

Notice to Trade published by AMS on March 5, 2019.⁵

Termination of Nonuse of Service Exceptions

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

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

Request for Comments

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

i. Timely Service

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

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

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

ii. Nonuse of Service

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

b. The requesting facility would demonstrate it has not had official sample-lot inspection or weighing

services for 90-consecutive days from its designated OA.

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

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

1. The location of the specified service point(s);
2. Services offered/requested;
3. The ability of the alternate OA to take on additional customers;
4. The ability to staff an onsite laboratory;
5. Impact of weather conditions on the designated OA’s ability to provide service; and

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

Additional Considerations for Comment

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

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

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

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

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

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

6. Should any of the following factors be considered in granting a “nonuse of service” exception request: (1) Distance between a facility and the closest office

of each OA, (2) fees charged, (3) services offered, (4) number of exceptions already approved for an OA, (5) number of facilities already lost by exceptions to other OAs, (5) ability and willingness to staff an onsite lab? Why or why not?

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

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

a. Why or why not?

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

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

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

b. How can this be corrected?

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

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

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

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

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

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

Authority: 7 U.S.C. 71–87k.

Bruce Summers,

Administrator, Agricultural Marketing Service.

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

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FEDERAL RESERVE SYSTEM

12 CFR Part 261a

[Docket No. R–1704]

[RIN No. 7100–AF78]

Privacy Act of 1974; Privacy Act Regulation

AGENCY: Board of Governors of the Federal Reserve System.

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

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

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

ACTION: Proposed rule and request for comment.

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

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

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

- *Agency website:* <https://www.federalreserve.gov>. Follow the instructions for submitting comments at <https://www.federalreserve.gov/apps/foia/proposedregs.aspx>.

- *Email:* regs.comments@federalreserve.gov. Include docket number in the subject line of the message.

- *Fax:* (202) 452-3819 or (202) 452-3102.

- *Mail:* Ann E. Misback, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue NW, Washington, DC 20551.

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

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

SUPPLEMENTARY INFORMATION: The Board last revised its Rules Regarding Access to Personal Information under the Privacy Act (the Board’s Privacy Act Rule), 12 CFR part 261a, in 2010. See 75 FR 63703 (October 18, 2010). The Privacy Act Rule sets forth the procedures for individuals requesting to access or amend information about themselves contained in a system of

records maintained by the Board. It also sets out the procedures by which an individual may appeal an adverse determination of a request for access or amendment and identifies the systems of records that are exempt from certain provisions of the Privacy Act.

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

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

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

Regulatory Flexibility Analysis

The Privacy Act Regulation sets forth the procedures by which individuals may request access and amendment to records maintained in systems of records at the Board. The Board believes

that this rule will not have a significant economic impact on a substantial number of small entities, because it does not apply to business entities.

List of Subjects to Part 261(a)

Privacy.

Authority and Issuance

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

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

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

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

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

§ 261a.12 Exempt Records.

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(b) * * *

(11) BGFRS-43 Security Sharing Platform

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Board of Governors of Federal Reserve System.

Michele Taylor Fennell,

Assistant Secretary of the Board.

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

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DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket Number USCG-2020-0143]

RIN 1625-AA08

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

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

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