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 removing Airworthiness Directive (AD) 2016–25–29, Amendment 39–18755 (81 FR 94956, December 27, 2016), and adding the following new AD:

**The Boeing Company:** Docket No. FAA–2020–0680; Product Identifier 2020–NM–079–AD.

**(a) Comments Due Date**

The FAA must receive comments on this AD action by September 24, 2020.

**(b) Affected ADs**

This AD replaces AD 2016–25–29, Amendment 39–18755 (81 FR 94956, December 27, 2016) (''AD 2016–25–29'').

**(c) Applicability**

This AD applies to The Boeing Company Model 767–200, –300, –300F, and –400ER series airplanes, certificated in any category, as identified in Boeing Special Attention Service Bulletin 767–25–0550, Revision 1, dated December 4, 2019.

**(d) Subject**

Air Transport Association (ATA) of America Code 25, Equipment/furnishings.

**(e) Unsafe Condition**

This AD was prompted by a report of a fire in the bilge area of the cargo compartment that burned through the insulation blankets that were intended to prevent smoke from migrating behind the cargo compartment sidewall liners and upward into the main cabin. The FAA is issuing this AD to address a fire in the bilge area of the cargo compartment, which if not contained could lead to a possible smoke and fire event in the passenger compartment.

**(f) Compliance**

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

**(g) Required Actions**

Except as specified by paragraph (h) of this AD: At the applicable times specified in paragraph 1.E., ''Compliance,'' of Boeing Special Attention Service Bulletin 767–25–0550, Revision 1, dated December 4, 2019, do all applicable actions identified as ''RC'' (required for compliance) in, and in accordance with, the Accomplishment Instructions of Boeing Special Attention Service Bulletin 767–25–0550, Revision 1, dated December 4, 2019.

**(h) Exception to Service Information Specifications**

Where Boeing Special Attention Service Bulletin 767–25–0550, Revision 1, dated December 4, 2019, uses the phrase ''the Revision 1 date of this service bulletin,'' this AD requires using ''the effective date of this AD.''

**(i) Alternative Methods of Compliance (AMOCs)**

(1) The Manager, Seattle 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. Information may be emailed to: *9-ANM-Seattle-ACO-AMOC-Requests@faa.gov.*

(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) An AMOC that provides an acceptable level of safety may be used for any repair, modification, or alteration required by this AD if it is approved by The Boeing Company Organization Designation Authorization (ODA) that has been authorized by the Manager, Seattle ACO Branch, FAA, to make those findings. To be approved, the repair method, modification deviation, or alteration deviation must meet the certification basis of the airplane, and the approval must specifically refer to this AD.

(4) AMOCs approved previously for AD 2016–25–29 are approved as AMOCs for the corresponding provisions of Boeing Special Attention Service Bulletin 767–25–0550, Revision 1, dated December 4, 2019, that are required by paragraph (g) of this AD.

(5) For service information that contains steps that are labeled as Required for Compliance (RC), the provisions of paragraphs (i)(5)(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. If a step or substep is labeled ''RC Exempt,'' then the RC requirement is removed from that step or substep. 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 Julie Linn, Aerospace Engineer, Cabin Safety and Environmental Systems Section, FAA, Seattle ACO Branch, 2200 South 216th St., Des Moines, WA 98198; phone and fax: 206–231–3584; email: *Julie.Linn@faa.gov.*

(2) For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; internet *https://www.myboeingfleet.com.* You may view this referenced 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 July 29, 2020.

**Gaetano A. Sciortino,**

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

[FR Doc. 2020–17362 Filed 8–7–20; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

### 21 CFR Part 112

**[Docket No. FDA–2020–N–1119]**

### Request for Information and Comments on Consumption of Certain Uncommon Produce Commodities in the United States; Establishment of a Public Docket

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Notification; establishment of docket; request for comments.

**SUMMARY:** The Food and Drug Administration (FDA, the Agency, or we) is opening a docket to receive information and comments related to certain produce commodities with no or low reported consumption in the database relied on to create the list of rarely consumed raw commodities that are exempt from the Standards for the Growing, Harvesting, Packing, and Holding of Produce for Human Consumption regulation. FDA intends to use the information to consider whether any of these commodities should be added to the rarely consumed raw list.

**DATES:** Submit either electronic or written comments by November 9, 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 November 9, 2020. The *https://www.regulations.gov* electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of November 9, 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–1119 for ''Request for Information and Comments on Consumption of Certain Uncommon Produce Commodities in the United States.'' 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:** Samir Assar, Center for Food Safety and Applied Nutrition (HFS–317), Food and Drug Administration, 5001 Campus Dr., College Park, MD 20740, 240–402–1636.

**SUPPLEMENTARY INFORMATION:**

## I. Background

In the **Federal Register** of November 27, 2015, we issued the final rule, ''Standards for the Growing, Harvesting, Packing, and Holding of Produce for Human Consumption'' (80 FR 74354), which established at 21 CFR part 112 science-based minimum standards for fruits and vegetables grown for human consumption (produce safety regulation). The produce safety regulation is one of the seven foundational regulations that we issued as part of our implementation of the FDA Food Safety Modernization Act (Pub. L. 111–353), which directs FDA to better protect public health by, among other things, adopting a modern, preventive, and risk-based approach to food safety.

Produce is subject to the produce safety regulation (*i.e.,* is ''covered produce'') unless it is ''not covered'' because it is: (1) Rarely consumed raw (RCR) (§ 112.2(a)(1) (21 CFR 112.2(a)(1))) (the RCR exemption); (2) produced for personal or on-farm consumption (§ 112.2(a)(2)); or (3) not a raw agricultural commodity (§ 112.2(a)(3)). This request for information pertains to certain commodities that were not categorized as RCR.

The RCR list is a list of produce commodities that we determined are almost always consumed in the United States only after being cooked. Cooking is a kill step that can be expected to adequately reduce the presence of microorganisms of public health significance in most cases. FDA concluded that it is not reasonably necessary to subject RCR commodities to the produce safety regulation.

FDA's classification of produce as RCR was based on food consumption patterns reported in a robust dataset: The National Health and Nutritional Examination Survey/What We Eat in America (NHANES/WWEIA) dataset (Ref. 1), which is the most comprehensive, robust, and nationally representative dataset currently available on dietary intake in the United States. We also used the U.S. Environmental Protection Agency's Food Commodity Intake Database (Ref. 2), which is a recipe database that identifies proportions of commodity ingredients in NHANES/WWEIA codes, and also identifies the cooking status (uncooked or cooked) and the food forms (*e.g.,* fresh, frozen, canned) associated with each commodity ingredient. We provided background information and data analyses informing the inclusion of produce commodities in the RCR list in a memorandum (the Produce RCR memorandum) that we made available in the administrative record of the produce safety rulemaking (Ref. 3).

Note that the identification of a commodity on the RCR list does not mean the produce is never eaten raw or that it is not eaten raw, typically or occasionally, in specific regions of the United States (or among specific ethnic

communities in the United States). The RCR list also does not reflect the form in which these commodities are consumed by populations in other countries.

Consumption patterns for a commodity had to meet three criteria that were used to determine if a commodity qualified as rarely consumed raw. First, the commodity had to be consumed uncooked by less than 0.1 percent of the United States population. Second, the commodity had to be consumed uncooked on less than 0.1 percent of eating occasions. Third, at least 1 percent of the weighted number of survey respondents must have reported consuming the commodity in any form for the data to provide a reasonable representation of how that commodity is consumed by U.S. consumers. The purpose of the third criteria was to ensure that we had sufficient data to provide a reasonable representation of how the commodity is consumed in the United States for the purpose of exempting commodities from the coverage of the produce safety regulation (80 FR 74354 at 74388). For commodities not reported as consumed by at least 1 percent of the weighted number of respondents, we consider the overall reported rate to be too low to justify relying on these data as a reasonable representation of consumption among all U.S. consumers.

Commodities that failed to satisfy all three NHANES/WWEIA food consumption criteria were not included in the RCR list. Several produce commodities satisfied the first two NHANES/WWEIA food consumption criteria for demonstrating that the commodities are almost always eaten only after being cooked, but are covered by the produce safety regulation because the 2003–2010 NHANES/WWEIA dataset did not demonstrate consumption of the commodities in any form by at least 1 percent of survey respondents. (See Response to Comments 68 and 69, 80 FR 74354 at 74392 to 74394.) In the remainder of this document, we refer to these commodities as ''produce commodities with low reported consumption.'' The following is an exhaustive list [1] of these produce commodities with low reported consumption according to the methodology used in developing the RCR list: Artichoke, globe-type; artichoke, Jerusalem; arugula; balsam pear; boysenberry; Brazil nut; breadfruit; broccoli, Chinese; brussels sprouts; burdock; cabbage, Chinese, bok choy; cabbage, Chinese, mustard; cabbage, Chinese, Napa; cactus; celeriac; chayote fruit; chestnut; Chinese waxgourd; chrysanthemum garland; citron; cress, garden; currant; dandelion leaves; dasheen (taro) (leaves and corm); fennel, Florence; genip; gooseberry; grape, leaves; guava; huckleberry; jicama; kale; kohlrabi; kumquat; leek; lime; lotus root; lychee; macadamia nut; mulberry; mustard greens; palm heart, leaves; parsnip; passion fruit; persimmon; pine nut; plantain; pomegranate; quince; radish, oriental, roots; rhubarb; rutabaga; shallot; soursop; soybean, sprouts; starfruit; swamp cabbage; sweetsop; Swiss chard; turnip (roots and greens); and yam.

Some produce commodities did not appear in the NHANES/WWEIA at all; a commodity is added to NHANES/WWEIA partly based on the number of times the new food is reported and partly based on whether a new reported food has nutrient contents that are very different from the nutrient contents of a food that already exists in the database. In the remainder of this document we refer to these commodities as ''produce commodities with no reported consumption.'' Arrowroot and fiddleheads are examples of produce commodities with no reported consumption.

As we stated when we issued the produce safety final rule, we will consider updating the list of RCR commodities if new data become available (80 FR 74354 at 74390). We therefore invite interested persons to submit data, information, and/or comment to support whether particular commodities with either no or low reported consumption in NHANES/WWEIA should be categorized as RCR. We seek commodity-specific data that would indicate whether that particular fruit or vegetable is consumed cooked by almost all consumers across the United States at this time. To be most useful, newly submitted data should be quantitative data of U.S. consumption patterns that are sufficiently robust such that we could draw from them scientifically valid conclusions. The data should clearly indicate what proportion of the population consumes the commodity in the uncooked form and/or how often the commodity is consumed uncooked compared to the cooked form. Results of a well-designed consumer survey would be one possible type of data that may be submitted. Market data that closely parallels consumer consumption data may also be helpful. Another type of data that could be useful is data indicating that a commodity cannot safely be consumed uncooked, *e.g.,* because in its uncooked state it contains toxic properties. We also request information on any kill steps other than cooking (*e.g.,* fermentation that adequately reduces microorganisms of public health significance) that are always or almost always applied to produce commodities with no or low reported consumption and data on the extent to which this kill step is applied consistently across the industry.

For this Request for Information, FDA is requesting data, information, and comments from all interested parties, including, but not limited to, academic and government researchers, industry, and any other source. When submitting information, please include details about how the data were collected, including information on the study design and sample population, year(s) of data collection, a detailed summary of the methods and measures used (*e.g.,* any surveys utilized) and if available, the survey results (*i.e.,* raw data).

## II. References

The following references are on display in the Dockets Management Staff (see **ADDRESSES**) and are available for viewing by interested persons between 9 a.m. and 4 p.m., Monday through Friday; they are also available electronically at *https://www.regulations.gov.* FDA has verified the website address, as of the date this document publishes in the **Federal Register**, but websites are subject to change over time.

1. Center for Disease Control and Prevention, National Center for Health Statistics. ''National Health and Nutrition Examination Survey/What We Eat in America (NHANES/WWEIA).'' Available at *https://www.cdc.gov/nchs/nhanes/wweia.htm.* Last accessed July 23, 2020.
2. Environmental Protection Agency Office of Pesticide Programs and University of Maryland Joint Institute for Food Safety and Applied Nutrition. ''What We Eat in America—Food Commodity Intake Database, 2005–2010 (WWEIA–FCID 2005–10).'' Available at *https://fcid.foodrisk.org/.* Last accessed July 23, 2020.
3. Tijerina, M. J., J. Johanson, J. Spungen, and S. Briguglio, ''Memorandum to the File—Produce Rarely Consumed Raw,''

[1] The original analysis included amaranth, which we have not included here because it is a grain, and grains are not ''produce'' as that term is defined by the produce safety regulation. See 21 CFR 112.3(c). We have also omitted from this list several pulse commodities (*e.g.,* dry pea) because that group of commodities is under separate consideration. See the discussion related to pulses in our guidance entitled ''Guidance for Industry: Enforcement Policy for Entities Growing, Harvesting, Packing, or Holding Hops, Wine Grapes, Pulse Crops, and Almonds;'' available at *https://www.fda.gov/regulatory-information/search-fda-guidance-documents/guidance-industry-enforcement-policy-entities-growing-harvesting-packing-or-holding-hops-wine-grapes.*

October 2015. Available in Docket No. FDA–2011–N–0921 at *https://www.regulations.gov.*

Dated: July 28, 2020.

**Lauren K. Roth,**

*Associate Commissioner for Policy.*

[FR Doc. 2020–16800 Filed 8–5–20; 4:15 pm]

**BILLING CODE 4164–01–P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

**[EPA–R09–OAR–2020–0136; FRL–10012–22–Region 9]**

## Air Plan Partial Approval and Partial Disapproval; California; San Diego

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is proposing to partially approve and partially disapprove revisions to the San Diego Air Pollution Control District (SDAPCD) portion of the California State Implementation Plan (SIP). These revisions concern the District's demonstration regarding reasonably available control technology (RACT) requirements and negative declarations for the 2008 ozone national ambient air quality standards (NAAQS or ''standards'') in the San Diego ozone nonattainment area (NAA) under the jurisdiction of the SDAPCD. We are taking comments on this proposal and plan to follow with a final action.

**DATES:** Comments must be received on or before September 9, 2020.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA–R09–OAR–2020–0136 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.*

**FOR FURTHER INFORMATION CONTACT:** Nancy Levin, EPA Region IX, 75 Hawthorne St., San Francisco, CA 94105. By phone: (415) 972–3848 or by email at *levin.nancy@epa.gov.*

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

### Table of Contents



## I. The State's Submittal

### *A. What document did the State submit?*

Table 1 lists the document addressed by this proposal with the date that it was adopted by the local air agency and submitted by the California Air Resources Board (CARB).

TABLE 1—SUBMITTED DOCUMENT

| Local agency | Document | Adopted | Submitted |
|---|---|---|---|
| SDAPCD ..... | 2008 Eight-Hour Ozone Reasonably Available Control Technology Demonstration for San Diego County (''2016 RACT SIP''). | 12/14/16 | 4/12/2017 |

On October 12, 2017, the submittal for the SDAPCD 2016 RACT SIP was deemed by operation of law to meet the completeness criteria in 40 CFR part 51 Appendix V, which must be met before formal EPA review.

### *B. Are there other versions of this document?*

There are no previous versions of the RACT SIP and negative declarations in the SDAPCD portion of the California SIP for the 2008 ozone NAAQS.

### *C. What is the purpose of the submitted document?*

Emissions of volatile organic compounds (VOCs) and oxides of nitrogen ($NO_X$) contribute to the production of ground-level ozone, smog and particulate matter (PM), which harm human health and the environment. Section 110(a) of the CAA requires states to submit regulations that control VOC and $NO_X$ emissions. Sections 182(b)(2) and (f) require that SIPs for ozone NAAs classified as Moderate or above implement RACT for any source covered by a Control Techniques Guidelines (CTG) document and for any major source of VOCs or $NO_X$. The SDAPCD is subject to this requirement as it regulates the San Diego ozone NAA that was designated and classified as a Moderate NAA for the 2008 ozone NAAQS at the time of submittal.[1] Therefore, the SDAPCD must, at a minimum, adopt RACT-level controls for all sources covered by a CTG document and for all major non-CTG sources of VOC or $NO_X$ emissions within the ozone NAA that it regulates. Any stationary source that emits or has the potential to emit at least 100 tons per year (tpy) of VOCs or $NO_X$ is a major stationary source in a Moderate ozone NAA (CAA section 182(b)(2), (f) and 302(j)).

Section III.D of the preamble to the EPA's final rule to implement the 2008 ozone NAAQS discusses RACT requirements.[2] It states, in part, that RACT SIPs must contain adopted RACT regulations, certifications where appropriate that existing provisions are RACT, and/or negative declarations that

[1] The EPA has since reclassified the San Diego ozone nonattainment area to ''Serious'' because the EPA determined that the area had not attained the 2008 ozone standard by the ''Moderate'' applicable attainment date (July 20, 2018) and did not qualify for a 1-year extension of the Moderate area attainment date. 84 FR 44238 (August 23, 2019). SDAPCD will be required to make a separate, updated RACT submittal based on this new classification.

[2] 80 FR 12264, (March 6, 2015).