

Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it establishes Class E airspace at Gold Beach Municipal Airport, Gold Beach, OR, to ensure the safety and management of Instrument Flight Rules (IFR) operations at the airport.

### History

The FAA published a notice of proposed rulemaking in the **Federal Register** (85 FR 17791; March 31, 2020) for Docket No. FAA–2020–0234 to establish Class E airspace at Gold Beach Municipal Airport, Gold Beach, OR. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

Class E5 airspace designations are published in paragraph 6005 of FAA Order 7400.11D, dated August 8, 2019, and effective September 15, 2019, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

### Availability and Summary of Documents for Incorporation by Reference

This document amends FAA Order 7400.11D, Airspace Designations and Reporting Points, dated August 8, 2019, and effective September 15, 2019. FAA Order 7400.11D is publicly available as listed in the **ADDRESSES** section of this document. FAA Order 7400.11D lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

### The Rule

This amendment to Title 14 Code of Federal Regulations (14 CFR) part 71 establishes Class E airspace extending upward from 700 feet or more above the surface at the Gold Beach Municipal Airport, Gold Beach, OR. The airspace supports the airport's transition from VFR to IFR operations.

The first airspace area extends upward from 700 feet above the surface within a 6.3-mile radius to the airport, and within 1 mile each side of the 325° bearing from the airport, extending from the 6.3-mile radius to 9.3 miles northwest of the airport.

The second airspace area extends upward from 1,200 feet above the surface within a 15-mile radius of the Gold Beach Municipal Airport, excluding that airspace that extends beyond 12 miles from the coast.

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

### Regulatory Notices and Analyses

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current, is non-controversial, and unlikely to result in adverse or negative comments. It, therefore: (1) Is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, would not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

### Environmental Review

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

### List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

### Adoption of the Amendment

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

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

■ 1. The authority citation for 14 CFR part 71 continues to read as follows:

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

### § 71.1 [Amended]

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

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

\* \* \* \* \*

### ANM OR E5 Gold Beach, OR

Gold Beach Municipal Airport, OR  
(Lat. 42°24'55" N, long. 124°25'30" W)

That airspace extending upward from 700 feet above the surface within a 6.3-mile radius of the airport, and within 1 mile each side of the 325° bearing from the airport, extending from the 6.3-mile radius to 9.3 miles northwest of the airport; and that airspace extending upward from 1,200 feet above the surface within a 15-mile radius of Gold Beach Municipal Airport, excluding that airspace that extends beyond 12 miles from the coast.

Issued in Seattle, Washington, on June 10, 2020.

**Shawn M. Kozica,**

*Group Manager, Western Service Center, Operations Support Group.*

[FR Doc. 2020–12901 Filed 6–15–20; 8:45 am]

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

### 18 CFR Chapter I

[Docket No. PL20–6–000]

### Commission Action To Address Effects of COVID–19 on Oil Pipelines

**AGENCY:** Federal Energy Regulatory Commission.

**ACTION:** Policy statement.

**SUMMARY:** In this policy statement, the Federal Energy Regulatory Commission provides guidance regarding the Commission's response to the effects of the national emergency caused by COVID–19 on oil pipelines.

**DATES:** June 16, 2020.

### FOR FURTHER INFORMATION CONTACT:

Glenna Riley (Legal Information), Office of the General Counsel, 888 First Street NE, Washington, DC 20426, (202) 502–8620, [Glenna.Riley@ferc.gov](mailto:Glenna.Riley@ferc.gov). Matthew Petersen (Technical Information), Office of Energy Markets Regulation, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, (202) 502–6845, [Matthew.Petersen@ferc.gov](mailto:Matthew.Petersen@ferc.gov).

**SUPPLEMENTARY INFORMATION:**

1. On March 13, 2020, the President issued a proclamation declaring a National Emergency concerning COVID-19. Measures to mitigate or slow the transmission of COVID-19 have substantially reduced travel and commercial activity, and U.S. consumption of petroleum products has dropped sharply as a result. Consequently, oil pipelines are facing unanticipated circumstances, including diminished demand for service and radically altered market conditions. In light of these circumstances, we offer the following guidance to oil pipelines.

2. We are committed to assisting oil pipelines in addressing the unprecedented impacts of COVID-19, particularly where such pipelines are encountering regulatory hurdles that may impede or delay attempts to respond to changing market dynamics during this difficult time. For example, an oil pipeline may be unable to comply with regulatory requirements or may require an extension due to steps it has taken to meet the emergency conditions, such as measures taken to protect the health and safety of its employees. We further recognize that due to the circumstances arising from COVID-19, an oil pipeline might seek to temporarily alter routes, reconfigure existing systems, or change flow direction to provide shippers access to storage. In addition, an oil pipeline that has not previously provided service subject to the Commission's jurisdiction might seek to temporarily provide service in interstate commerce, as opposed to intrastate commerce, to respond to current market demands, but may have difficulty meeting the Commission's regulatory requirements to begin providing interstate service for the first time. In these and other instances, oil pipelines may request temporary waivers of or extensions of time to comply with the following regulations where necessary and appropriate to address the unforeseen circumstances resulting from COVID-19:

- Cost-of-service filing requirements (18 CFR 342.2(a); part 346);
- Reporting requirements (part 357);
- Record-keeping requirements (part 356);
- Accounting regulations (part 352); and
- Depreciation studies (18 CFR 347.1).

We will review and act on such requests as expeditiously as possible based upon the circumstances and

justification described in the pipeline's waiver or extension request.<sup>1</sup>

3. Moreover, to facilitate changes to operations and services on an expedited basis, oil pipelines may request a waiver for tariffs to become effective on less than 30 days' notice pursuant to § 341.14 of the Commission's regulations.<sup>2</sup> Such requests for waiver of prior notice made concurrently with tariff filings will be deemed conditionally granted subject to refund, and will also be deemed automatically granted at the conclusion of the 30-day notice period unless the Commission issues an order denying the request.<sup>3</sup>

4. We also recognize that oil pipelines' existing tariff rates and rules may be inadequate to address the drastic and unforeseen impacts of COVID-19. Oil pipelines are allowed to file changes to their rates and rules and regulations tariffs at any time. Under the Commission's regulations, pipelines with indexed rates can change their rates at any time so long as they remain at or below the ceiling level.<sup>4</sup> A pipeline may change a rate without regard to the ceiling level if the change is agreed to by each shipper using the service.<sup>5</sup> If a pipeline's costs substantially diverge from its indexed rates, it can file a cost-of-service rate change.<sup>6</sup> In addition, pipelines with market-based rate authority have the flexibility to respond to changes in market conditions by filing a tariff to change their rates at any time without regard to the indexed ceiling level.<sup>7</sup> Any pipeline that does not currently have market-based rate authority and serves sufficiently competitive markets may file an application at any time under Part 348 of the Commission's regulation to establish that it lacks significant market power.<sup>8</sup>

5. We understand that there could be instances where the above regulations for establishing and changing rates might not provide an appropriate means to address the current emergency circumstances, which may be drastic

but only temporary.<sup>9</sup> If oil pipelines submit other proposals for temporary rate relief to address the emergency circumstances caused by COVID-19, we will give such proposals their due consideration on a case-by-case basis. Although any such proposals must be fully supported and consistent with the Interstate Commerce Act,<sup>10</sup> we recognize that these unprecedented circumstances might require unusual solutions. We will assess the appropriateness of any temporary rate relief proposals based on the facts and circumstances presented, including any issues raised in comments or protests from affected shippers.<sup>11</sup>

6. We acknowledge that in certain situations, oil pipelines may need to temporarily curtail jurisdictional transportation service due to the circumstances caused by COVID-19. In such instances, affected oil pipelines may file notices of temporary embargo.<sup>12</sup>

7. We recognize there may be oil pipelines facing disputes with shippers as a result of the unprecedented circumstances caused by COVID-19 and that they may want to explore the potential for a negotiated or mediated resolution. We encourage oil pipelines in that situation to consider using the Commission's alternative dispute resolution process.<sup>13</sup> We appreciate oil pipelines' efforts to pursue agreements with shippers to resolve issues where possible.

8. We encourage oil pipelines to contact the Commission with any concerns or issues related to the impacts of COVID-19. Oil pipelines may notify the Commission of any regulatory or compliance issues they are encountering in attempting to respond to the changed circumstances. We note that oil pipelines may use the Commission's pre-filing review process to informally submit tariffs or related material to Commission staff for suggestions.<sup>14</sup> We are sensitive to oil pipelines' needs for

<sup>1</sup> See also *Extension of Non-Statutory Deadlines*, Supplemental Notice Granting Extension of Time for Non-Statutory Deadlines, Waiving Regulations, and Shortening Answer Period, Docket No. AD20-11-000 (Apr. 2, 2020) ("Entities may seek waiver of Commission orders, regulations, tariffs, rate schedules, and service agreements, as appropriate, to address needs resulting from steps they take in response to the emergency conditions caused by COVID-19. Action on all such motions will be taken as expeditiously as possible.").

<sup>2</sup> 18 CFR 341.14.

<sup>3</sup> *Id.*

<sup>4</sup> 18 CFR 342.3(a).

<sup>5</sup> 18 CFR 342.4(c).

<sup>6</sup> 18 CFR 342.4(a).

<sup>7</sup> 18 CFR 342.4(b).

<sup>8</sup> 18 CFR pt. 348.

<sup>9</sup> To the extent there are lasting changes that impact a pipeline's ability to recover its costs, such issues are appropriately addressed via the rate changing methodologies in Part 342 of the Commission's regulations.

<sup>10</sup> 49 U.S.C. app. 1 *et seq.* (1988).

<sup>11</sup> This policy statement is merely guidance, and we emphasize that nothing in this policy statement is intended to establish a binding rule or determination, or to alter shippers' rights to file complaints or protests in individual cases. 18 CFR 343.2, 343.3.

<sup>12</sup> Notices of embargo may be submitted through the eTariff portal using Type of Filing Code 840.

<sup>13</sup> The contact information for the alternative dispute resolution helpline is as follows: Toll-free: 1-844-238-1560, FAX: 202-219-3289, Email: [ferc.adr@ferc.gov](mailto:ferc.adr@ferc.gov).

<sup>14</sup> 18 CFR 341.12.

feedback on an expedited basis given the emergency conditions.

9. We commend the industry's efforts to adapt to these unprecedented circumstances while continuing to uphold their common carrier duties under the Interstate Commerce Act.

#### Document Availability

10. In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (<http://www.ferc.gov>). 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.

11. From the Commission's Home Page on the internet, this information is available on eLibrary. The full text of this document is available on eLibrary in PDF and Microsoft Word format for viewing, printing, and/or downloading. To access this document in eLibrary, type the docket number excluding the last three digits of this document in the docket number field.

12. User assistance is available for eLibrary and the Commission's website during normal business hours from the Commission's Online Support at (202) 502-6652 (toll free at 1-866-208-3676), via email at [ferconlinesupport@ferc.gov](mailto:ferconlinesupport@ferc.gov), or from the Public Reference Room at (202) 502-8371, TTY (202) 502-8659. Email the Public Reference Room at [public.referenceroom@ferc.gov](mailto:public.referenceroom@ferc.gov).

By the Commission.

Issued: May 8, 2020.

**Nathaniel J. Davis, Sr.,**  
*Deputy Secretary.*

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## DEPARTMENT OF STATE

### 22 CFR Part 42.34

[Public Notice: 11104]

RIN 1400-AE77

#### Visas: Special Immigrant Visas—U.S. Government Employee Special Immigrant Visas for Service Abroad

**AGENCY:** Department of State.

**ACTION:** Final rule.

**SUMMARY:** The Immigration and Nationality Act provides for the granting of special immigrant status for certain

aliens who have been employed by, and performed faithful service for, the U.S. government abroad for at least fifteen years. This rule codifies in regulation the eligibility criteria for special immigrant status of such aliens and the application process for applicants.

**DATES:** This rule is effective December 16, 2020.

#### FOR FURTHER INFORMATION CONTACT:

Taylor Beaumont, Acting Chief, Legislation and Regulations Division, Visa Services, Bureau of Consular Affairs, Department of State, [VisaRegs@state.gov](mailto:VisaRegs@state.gov).

#### SUPPLEMENTARY INFORMATION:

##### What is the effect of this regulation?

Section 101(a)(27)(D) of the Immigration and Nationality Act (INA), 8 U.S.C. 1101(a)(27)(D), authorizes the granting of special immigrant status in exceptional circumstances for employees, or honorably retired former employees, of the U.S. government abroad, or of the American Institute in Taiwan, who have performed faithful service for a total of fifteen years or more, in addition to their accompanying spouse and children. For special immigration status to be granted, this provision requires that the principal officer of a Foreign Service establishment recommend granting of special immigrant status in an exercise of discretion to aliens in exceptional circumstances. The statute provides that the Secretary of State may choose to approve such a recommendation after finding that it is in the national interest to grant such status, for the status to be conferred. Upon notification that the Secretary of State, or designee, has approved a recommendation and found that granting special immigrant status is in the national interest, the applicant must submit a completed Form DS-1884, *Petition to Classify Special Immigrant Under INA 203(b)(4) as an Employee or Former Employee of the U.S. Government Abroad*, to the Department of State ("Department") within one year. Once the DS-1884 is submitted and approved, the employee must submit an immigrant visa application, which a consular officer adjudicates in accordance with relevant provisions in the INA. If the consular officer approves the visa application and issues the visa, the applicant then has six months to immigrate to the United States. To avoid potential confusion, the Department emphasizes that this regulation affects only the granting of special immigrant status to long term employees of the U.S. government abroad under INA section 101(a)(27)(D), 8 U.S.C. 1101(a)(27)(D);

this regulation does not affect the granting of special immigrant status under any of the authorities for special immigrant status, including any of the other provisions in INA section 101(a)(27), 8 U.S.C. 1101(a)(27), or those specific to nationals of Iraq and Afghanistan.

This rule codifies the circumstances that will be considered "exceptional" for purposes of assessing special immigrant status qualification. The scope of "exceptional circumstances" set out in this rule departs, in certain respects, from the Department's policies that preceded this rule, which were articulated only in the Foreign Affairs Manual (FAM), specifically 9 FAM 502.5-3(C)(2)(d), not in the CFR. Specifically, the excluded criteria, formerly in 9 FAM 502.5-3(C)(2)(d)(3)(c)(ii)-(vi), that will no longer constitute exceptional circumstances, are: Recognition with multiple individual awards; high visibility in a sensitive position; control over key aspects of the operations or overall functioning of a Foreign Service post; valuable services and assistance to the U.S. community at post apart from performance of official duties; and faithful service in a country foreign to the employee that resulted in the employee losing economic and social ties to his or her home country. The regulation also adds two new criteria that will constitute exceptional circumstances moving forward, specifically: Recognition with a "Foreign Service National of the Year" award; and disclosure of waste, fraud, abuse, or other issues that result in significant action against an offending party. The FAM will be revised in accordance with this rule on the effective date of this rule.

The rule also makes several technical and organizational edits to 22 CFR 42.32. This rule moves relevant portions of 22 CFR 42.32(d)(2) on special immigrant status (specific to INA section 101(a)(27)(D), 8 U.S.C. 1101(a)(27)(d)) into a new section, 22 CFR 42.34; and 22 CFR 42.32(d)(2) is amended to include a cross reference to 22 CFR 42.34. The new 22 CFR 42.34 expands upon the application process and the qualifications for special immigrant status, and more clearly organizes these topics.

This rule also eliminates 22 CFR 42.32(d)(2)(ii), *Special immigrant status for certain aliens employed at the United States mission in Hong Kong*, because the window to apply for special immigrant status under this section closed on January 1, 2002. The remaining provisions of 22 CFR 42.32(d)(2), including 22 CFR