

products covered by the action in this investigation. The U.S. Trade Representative's determination also takes into account advice from advisory committees and any public comments concerning extension of the pertinent exclusion.

In accordance with the July 11 notice, the exclusions are available for any product that meets the description in the Annex, regardless of whether the importer filed an exclusion request. Further, the scope of each exclusion is governed by the scope of the 10-digit HTSUS headings and product descriptions in the Annex to this notice, and not by the product descriptions set out in any particular request for exclusion.

As set out in the Annex, the U.S. Trade Representative has determined to extend, until December 31, 2020, the following exclusions granted under the May 14, 2019 notice under heading 9903.88.08 and under U.S. note 20(k) to subchapter III of chapter 99 of the HTSUS: (4), (5), (8), (11), (18), (19), (21), (22), (23), (24), (25), (38), and (39).

#### Annex

Effective with respect to goods entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern daylight time on July 6, 2018, and before December 31, 2020, the additional duties provided for in heading 9903.88.01 shall not apply to products which are provided for in heading 9903.88.08 and U.S. notes 20(k)(4), 20(k)(5), 20(k)(8), 20(k)(11), 20(k)(18), 20(k)(19), 20(k)(21), 20(k)(22), 20(k)(23), 20(k)(24), 20(k)(25), 20(k)(38) and 20(k)(39) to subchapter III of chapter 99 of the HTSUS, as follows:

(4) 8481.10.0090

(5) 8483.50.9040

(8) Filtering or purifying machinery or apparatus of a kind used for waste water treatment (described in statistical reporting number 8421.21.0000)

(11) Air purification equipment, electrically powered, weighing less than 36 kg (described in statistical reporting number 8421.39.8015)

(18) Armatures designed for use in hydraulic solenoid valves (described in statistical reporting number 8481.90.9040)

(19) C-poles, of steel, designed for use in hydraulic solenoid control valves (described in statistical reporting number 8481.90.9040)

(21) Metering spools, of aluminum, designed for use in hydraulic solenoid control valves (described in statistical reporting number 8481.90.9040)

(22) Metering spools, of steel, designed for use in hydraulic solenoid control valves (described in statistical reporting number 8481.90.9040)

(23) Poles, of steel, designed for use in hydraulic solenoid control valves (described in statistical reporting number 8481.90.9040)

(24) Push pins, of steel, designed for use in hydraulic solenoid control valves

(described in statistical reporting number 8481.90.9040)

(25) Retainers, of steel, designed for use in hydraulic solenoid control valves (described in statistical reporting number 8481.90.9040)

(38) Stereoscopic microscopes, not provided with a means for photographing the image, valued not over \$500 per unit (described in statistical reporting number 9011.10.8000)

(39) Adapter rings, tubes and extension sleeves, stands and arm assemblies, stages and gliding tables, eyeguards and focusing racks, all the foregoing designed for use with compound optical microscopes (described in statistical reporting number 9011.90.0000)

**Joseph Barloon,**

*General Counsel, Office of the United States Trade Representative.*

[FR Doc. 2020-10456 Filed 5-14-20; 8:45 am]

**BILLING CODE 3290-F0-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

#### Notice of Final Federal Agency Actions on Proposed Highway Project in Rhode Island

**AGENCY:** Federal Highway Administration (FHWA), Department of Transportation (DOT).

**ACTION:** Notice of limitation on claims for judicial review of actions by FHWA.

**SUMMARY:** This notice announces actions taken by the FHWA that are final pursuant to the statute. The actions relate to a proposed highway project, Reconstruction of the Pell Bridge Approaches in the City of Newport in the State of Rhode Island.

**DATES:** By this notice, FHWA is advising the public of final agency actions subject to 23 U.S.C. 139(1)(1). A claim seeking judicial review of the Federal agency actions on the highway project will be barred unless the claim is filed on or before October 13, 2020. If the Federal law that authorizes judicial review of a claim provides a time period of less than 150 days for filing such claim, then that shorter time period still applies.

**FOR FURTHER INFORMATION CONTACT:** For FHWA: Mr. Carlos E. Padilla-Fresse, MSCE, Program Delivery Supervisor, Federal Highway Administration Rhode Island Division, 380 Westminster Mall, Suite 601, Providence, Rhode Island 02903; telephone: (401) 528-4577; email: [Carlos.Padilla@dot.gov](mailto:Carlos.Padilla@dot.gov); or Ms. Lori Fisette, Acting Administrator of Project Management, Rhode Island Department of Transportation, Two Capitol Hill, Providence, Rhode Island 02903-1124, telephone: (401) 563-4401, email: [lori.fisette@dot.ri.gov](mailto:lori.fisette@dot.ri.gov).

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that FHWA has taken final agency actions by issuing a Finding of No Significant Impact (FONSI) for the following highway project in the State of Rhode Island: Reconstruction of the Pell Bridge Approaches in the City of Newport. The proposed action includes realignment of the Pell Bridge ramps and associated approach roads to improve traffic circulation, reduce queuing and improve safety; reconnect neighborhoods including improved vehicle, pedestrian and bicycle connectivity; and support economic development by maximizing land area available for redevelopment.

The actions by FHWA, and the laws under which such actions were taken, are described in the Environmental Assessment (EA) for the project approved on November 21, 2019, and a Finding of No Significant Impact (FONSI) issued on April 20, 2020, and in other documents in the project records. The EA, FONSI, and other project records are available by contacting FHWA or the Rhode Island Department of Transportation at the addresses provided above. The EA and FONSI can be viewed and downloaded from the project website at: [www.pellbridge-ea.com](http://www.pellbridge-ea.com).

This notice applies to all Federal agency decisions as of the issuance date of this notice and all laws under which such actions were taken, including but not limited to:

1. *General:* National Environmental Policy Act (NEPA) [42 U.S.C. 4321, *et seq.*]; Federal-Aid Highway Act [Title 23] and associated regulations [CFR part 23].

2. *Hazardous Materials:* Comprehensive Environmental Response, Compensation, and Liability Act [42 U.S.C. 9601-9675]; Superfund Amendments and Reauthorization Act of 1986 [Pub. L. 99-499]; Resource Conservation and Recovery Act [42 U.S.C. 6901-6992(k)]; Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976 (42 U.S.C. 6901, *et seq.*).

3. *Air:* Clean Air Act, [42 U.S.C. 7401-7671(q)] (transportation conformity)

4. *Noise:* 23 U.S.C. 109(i).

5. *Wildlife:* Endangered Species Act [16 U.S.C. 1531-1544]; Fish and Wildlife Coordination Act [16 U.S.C. 661-667(e)]; Migratory Bird Treaty Act [16 U.S.C. 703-712]; Plant Protection Act [7 U.S.C. 7701 *et seq.*].

6. *Historic and Cultural Resources:* Section 106 of the National Historic Preservation Act of 1966, [54 U.S.C. 306108]; Archeological Resources Protection Act of 1977 [16 U.S.C. 470(aa)-470(mm)]; Archeological and

Historic Preservation Act [16 U.S.C. 469–469 c–2]; Native American Grave Protection and Repatriation Act [25 U.S.C. 3001–3013].

7. *Land*: Section 4(f) of The Department of Transportation Act; [49 U.S.C. 303; 23 U.S.C. 138] Farmland Protection Policy Act (FPPA) [7 U.S.C. 4201–4209].

8. *Wetlands and Water Resources*: Clean Water Act [33 U.S.C. 1251–1387]; Flood Disaster Protection Act [42 U.S.C. 4012a 4106].

9. *Executive Orders*: E.O. 11990 Protection of Wetlands; E.O. 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations; E.O. 11988 Floodplain Management; E.O. 13175 Consultation and Coordination with Indian Tribal Governments. (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. 139(1)(1))

Issued on: May 7, 2020.

**Carlos C. Machado,**

*FHWA Rhode Island Division Administrator, Providence, Rhode Island.*

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**BILLING CODE 4910–22–P**

## DEPARTMENT OF TRANSPORTATION

### Pipeline and Hazardous Materials Safety Administration

[Docket No. PHMSA–2014–0003; PD–37(R)]

#### Hazardous Materials: New York City Permit Requirements for Transportation of Certain Hazardous Materials

**AGENCY:** Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

**ACTION:** Decision on petition for reconsideration of an administrative determination of preemption.

*Petitioner:* The Fire Department of the City of New York (FDNY).

*Local Law Affected:* New York City Fire Code (FC) 2707.4 and 105.6.

*Applicable Federal Requirements:* Federal hazardous material transportation law (HMTA), 49 U.S.C. 5101 *et seq.*, and the Hazardous Materials Regulations (HMR), 49 CFR parts 171–180.

*Mode Affected:* Highway.

**SUMMARY:** On July 6, 2017, PHMSA published in the **Federal Register** an administrative determination that Federal hazardous material transportation law preempts, in part, FDNY’s permit, inspection, and fee requirements. FDNY has petitioned for reconsideration of that determination. FDNY’s petition for reconsideration is granted in part, and denied in part, as follows:

1. **Permit and Inspection Requirement**—PHMSA affirms its determination that the HMTA preempts FDNY’s permit and inspection requirements, FC 2707.4 and 105.6, with respect to vehicles based outside the inspecting jurisdiction, and its determination that the HMTA does not preempt these requirements with respect to vehicles that are based within the inspecting jurisdiction. PHMSA’s determination is based on its conclusion that FDNY’s permit and inspection requirements create an obstacle to accomplishing and carrying out the HMR’s prohibition against unnecessary delays in the transportation of hazardous material on vehicles based outside the inspecting jurisdiction.

2. **Permit Fee**—Based on new information supplied by FDNY, PHMSA reverses its determination that FDNY is not using the revenue it collects from its permit fee for authorized purposes. However, PHMSA affirms its determination that the permit fee is not “fair,” as required by 49 U.S.C. 5125(f)(1), and therefore affirms its determination that the permit fee is preempted.

**FOR FURTHER INFORMATION CONTACT:** Vincent Lopez, Office of Chief Counsel, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590; Telephone No. 202–366–4400; Facsimile No. 202–366–7041.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

###### A. Preemption Determination

The American Trucking Associations, Inc. (ATA) applied to PHMSA for a determination of whether Federal hazardous material transportation law, 49 U.S.C. 5101 *et seq.*, preempts the City of New York (FDNY)’s requirement that those wishing to transport hazardous materials by motor vehicle must, in certain circumstances, obtain a permit. The relevant provisions of the FC and the FDNY rules regarding FDNY’s hazardous materials inspection and permitting program, and related fees, include:

- FC 2707—sets forth the requirements for the transportation of hazardous materials;
- FC 2707.3—prohibits the transportation of hazardous materials in quantities requiring a permit without such permit;
- FC 2707.4 and 105.6—sets forth permit requirement and exclusions;
- FDNY Rule 2707–02—sets forth routing, timing, escort, and other requirements for the transportation of hazardous materials; provides that permit holders need not conform to these requirements; and
- FC Appendix A, Section A03.1(39) and (67)—specifies the permit (inspection and re-inspection) fees.

The following parties submitted comments in the proceeding: ATA, FDNY, Nouveau, Inc., and the American Coatings Association. On July 6, 2017, PHMSA published in the **Federal Register** its determination with respect to ATA’s application, in accordance with 49 U.S.C. 5125(d) and 49 CFR 107.203. Preemption Determination 37–R (PD–37(R)), 82 FR 31390. PHMSA found that Federal hazardous material transportation law preempts the FDNY requirements as follows:

1. **Permit and Inspection Requirement**—FDNY’s permit and inspection requirements, FC 2707.4 and 105.6 (transportation of hazardous materials), create an obstacle to accomplishing and carrying out the HMR’s prohibition against unnecessary delays in the transportation of hazardous material on vehicles based outside the inspecting jurisdiction. Accordingly, we determined that the HMTA preempts FDNY’s permit and inspection requirements with respect to vehicles based outside the inspecting jurisdiction, but that the HMTA does not preempt those requirements with respect to motor vehicles that are based within the inspecting jurisdiction. PD 37(R), 82 FR at 31393–31395.

2. **Permit Fee**—The permit fee is preempted because we determined that FDNY had not shown that the fee it imposes with respect to its permit and inspection requirements is “fair” and “used for a purpose related to transporting hazardous material,” as required by 49 U.S.C. 5125(f)(1). PD 37(R), 82 FR at 31395–31396

PHMSA, in Part I of PD–37(R), discussed the standards for making determinations of preemption under the Federal hazardous material transportation law. *Id.* at 31392–3. As we explained, unless there is specific authority in another Federal law or DOT grants a waiver, a requirement of a State, political subdivision of a State, or Indian tribe is preempted if: