specified herein, in Form G–32 and in the EMMA Dataport Manual.'').

[13] EMMA® is a registered trademark of the MSRB. EMMA Dataport is the information utility through which submissions of documents and related information are made to the MSRB and its market transparency programs, like the EMMA website. Specific to Form G–32, an underwriter or its designated agent may make submissions through EMMA Dataport.

[14] For example, certain primary offerings of municipal securities, such as non-NIIDS-eligible offerings, are not subject to the CUSIP requirements of Rule G–34. *See* Rule G–34(a)(i).

[15] *See, e.g.,* Rule G–34(a)(ii) regarding the application for depository eligibility and dissemination of new issue information and the exclusion of certain issues as set forth in that subsection.

[16] In 2012, the MSRB proposed and the SEC approved amendments that integrated the submission of certain matching data elements to NIIDS with Form G–32. *See* MSRB Notice 2012–64 (Dec. 24, 2012) and related citations therein (describing how File No. SR–MSRB–2012–08 amended Rule G–32 to provide that an underwriter's obligation to submit data about a new issue under that rule is fulfilled through submission of such data through NIIDS).

categories: (1) Data fields that generally would be auto-populated with information previously entered by an underwriter in NIIDS (collectively, the ''Auto-Populated Fields'') [17] and (2) data fields that would be unique to Amended Form G–32 and, when applicable, would need to be completed with manual data entry because they could not be auto-populated with matching NIIDS information (collectively, the ''Manual Fields''). The filing identified 57 Auto-Populated Fields and nine Manual Fields.[18]

The three Amended Manual Fields that are the subject of this proposed rule change were originally categorized as part of the 57 Auto-Populated Fields, because the MSRB understood, at that time, that there was a corresponding data field match in NIIDS that would allow for the PAC Bond Data Field, the BQ Data Field, and the Put Date Field, respectively, to be auto-populated in EMMA Dataport when applicable. The MSRB now understands that, although DTCC's NIIDS system may allow for an underwriter to input information corresponding to the Amended Manual Fields, presently, this information is not data DTCC disseminates to the MSRB's EMMA Dataport. Consequently, under the current design of DTCC's system, the MSRB does not receive the electronic inputs necessary to auto-populate these three fields on Amended Form G–32.

Description of Underwriter's Obligation To Verify and Complete Amended Form G–32

The Primary Offering Practices Amendments did not amend the existing obligation of an underwriter to complete Form G–32 in a timely and accurate manner.[19] The obligation is applicable to both the Manual Fields as well as the Auto-Populated Fields.[20] The Primary Offering Practices Amendments relatedly addressed scenarios in which the underwriter's ability to complete the Auto-Populated Fields of Amended Form G–32 timely and accurately may be made more burdensome by the unavailability of NIIDS data, erroneous auto-population, and related circumstances.[21] In this way, the Primary Offering Practices Amendments require an underwriter to accurately and timely complete each of the applicable data fields of Amended Form G–32 (including the Amended Manual Fields), regardless of the lack of NIIDS auto-population or other data auto-population errors. The proposed rule change does not alter this obligation, but merely seeks to highlight its application in light of the lack of auto-population of the Amended Manual Fields.[22]

Proposed Rule Change

The SEC's approval of the Primary Offering Practices Amendments authorized the MSRB to include the three Amended Manual Fields (*i.e.,* the PAC Bond Data Field, the BQ Data Field, and the Put Date Field) on Amended Form G–32.[23] However, as previously noted, the Primary Offering Practices Amendments described the Amended Manual Fields as generally being ''auto-populated'' from the data an underwriter inputs into NIIDS. The MSRB is filing the proposed rule change to clarify this description. The MSRB anticipates that the lack of auto-population could cause confusion among market participants, particularly in instances where an underwriter has previously completed the NIIDS submission (either directly in NIIDS or indirectly through a third-party interface) and may believe there is no obligation to ensure submission into EMMA Dataport.[24] Consequently, the MSRB seeks to mitigate potential confusion in advance of the compliance date and to highlight the obligation of an underwriter to complete the applicable fields on Amended Form G–32 in an accurate and timely manner, regardless of whether an applicable field is properly auto-populated from NIIDS or not.

2. Statutory Basis

The MSRB believes that the proposed rule change is consistent with the provisions of Section 15B(b)(2)(C) of the Act,[25] which provides that the MSRB's rules shall:

> . . . be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in municipal securities and municipal financial products, to remove impediments to and perfect the mechanism of a free and open market in municipal securities and municipal financial products, and, in general, to protect investors, municipal entities, obligated persons, and the public interest.

The proposed rule change's clarification that underwriters are obligated to manually complete the three Amended Manual Fields on Amended Form G–32 would (1) promote just and equitable principles of trade, (2) foster cooperation and coordination with persons engaged in regulating and processing information

[17] File No. SR–MSRB–2019–07, at p. 16 (''The [Primary Offering Practices Amendments] would amend Form G–32 to include 57 additional data fields that would be auto-populated with datapoints already required to be input into NIIDS, as applicable, for NIIDS-eligible offerings. As previously noted [therein], these data fields are currently available to regulators and certain other industry participants that have access to NIIDS. However, adding the data fields to Form G–32 would ensure the MSRB's continued access to important primary offering information, and enhance its ability to oversee the accuracy and distribution of the information provided.'').

[18] *See* File No. SR–MSRB–2019–07, at pp. 7–8 (''The [Primary Offering Practices Amendments] would add 57 data fields to Form G–32 to capture data that an underwriter already is required to input into NIIDS, as applicable, for NIIDS-eligible offerings. . . . In addition to the data fields auto-populated by NIIDS submissions, the [Primary Offering Practices Amendments] also would add nine data fields to Form G–32 for manual completion by underwriters in NIIDS-eligible offerings.'').

[19] *See* Rule G–32(b)(i)(A) and Rule G–32(b)(vi)(C).

[20] *See, e.g.,* File No. SR–MSRB–2019–07, at p. 6 (''. . . the underwriter in primary offerings of municipal securities is required, pursuant to Rule G–32, to submit electronically to the EMMA Dataport, in a timely and accurate manner, certain primary offering disclosure documents and related information, including the data elements set forth on Form G–32.'')

[21] *See id.,* at p. 7, n. 14 (''While the MSRB is currently not aware of any reason NIIDS would become unavailable, *the inability to auto-populate information from NIIDS would not negate the requirement that information be provided pursuant to MSRB Rule G–32*.'' (emphasis added)); *see also id.,* p. 7, n. 13 (''While NIIDS provides the system for submitting the information, *its use does not obviate the requirement that information submitted pursuant to Rule G–34 be timely, comprehensive and accurate.*'' (emphasis added) (internal citation omitted)), and *id.,* at pp. 6–7 (''*Information required to be included on Form G–32 and for which no corresponding data element is available through NIIDS must be submitted manually through the EMMA Dataport on Form G–32* (*i.e.,* it would not be auto-populated from NIIDS) pursuant to Rule G–32(b)(i)(A)(1)(a).'' (emphasis added) (internal citation omitted)).

[22] Although an underwriter would have an obligation to manually complete the Amended Manual Fields on Amended Form G–32 consistent with these statements in the Primary Offering Practices Amendments regardless of this proposed rule change, the MSRB believes that the proposed rule change is warranted in this instance to provide greater regulatory transparency to the market and, particularly, to dealers who presently act, or may act in the future, as underwriters.

[23] As a threshold matter, underwriters of non-NIIDS-eligible offerings would not be required to complete the Amended Manual Fields and underwriters of NIIDS-eligible offerings would only be required to complete the Amended Manual Fields when applicable to a particular primary offering of municipal securities.

[24] The MSRB believes this scenario is addressed by the Primary Offering Practices Amendments, and the filing's discussion regarding the unavailability of NIIDS. *See supra Background—Description of Underwriter's Obligation to Verify and Complete Amended Form G–32* (discussing that an underwriter's obligation to fully complete Amended Form G–32 would not be ''obviated'' in instances where NIIDS is unavailable or the Amended Form G–32 is otherwise auto-populated with erroneous information). The obligation to provide complete and accurate data remains the responsibility of a dealer even when the dealer directly utilizes NIIDS or indirectly utilizes some other vendor.

[25] 15 U.S.C. 78*o*–4(b)(2)(C).

with respect to transactions in municipal securities and municipal financial products, and (3) remove impediments to and perfect the mechanism of a free and open market in municipal securities and municipal financial products, by providing greater transparency and certainty regarding the regulatory obligations of underwriters completing Amended Form G–32.

The proposed rule change would promote just and equitable principles of trade by resolving potential regulatory ambiguities and making clear that, when applicable to a primary offering, an underwriter is effectively required to ensure that all applicable fields are complete and accurate, which may require manually completing these three fields on Amended Form G–32. In this way, the proposed rule change's clarifications would broadly benefit any dealer who acts, or may act, as an underwriter of a primary offering of municipal securities.

Similarly, the proposed rule change would also foster cooperation and coordination with persons engaged in regulating and processing information with respect to transactions in municipal securities and municipal financial products. The MSRB believes that the benefits of the proposed rule change will not only accrue to dealer firms, but also to regulated-entity examiners, other regulators, and data vendors by mitigating potential ambiguity and confusion. Just as it would be beneficial to dealer firms to have a uniform clarified understanding of the regulatory obligations associated with Amended Form G–32, the proposed rule change would similarly benefit these other market participants by ensuring that the data submitted for Amended Form G–32 is complete and accurate regardless of whether the dealer directly interfaces with NIIDS or utilizes the interface of a third-party vendor.

Lastly, the MSRB believes that the proposed rule change would remove impediments to and perfect the mechanism of a free and open market in municipal securities and municipal financial products by promoting the successful completion of Amended Form G–32 by underwriters, which will allow the MSRB to more reliably collect information through the Amended Manual Fields on Amended Form G–32. Specifically, and as indicated in the Primary Offering Practices Amendments,[26] the need to clarify that an underwriter must manually complete the Amended Manual Fields will result in more accurate information reported to the MSRB. This collection of accurate information would enhance the MSRB's regulatory transparency initiatives and facilitate the MSRB's own usage of data, which the MSRB believes helps remove impediments to and promote the mechanisms of a free and open market.

B. Self-Regulatory Organization's Statement on Burden on Competition

Section 15B(b)(2)(C) of the Exchange Act requires that MSRB rules not be designed to impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Exchange Act.[27] The MSRB has considered the economic impact associated with the proposed rule change, including a comparison to reasonable alternative regulatory approaches, relative to the baseline.[28] The MSRB does not believe that the proposed rule change would impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Exchange Act.

The proposed rule change would clarify that the three Amended Manual Fields effectively must be manually entered on Amended Form G–32. The Primary Offering Practices Amendments required the 57 Auto-Populated Fields that could be auto-populated from NIIDS on Form G–32 as well as the submission of nine additional data fields not previously in NIIDS on Form G–32, as applicable.[29] The MSRB stated that the proposed change to Rule G–32 and Form G–32 was needed to increase regulatory transparency in the primary offering process and secondary market trading, to ensure MSRB's continued access to important new issue information, to address possible information asymmetry that arises from certain market practices and to improve the overall efficiency of the market. The MSRB continues to believe in the necessity of collecting these data fields at the present.

The proposed rule change is necessary because the Amended Manual Fields are not being disseminated by DTCC's NIIDS service. While at the time of the Primary Offering Practices Amendments, the MSRB believed the fields were part of NIIDS, they were later verified as not being processed by DTCC and therefore are not available for usage at this time. Therefore, the proposed rule change would clarify that an underwriter of a NIIDS-eligible primary offering of municipal securities is obligated to manually complete the Amended Manual Fields on Amended Form G–32, but only when such fields are applicable to the new issue.[30] The MSRB believes that the proposed rule change is necessary to ensure that the MSRB would have reliable access to important primary offering information. Without requiring the manual completion of these fields on Amended Form G–32, the MSRB could not fully achieve the benefits that were intended from the Primary Offering Practices Amendments, including enhanced regulatory transparency and the option to disseminate the information in the future, from being fully realized.

Benefits and Costs

The MSRB evaluates the baseline for the benefits and costs analysis to be the current state with the implementation of the 2019 Primary Offering Practices Amendments.

The information collected from these three fields would immediately enhance regulatory transparency, facilitate the

[26] *See* File No. SR–MSRB–2019–07, at p. 26 and related discussion (''Broadly speaking, the need for the two categories of proposed additional data fields on Form G–32 arises from the fact that the existing information not currently on Form G–32, but proposed to be included, would enhance the MSRB's regulatory transparency initiatives and facilitate the MSRB's own usage of data.'').

[27] 15 U.S.C. 78*o*–4(b)(2)(C).

[28] *See* Policy on the Use of Economic Analysis in MSRB Rulemaking, available at *http://msrb.org/Rules-and-Interpretations/Economic-Analysis-Policy.aspx*. In evaluating whether there was a burden on competition, the Board was guided by its principles that required the Board to consider costs and benefits of a rule change, its impact on capital formation and the main reasonable alternative regulatory approach.

[29] These nine fields consist of: Ability for minimum denomination to change, additional syndicate managers, call schedule, legal entity identifiers for credit enhancers and obligated persons, name of municipal advisor, name of obligated person, the dollar amount of CUSIP advance refunded, restrictions on the issue and retail order period by CUSIP number.

[30] As described in the Primary Offering Practices Amendments, except for the one data field that indicates the original minimum denomination of the offering, an underwriter of a non-NIIDS-eligible offering is exempt from the requirement to manually complete the other 56 data fields on Amended Form G–32 that the underwriter already is required to input into NIIDS. *See, e.g.,* File No, SR–MSRB–2019–07, at p. 8 (''For non-NIIDS-eligible offerings, the underwriter would be required to manually complete the data field that indicates the original minimum denomination of the offering.''). In this way, the underwriter of a non-NIIDS-eligible offering is exempt from the requirement to complete the Amended Manual Fields. Nevertheless, of the nine data fields on Amended Form G–32 that are not already input into NIIDS, it should also be noted that such an underwriter of a non-NIIDS-eligible offering is additionally required to manually complete the data fields on Amended Form G–32 that indicate whether the minimum denomination for the issue has the ability to change and whether the primary offering is being made with restrictions. *See id* (''. . . underwriters in non-NIIDS-eligible offerings would be required to manually complete the data fields that provide a 'yes/no' flag to indicate whether the minimum denomination for the issue has the ability to change and the 'yes/no' flag to indicate if the primary offering is being made with restrictions.'').

MSRB's own usage of data, as well as help promote a more efficient secondary market for municipal securities should the MSRB choose to disseminate some or all of the information in the future. The proposed rule change would clarify underwriters' responsibilities, reduce their confusion, and ensure that the MSRB would have reliable access to vital primary offering information now and in the future without depending on third party data providers and utilities.

In the context of this amendment, the relevant costs for underwriters are those associated with manually providing information on Amended Form G–32 for Amended Manual Fields that cannot be auto-populated from NIIDS, including, among other things, updating their policies, procedures, training, and supervisory systems to ensure the Amended Manual Fields are so completed, as well as the time and expense associated with completing these three fields when, respectively, applicable to a primary offering of municipal securities. The additional cost imposed on certain market participants to input information manually onto Form G–32, when available, should be limited, which may include, for example, additional time for data entry onto MSRB's portal and to review information for accuracy. It is useful to consider each of the below elements individually:

• *BQ Data Field*—The proposed rule change would clarify that the ''yes/no'' flag on Amended Form G–32 would, when applicable, need to be manually completed by an underwriter to indicate whether a bank can deduct a portion of the interest cost of the carry for the position in accordance with the applicable provisions of the code of the Internal Revenue Service. The MSRB believes the costs associated with manual completion on Amended Form G–32 would be negligible.

• *PAC Bond Data Field*—The proposed rule change would clarify that the ''yes/no'' flag on Amended Form G–32 would, when applicable, need to be manually completed by an underwriter to indicate whether the offering is an asset-backed bond payable with a fixed sinking fund schedule. The MSRB believes the costs associated with manual entry on Amended Form G–32 would be negligible.

• *Put Date Field*—The proposed rule change would clarify that data fields relating to whether the offering is puttable on Form G–32 would, when applicable, need to be manually completed by an underwriter to indicate when a put end date is defined at the time of issuance. Therefore, the costs associated with providing this information on Form G–32 primarily take the form of additional time needed to complete Form G–32. The MSRB believes that the time required to manually complete the information on Amended Form G–32 would not be significant.

In addition, the MSRB believes that the costs associated with the proposed rule change are relatively minor, in that the three Amended Manual Fields will be applicable to a relatively small fraction of the overall number of primary offerings in the municipal securities market. This should limit the actual burdens on underwriting firms of completing the Amended Manual Fields on Amended Form G–32. Moreover, given that firms are already updating policies and procedures related to the Primary Offering Practices Amendments, the MSRB believes that the costs of compliance associated with the proposed rule change can be mitigated by incorporating such costs into existing compliance efforts resulting from Amended Form G–32 and its New Data Fields.

Altogether, the MSRB believes that the benefits of the proposed rule change outweigh its costs, as underwriters and other market participants will benefit from the increased transparency and certainty regarding Amended Form G–32 and the MSRB regulatory efforts will benefit from the collection of accurate data from the Amended Manual Fields.[31]

Effect on Competition, Efficiency, and Capital Formation

Since the proposed rule change would apply equally to all primary offerings and associated underwriters, it should not impose a burden on competition, efficiency, or capital formation. Moreover, since the proposed rule change is intended to increase regulatory transparency regarding the obligation of underwriters to manually complete the Amended Manual Fields, it may increase the efficiency of underwriters fulfilling their obligations under Rule G–32, as underwriters would be on notice of the lack of auto-population for these three fields on Amended Form G–32 and, thereby, avoid certain costs associated with resolving a potentially ambiguous regulatory obligation. In this way, the MSRB believes that underwriters are likely to avoid the potential for regulatory misinterpretation and confusion, which promotes a fairer and more efficient municipal securities market. The MSRB believes an efficient market would improve capital formation.

Evaluation of Reasonable Alternatives

The MSRB has considered one alternative to collect this information from a third-party data vendor other than NIIDS, to the extent one exists. However, this would require the MSRB to negotiate with the third-party data vendor to obtain the information. In addition, reliance on third-party vendors could limit the MSRB's flexibility and latitude in its usage of the data, including potentially making the data available to the market in the future, thus hindering the goal of increased regulatory transparency.

Similarly, the MSRB considered filing alternatives to the proposed rule change that either eliminated the Amended Manual Fields from Amended Form G–32 or made the Amended Manual Fields on Amended Form G–32 optional. The MSRB decided the proposed rule change was superior to these alternatives because such alternatives would eliminate the benefit of the MSRB receiving this data. While such proposals would eliminate many of the regulatory burdens associated with the proposed rule change, the MSRB believes that the benefits of the proposed rule change outweigh the costs associated with receiving accurate data from an underwriter on whether a primary offering is bank qualified, composed of PAC Bonds, or puttable by a certain date.[32] Importantly, given that NIIDS cannot be relied upon by the MSRB for accurate information in the identification of such offerings, the MSRB believes that the proposed rule change provides a unique source of reliable data on such offerings and so is highly beneficial.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Board did not solicit nor receive written comments on the proposed rule change's clarification that underwriters are obligated to manually complete the

[31] Consistent with the Primary Offering Practices Amendments, the MSRB believes that the immediate increase in regulatory transparency and enhanced quality control, along with the potential long-term accrued benefits of disseminating the information, in the future, would outweigh the burden imposed on underwriters. *See* File No, SR–MSRB–2019–07, at p. 31.

[32] The MSRB believes that such filing would not eliminate all burdens on firms that act as underwriters, as, for example, underwriting firms would have to amend their policies and procedures in relation to such filings.

three Amended Manual Fields on amended Form G–32.[33]

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period of up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve or disapprove such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

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–MSRB–2020–08 on the subject line.*

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549.

All submissions should refer to File Number SR–MSRB–2020–08. 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 MSRB. 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–MSRB–2020–08 and should be submitted on or before November 18, 2020.

For the Commission, pursuant to delegated authority.[34]

J. Matthew DeLesDernier,

Assistant Secretary.

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BILLING CODE 8011–01–P

[33] As previously noted, the proposed rule change seeks to clarify amendments to Amended Form G–32, resulting from the authorization and approval by the SEC of the MSRB's Primary Offering Practices Amendments. Comments to the Primary Offering Practices Amendments were previously summarized by the MSRB and can be found in the rulemaking transcript associated with File No. SR–MSRB–2019–07. *See* File No. SR–MSRB–2019–07, at p. 32; *see also* comment letter from Margaret R. Blake, Associate General Counsel, MSRB (June 6, 2019) (summarizing and responding to comment letters to the Primary Offering Practices Amendments) (the ''Blake Letter''), available at *https://www.sec.gov/comments/sr-msrb-2019-07/srmsrb201907-5639704-185629.pdf.* As noted in the Blake Letter, ''[c]ommenters did not raise concerns regarding the proposed addition of 57 data fields on Form G–32 that would be auto-populated from NIIDS[,]'' but commenters did express, ''. . . concern regarding the proposed addition of the nine data fields for manual completion in NIIDS-eligible offerings, noting that the addition of these fields would create an additional burden on underwriters and introduce the risk of error in data entry.'' Blake Letter, p. 5. In this way, the MSRB believes comments to the Primary Offering Practices Amendments in support of the inclusion of the three Amended Manual Fields on Amended Form G–32 are not germane to the proposed rule change, because, among other reasons, the proposed rule change raises novel issues.

[34] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–90245; File No. SR–NASDAQ–2020–069]

Self-Regulatory Organizations; The Nasdaq Stock Market LLC; Notice of Filing of Proposed Rule Change, as Modified by Amendment No. 1, To Exclude Special Purpose Acquisition Companies From the Requirement That at Least 50% of a Company's Round Lot Holders Each Hold Unrestricted Securities With a Market Value of at Least $2,500

October 22, 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, The Nasdaq Stock Market LLC (''Nasdaq'' 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. On October 21, 2020, the Exchange filed Amendment No. 1 to the proposed rule change, which amended and replaced the proposed rule change in its entirety. The Commission is publishing this notice to solicit comments on the proposed rule change, as modified by Amendment No. 1, from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to exclude special purpose acquisition companies from the requirement that at least 50% of a company's round lot holders each hold unrestricted securities with a market value of at least $2,500. This Amendment No. 1 replaces and supersedes the original filing in its entirety.

The text of the proposed rule change is available on the Exchange's website at *https://listingcenter.nasdaq.com/rulebook/nasdaq/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

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Nasdaq proposes to exempt Acquisition Companies listed pursuant to IM–5101–2 whose business plan is to complete one or more acquisitions, prior to the completion of any such acquisitions (''SPACs'') from the requirement that 50% of a company's required minimum number of round lot holders need to hold $2,500 worth of securities at the time of initial listing.

Nasdaq's listing requirements include a number of criteria designed to ensure that a listed security has adequate liquidity and is thus suitable for listing and trading on a national securities exchange. These requirements are intended to ensure that there are sufficient shares available for trading to facilitate proper price discovery in the secondary market. Among these is the requirement for a company to have a minimum number of publicly held shares, market value of publicly held shares and round lot holders in order to list a security on the Exchange. These measures help assure that there will be sufficient investor interest and trading to support price discovery during the initial public offering (''IPO'') process and once a security is listed.

On July 5, 2019, the Commission approved Nasdaq's proposed changes to enhance its initial listing standards related to liquidity (''Initial Liquidity Amendments'').[3] Under the revised standards, securities subject to resale restrictions for any reason (''restricted securities'') are excluded from the calculation of publicly held shares, market value of publicly held shares and round lot holders for initial listing purposes.[4] Nasdaq designed the Initial Liquidity Amendments to help ensure adequate distribution, shareholder interest and a liquid trading market for a security. The Initial Liquidity Amendments also imposed a new requirement that at least 50% of a company's minimum required round lot holders must each hold unrestricted securities with a market value of at least $2,500 (the ''Required Minimum Amount'').

Nasdaq imposed the Required Minimum Amount to help ensure that at least 50% of the required minimum number of shareholders hold a meaningful value of unrestricted securities and that a company has sufficient investor interest to support an exchange listing. It also serves to assure that investors purchasing shares in an IPO at the offering price are making a large enough investment that the price established in that offering is reliable. Prior to adopting the Initial Liquidity Amendments, Nasdaq had noticed problems with companies listing where a large number of round lot holders held exactly 100 shares, which would be worth only $400 in the case of a stock that is trading at the minimum bid price of $4 per share, or as little as $200 in the case of a stock listing under alternative price criteria. In adopting the Initial Liquidity Amendments, Nasdaq believed that the Required Minimum Amount is a more appropriate representation of genuine investor interest in the company and would make it more difficult to circumvent the round lot holder requirement through share transfers for no value.

Since implementing the Initial Liquidity Amendments, Nasdaq has determined that the requirement for 50% of a company's required minimum number of round lot holders to hold $2,500 worth of securities is not appropriate for the listing of SPACs. SPACs are Special Purpose Acquisition Companies that raise capital in an initial public offering (''IPO'') to enter into future undetermined business combinations through mergers, capital stock exchanges, asset acquisitions, stock purchases, reorganizations or other similar business combinations with one or more operating businesses or assets. At least 90% of the gross proceeds raised in the IPO and any concurrent sale of equity securities must be deposited into a trust account.[5] Within 36 months or such shorter time period as specified by the SPAC, the SPAC must complete one or more business combinations having an aggregate fair market value of at least 80% of the value of the trust account.[6] Shareholders have the opportunity to redeem their shares for a pro rata portion of the trust at the time of the business combination.[7]

In the offering of an operating company, the underwriters and investors determine a valuation of the company based on its revenues, future cash flow expectations, business activities and peer valuations, among other metrics. Nasdaq believes that imposing the Required Minimum Amount on operating companies helps to ensure that the price arrived at by the underwriters reflects demand from shareholders investing a meaningful amount in the securities. In contrast, in the Exchange's view, the value of a SPAC prior to a business combination is not based solely on investor demand for the security but is based primarily on the value of the cash held in the trust account.[8] Nasdaq therefore believes that the requirement for at least half of a SPAC's required unrestricted round lot holders to hold at least $2,500 of shares is not relevant to help establish the legitimacy of the offering price.

As noted above, prior to adopting the Initial Liquidity Amendments, Nasdaq noticed problems with companies listing with a large number of round lot holders holding exactly 100 shares. Such holders held shares in the company prior to its IPO, and Nasdaq believed that such amount was not a representation of genuine investor interest in the company sufficient to support an exchange listing. In contrast, typically the only investors holding shares in a SPAC prior to an IPO are its founders and all other round lot holders represent new investors in the SPAC's IPO. Nasdaq therefore believes that SPACs do not present a similar risk of circumventing the round lot holder requirement through share transfers for no value, and Nasdaq has not observed this problem with SPACs. Furthermore, SPAC shareholders are afforded the opportunity to redeem or tender their shares for a pro rata portion of the value of the IPO proceeds maintained in a trust account in connection with the SPAC's business combination, which must occur within 36 months of the

[3] *See* Securities Exchange Act Release No. 86314 (July 5, 2019), 84 FR 33102 (July 11, 2019) (approving SR–NASDAQ–2019–009).

[4] Rule 5005(a)(37) defines ''Restricted Securities'' as ''securities that are subject to resale restrictions for any reason, including, but not limited to, securities: (1) Acquired directly or indirectly from the issuer or an affiliate of the issuer in unregistered offerings such as private placements or Regulation D offerings; (2) acquired through an employee stock benefit plan or as compensation for professional services; (3) acquired in reliance on Regulation S, which cannot be resold within the United States; (4) subject to a lockup agreement or a similar contractual restriction; or (5) considered ''restricted securities'' under Rule 144.''

[5] *See* Nasdaq IM–5101–2(a).

[6] *See* Nasdaq IM–5101–2(b).

[7] *See* Nasdaq IM–5101–2(d) and (e).

[8] Nasdaq analyzed the trading history from January 2020 through June 2020 of 57 active, Nasdaq-listed Acquisition Companies listed as of June 30, 2020. Nasdaq observed that shares of all reviewed Acquisition Companies traded, on average, close to the $10.00 redemption value with the median of the average daily range equal to $0.04. This range was the same for those Acquisition companies listed before and after the Initial Liquidity Amendments became operative on August 5, 2019 (25 and 32 companies, respectively).

IPO. As such, the SPAC structure provides an alternative liquidity mechanism that operating companies do not offer. Accordingly, based on the unique structure of SPACs, Nasdaq believes that SPACs should be excluded from the Required Minimum Amount and is proposing to revise Rules 5315(f)(1)(C), 5405(a)(3) and 5505(a)(3) to exclude SPACs from the Required Minimum Amount.[9] As a result of these changes, SPACs must satisfy the Exchange's initial listing requirements at the time of the IPO.[10] However, the requirement that 50% of the SPAC's required minimum number of round lot holders hold the Required Minimum Amount at the time of initial listing will not apply.

SPACs will also continue to remain subject to unique listing rules, which provide shareholders the right to redeem or convert their shares for a pro rata share of the trust in conjunction with the business combination. Following a business combination, in order to remain listed, the combined company must meet Nasdaq's initial listing requirements.[11] Nasdaq believes that although SPACs will be excluded from the Required Minimum Amount at the time of initial listing, requiring SPACs to satisfy Nasdaq's other initial listing standards will continue to help ensure that SPACs have sufficient public float, investor base, and trading interest likely to generate depth and liquidity to support exchange listing and trading, which should help to protect investors and the public interest.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[12] in general, and furthers the objectives of Section 6(b)(5) of the Act,[13] 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, by removing a listing requirement from a security that is not an appropriate measure of liquidity based on the unique structure of the listed company while ensuring adequate distribution, shareholder interest, a liquid trading market and investor protections through other listing standards.

Specifically, as noted above, prior to adopting the Initial Liquidity Amendments, Nasdaq noticed problems with companies listing with a large number of round lot holders holding exactly 100 shares. Such holders held shares in the company prior to its IPO, and Nasdaq believed that such amount was not a representation of genuine investor interest in the company to support an exchange listing. In contrast, typically the only investors holding shares in a SPAC prior to an IPO are its founders and all other round lot holders represent new investors in the SPAC's IPO. SPACs also offer alternative mechanisms to provide liquidity by affording shareholders the opportunity to redeem or tender their shares for a pro rata portion of the value of the IPO proceeds maintained in a trust account in connection with the SPAC's business combination. Nasdaq therefore believes that SPACs do not present a similar risk of circumventing the round lot holder requirement through share transfers for no value and that removing this requirement will not impact the protection of investors.

Further, the Exchange believes that excluding SPACs from the Required Minimum Amount avoids imposing an unnecessary impediment to the mechanism of a free and open market and is not unfairly discriminatory. As noted above, SPACs provide their shareholders with an alternate mechanism for obtaining liquidity, through the ability to redeem or tender their shares, which other companies do not provide. As such, it is not unfairly discriminatory to treat SPACs differently than operating companies. Further, in an initial offering of an operating company, the underwriters and investors determine a valuation of the company based on its revenues, future cash flow expectations, business activities and peer valuations, among other metrics. Nasdaq believes that imposing the Required Minimum Amount on operating companies helps to ensure that the price arrived at by the underwriters reflects demand from shareholders investing a meaningful amount of unrestricted securities. In contrast, the Exchange has observed that SPACs generally have historically traded close to the value in the trust during the period between its public offering and the consummation of a business combination.[14] This suggests that the value of a SPAC's security derives from the value of the underlying trust. Nasdaq therefore believes that the requirement for at least half of a SPAC's required unrestricted round lot holders to hold at least $2,500 of shares is not relevant to help establish the legitimacy of the offering price.

This proposed change will also align Nasdaq's treatment of SPACs with the treatment of warrants under this rule. In this regard, the valuation of a warrant is similar to the valuation of a share of a SPAC in that the warrant's value is derived from the value of the underlying security and the value of a SPAC share is derived from the value of the underlying trust account. SPACs are also similar to warrants in that warrants represent a right to purchase a share in a company in the future, and SPACs represent a right to convert shares of common stock into a pro rata share of the aggregate amount then in the trust account or into a share of the future post-business combination entity.

In adopting the Initial Liquidity Amendments, Nasdaq believed, and the Commission concurred,[15] that it is not unfairly discriminatory to treat warrants differently and that excluding warrants avoids imposing an unnecessary impediment to the mechanism of a free and open market. The Exchange believes that because the valuation of a SPAC's security is similar to the valuation of a warrant, it is not unfairly discriminatory to treat SPACs differently than other company's listing common stock.

The Exchange believes that other listing standards will help it to ensure adequate distribution, shareholder interest and a liquid trading market of a SPAC's security at the time of IPO and following a business combination. In both cases, a SPAC must satisfy Nasdaq's initial listing standards.[16] Nasdaq believes that although SPACs will be excluded from the Required Minimum Amount at the time of initial listing, requiring SPACs to satisfy Nasdaq's other initial listing standards will continue to help ensure that SPACs have sufficient public float, investor base, and trading interest likely to generate depth and liquidity to support exchange listing and trading, which should help to protect investors and the public interest.

SPACs will also continue to remain subject to unique listing rules. Until the

[9] This change will also align Nasdaq's treatment of SPACs with the treatment of warrants under this rule. In this regard, the valuation of a warrant is similar to the valuation of a share of a SPAC in that the warrant's value is derived from the value of the underlying security and the value of a SPAC share is derived from the value of the underlying trust account. *See* Initial Liquidity Amendments at 33112.

[10] Those requirements currently include a minimum number of publicly held shares, minimum market value of publicly held shares, minimum number of round lot holders and minimum bid price.

[11] Those requirements currently require 50% of the post-business combination entity's minimum number of round lot holders to hold the Required Minimum Amount.

[12] 15 U.S.C. 78f(b).

[13] 15 U.S.C. 78f(b)(5).

[14] *See supra* note 8.

[15] *See* Initial Liquidity Amendments at 33112.

[16] *See supra* notes 10 and 11.

SPAC has completed a business combination of at least 80% of the trust account value, the SPAC must, among other things, submit the business combination to a shareholder vote.[17] Any public shareholders who vote against the business combination have a right to convert their shares of common stock into a pro rata share of the aggregate amount then in the trust account, if the business combination is approved and consummated.[18] If a shareholder vote on the business combination is not held, the SPAC must provide all shareholders with the opportunity to redeem all their shares for cash equal to their pro rata share of the aggregate amount then in the trust account.[19] In addition, following a business combination, the post-business combination entity must meet Nasdaq's initial listing requirements in order to remain listed.[20] Nasdaq believes that these additional investor protection standards will continue to provide safeguards to shareholders who invest in SPAC securities.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The Exchange notes that NYSE Rule 802.01B(ii) requires SPACs to have a minimum number of 300 round lot holders (''public stockholders''),[21] however, NYSE does not require such public stockholders to hold a minimum investment amount. NYSE American Rule 119 also does not require public stockholders of a SPAC to hold a minimum investment amount. As a result of the proposed change, round lot holders of SPACs listed on Nasdaq would not be required to hold the Required Minimum Amount, similar to round lot holders of SPACs listed on NYSE and NYSE American. As a result, the proposed rule change will promote competition among exchanges since it will allow Nasdaq to list SPACs that currently could list on NYSE and NYSE American. In addition, the proposed rule change will apply equally to all SPACs listing on Nasdaq and so won't impact competition among SPACs.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the Exchange consents, the Commission shall: (a) By order approve or disapprove such proposed rule change, or (b) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NASDAQ–2020–069 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–NASDAQ–2020–069. 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–NASDAQ–2020–069 and should be submitted on or before November 18, 2020.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[22]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2020–23794 Filed 10–27–20; 8:45 am]

BILLING CODE 8011–01–P

[17] *See* Nasdaq IM–5101–2(d).

[18] *See* Nasdaq IM–5101–2(d).

[19] *See* Nasdaq IM–5101–2(e).

[20] *See supra* note 11.

[21] NYSE Rule 802.01B(ii)(B) states that ''Shares held by directors, officers, or their immediate families and other concentrated holdings of 10% or more are excluded in calculating the number of publicly-held shares.'' Nasdaq Rule 5005(a)(35) defines ''publicly held shares'' as ''shares not held directly or indirectly by an officer, director or any person who is the beneficial owner of more than 10 percent of the total shares outstanding. Determinations of beneficial ownership in calculating publicly held shares shall be made in accordance with Rule 13d–3 under the Act.''

[22] 17 CFR 200.30–3(a)(12).

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[Docket No. FHWA–2020–0022]

Proposed First Renewed Memorandum of Understanding (MOU) Assigning Certain Federal Environmental Responsibilities to the State of Arizona, Including National Environmental Policy Act (NEPA) Authority for Certain Categorical Exclusions (CEs)

AGENCY: Federal Highway Administration (FHWA), Department of Transportation.

ACTION: Notice of proposed MOU, request for comments.

SUMMARY: The FHWA and the State of Arizona, acting by and through its Department of Transportation (State), propose a renewal of the State's participation in the State Assumption of Responsibility for Categorical Exclusions. This program allows FHWA to assign to States its authority and responsibility for determining whether certain designated activities within the geographic boundaries of the State, as specified in the proposed Memorandum of Understanding (MOU), are

categorically excluded from preparation of an environmental assessment or an environmental impact statement under the National Environmental Policy Act. An amended MOU would renew the State's participation in the program. The MOU will be amended by incorporating the following changes: Including language to reference the State's responsibilities under 23 CFR 327; Clarifying that this assignment applies to highway projects; and Removing the stipulation regarding Section 4(f) and legal sufficiency training.

DATES: Comments must be received on or before November 27, 2020.

ADDRESSES: You may submit comments, identified by DOT Document Management System (DMS) Docket Number [FHWA–2020–0022], by any of the methods described below. Electronic or facsimile comments are preferred because Federal offices experience intermittent mail delays from security screening.

Website: http://www.regulations.gov/. Follow the instructions for submitting comments on the DOT electronic docket site.

Facsimile (Fax): 1–202–493–2251.

Mail: Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Ave. SE, Washington, DC 20590.

Hand Delivery: 1200 New Jersey Ave. SE, Washington, DC 20590 between 9 a.m. and 5 p.m. e.t., Monday through Friday, except Federal holidays.

For access to the docket to view a complete copy of the proposed MOU, or to read background documents or comments received, go to *http://www.regulations.gov/* at any time or to 1200 New Jersey Ave. SE, Washington, DC 20590, between 9 a.m. and 5 p.m. e.t., Monday through Friday, except for Federal holidays.

FOR FURTHER INFORMATION CONTACT: *For FHWA:* Ms. Jennifer Elsken, Environmental Program Manager, Federal Highway Administration, 4000 North Central Avenue, Suite 1500, Phoenix, AZ 85012; by email at *jennifer.elsken@dot.gov* or by telephone at 602–382–8974. The FHWA Arizona Division Office normal business hours are 8 a.m. to 4:30 p.m. (Arizona Time), Monday–Friday, except for Federal Holidays.

For State: Mr. Steve Olmsted, NEPA Assignment Manager, Arizona Department of Transportation, 1611 West Jackson, Mail Drop EM02, Phoenix, AZ 85007; by email at *solmsted@azdot.gov* or by telephone at 602–712–6421. The Arizona Department of Transportation normal business hours are 8 a.m. to 4:30 p.m. (Arizona Time), Monday–Friday, except for State and Federal holidays.

SUPPLEMENTARY INFORMATION:

Electronic Access: Internet users may reach the Office of the Federal Register's home page at: *http://www.archives.gov/* and the Government Printing Office's database: *http://www.fdsys.gov/.* An electronic version of the proposed MOU may be downloaded by accessing the DOT DMS docket, as described above, at *http://www.regulations.gov/.*

Background

Section 326 of Title 23 U.S. Code, creates a program that allows the Secretary of the DOT (Secretary), to assign, and a State to assume, responsibility for determining whether certain highway projects are included within classes of action that are categorically excluded (CE) from requirements for environmental assessments or environmental impact statements pursuant to the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.* (NEPA). In addition, this program allows the assignment of other environmental review requirements applicable to these actions. The FHWA is authorized to act on behalf of the Secretary with respect to these matters. Through an amended MOU, FHWA would renew Arizona's participation in this program for the first time. The original MOU became effective on January 3, 2018, for an initial term of three (3) years and the first renewal is set to supersede the original MOU prior to its expiration date on January 3, 2021.

Stipulation I(B) of the MOU describes the types of actions for which the State would assume project-level responsibility for determining whether the criteria for a CE are met. Statewide decisionmaking responsibility would be assigned for all activities within the categories listed in 23 CFR 771.117(c) and those listed as examples in 23 CFR 771.117(d). In addition to the NEPA CE determination responsibilities, the MOU would assign to the State the responsibility for conducting Federal environmental review, consultation, and other related activities for projects that are subject to the MOU with respect to the following Federal laws and Executive Orders:

(1) Clean Air Act (CAA), 42 U.S.C. 7401–7671q. *Including determinations for project-level conformity if required for the project.*

(2) Noise Control Act of 1972, 42 U.S.C. 4901–4918; Compliance with the noise regulations in 23 CFR part 772 (except approval of the State noise requirements in accordance with 23 CFR 772.7).

(3) Section 7 of the Endangered Species Act of 1973, 16 U.S.C. 1531–1544, and 1536.

(4) Fish and Wildlife Coordination Act, 16 U.S.C. 661–667d.

(5) Migratory Bird Treaty Act, 16 U.S.C. 703–712.

(6) Section 106 of the National Historic Preservation Act of 1966, as amended, 54 U.S.C. 306108.

(7) Archeological Resources Protection Act of 1979, 16 U.S.C. 470aa, *et seq.*

(8) Section 4(f) of the Department of Transportation Act of 1966, 23 U.S.C. 138 and 49 U.S.C. 303; 23 CFR part 774.

(9) Title 54, Chapter 3125—Preservation of Historical and Archeological Data, 54 U.S.C. 312501–312508.

(10) Native American Grave Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3001–3013; 18 U.S.C. 1170.

(11) American Indian Religious Freedom Act, 42 U.S.C. 1996.

(12) Farmland Protection Policy Act (FPPA), 7 U.S.C. 4201–4209.

(13) Clean Water Act, 33 U.S.C. 1251–1377.

(14) Safe Drinking Water Act (SDWA), 42 U.S.C. 300f–300j–6.

(15) Rivers and Harbors Act of 1899, 33 U.S.C. 403.

(16) Wild and Scenic Rivers Act, 16 U.S.C. 1271–1287.

(17) Emergency Wetlands Resources Act, 16 U.S.C. 3921, 3931.

(18) Flood Disaster Protection Act, 42 U.S.C. 4001–4128.

(19) FHWA wetland and natural habitat mitigation regulations, 23 CFR part 777.

(20) Section 4(f) of the Department of Transportation Act of 1966, 23 U.S.C. 138 and 49 U.S.C. 303; and 23 CFR part 774.

(21) Land and Water Conservation Fund (LWCF), Public Law 88–578, 78 Stat. 897 (known as Section 6(f)).

(22) Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. 9601–9675.

(23) Superfund Amendments and Reauthorization Act of 1986 (SARA), 42 U.S.C. 9671–9675.

(24) Resource Conservation and Recovery Act (RCRA), 42 U.S.C. 6901–6992k.

(25) Landscaping and Scenic Enhancement (Wildflowers), 23 U.S.C. 319.

(26) E.O. 11990, Protection of Wetlands.

(27) E.O. 11988, Floodplain Management (except approving design standards and determinations that a significant encroachment is the only practicable alternative under 23 CFR 650.113 and 650.115).

(28) E.O. 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations.

(29) E.O. 11593, Protection and Enhancement of Cultural Resources.

(30) E.O. 13007, Indian Sacred Sites.

(31) E.O. 13112, Invasive Species.

(32) Planning and Environmental Linkages, 23 U.S.C. 168, except for those FHWA responsibilities associated with 23 U.S.C. 134 and 135.

(33) Programmatic Mitigation Plans, 23 U.S.C. 169 except for those FHWA responsibilities associated with 23 U.S.C. 134 and 135.

The MOU allows the State to act in the place of the FHWA in carrying out the functions described above, except with respect to government-to-government consultations with federally recognized Indian tribes. The FHWA will retain responsibility for conducting formal government-to-government consultation with federally recognized Indian tribes, which is required under some of the above-listed laws and executive orders. The State also may assist FHWA with formal consultations, with consent of a tribe, but FHWA remains responsible for the consultation. This assignment includes transfer to the State of Arizona the obligation to fulfill the assigned environmental responsibilities on any proposed projects meeting the criteria in Stipulation I(B) of the MOU that were determined to be CEs prior to the effective date of the proposed MOU but that have not been completed as of the effective date of the MOU. The FHWA may terminate the State's participation in this program if FHWA provides the State a notification of noncompliance, and a period of not less than 120 days to take corrective action as FHWA determines necessary, and if the State fails to take satisfactory corrective action as determined by FHWA.

The FHWA will consider the comments submitted on the proposed MOU when making its decision on whether to execute this renewal MOU. The FHWA will make the final, executed MOU publicly available.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Authority: 23 U.S.C. 326; 42 U.S.C. 4331, 4332; 23 CFR 771.117; 40 CFR 1507.3, 1508.4.

Issued on: October 21, 2020.

Karla Petty,

Division Administrator, Phoenix, Arizona.

[FR Doc. 2020–23785 Filed 10–27–20; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2013–0444; FMCSA–2014–0212; FMCSA–2015–0320; FMCSA–2015–0323; FMCSA–2016–0007; FMCSA–2018–0054]

Qualification of Drivers; Exemption Applications; Epilepsy and Seizure Disorders

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

ACTION: Notice of renewal of exemptions; request for comments.

SUMMARY: FMCSA announces its decision to renew exemptions for nine individuals from the requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) that interstate commercial motor vehicle (CMV) drivers have ''no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause loss of consciousness or any loss of ability to control a CMV.'' The exemptions enable these individuals who have had one or more seizures and are taking anti-seizure medication to continue to operate CMVs in interstate commerce.

DATES: The exemptions are applicable on November 15, 2020. The exemptions expire on November 15, 2022. Comments must be received on or before November 27, 2020.

ADDRESSES: You may submit comments identified by the Federal Docket Management System (FDMS) Docket No. FMCSA–2013–0444, Docket No. FMCSA–2014–0212, Docket No. FMCSA–2015–0320, Docket No. FMCSA–2015–0323, Docket No. FMCSA–2016–0007, or Docket No. FMCSA–2018–0054 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Mail:* Dockets Operations; U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal Holidays.
- *Fax:* (202) 493–2251.

To avoid duplication, please use only one of these four methods. See the ''Public Participation'' portion of the **SUPPLEMENTARY INFORMATION** section for instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE, Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., ET, Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Dockets Operations, (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation

A. Submitting Comments

If you submit a comment, please include the docket number for this notice (Docket No. FMCSA–2013–0444, FMCSA–2014–0212, FMCSA–2015–0320, FMCSA–2015–0323, FMCSA–2016–0007, or FMCSA–2018–0054), indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so that FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov,* put the docket number, FMCSA–2013–0444, FMCSA–2014–0212, FMCSA–2015–0320, FMCSA–2015–0323, FMCSA–2016–0007, or FMCSA–2018–0054, in the keyword box, and click ''Search.'' When the new screen appears, click on the ''Comment Now!'' button and type your comment into the text box on the following screen. Choose whether you are submitting your comment as an individual or on behalf of a third party and then submit.

If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope.

FMCSA will consider all comments and material received during the comment period.

B. Viewing Documents and Comments

To view comments, as well as any documents mentioned in this notice as being available in the docket, go to *http://www.regulations.gov.* Insert the docket number, FMCSA–2013–0444, FMCSA–2014–0212, FMCSA–2015–0320, FMCSA–2015–0323, FMCSA–2016–0007, or FMCSA–2018–0054, in the keyword box, and click ''Search.'' Next, click the ''Open Docket Folder'' button and choose the document to review. If you do not have access to the internet, you may view the docket online by visiting Dockets Operations in Room W12–140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366–9317 or (202) 366–9826 before visiting Dockets Operations.

C. Privacy Act

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.transportation.gov/privacy.*

II. Background

Under 49 U.S.C. 31136(e) and 31315(b), FMCSA may grant an exemption from the FMCSRs for no longer than a 5-year period if it finds such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption. The statute also allows the Agency to renew exemptions at the end of the 5-year period. FMCSA grants medical exemptions from the FMCSRs for a 2-year period to align with the maximum duration of a driver's medical certification.

The physical qualification standard for drivers regarding epilepsy found in 49 CFR 391.41(b)(8) states that a person is physically qualified to drive a CMV if that person has no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause the loss of consciousness or any loss of ability to control a CMV.

In addition to the regulations, FMCSA has published advisory criteria [1] to assist medical examiners (MEs) in determining whether drivers with certain medical conditions are qualified to operate a CMV in interstate commerce.

The nine individuals listed in this notice have requested renewal of their exemptions from the epilepsy and seizure disorders prohibition in § 391.41(b)(8), in accordance with FMCSA procedures. Accordingly, FMCSA has evaluated these applications for renewal on their merits and decided to extend each exemption for a renewable 2-year period.

III. Request for Comments

Interested parties or organizations possessing information that would otherwise show that any, or all, of these drivers are not currently achieving the statutory level of safety should immediately notify FMCSA. The Agency will evaluate any adverse evidence submitted and, if safety is being compromised or if continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315(b), FMCSA will take immediate steps to revoke the exemption of a driver.

IV. Basis for Renewing Exemptions

In accordance with 49 U.S.C. 31136(e) and 31315(b), each of the nine applicants has satisfied the renewal conditions for obtaining an exemption from the epilepsy and seizure disorders prohibition. The nine drivers in this notice remain in good standing with the Agency, have maintained their medical monitoring and have not exhibited any medical issues that would compromise their ability to safely operate a CMV during the previous 2-year exemption period. In addition, for Commercial Driver's License (CDL) holders, the Commercial Driver's License Information System and the Motor Carrier Management Information System are searched for crash and violation data. For non-CDL holders, the Agency reviews the driving records from the State Driver's Licensing Agency. These factors provide an adequate basis for predicting each driver's ability to continue to safely operate a CMV in interstate commerce. Therefore, FMCSA concludes that extending the exemption for each renewal applicant for a period of 2 years is likely to achieve a level of safety equal to that existing without the exemption.

As of November 15. 2020, and in accordance with 49 U.S.C. 31136(e) and 31315(b), the following nine individuals have satisfied the renewal conditions for obtaining an exemption from the epilepsy and seizure disorders prohibition in the FMCSRs for interstate CMV drivers:

Kevin Beamon (NY)
Joshua Cirilo (MN)
Peter DellaRocca, Jr. (PA)
Marvin Fender (CO)
Donald Horst (MD)
Chad T. Knott (MD)
Louis Lerch (IA)
Kyle Loney (WA)
Curtis J. Palubicki (MN)

The drivers were included in docket number FMCSA–2013–0444, FMCSA–2014–0212, FMCSA–2015–0320, FMCSA–2015–0323, FMCSA–2016–0007, and FMCSA–2018–0054. Their exemptions are applicable as of November 15, 2020, and will expire on November 15, 2022.

V. Conditions and Requirements

The exemptions are extended subject to the following conditions: (1) Each driver must remain seizure-free and maintain a stable treatment during the 2-year exemption period; (2) each driver must submit annual reports from their treating physicians attesting to the stability of treatment and that the driver has remained seizure-free; (3) each driver must undergo an annual medical examination by a certified ME, as defined by § 390.5; and (4) each driver must provide a copy of the annual medical certification to the employer for retention in the driver's qualification file, or keep a copy of his/her driver's qualification file if he/she is self-employed. The driver must also have a copy of the exemption when driving, for presentation to a duly authorized Federal, State, or local enforcement official. The exemption will be rescinded if: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315(b).

VI. Preemption

During the period the exemption is in effect, no State shall enforce any law or regulation that conflicts with this exemption with respect to a person operating under the exemption.

[1] These criteria may be found in APPENDIX A TO PART 391—MEDICAL ADVISORY CRITERIA, section H. *Epilepsy:* § 391.41(b)(8), paragraphs 3, 4, and 5, which is available on the internet at *https://www.gpo.gov/fdsys/pkg/CFR-2015-title49-vol5/pdf/CFR-2015-title49-vol5-part391-appA.pdf.*

VII. Conclusion

Based on its evaluation of the nine exemption applications, FMCSA renews the exemptions of the aforementioned drivers from the epilepsy and seizure disorders prohibition in § 391.41(b)(8). In accordance with 49 U.S.C. 31136(e) and 31315(b), each exemption will be valid for 2 years unless revoked earlier by FMCSA.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2020–23806 Filed 10–27–20; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2020–0051]

Qualification of Drivers; Exemption Applications; Epilepsy and Seizure Disorders

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

ACTION: Notice of applications for exemption; request for comments.

SUMMARY: FMCSA announces receipt of applications from five individuals for an exemption from the prohibition in the Federal Motor Carrier Safety Regulations (FMCSRs) against persons with a clinical diagnosis of epilepsy or any other condition that is likely to cause a loss of consciousness or any loss of ability to control a commercial motor vehicle (CMV) to drive in interstate commerce. If granted, the exemptions would enable these individuals who have had one or more seizures and are taking anti-seizure medication to operate CMVs in interstate commerce.

DATES: Comments must be received on or before November 27, 2020.

ADDRESSES: You may submit comments identified by the Federal Docket Management System (FDMS) Docket No. FMCSA–2020–0051 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov/docket?D=FMCSA-2020-0051.* Follow the online instructions for submitting comments.
- *Mail:* Dockets Operations; U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal Holidays.
- *Fax:* (202) 493–2251.

To avoid duplication, please use only one of these four methods. See the ''Public Participation'' portion of the **SUPPLEMENTARY INFORMATION** section for instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE, Room W64–224, Washington, DC 20590–0001. Office hours are 8:30 a.m. to 5 p.m., ET, Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Dockets Operations, (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation

A. Submitting Comments

If you submit a comment, please include the docket number for this notice (Docket No. FMCSA–2020–0051), indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so that FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov/docket?D=FMCSA-2020-0051.* Click on the ''Comment Now!'' button and type your comment into the text box on the following screen. Choose whether you are submitting your comment as an individual or on behalf of a third party and then submit.

If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope.

FMCSA will consider all comments and material received during the comment period.

B. Viewing Documents and Comments

To view comments, as well as any documents mentioned in this notice as being available in the docket, go to *http://www.regulations.gov/docket?D=FMCSA-2020-0051* and choose the document to review. If you do not have access to the internet, you may view the docket online by visiting Dockets Operations in Room W12–140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366–9317 or (202) 366–9826 before visiting Dockets Operations.

C. Privacy Act

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.transportation.gov/privacy.*

II. Background

Under 49 U.S.C. 31136(e) and 31315(b), FMCSA may grant an exemption from the FMCSRs for no longer than a 5-year period if it finds such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption. The statute also allows the Agency to renew exemptions at the end of the 5-year period. FMCSA grants medical exemptions from the FMCSRs for a 2-year period to align with the maximum duration of a driver's medical certification.

The five individuals listed in this notice have requested an exemption from the epilepsy and seizure disorders prohibition in 49 CFR 391.41(b)(8). Accordingly, the Agency will evaluate the qualifications of each applicant to determine whether granting the exemption will achieve the required level of safety mandated by statute.

The physical qualification standard for drivers regarding epilepsy found in § 391.41(b)(8) states that a person is physically qualified to drive a CMV if that person has no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause the loss of consciousness or any loss of ability to control a CMV.

In addition to the regulations, FMCSA has published advisory criteria [1] to

[1] These criteria may be found in APPENDIX A TO PART 391—MEDICAL ADVISORY CRITERIA, section H. *Epilepsy:* § 391.41(b)(8), paragraphs 3, 4, and 5, which is available on the internet at *https://*

Continued

assist medical examiners (MEs) in determining whether drivers with certain medical conditions are qualified to operate a CMV in interstate commerce.

The criteria states that if an individual has had a sudden episode of a non-epileptic seizure or loss of consciousness of unknown cause that did not require anti-seizure medication, the decision whether that person's condition is likely to cause the loss of consciousness or loss of ability to control a CMV should be made on an individual basis by the ME in consultation with the treating physician. Before certification is considered, it is suggested that a 6-month waiting period elapse from the time of the episode. Following the waiting period, it is suggested that the individual have a complete neurological examination. If the results of the examination are negative and anti-seizure medication is not required, then the driver may be qualified.

In those individual cases where a driver has had a seizure or an episode of loss of consciousness that resulted from a known medical condition (*e.g.,* drug reaction, high temperature, acute infectious disease, dehydration, or acute metabolic disturbance), certification should be deferred until the driver has recovered fully from that condition, has no existing residual complications, and is not taking anti-seizure medication.

Drivers who have a history of epilepsy/seizures, off anti-seizure medication and seizure-free for 10 years, may be qualified to operate a CMV in interstate commerce. Interstate drivers with a history of a single unprovoked seizure may be qualified to drive a CMV in interstate commerce if seizure-free and off anti-seizure medication for a 5-year period or more.

As a result of MEs misinterpreting advisory criteria as regulation, numerous drivers have been prohibited from operating a CMV in interstate commerce based on the fact that they have had one or more seizures and are taking anti-seizure medication, rather than an individual analysis of their circumstances by a qualified ME based on the physical qualification standards and medical best practices.

On January 15, 2013, FMCSA announced in a Notice of Final Disposition titled, ''Qualification of Drivers; Exemption Applications; Epilepsy and Seizure Disorders,'' (78 FR 3069), its decision to grant requests from 22 individuals for exemptions from the regulatory requirement that interstate CMV drivers have ''no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause loss of consciousness or any loss of ability to control a CMV.'' Since that time, the Agency has published additional notices granting requests from individuals for exemptions from the regulatory requirement regarding epilepsy found in § 391.41(b)(8).

To be considered for an exemption from the epilepsy and seizure disorders prohibition in § 391.41(b)(8), applicants must meet the criteria in the 2007 recommendations of the Agency's Medical Expert Panel (78 FR 3069).

III. Qualifications of Applicants

Scott Baggarley

Mr. Baggarley is a 49-year old CDL holder in Washington. He has a history of epilepsy, and has been seizure free since 2012. He takes anti-seizure medication with the dosage and frequency remaining the same for over 2 years. His physician states that he is supportive of Mr. Baggarley receiving an exemption.

Keith E. Hubbard

Mr. Hubbard is a 37-year old CDL holder in West Virginia. He has a history of seizures, and has been seizure free since May 2012. He takes anti-seizure medication with the dosage and frequency remaining the same since 2013. His physician states that he is supportive of Mr. Hubbard receiving an exemption.

Billy R. Hunter

Mr. Hunter is a 34-year old CDL holder in Kentucky. He has a history of epilepsy, and has been seizure free since 2012. He takes anti-seizure medication with the dosage and frequency remaining the same since 2013. His physician states that he is supportive of Mr. Hunter receiving an exemption.

Devyn R. Roberts

Mr. Roberts is a 25-year old Class D driver license holder in Kentucky. He has a history of seizures, and has been seizure free since 2012. He takes anti-seizure medication with the dosage and frequency remaining the same since 2016. His physician states that he is supportive of Mr. Roberts receiving an exemption.

Saundra Wesselman

Ms. Wesselman is a 66-year old operator license holder in Indiana. She has a history of epilepsy, and has been seizure free since April 2006. She takes anti-seizure medication with the dosage and frequency remaining the same since February 2018. Her physician states that she is supportive of Ms. Wesselman receiving an exemption.

IV. Request for Comments

In accordance with 49 U.S.C. 31136(e) and 31315(b), FMCSA requests public comment from all interested persons on the exemption petitions described in this notice. We will consider all comments received before the close of business on the closing date indicated under the **DATES** section of the notice.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2020–23832 Filed 10–27–20; 8:45 am]

BILLING CODE 4910–EX–P

www.gpo.gov/fdsys/pkg/CFR-2015-title49-vol5/pdf/CFR-2015-title49-vol5-part391-appA.pdf.

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2020–0013]

Qualification of Drivers; Exemption Applications; Vision

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

ACTION: Notice of denials.

SUMMARY: FMCSA announces its decision to deny applications from 36 individuals who requested an exemption from the vision standard in the Federal Motor Carrier Safety Regulations (FMCSRs) to operate a CMV in interstate commerce.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE, Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., ET, Monday through Friday, except Federal holidays. If you have questions regarding viewing materials in the docket, contact Dockets Operations, (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation

A. Viewing Documents and Comments

To view comments, as well as any documents mentioned in this notice as being available in the docket, go to *http://www.regulations.gov/docket?D=FMCSA-2020-0013* and choose the document to review. If you do not have access to the internet, you may view the docket online by visiting Dockets Operations in Room W12–140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9 a.m.

and 5 p.m., ET, Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366–9317 or (202) 366–9826 before visiting Dockets Operations.

B. Privacy Act

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.transportation.gov/privacy.*

II. Background

FMCSA received applications from 36 individuals who requested an exemption from the vision standard in the FMCSRs.

FMCSA has evaluated the eligibility of these applicants and concluded that granting these exemptions would not provide a level of safety that would be equivalent to, or greater than, the level of safety that would be obtained by complying with § 391.41(b)(10).

III. Basis for Exemption Determination

Under 49 U.S.C. 31136(e) and 31315(b), FMCSA may grant an exemption from the FMCSRs for no longer than a 5-year period if it finds such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption. FMCSA grants exemptions from the FMCSRs for a 2-year period to align with the maximum duration of a driver's medical certification.

The Agency's decision regarding these exemption applications is based on medical reports about the applicants' vision, as well as their driving records and experience driving with the vision deficiency.

IV. Conclusion

The Agency has determined that these applicants do not satisfy the eligibility criteria or meet the terms and conditions of the Federal exemption and granting these exemptions would not provide a level of safety that would be equivalent to, or greater than, the level of safety that would be obtained by complying with § 391.41(b)(10). Therefore, the 36 applicants in this notice have been denied exemptions from the physical qualification standards in § 391.41(b)(10).

Each applicant has, prior to this notice, received a letter of final disposition regarding his/her exemption request. Those decision letters fully outlined the basis for the denial and constitute final action by the Agency. This notice summarizes the Agency's recent denials as required under 49 U.S.C. 31315(b)(4) by periodically publishing names and reasons for denial.

The following 19 applicants had no experience operating a CMV:

Stanley F. Ahlfield (IL)
James E. Aldrich (NM)
Wynton D. Blake (OH)
Benjamin Boyles (WV)
Larry W. Brown (AL)
Mitulkumar A. Chaudhari (WY)
Robert Cullen (NJ)
David C. Finn (TN)
Charles G. Hicks (GA)
Luther S. Horne (NC)
Nick Hughes (MD)
Felix C. Lopez (TX)
Shokrukh Mamadaliev (FL)
Steven G. Moore (CA)
Thomas W. Nugent (TX)
Kevin R. Sautter (MD)
Bobby T. Stevens (KY)
James Thompson (ID)
Akeem T. Williams (PA)

The following six applicants did not have 3 years of experience driving a CMV on public highways with their vision deficiencies:

Lesle Barber (GA)
Jorge Delgado (TX)
Owen R. Dossett (AL)
Austin J. Ortiz (MN)
Marcel L. Paul (WA)
Ethan T. Wheeler (KY)

The following two applicants did not have 3 years of recent experience driving a CMV on public highways with their vision deficiencies:

Thomas E. Price (OH) and Joe R. Wells (PA)

The following four applicants did not have sufficient driving experience over the past 3 years under normal highway operating conditions (gaps in driving record):

Philip S. Crews (NC)
Mark Kupke (WY)
Scott M. McDonnell (TX)
Jovan Popovic (IL)

The following two applicants did not have an optometrist or ophthalmologist willing to make a statement that they are able to operate a commercial vehicle from a vision standpoint:

Seth M. Cross (OR) and Gary Wright (TX)

The following three applicants were denied for multiple reasons:

Jarrie L. King (Al); John Mulrooney (FL); and Brandon R. Stacey (MD).

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2020–23805 Filed 10–27–20; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2020–0112]

Parts and Accessories Necessary for Safe Operation; Application for an Exemption From Samsara Networks Inc.

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

ACTION: Notice of final disposition.

SUMMARY: The Federal Motor Carrier Safety Administration (FMCSA) announces its decision to grant the Samsara Networks, Inc. (Samsara) application for a limited 5-year exemption to allow its AI Dash Cam device to be mounted lower in the windshield on commercial motor vehicles (CMV) than is currently permitted. The Agency has determined that lower placement of the AI Dash Cam device would not have an adverse impact on safety and that adherence to the terms and conditions of the exemption would likely achieve a level of safety equivalent to, or greater than, the level of safety provided by the regulation.

DATES: This exemption is effective October 28, 2020 and ending October 28, 2025.

FOR FURTHER INFORMATION CONTACT: Mr. José R. Cestero, Vehicle and Roadside Operations Division, Office of Carrier, Driver, and Vehicle Safety, MC–PSV, (202) 366–5541, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE, Washington, DC 20590–0001.

Docket: For access to the docket to read background documents or comments submitted to notice requesting public comments on the exemption application, go to *www.regulations.gov* at any time or visit Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366–9317 or (202) 366–9826 before visiting Docket Operations. The online Federal document management system is available 24 hours each day, 365 days each year. The docket number is listed at the beginning of this notice.

SUPPLEMENTARY INFORMATION:

Background

FMCSA has authority under 49 U.S.C. 31136(e) and 31315 to grant exemptions

from certain parts of the Federal Motor Carrier Safety Regulations (FMCSRs). FMCSA must publish a notice of each exemption request in the **Federal Register** (49 CFR 381.315(a)). The Agency must provide the public an opportunity to inspect the information relevant to the application, including any safety analyses that have been conducted. The Agency must also provide an opportunity for public comment on the request.

The Agency reviews safety analyses and public comments submitted, and determines whether granting the exemption would likely achieve a level of safety equivalent to, or greater than, the level that would be achieved by the current regulation (49 CFR 381.305). The decision of the Agency must be published in the **Federal Register** (49 CFR 381.315(b)) with the reasons for denying or granting the application and, if granted, the name of the person or class of persons receiving the exemption, and the regulatory provision from which the exemption is granted. The notice must also specify the effective period (up to 5 years) and explain the terms and conditions of the exemption. The exemption may be renewed (49 CFR 381.300(b)).

Samsara's Application for Exemption

Samsara applied for an exemption from 49 CFR 393.60(e)(1) to allow its AI Dash Cam device to be mounted lower in the windshield than is currently permitted by the Agency's regulations to utilize a mounting location that allows optimal functionality of the AI Dash Cam device. A copy of the application is included in the docket referenced at the beginning of this notice.

Section 393.60(e)(1)(i) of the FMCSRs prohibits obstruction of the driver's field of view by devices mounted at the top of the windshield. Antennas and similar devices must not be mounted more than 152 mm (6 inches) below the upper edge of the windshield, and must be outside the driver's sight lines to the road and highway signs and signals. However, § 393.60(e)(1)(i) does not apply to vehicle safety technologies, as defined in § 393.5, that include ''a fleet-related incident management system, performance or behavior management system, speed management system, forward collision warning or mitigation system, active cruise control system, and transponder.'' Section 393.60(e)(1)(ii) requires devices with vehicle safety technologies to be mounted (1) not more than 100 mm (4 inches) below the upper edge of the area swept by the windshield wipers, or (2) not more than 175 mm (7 inches) above the lower edge of the area swept by the windshield wipers, and (3) outside the driver's sight lines to the road and highway signs and signals.

In its application, Samsara states:

> The Samsara AI Dash Cam analyzes the road and driver behavior in real time to detect and alert drivers to road signs, collisions, near-misses, distracted driving events and high-risk driving behavior, improving overall road and driver safety. This product is an integral part of Samsara's comprehensive safety platform for vehicle fleets. The device housing is approximately 4.2 inches wide (108 mm) by 2.4 inches tall (61 mm) and will be mounted in the approximate center of the windshield with the bottom edge of the device housing approximately 8 inches (204 mm) below the upper edge of the area swept by the windshield wipers. The device is mounted outside of the driver's and passenger's normal sight lines to the road ahead, signs, signals, and mirrors. This location will allow for the optimal functionality of the advanced safety systems supported by the device while not obstructing the driver's or passenger's normal sightline views.

Samsara notes that as a result of driver and passenger pilot tests conducted internally and with customers, it has determined that there is no noticeable obstruction of normal sight lines to the road ahead, highway signs, signals or any mirrors from installation of the AI Dash Cam within approximately 8 inches below the upper edge of the area swept by the windshield wipers. Instead, Samsara contends that use of the AI Dash Cam enhances safety because of its ability to analyze road and driver behavior in real time to detect and alert drivers to road signs, collisions, near-misses, distracted driving events and high-risk driving behavior.

The exemption would apply to all CMVs equipped with Samsara AI Dash Cam device mounted on the windshield. Samsara states that ''Without the exemption, Samsara customers may not be able to install their Samsara AI Dash Cams in an optimal location on the windshield to maximize the effectiveness of the safety features of the Samsara technology.'' Samsara believes that mounting the system as described will maintain a level of safety that is equivalent to, or greater than, the level of safety achieved without the exemption.

Comments

FMCSA published a notice of the application in the **Federal Register** on April 13, 2020, and asked for public comment (85 FR 20564).

The Agency received no comments on the exemption application.

FMCSA Decision

FMCSA has evaluated the Samsara exemption application. Samsara's AI Dash Cam device is mounted approximately 8 inches below the top of the area swept by the windshield wipers. The device needs to be mounted in this location to ensure optimal functionality of the advanced safety systems supported by the device. The Agency believes that granting the temporary exemption to allow placement of the AI Dash Cam device lower than currently permitted by Agency regulations will likely provide a level of safety that is equivalent to, or greater than, the level of safety achieved without the exemption because (1) based on the technical information available, there is no indication that the multi-sensor device would obstruct drivers' views of the roadway, highway signs, and surrounding traffic; (2) generally, trucks and buses have an elevated seating position that greatly improves the forward visual field of the driver, and any impairment of available sight lines would be minimal; and (3) the mounting location 8 inches below the upper edge of the windshield and out of the driver's normal sightline will be reasonable and enforceable at roadside. In addition, the Agency believes that the use of the AI Dash Cam device by fleets is likely to improve the overall level of safety to the motoring public.

This action is consistent with previous Agency action permitting the placement of similarly-sized devices on CMVs outside the driver's sight lines to the road and highway signs and signals. FMCSA is not aware of any evidence showing that the installation of other vehicle safety technologies mounted on the interior of the windshield has resulted in any degradation in safety.

Terms and Conditions for the Exemption

The Agency hereby grants the exemption for a 5-year period, beginning October 28, 2020 and ending October 28, 2025. During the temporary exemption period, motor carriers will be allowed to operate CMVs equipped with Samsara's AI Dash Cam device in the approximate center of the top of the windshield and such that the bottom edge of the AI Dash Cam device is approximately 8 inches below the upper edge of the area swept by the windshield wipers, outside of the driver's and passenger's normal sight lines to the road ahead, highway signs and signals, and all mirrors. The exemption will be valid for 5 years unless rescinded earlier by FMCSA. The

exemption will be rescinded if: (1) Motor carriers and/or commercial motor vehicles fail to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315(b).

Interested parties possessing information that would demonstrate that motor carriers operating CMVs equipped with Samsara's multi-sensor device are not achieving the requisite statutory level of safety should immediately notify FMCSA. The Agency will evaluate any such information and, if safety is being compromised or if the continuation of the exemption is not consistent with 49 U.S.C. 31136(e) and 31315(b), will take immediate steps to revoke the exemption.

Preemption

In accordance with 49 U.S.C. 31315(d), as implemented by 49 CFR 381.600, during the period this exemption is in effect, no State shall enforce any law or regulation applicable to interstate commerce that conflicts with or is inconsistent with this exemption with respect to a firm or person operating under the exemption. States may, but are not required to, adopt the same exemption with respect to operations in intrastate commerce.

James W. Deck,

Deputy Administrator.

[FR Doc. 2020–23894 Filed 10–27–20; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

[FTA Docket No. FTA 2020–0010]

Agency Information Collection Activity Under OMB Review

AGENCY: Federal Transit Administration, DOT.

ACTION: Notice of request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, this notice announces that the Information Collection Requirements (ICRs) abstracted below have been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describe the nature of the information collection and their expected burdens.

DATES: Comments must be submitted on or before November 27, 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: Whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology. A comment to OMB is best assured of having its full effect if OMB receives it within 30 days of publication of this notice in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Tia Swain, Office of Administration, Management Planning Division, 1200 New Jersey Avenue SE, Mail Stop TAD–10, Washington, DC 20590 (202) 366–0354 or *tia.swain@dot.gov.*

SUPPLEMENTARY INFORMATION: The Paperwork Reduction Act of 1995 (PRA), Public Law 104–13, Section 2, 109 Stat. 163 (1995) (codified as revised at 44 U.S.C. 3501–3520), and its implementing regulations, 5 CFR part 1320, require Federal agencies to issue two notices seeking public comment on information collection activities before OMB may approve paperwork packages. 44 U.S.C. 3506, 3507; 5 CFR 1320.5, 1320.8(d)(1), 1320.12. On October 18, 2019, FTA published a 60-day notice (84 FR 56012) in the **Federal Register** soliciting comments on the ICR that the agency was seeking OMB approval. FTA received no comments after issuing this 60-day notice. Accordingly, DOT announces that these information collection activities have been re-evaluated and certified under 5 CFR 1320.5(a) and forwarded to OMB for review and approval pursuant to 5 CFR 1320.12(c).

Before OMB decides whether to approve these proposed collections of information, it must provide 30 days for public comment. 44 U.S.C. 3507(b); 5 CFR 1320.12(d). Federal law requires OMB to approve or disapprove paperwork packages between 30 and 60 days after the 30-day notice is published. 44 U.S.C. 3507 (b)–(c); 5 CFR 1320.12(d); *see also* 60 FR 44978, 44983, Aug. 29, 1995. OMB believes that the 30-day notice informs the regulated community to file relevant comments and affords the agency adequate time to digest public comments before it renders a decision. 60 FR 44983, Aug. 29, 1995. Therefore, respondents should submit their respective comments to OMB within 30 days of publication to best ensure having their full effect. 5 CFR 1320.12(c); *see also* 60 FR 44983, Aug. 29, 1995.

The summaries below describe the nature of the information collection requirements (ICRs) and the expected burden. The requirements are being submitted for clearance by OMB as required by the PRA.

Title: Charter Service Operations.

OMB Control Number: 2132–0543.

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

Abstract: FTA recipients may only provide charter bus service with FTA-funded facilities and equipment if the charter service is incidental to the provision of transit service (49 U.S.C. 5323(d)). This restriction protects charter service providers from unauthorized competition by FTA recipients.

The requirements of 49 U.S.C. 5323(d) are implemented in FTA's charter regulation (Charter Service Rule) at 49 CFR part 604. Amended in 2008, the Charter Service Rule now contains five (5) provisions that impose information collection requirements on FTA recipients of financial assistance from FTA under Federal Transit Law.

First, 49 CFR Section 604.4 requires all applicants for Federal financial assistance under Federal Transit Law, unless otherwise exempted under 49 CFR 604.2, to enter into a ''Charter Service Agreement,'' contained in the Certifications and Assurances for FTA Assistance Programs. The Certifications and Assurances become a part of the Grant Agreement or Cooperative Agreement for Federal financial assistance upon receipt of Federal funds. The rule requires each applicant to submit one Charter Service Agreement for each year that the applicant intends to apply for the Federal financial assistance specified above.

Second, 49 CFR 604.14(3) requires a recipient of Federal funds under Federal Transit Law, unless otherwise exempt, to provide email notification to all registered charter providers in the recipient's geographic service area each time the recipient receives a request for charter service that the recipient is interested in providing.

Third, 49 CFR 604.12(c) requires a recipient, unless otherwise exempt under 49 CFR 604.2, to submit on a quarterly basis records of all instances that the recipient provided charter service.

Fourth, 49 CFR 604.13 requires a private charter provider to register on FTA's Charter Registration website at *http://ftawebprod.fta.dot.gov/CharterRegistration/* in order to qualify as a registered charter service provider and receive email notifications by recipients that are interested in providing a requested charter service. The rule requires that a registered charter service provider must update its information on the Charter Registration website at least once every two years. Currently, there are a total of 287 registered private charter service providers. Registration has consistently decreased over the years.

Lastly, 49 CFR 604.7 permits recipients to provide charter service to Qualified Human Service Organizations (QHSO) under limited circumstances. QHSOs that do not receive Federal funding under programs listed in Appendix A to Part 604 and seek to receive free or reduced rate services from recipients must register on FTA's Charter Registration website (49 CFR 604.15(a)).

Respondents: State and local government, business or other for-profit institutions, and non-profit institutions.

Estimated Annual Respondents: 2,180 respondents.

Estimated Annual Burden on Respondents: 403.3 hours (0.05 hours for each of the 1,676 Recipient respondents under 49 CFR 604.4. 1.25 hours for each of the 90 Recipient respondents under 49 CFR 604.12, 0.50 hours for each of the 90 Recipient respondents under 49 CFR 604.14. 0.50 hours for each of the 37 non-profit respondents, and 0.50 hours for each of the estimated 287 for-profit respondents.

Frequency: Annually, bi-annually, quarterly, and as required.

Nadine Pembleton,

Director Office of Management Planning.

[FR Doc. 2020–23782 Filed 10–27–20; 8:45 am]

BILLING CODE 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 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.

FOR FURTHER INFORMATION CONTACT: OFAC: Associate Director for Global Targeting, tel.: 202–622–2420; Assistant Director for Sanctions Compliance & Evaluation, tel.: 202–622–2490; Assistant Director for Licensing, tel.: 202–622–2480; or Assistant Director for Regulatory Affairs, tel.: 202–622–4855.

SUPPLEMENTARY INFORMATION:

Electronic Availability

The Specially Designated Nationals and Blocked Persons List and additional information concerning OFAC sanctions programs are available on OFAC's website (*https://www.treasury.gov/ofac*).

Notice of OFAC Actions

On October 22, 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.

Entities

1. BAYAN RASANEH GOSTAR INSTITUTE (a.k.a. BAYAN GOSTAR MEDIA INSTITUTE; a.k.a. BAYAN RASANE GOSTAR INSTITUTE), Iran; Additional Sanctions Information—Subject to Secondary Sanctions [ELECTION–E.O. 13848] (Linked To: ISLAMIC REVOLUTIONARY GUARD CORPS (IRGC)-QODS FORCE).

Designated pursuant to section 2(a)(i) of Executive Order 13848 of September 12, 2018, ''Imposing Certain Sanctions in the Event of Foreign Interference in a United States Election,'' 83 FR 46843, 3 CFR, 2018 Comp., p. 869, (E.O. 13848) for having directly or indirectly engaged in, sponsored, concealed, or otherwise been complicit in foreign interference in a United States election.

2. INTERNATIONAL UNION OF VIRTUAL MEDIA (a.k.a. IUVM), Iran; Additional Sanctions Information—Subject to Secondary Sanctions [ELECTION–E.O. 13848] (Linked To: ISLAMIC REVOLUTIONARY GUARD CORPS (IRGC)-QODS FORCE).

Designated pursuant to section 2(a)(iii) of E.O. 13848 for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, the ISLAMIC REVOLUTIONARY GUARD CORPS (IRGC)-QODS FORCE, an entity whose property or interests in property are blocked pursuant to E.O. 13848.

3. ISLAMIC RADIO AND TELEVISION UNION (a.k.a. IRTVU), Iran; Beirut, Lebanon; Kabul, Afghanistan; Additional Sanctions Information—Subject to Secondary Sanctions [ELECTION–E.O. 13848] (Linked To: ISLAMIC REVOLUTIONARY GUARD CORPS (IRGC)-QODS FORCE).

Designated pursuant to section 2(a)(iii) of E.O. 13848 for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, the ISLAMIC REVOLUTIONARY GUARD CORPS (IRGC)-QODS FORCE, an entity whose property or interests in property are blocked pursuant to E.O. 13848.

4. ISLAMIC REVOLUTIONARY GUARD CORPS (a.k.a. AGIR; a.k.a. ARMY OF THE GUARDIANS OF THE ISLAMIC REVOLUTION; a.k.a. IRAN'S REVOLUTIONARY GUARD CORPS; a.k.a. IRAN'S REVOLUTIONARY GUARDS; a.k.a. IRG; a.k.a. IRGC; a.k.a. ISLAMIC REVOLUTION GUARDS CORPS; a.k.a. ISLAMIC REVOLUTIONARY CORPS; a.k.a. ISLAMIC REVOLUTIONARY GUARDS; a.k.a. ISLAMIC REVOLUTIONARY GUARDS CORPS; a.k.a. PASDARAN; a.k.a. PASDARAN–E INQILAB; a.k.a. PASDARN–E ENGHELAB–E ISLAMI; a.k.a. REVOLUTIONARY GUARD; a.k.a. REVOLUTIONARY GUARDS; a.k.a. SEPAH; a.k.a. SEPAH PASDARAN; a.k.a. SEPAH–E PASDARAN ENGHELAB ISLAMI; a.k.a. SEPAH–E PASDARAN–E ENGHELAB–E ESLAMI; a.k.a. SEPAH–E PASDARAN–E ENQELAB–E ESLAMI; a.k.a. THE ARMY OF THE GUARDIANS OF THE ISLAMIC REVOLUTION; a.k.a. THE IRANIAN REVOLUTIONARY GUARDS), Tehran, Iran; Syria; Additional Sanctions Information—Subject to Secondary Sanctions [FTO] [SDGT] [NPWMD] [IRGC] [IFSR] [IRAN–HR] [HRIT–IR] [ELECTION–E.O. 13848].

Designated pursuant to section 2(a)(i) of E.O. 13848 having directly or indirectly engaged in, sponsored, concealed, or otherwise been complicit in foreign interference in a United States election.

5. ISLAMIC REVOLUTIONARY GUARD CORPS (IRGC)-QODS FORCE (a.k.a. AL QODS; a.k.a. IRGC–QF; a.k.a. IRGC–QUDS FORCE; a.k.a. ISLAMIC REVOLUTIONARY GUARD CORPS–QODS FORCE; a.k.a. JERUSALEM FORCE; a.k.a. PASDARAN–E ENGHELAB–E ISLAMI (PASDARAN); a.k.a. QODS (JERUSALEM) FORCE OF THE IRGC; a.k.a. QODS FORCE; a.k.a. QUDS FORCE; a.k.a. SEPAH–E QODS; a.k.a. SEPAH–E QODS (JERUSALEM FORCE)), Tehran, Iran; Syria; Additional Sanctions Information—Subject to Secondary Sanctions [FTO] [SDGT] [SYRIA] [IRGC] [IFSR] [IRAN–HR] [ELECTION–E.O. 13848].

Designated pursuant to section 2(a)(i) of E.O. 13848 having directly or indirectly engaged in, sponsored, concealed, or otherwise been complicit in foreign interference in a United States election.

Dated: October 22, 2020.

Andrea Gacki,

Director, Office of Foreign Assets Control, U.S. Department of the Treasury.

[FR Doc. 2020–23807 Filed 10–27–20; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Internal Revenue Service, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on continuing information collections, as required by the Paperwork Reduction Act of 1995. The IRS is soliciting comments concerning interim final rules for group health plans and health insurance coverage relating to status as a grandfathered health plan under the patient protection and affordable care act.

DATES: Written comments should be received on or before December 28, 2020 to be assured of consideration.

ADDRESSES: Direct all written comments to Kinna Brewington, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form should be directed to Kerry Dennis, at (202) 317–5751 or Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or through the internet, at *Kerry.Dennis@irs.gov.*

SUPPLEMENTARY INFORMATION: *Title:* Interim Final Rules for Group Health Plans and Health Insurance Coverage Relating to Status as a Grandfathered Health Plan under the Patient Protection and Affordable Care Act.

OMB Number: 1545–2178.

Regulation Number: REG–118412–10.

Abstract: This document contains interim final regulations implementing the rules for group health plans and health insurance coverage in the group and individual markets under provisions of the Patient Protection and Affordable Care Act regarding status as a grandfathered health plan.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 133,200.

Estimated Number of Responses: 66,600.

Estimated Time per Response: 18 minutes.

Estimated Total Annual Burden Hours: 2,200.

The following paragraph applies to all the collections of information covered by this notice.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained if their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: October 22, 2020.

Chakinna B. Clemons,

Supervisory Tax Analyst.

[FR Doc. 2020–23787 Filed 10–27–20; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Multiple Alcohol and Tobacco Tax and Trade Bureau Information Collection Requests

AGENCY: Departmental Offices, U.S. Department of the Treasury.

ACTION: Notice.

SUMMARY: The Department of the Treasury will submit the following information collection requests to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. The public is invited to submit comments on these requests.

DATES: Comments should be received on or before November 27, 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.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Copies of the submissions may be obtained from Molly Stasko by emailing *PRA@treasury.gov,* calling (202) 622–8922, or viewing the entire information collection request at *www.reginfo.gov.*

SUPPLEMENTARY INFORMATION:

Alcohol and Tobacco Tax and Trade Bureau (TTB)

1. Title: Brewer's Notices; and Letterhead Applications and Notices Filed by Brewers.

OMB Control Number: 1513–0005.

Type of Review: Revision of a currently approved collection.

Description: The Internal Revenue Code (IRC) at 26 U.S.C. 5401 requires brewers to file a notice of intent to operate a brewery, containing such information as prescribed by regulation. Under this authority, TTB requires brewery applicants to submit TTB F 5130.10, Brewer's Notice, which collects information similar to that provided on a permit application. Under the TTB regulations, the brewer maintains the approved Brewer's Notice and all associated documents at the brewery premises available for inspection. Under the TTB regulations promulgated pursuant to the IRC, brewers submit letterhead applications or notices for authorization to conduct certain activities, such as to use a brewery for purposes other than those authorized (see 26 U.S.C. 5411) or to operate a pilot brewery (see 26 U.S.C. 5417). Letterhead applications and notices are necessary to identify brewery activities so that TTB may ensure that proposed operations will not jeopardize the revenue and will comply with the IRC and the TTB regulations.

Form: TTB F 5130.10.

Recordkeeping Number: TTB REC 5130/2.

Affected Public: Business or other for-profits.

Estimated Number of Respondents: 10,340.

Frequency of Response: On occasion.

Estimated Total Number of Annual Responses: 30,340.

Estimated Time per Response: 30 minutes to 3 hours.

Estimated Total Annual Burden Hours: 21,690.

2. Title: Signing Authority for Corporate and LLC Officials.

OMB Control Number: 1513–0036.

Type of Review: Extension without change of a currently approved collection.

Description: Under the IRC at 26 U.S.C. 6061, any return, statement, or other document required to be made under the internal revenue laws or regulations ''shall be signed in accordance with forms or regulations'' prescribed by the Secretary of the Treasury. Corporations and limited liability companies (LLCs) use TTB F 5100.1 or its electronic equivalent to identify specific corporate or LLC officials or employees, by name or by position title, authorized by the entity's articles of incorporation, bylaws, or governing officials to act on behalf of, or sign documents for, the entity in TTB matters. This information collection is necessary to ensure that only duly authorized individuals sign documents submitted to TTB on behalf of corporations or LLCs.

Form: TTB F 5100.1.

Affected Public: Businesses or other for-profits.

Estimated Number of Respondents: 5,300.

Frequency of Response: Once.

Estimated Total Number of Annual Responses: 5,300.

Estimated Time per Response: 11 minutes (online) and 15 minutes (paper).

Estimated Total Annual Burden Hours: 1,052 hours.

3. Title: Application for an Alcohol Fuel Producer Permit Under 26 U.S.C. 5181.

OMB Control Number: 1513–0051.

Type of Review: Extension without change of a currently approved collection.

Description: Under the authority of the IRC at 26 U.S.C. 5181(a)(1), persons wishing to establish a distilled spirits plant for the sole purpose of producing and receiving distilled spirits for fuel use must provide an application and bond as the Secretary may prescribe by regulation. Under this authority, TTB has issued regulations concerning the establishment of such alcohol fuel plants (AFPs). These regulations require, among other things, that a person wishing to establish an AFP submit an application for an alcohol fuel producer permit using form TTB F 5110.74. This application form and its required supporting documents describe, among other things, the person(s) applying for the permit, the proposed AFP's location, its stills and the type(s) of materials to be distilled, the size category of the operation (small, medium, or large) based on the annual amount of alcohol fuel to be produced, and the security measures to be taken to protect the spirits from diversion and theft. The application also must include a diagram of the plant premises. In addition, existing alcohol fuel producer permit holders use TTB F 5110.74 to make certain amendments to their permit information. The information required on the alcohol fuel producer permit application is necessary to protect the revenue since, when first produced, distilled spirits made at AFPs are potable and are thus subject could to the Federal distilled spirits excise tax imposed by the IRC at 26 U.S.C. 5001. Only when denatured for fuel use as required by 26 U.S.C. 5181(e) may spirits be withdrawn from the AFP free of tax, as authorized by 26 U.S.C. 5214(a)(12).

Form: TTB F 5110.74.

Affected Public: Business or other for-profits; Individuals or Households.

Estimated Number of Respondents: 240.

Frequency of Response: Once.

Estimated Total Number of Annual Responses: 240.

Estimated Time per Response: 1.5 hours.

Estimated Total Annual Burden Hours: 355 hours.

Authority: 44 U.S.C. 3501 *et seq.*

Dated: October 22, 2020.

Molly Stasko,

Treasury PRA Clearance Officer.

[FR Doc. 2020–23790 Filed 10–27–20; 8:45 am]

BILLING CODE 4810–31–P

DEPARTMENT OF THE TREASURY

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Multiple Fiscal Services Information Collection Requests

AGENCY: Departmental Offices, U.S. Department of the Treasury.

ACTION: Notice.

SUMMARY: The Department of the Treasury will submit the following information collection requests to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. The public is invited to submit comments on these requests.

DATES: Comments should be received on or before November 27, 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.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Copies of the submissions may be obtained from Molly Stasko by emailing *PRA@treasury.gov,* calling (202) 622–8922, or viewing the entire information collection request at *www.reginfo.gov.*

SUPPLEMENTARY INFORMATION:

Fiscal Services (FS)

1. Title: Legacy Treasury Direct Forms.

OMB Control Number: 1530–0042.

Type of Review: Extension without change of a currently approved collection.

Description: The information is requested to issue and maintain Treasury Bills, Notes, and Bonds.

Form: FS Form 5178, FS Form 5179. FS Form 5188, FS Form 5191, FS Form 5235, FS Form 5236.

Affected Public: Individuals or Households.

Estimated Number of Respondents: 5,100.

Frequency of Response: On Occasion.

Estimated Total Number of Annual Responses: 5,100.

Estimated Time per Response: 13 minutes.

Estimated Total Annual Burden Hours: 1,105 hours.

2. Title: Resolution For Transactions Involving Treasury Securities.

OMB Control Number: 1530–0049.

Type of Review: Extension without change of a currently approved collection.

Description: The information is collected to establish an official's authority (by name and title) when conducting transactions involving Treasury Securities on behalf of an organization.

Form: FS Form 1010.

Affected Public: Businesses or other for-profit institutions.

Estimated Number of Respondents: 2,580.

Frequency of Response: On occasion.

Estimated Total Number of Annual Responses: 2,580.

Estimated Time per Response: 10 minutes.

Estimated Total Annual Burden Hours: 430 hours.

3. Title: Direct Deposit Sign-Up Form.

OMB Control Number: 1530–0050.

Type of Review: Extension without change of a currently approved collection.

Description: The information is collected to process requests for direct deposit of a Series HH or Series H bond interest payments or saving bond redemption payment to a financial institution.

Form: FS Form 5396.

Affected Public: Individuals or Households.

Estimated Number of Respondents: 24,000.

Frequency of Response: On occasion.

Estimated Total Number of Annual Responses: 24,000.

Estimated Time per Response: 10 minutes.

Estimated Total Annual Burden Hours: 4,000 hours.

(Authority: 44 U.S.C. 3501 *et seq.*)

Dated: October 22, 2020.

Molly Stasko,

Treasury PRA Clearance Officer.

[FR Doc. 2020–23791 Filed 10–27–20; 8:45 am]

BILLING CODE 4810–AS–P

DEPARTMENT OF THE TREASURY

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Multiple Internal Revenue Service Information Collection Requests

AGENCY: Departmental Offices, U.S. Department of the Treasury.

ACTION: Notice.

SUMMARY: The Department of the Treasury will submit the following information collection requests to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. The public is invited to submit comments on these requests.

DATES: Comments should be received on or before November 27, 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.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Copies of the submissions may be obtained from Molly Stasko by emailing *PRA@treasury.gov,* calling (202) 622–8922, or viewing the entire information collection request at *www.reginfo.gov.*

SUPPLEMENTARY INFORMATION:

Internal Revenue Service (IRS)

1. Title: United States Estate (and Generation-Skipping Transfer) Tax Return.

OMB Control Number: 1545–0015.

Type of Review: Revision of a currently approved collection.

Description: Form 706 is used by executors to report and compute the Federal estate tax imposed by Internal Revenue Code section 2001 and the Federal generation-skipping transfer (GST) tax imposed by Code section 2601. The IRS uses the information on the form to enforce the estate and GST tax provisions of the Code and to verify that the taxes have been properly computed. Schedule R–1 (Form 706) serves as a payment voucher for the Generation-Skipping Transfer (GST) tax imposed on a direct skip from a trust, which the trustee of the trust, must pay.

Form: IRS Form 706 and Schedule R–1.

Affected Public: Individuals or Households; and Businesses or other for-profit organizations.

Estimated Number of Respondents: 30,729.

Frequency of Response: Annually.

Estimated Total Number of Annual Responses: 30,729.

Estimated Time per Response: 36 hours, 30 minutes.

Estimated Total Annual Burden Hours: 1,121,903 hours.

2. Title: Employer's Annual Tax Return for Agricultural Employees.

OMB Control Number: 1545–0035.

Type of Review: Revision of a currently approved collection.

Description: Agricultural employers must prepare and file Form 943 and Form 943–PR (Puerto Rico only) to report and pay FICA taxes and income tax voluntarily withheld (Form 943 only). Agricultural employees may attach Forms 943–A and 943A–PR to Forms 943 and 943–PR to show their tax liabilities for semiweekly periods. The information is used to verify that the correct tax has been paid. Form 943 (Schedule R) allows (1) an agent appointed by an employer or payer or (2) a customer who enters into a contract that meets the requirements under 7705(e)(2) or (3) a client who enters into a service agreement described under Regulations section 31.3504–2(b)(2) with a Certified Professional Employer Organization, to allocate information reported on Form 943 to each client.

Form: IRS Form 943, IRS Form 943–PR, IRS Form 943–A, IRS Form 943A–PR, IRS Form 943 X, IRS Form 943X–PR, and IRS Form 943-Schedule R.

Affected Public: Businesses or other for-profit organizations.

Estimated Number of Respondents: 965,698.

Frequency of Response: Annually.

Estimated Total Number of Annual Responses: 965,698.

Estimated Time per Response: 12 hours, 53 minutes.

Estimated Total Annual Burden Hours: 12,440,285 hours.

3. Title: Foreign Tax Credit (Individual, Estate, or Trust).

OMB Control Number: 1545–0121.

Type of Review: Extension of a currently approved collection.

Description: Form 1116 is used by individuals (including nonresident aliens), estates, or trusts who paid foreign income taxes on U.S. taxable income, to compute the foreign tax credit. This information is used by the IRS to determine if the foreign tax credit is properly computed.

Form: IRS Form 1116.

Affected Public: Individuals or Households.

Estimated Number of Respondents: 4,143,255.

Frequency of Response: Annually.

Estimated Total Number of Annual Responses: 4,143,255.

Estimated Time per Response: 6.05 hours.

Estimated Total Annual Burden Hours: 25,066,693 hours.

4. Title: Representation of taxpayers before the Internal Revenue Service.

OMB Control Number: 1545–0150.

Type of Review: Extension of a currently approved collection.

Description: Form 2848 or Form 2848(SP) is issued to authorize someone to act for the taxpayer in tax matters. It grants all powers that the taxpayer has except signing a return and cashing refund checks. The information on the form is used to identify representatives and to ensure that confidential information is not divulged to unauthorized persons.

Form: IRS Form 2848 and IRS Form 2848–SP.

Affected Public: Individuals or Households; Not-for-profit institutions, Businesses or other for-profit institutions.

Estimated Number of Respondents: 458,333 (2848), 80,000 (2848–SP).

Frequency of Response: On occasion.

Estimated Total Number of Annual Responses: 458,333 (2848), 80,000 (2848–SP).

Estimated Time per Response: 1.99 hours (2848), 2.26 hours (2848–SP).

Estimated Total Annual Burden Hours: 1,092,883 hours.

5. Title: Employee Plans Determination Letter Program.

OMB Control Number: 1545–0197.

Type of Review: Extension of a currently approved collection.

Description: Internal Revenue Code sections 401(a) and 501(a) set out requirements for qualification of employee benefit trusts and the tax-exempt status of these trusts. Form 5300 is used to request a determination letter from the IRS for the qualification of a defined benefit or a defined contribution plan and the exempt status of any related trust.

Form: IRS Form 5300.

Affected Public: Individuals or Households; Businesses or other for-profit institutions.

Estimated Number of Respondents: 85,000.

Frequency of Response: On Occasion.

Estimated Total Number of Annual Responses: 85,000.

Estimated Time per Response: 84 hours, 43 minutes.

Estimated Total Annual Burden Hours: 7,201,200 hours.

6. Title: Application for Determination for Adopters of Modified Volume Submitter Plans.

OMB Control Number: 1545–0200.

Type of Review: Extension of a currently approved collection.

Description: This form is filed by employers or plan administrators who have adopted a prototype plan approved by the IRS National Office or a regional prototype plan approved by the IRS District Director to obtain a ruling that the plan adopted is qualified under IRC sections 401(a) and 501(a). It may not be used to request a letter for a multiple employer plan.

Form: IRS Form 5307.

Affected Public: Businesses or other for-profit institutions.

Estimated Number of Respondents: 100,000.

Frequency of Response: On Occasion.

Estimated Total Number of Annual Responses: 100,000.

Estimated Time per Response: 15 hours, 23 minutes.

Estimated Total Annual Burden Hours: 5,139,000 hours.

7. Title: Statements to recipients of dividend payments.

OMB Control Number: 1545–0747.

Type of Review: Extension of a currently approved collection.

Description: Form 5498 is used by trustees and issuers to report contributions to, and the fair market value of, an individual retirement arrangement (IRA). The information on the form will be used by IRS to verify compliance with the reporting rules under regulation section 1.408–5 and to verify that the participant in the IRA has made the contribution that supports the deduction taken.

Form: IRS Form 5498.

Affected Public: Businesses or other for-profit institutions.

Estimated Number of Respondents: 118,858,000.

Frequency of Response: Annually.

Estimated Total Number of Annual Responses: 118,858,000.

Estimated Time per Response: 24 minutes.

Estimated Total Annual Burden Hours: 48,731,780 hours.

8. Title: Estimated Income Tax for Estates and Trusts.

OMB Control Number: 1545–0971.

Type of Review: Extension of a currently approved collection.

Description: Internal Revenue Code section 6654(1) imposes a penalty on trusts, and in certain circumstances, a decedent's estate, for underpayment of estimated tax. Form 1041–ES is used by the fiduciary to make the estimated tax payments. The form provides the IRS with information to give estates and trusts proper credit for estimated tax payments. For first-time filers, the form is available in an Over The Counter (OTC) version at IRS offices. For previous filers, the form is sent to them by the IRS with preprinted vouchers in the Optical Character Resolution (OCR) version.

Form: IRS Form 1041–ES.

Affected Public: Individuals or Households; Businesses or other for-profit institutions.

Estimated Number of Respondents: 582,024.

Frequency of Response: Annually.

Estimated Total Number of Annual Responses: 582,024.

Estimated Time per Response: 3 hours, 18 minutes.

Estimated Total Annual Burden Hours: 1,914,859 hours.

9. Title: Reporting Agent Authorization.

OMB Control Number: 1545–1058.

Type of Review: Extension of a currently approved collection.

Description: Form 8655 allows a taxpayer to designate a reporting agent to file certain employment tax returns electronically or on magnetic tape, to receive copies of notices and other tax information, and to submit Federal tax deposits. This form allows IRS to disclose tax account information and to provide duplicate copies of taxpayer correspondence to authorized agents. Revenue Procedure 2012–32 provides the requirements for completing and submitting Form 8655, *Reporting Agent Authorization.* An Authorization allows a taxpayer to designate a Reporting Agent to perform certain acts on behalf of a taxpayer.

Form: IRS Form 8655 and Revenue Procedure 2012–32.

Affected Public: Businesses or other for-profit institutions.

Estimated Number of Respondents: 114,250.

Frequency of Response: On Occasion.

Estimated Total Number of Annual Responses: 114,250.

Estimated Time per Response: 7 hours, 10 minutes.

Estimated Total Annual Burden Hours: 819,050 hours.

10. Title: Consent To Extend the Time To Assess Tax Under Section 367—Gain Recognition Agreement.

OMB Control Number: 1545–1395.

Type of Review: Extension of a currently approved collection.

Description: Form 8838 is used to extend the statute of limitations for U.S. persons who transfer stock or securities to a foreign corporation. The form is filed when the transferor makes a gain recognition agreement. This agreement allows the transferor to defer the payment of tax on the transfer. The IRS uses Form 8838 so that it may assess tax against the transferor after the expiration of the original statute of limitations.

Form: IRS Form 8838.

Affected Public: Individuals or Households; Businesses or other for-profit institutions.

Estimated Number of Respondents: 666.

Frequency of Response: Annually.

Estimated Total Number of Annual Responses: 666.

Estimated Time per Response: 8 hours, 14 minutes.

Estimated Total Annual Burden Hours: 5,482 hours.

11. Title: Guidance on Cost Recovery Under the Income Forecast Method.

OMB Control Number: 1545–1622.

Type of Review: Extension of a currently approved collection.

Description: Taxpayers depreciating property under the income forecast method and placed in service after September 13, 1995, must use Form 8866 to compute and report interest due or to be refunded under Internal Revenue Code 167(g)(2). The Internal Revenue Service uses the information on Form 8866 to determine if the interest has been figured correctly.

Form: IRS Form 8866.

Affected Public: Individuals or Households; Businesses or other for-profit institutions.

Estimated Number of Respondents: 3,300.

Frequency of Response: Annually.

Estimated Total Number of Annual Responses: 3,300.

Estimated Time per Response: 13 hours, 51 minutes.

Estimated Total Annual Burden Hours: 45,738 hours.

12. Title: Communications Excise Tax; Prepaid Telephone Cards.

OMB Control Number: 1545–1628.

Type of Review: Extension of a currently approved collection.

Description: Carriers must keep certain information documenting their sales of prepaid telephone cards to other carriers to avoid responsibility for collecting tax. The regulations provide rules for the application of the communications excise tax to prepaid telephone cards.

Regulation Project Number: TD 8855.

Affected Public: Businesses or other for-profit institutions.

Estimated Number of Respondents: 96.

Frequency of Response: On Occasion.

Estimated Total Number of Annual Responses: 96.

Estimated Time per Response: 21 minutes.

Estimated Total Annual Burden Hours: 34 hours.

13. Title: Disclosure of Returns and Return Information in Connection With Written Contracts or Agreements for the Acquisition of Property or Services for Tax Administration Purposes.

OMB Control Number: 1545–1821.

Type of Review: Extension of a currently approved collection.

Description: The regulations clarify that redisclosures of returns and return information by contractors to agents or subcontractors are permissible, and that the penalty provisions, written notification requirements, and safeguard requirements are applicable to these agents and subcontractors. Section 301.6103(n)–1(e)(3) of the regulations require that before the execution of a contract or agreement for the acquisition of property or services under which returns or return information will be disclosed, the contract or agreement must be made available to the IRS.

Regulation Project Number: TD 9327.

Affected Public: Individuals or Households; Businesses or other for-profit institutions; and Not-for-profit institutions.

Estimated Number of Respondents: 2,500.

Frequency of Response: Annually.

Estimated Total Number of Annual Responses: 2,500.

Estimated Time per Response: 6 minutes.

Estimated Total Annual Burden Hours: 250 hours.

14. Title: Relief from Ruling Process for Making Late Reverse QTIP Election.

OMB Control Number: 1545–1898.

Type of Review: Extension of currently approved collection.

Description: Revenue Procedure 2004–47 provides alternative relief for taxpayers who failed to make a reverse QTIP election on an estate tax return. Instead of requesting a private letter ruling and paying the accompanying user fee the taxpayer may file certain documents with the Cincinnati Service Center directly to request relief.

Revenue Procedure Number: Revenue Procedure 2004–47.

Affected Public: Individuals or Households.

Estimated Number of Respondents: 6.

Frequency of Response: Once.

Estimated Total Number of Annual Responses: 6.

Estimated Time per Response: 9 hours.

Estimated Total Annual Burden Hours: 54 hours.

15. Title: Discharge of Property from the Effect of the Tax Lien.

OMB Control Number: 1545–2174.

Type of Review: Extension of a currently approved collection.

Description: The collection of information is required by 26 CFR 301.6325–1(b)(5) for consideration of the United States discharging property from the federal tax lien and is required by 26 CFR 301.6325–1(d)(4) for consideration that the United States subordinate its interest in property. The information is investigated by Collection personnel in order that the appropriate official may ascertain the accuracy of the application and decide whether to issue a discharge or subordination.

Form: IRS Form 14134 and IRS Form 14135.

Affected Public: Individuals or Households; Not-for-profit institutions, Businesses or other for-profit institutions; Federal, State, Local or Tribal Governments.

Estimated Number of Respondents: 10,362.

Frequency of Response: On Occasion.

Estimated Total Number of Annual Responses: 10,362.

Estimated Time per Response: 2 hours, 11 minutes.

Estimated Total Annual Burden Hours: 22,665 hours.

16. Title: Affordable Care Act Notice of Rescissions.

OMB Control Number: 1545–2180.

Type of Review: Extension of a currently approved collection.

Description: This document contains final regulations regarding grandfathered health plans, preexisting condition exclusions, lifetime and annual dollar limits on benefits, rescissions, coverage of dependent children to age 26, internal claims and appeal and external review processes, and patient protections under the Affordable Care Act.

Regulation Project Number: TD 9744.

Affected Public: Businesses or other for-profit institutions.

Estimated Number of Respondents: 1,533.

Frequency of Response: Annually.

Estimated Total Number of Annual Responses: 1,533.

Estimated Time per Response: 1 minute.

Estimated Total Annual Burden Hours: 20 hours.

(Authority: 44 U.S.C. 3501 *et seq.*)

Dated: October 22, 2020.

Molly Stasko,

Treasury PRA Clearance Officer.

[FR Doc. 2020–23792 Filed 10–27–20; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Multiple Financial Crimes Enforcement Network Information Collection Requests

AGENCY: Departmental Offices, U.S. Department of the Treasury.

ACTION: Notice.

SUMMARY: The Department of the Treasury will submit the following information collection requests to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. The public is invited to submit comments on these requests.

DATES: Comments should be received on or before November 27, 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.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Copies of the submissions may be obtained from Molly Stasko by emailing

PRA@treasury.gov, calling (202) 622–8922, or viewing the entire information collection request at *www.reginfo.gov.*

SUPPLEMENTARY INFORMATION:

Financial Crimes Enforcement Network (FinCEN)

1. Title: Anti-Money Laundering programs and compliance procedures.

OMB Control Number: 1506–0020, 1506–0030, and 1506–0035.

Type of Review: Extension without change of a currently approved collection.

Description: The legislative framework generally referred to as the Bank Secrecy Act (BSA) consists of the Currency and Financial Transactions Reporting Act of 1970, as amended by the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 (USA PATRIOT Act) (Pub. L. 107–56) and other legislation. The BSA is codified at 12 U.S.C. 1829b, 12 U.S.C. 1951–1959, 31 U.S.C. 5311–5314 and 5316–5332, and notes thereto, with implementing regulations at 31 CFR Chapter X.

The BSA authorizes the Secretary of the Treasury, inter alia, to require financial institutions to keep records and file reports that are determined to have a high degree of usefulness in criminal, tax, and regulatory matters, or in the conduct of intelligence or counter-intelligence activities, to protect against international terrorism, and to implement anti-money laundering (AML) programs and compliance procedures. Regulations implementing Title II of the BSA appear at 31 CFR Chapter X.

Section 352 of the USA PATRIOT Act added subsection (h) to 31 U.S.C. 5318 of the BSA. Section 352 mandates that financial institutions establish AML programs in order to guard against money laundering. Such AML programs must include, at a minimum, the following: (a) The development of internal policies, procedures, and controls, (b) the designation of a compliance officer, (c) an ongoing employee training program, and (d) an independent audit function to test programs. Pursuant to section 352, FinCEN issued regulations requiring money services businesses (MSBs) (31 CFR 1022.210), mutual funds (31 CFR 1024.210), insurance companies (31 CFR 1025.210), dealers in precious metals, precious stones, or jewels (31 CFR 1027.210), operators of credit card systems (31 CFR 1028.210), and loan or finance companies (31 CR 1029.210) to develop and implement written AML programs. This notice renews the OMB control numbers associated with these specific AML program regulations.

Form: Not applicable.

Affected Public: Businesses or other for-profit institutions; Not-for-profit institutions.

Estimated Number of Respondents: 305,897.

Frequency of Response: As required.

Estimated Total Number of Annual Responses: 305,897.

Estimated Time per Response: 2 to 60 minutes.

Estimated Total Annual Burden Hours: 215,976 hours.

Authority: 44 U.S.C. 3501 *et seq.*

Dated: October 22, 2020.

Molly Stasko,

Treasury PRA Clearance Officer.

[FR Doc. 2020–23801 Filed 10–27–20; 8:45 am]

BILLING CODE 4810–02–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0091]

Agency Information Collection Activity: VA Health Benefits: Application, Update, and Hardship Determination

AGENCY: Veterans Health Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: Veterans Health Administration, 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.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before December 28, 2020.

ADDRESSES: Submit written comments on the collection of information through Federal Docket Management System (FDMS) at *www.Regulations.gov* or to Brian McCarthy, Office of Regulatory and Administrative Affairs (10B4), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420 or email to *Brian.McCarthy4@va.gov.* Please refer to ''OMB Control No. 2900–0091'' in any correspondence. During the comment period, comments may be viewed online through FDMS.

FOR FURTHER INFORMATION CONTACT: Brian McCarthy at (202) 615–9241.

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, VHA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VHA's functions, including whether the information will have practical utility; (2) the accuracy of VHA'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: VA Health Benefits: Application, Update, and Hardship Determination, VA Forms 10–10EZ, 10–10EZR and 10–10HS.

OMB Control Number: 2900–0091.

Type of Review: Extension of a currently approved collection.

Abstract: Title 38 U.S.C. Chapter 17 authorizes VA to provide hospital care, medical services, domiciliary care, and nursing home care to eligible Veterans. Title 38 U.S.C. 1705 requires VA to design, establish, and operate a system of annual patient enrollment in accordance with a series of stipulated priorities. Title 38 U.S.C. 1722 establishes eligibility assessment procedures for cost-free VA medical care, based on income levels, which determines whether nonservice-connected and 0% service-connected non-compensable Veterans are able to defray the necessary expenses of care for nonservice-connected conditions. Further, when the Veteran projects that his or her attributable income for the current calendar year would be substantially below the applicable income thresholds, the Veteran would be considered unable to defray the expenses of care and VA may exempt the Veteran from the requirement to pay copayments for hospital or outpatient care.

This collection of information is required to properly administer health benefits to eligible Veterans.

a. VA Form 10–10EZ, Application for Health Benefits, is used to collect Veteran information during the initial application process for VA medical care, nursing home, domiciliary, dental benefits, etc.

b. VA Form 10–10EZR, Health Benefits Update Form, is used to update a Veteran's personal information, such as marital status, address, health insurance and financial information, for renewal of health benefits.

c. VA Form 10–10HS, Request for Hardship Determination, is used to collect information from Veterans who are in a copay required status for hospital care and medical services, but due to a loss of income project their income for the current year will be substantially below the VA means test limits.

These forms collect information to enroll a Veteran for health benefits, establish basic eligibility, identify 3rd party health insurance coverage, identify prescription copayment, provide for income verification, and serve as a mechanism to make changes upon admission for benefits or yearly financial updates.

VA Form 10–10EZ

Affected Public: Individuals and households.

Estimated Annual Burden: 270,000 hours.

Estimated Average Burden per Respondent: 30 minutes.

Frequency of Response: Annually.

Estimated Number of Respondents: 540,000.

VA Form 10–10EZR

Affected Public: Individuals and households.

Estimated Annual Burden: 343,600 hours.

Estimated Average Burden per Respondent: 24 minutes.

Frequency of Response: Annually.

Estimated Number of Respondents: 859,000.

VA Form 10–10HS

Affected Public: Individuals and households.

Estimated Annual Burden: 1,750 hours.

Estimated Average Burden per Respondent: 15 minutes.

Frequency of Response: Annually.

Estimated Number of Respondents: 7,000.

By direction of the Secretary.

Danny S. Green,

Interim VA Clearance Officer, Office of Quality, Performance and Risk (OQPR), Department of Veterans Affairs.

[FR Doc. 2020–23808 Filed 10–27–20; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

Privacy Act of 1974: Computer Matching Program

AGENCY: Department of Veterans Affairs (VA).

ACTION: Notice of new computer matching program.

SUMMARY: Pursuant to the Privacy Act of 1974, as amended, and the Office of Management and Budget (OMB) Guidelines on the Conduct of Matching Programs, notice is hereby given that the Department of Veterans Affairs (VA) intends to conduct a computer matching program with the Social Security Administration (SSA). Data from the proposed match will be used to verify the net earnings from self-employment and wages of nonservice-connected veterans, and those veterans who are zero percent service-connected (noncompensable), whose eligibility for VA medical care is based on their inability to defray the cost of medical care. These veterans supply household income information that includes their spouses and dependents at the time of application for VA health care benefits.

DATES: Comments on this matching program must be received no later than 30 days after publication of this Notice. If no public comment is received during the period allowed for comment or unless otherwise published in the **Federal Register** by VA, the new system will become effective November 28, 2020 and expires 18 months after its effective date. This match will not continue past the legislative authorized date to obtain this information.

ADDRESSES: Written comments may be submitted through *www.Regulations.gov;* by mail or hand-delivery to the Director, Regulations Management (00REG), Department of Veterans Affairs, 810 Vermont Ave. NW, Room 1068, Washington, DC 20420; or by fax to (202) 273–9026 (not a toll-free number). Comments should indicate that they are submitted in response to Matching Program SSA/VA. Copies of comments received will be available for public inspection in the Office of Regulation Policy and Management, Room 1063B, between the hours of 8:00 a.m. and 4:30 p.m. Monday through Friday (except holidays). Please call (202) 461–4902 for an appointment. (This is not a toll-free number.) In addition, during the comment period, comments may be viewed online through the Federal Docket Management System (FDMS) at *www.Regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Dionne Dent-Lockett, Director, Health Eligibility Center, VHA Member Services (404) 828–5302 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION: The Department of Veterans Affairs has statutory authorization under 38 U.S.C. 5317, 38 U.S.C. 5106, 26 U.S.C. 6103(l)(7)(D)(viii) and 5 U.S.C. 552a to establish matching agreements and request and use income information from other agencies for purposes of verification of income for determining eligibility for benefits. 38 U.S.C. 1710(a)(2)(G), 1710(a)(3), and 1710(b) identify those veterans whose basic eligibility for medical care benefits is dependent upon their financial status. Eligibility for nonservice-connected and zero percent noncompensable service-connected veterans is determined based on the veteran's inability to defray the expenses for necessary care as defined in 38 U.S.C. 1722. This determination can affect their responsibility to participate in the cost of their care through copayments and their assignment to an enrollment priority group. The goal of this match is to obtain SSA earned income information data needed for the income verification process. The VA records involved in the match are ''Income Verification Records—VA'' (89VA10NB). The SSA records are from the Master Files of Social Security Number (SSN) Holders and SSN Applications (Enumeration System). A copy of this notice has been sent to both Houses of Congress and OMB.

Participating Agencies: Department of Veterans Affairs/Veteran Health Administration and Social Security Administration.

Authority for Conducting The Matching Program: This agreement is executed under the Privacy Act of 1974, 5 United States Code (U.S.C.) § 552a, as amended by the Computer Matching and Privacy Protection Act of 1988, and the regulations and guidance promulgated thereunder.

Legal authority for the disclosures under this agreement is 38 U.S.C. 5106 and 5317, and 26 U.S.C. 6103(l)(7)(D)(viii). Under 38 U.S.C. 1710, VA/VHA has a statutory obligation to collect income information from certain applicants for medical care and to use that income data to

determine the appropriate eligibility category for the applicant's medical care. 26 U.S.C. 6103(l)(7) authorizes the disclosure of tax return information with respect to net earnings from self-employment and wages, as defined by relevant sections of the Internal Revenue Code (IRC), to Federal, state, and local agencies administering certain benefit programs under Title 38 of the U.S.C.

Purpose(s): To identify and verify those veterans whose basic eligibility for medical care benefits is dependent upon their financial status and ensure they are in the correct Priority Group and copayment status.

Categories of Individuals: Nonservice-connected and zero percent noncompensable service-connected veterans who are in Priority Group 5 based on their inability to defray the expenses for necessary care as defined in 38 U.S.C. 1722.

Categories of Records: The VA records involved in the match are ''Income Verification Records—VA'' (89VA10NB). The SSA records are from the Master Files of Social Security Number (SSN) Holders and SSN Applications (Enumeration System). The SSA will provide return information with respect to earned income from the Earnings Recording and Self-Employment Income System (commonly referred to as the MEF). SSA will provide VA/VHA with the following tax return information from the MEF for each individual with a verified SSN for whom VA/VHA requests information: Employer identification numbers (EIN), earnings report type, employer name and address, year of earnings, wage amounts from Form W–2, and earnings amounts from self-employment.

System(s) of Records: VHA's System of Records entitled ''Income Verification Records—VA'' (89VA10NB) (Routine use nineteen (19)), as published at 73 FR 26192 (May 8, 2008), and updated at 78 FR 76897 (December 19, 2013)). SSA will extract and disclose the necessary tax return information from the Earnings Recording and Self-Employment Income System, (commonly referred to as the MEF), 60–0059, last fully published at 71 FR 1819 (January 11, 2006) and updated on July 5, 2013 (78 Fed. Reg. 40542), and November 1, 2018 (83 FR 54969).

Signing Authority

The Senior Agency Official for Privacy, or designee, approved this document and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs. Joseph S. Stenaka, Executive Director for Information Security Operations and Chief Privacy Officer, approved this document on October 13, 2020 for publication.

Dated: October 22, 2020.

Amy L. Rose,

Program Analyst, VA Privacy Service, Office of Information Security, Office of Information and Technology, Department of Veterans Affairs.

[FR Doc. 2020–23788 Filed 10–27–20; 8:45 am]

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Reader Aids

Federal Register

Vol. 85, No. 209

Wednesday, October 29, 2020

CUSTOMER SERVICE AND INFORMATION

Federal Register/Code of Federal Regulations	
General Information, indexes and other finding aids	**202–741–6000**
Laws	**741–6000**
Presidential Documents	
Executive orders and proclamations	**741–6000**
The United States Government Manual	**741–6000**
Other Services	
Electronic and on-line services (voice)	**741–6020**
Privacy Act Compilation	**741–6050**

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FEDERAL REGISTER PAGES AND DATE, OCTOBER

61805–62186 1
62187–62538 2
62539–62920 5
62921–63186 6
63187–63422 7
63423–63992 8
63993–64374 9
64375–64942 13
64943–65186 14
65187–65632 15
65633–66200 16
66201–66468 19
66469–66872 20
66873–67260 21
67261–67426 22
67427–67630 23
67631–67964 26
67965–68242 27
68243–68420 28

CFR PARTS AFFECTED DURING OCTOBER

At the end of each month the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

2 CFR

910 64943

3 CFR

Proclamations:
10085 62921
10086 62923
10087 62925
10088 62927
10089 62929
10090 62931
10091 63187
10092 63969
10093 63971
10094 63973
10095 64373
10096 65181
10097 65185
10098 65633
10099 65635
10100 65637
10101 65639
10102 66467
10103 67261
10104 67263

Executive Orders:
13951 62179
13952 62187
13953 62539
13954 63977
13955 65643
13956 65647
13957 67631

Administrative Orders:
Memorandums:
Memorandum of October 9, 2020 65631
Notices:
Notice of October 8, 2020 64941
Notice of October 19, 2020 66871
Notice of October 23, 2020 67963
Presidential Permits:
Presidential Permit of September 28, 2020 62191
Permit of October 3, 2020 63981
Permit of October 3, 2020 63985
Permit of October 3, 2020 63989

5 CFR

120 65651
302 63189
315 65940
432 65940
531 65187
752 65940
1631 67265
1650 61805

Proposed Rules:
532 66282
550 63218

6 CFR

5 62933

7 CFR

2 65500
54 62934
56 62934
62 62934
70 62934
90 62934
91 62934
201 65190
301 61806
319 61806
1205 62545
1250 62942
1466 67637
1470 63993
1719 67427
1779 62195
3575 62195
4279 62195
4287 62195
5001 62195

Proposed Rules:
905 63039
915 68005
927 66283
946 64415
983 62615
984 66491
1280 62617

8 CFR

Ch. I 65653
208 67202
214 63918
1208 67202

Proposed Rules:
213a 62432

9 CFR

56 62559
145 62559
146 62559
147 62559

10 CFR

Ch. I 65656, 68243
50 62199
830 66201

Proposed Rules:
50 ..... 62234, 63039, 66498
72 66285
429 67464
430 ..... 64071, 64981, 67312

721.....67996
1042.....62218

Proposed Rules:

52 .....62679, 62687, 63064, 63066, 64084, 64089, 65008, 65013, 65755, 66295, 66296, 68021, 68026, 68029, 68268
60.....65774
139.....67818
147.....64437
174.....64308
180.....68030
257.....65015
721 .....64280, 65782, 66506

42 CFR

414.....65732
417.....64401
422.....64401
423.....64401

Proposed Rules:

110.....65311

43 CFR

51.....67666
420.....67294
3000.....64056
3500.....67671

Proposed Rules:

17.....64090

45 CFR

1304.....65733
1305.....65733
1610.....63209
1630.....63209
2500.....65239

46 CFR

16.....61825
310.....67299

Proposed Rules:

121.....62842
160.....62842
169.....62842
184.....62842
199.....62842
401.....68210
404.....68210
540.....65020

47 CFR

0.....63116, 64404
1 .....63116, 64061, 64404
2 .....61825, 64062, 64404
3.....64404
9.....67447
11.....64404
15.....64404
20.....64404
24.....64404
25.....64404
27.....64404
52.....64404
64 .....64404, 64971, 67447, 67450
67.....64404
68.....64404
73 .....61871, 64404, 67303
74.....64404
76.....63116, 64404
79.....64404
80.....64404
87.....64404
90.....64062, 64404
95.....64404
97.....64062
101.....64404

Proposed Rules:

1.....65566, 66888
2.....66888
27.....66888
64 .....64091, 66512, 67480
73.....68282

48 CFR

Ch. 1.....62484, 67612, 67629
1.....62485, 67613
2.....62485, 67615
3.....62485
4.....67628
5.....62485
6.....62485
8.....62485, 67617
9 .....62485, 67615, 67619
10.....62485, 67623
12 .....62485, 67619, 67623
13.....62485, 67619
15.....62485, 67613
16.....62485
17.....62485
19.....62485, 67615
22.....62485, 67626
26.....62485
28.....67613
29.....67623
30.....67613
32.....62485
36.....62485
42.....62485, 67613
43.....67619
44.....67613
50.....62485
52 .....62485, 67615, 67619, 67623, 67626, 67628
53.....62485, 67628
204.....65733
212.....65733
217.....65733
252.....65733
515.....62612
532.....61871
538.....62612
552.....62612
Ch. 7.....65734
841.....67462
842.....67462
852.....61872
1503.....66266
1552.....66266
1845.....64069

Proposed Rules:

1.....65610
2.....65610
3.....65610
4.....65610
5.....65610
6.....65610
7.....65610
8.....65610
9.....65610
10.....65610
11.....65610
12.....65610
13.....65610
14.....65610
15.....65610
16.....65610, 67327
18.....65610
19.....65610
22.....65610
23.....65610
25.....65610
26.....65610
27.....65610
28.....65610
29.....65610
30.....65610
31.....65610
32.....65610
37.....65610
38.....65610
39.....65610
42.....65610
44.....65610
46.....65610
47.....65610
49.....65610
52.....65610
53.....65610
227.....68283
252.....65787, 68283

49 CFR

213.....63362
1570.....67681

Proposed Rules:

191.....65142
192.....65142
1039.....62689
1201.....62271

50 CFR

17 .....63764, 63806, 65241
622 .....64978, 65740, 67309
635 .....61872, 64411, 65740
648 .....62613, 63460, 67311, 67683
660.....66270, 68001
665.....63216
679 .....61875, 62613, 63037, 63038, 64070, 64413, 66280, 67463

Proposed Rules:

17 .....63474, 64618, 64908, 66906
20.....64097
36.....64106
300.....66513
660 .....61912, 62492, 66519
665.....65336

LIST OF PUBLIC LAWS

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Last List October 26, 2020

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