

The licensees provided this information to the Services, who concurred and provided new fish passage determinations. As such, the licensees are requesting the following modifications: (1) Requiring PacifiCorp to implement an aquatic habitat restoration program in lieu of constructing fish passage facilities into and out of Merwin Reservoir; (2) delaying decisions regarding the appropriateness of constructing fish passage facilities into and out of the Yale Reservoir until 2031 and 2035; and (3) requiring PacifiCorp to construct the Yale Downstream, Yale Upstream, and Swift Upstream bull trout passage facilities. Additional areas potentially impacted by the proposed modifications include: the three Project reservoirs; the river reach below Merwin Dam; and river and creek reaches above Swift Reservoir. The licensees' applications provided additional detail on the proposed modifications and associated resource enhancement measures.

l. Locations of the Application: This filing may be viewed on the Commission's website at <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. You may also register online at <http://www.ferc.gov/docs-filing/esubscription.asp> to be notified via email of new filings and issuances related to this or other pending projects. For assistance, call (866) 208-3676 or email FERCOnlineSupport@ferc.gov, for TTY, call (202) 502-8659. A copy is also available for inspection and reproduction at the address in item (h) above. Agencies may obtain copies of the application directly from the applicant.

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. 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: August 26, 2020.

Kimberly D. Bose,
Secretary.

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ENVIRONMENTAL PROTECTION AGENCY

[CERCLA 01-2020-0054; FRL-10014-18-Region 1]

Proposed Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Administrative Settlement Agreement and Order on Consent: City of Somerville, Conway Park Site, Somerville, Massachusetts

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed settlement; request for public comments.

SUMMARY: Notice is hereby given that the Environmental Protection Agency ("EPA"), has entered into a proposed settlement, embodied in an Administrative Settlement Agreement and Order on Consent ("Settlement Agreement"), with settling party City of Somerville, Massachusetts ("Somerville"), with respect to the Conway Park Site, located in Somerville, Middlesex County, Massachusetts ("Conway Park Site"). Under the settlement, Somerville will perform part of the removal action, in coordination with EPA, as set forth in the June 15, 2020 Action Memorandum for the Site. This notice applies to a compromise of up to \$3 million in direct and indirect EPA costs associated with EPA's contribution to the removal action at the Site. The Settlement Agreement also resolves Somerville's liability for work performed and future response costs.

DATES: Comments must be submitted by October 1, 2020.

ADDRESSES: Comments should be addressed to Cynthia Lewis, Senior Enforcement Counsel, U.S. Environmental Protection Agency, 5 Post Office Square, Suite 100 (ORC 04-4), Boston, MA 02109-3912 (Telephone number: (617) 918-1889) and should reference the Conway Park Site, U.S. EPA Docket No: CERCLA 01-2020-0054.

FOR FURTHER INFORMATION CONTACT: A copy of the proposed settlement may be obtained from Stacy Greendlinger, Superfund and Emergency Management Division, U.S. Environmental Protection Agency, Region I, 5 Post Office Square, Suite 100 (02-2), Boston, MA 02109-3912, Telephone number: (617) 918-1403; email address: greendlinger.stacy@epa.gov.

SUPPLEMENTARY INFORMATION: Notice of this proposed Settlement Agreement is made in accordance with section 122(i) of CERCLA, 42 U.S.C. 9622(i). The Settlement Agreement is an administrative settlement agreement made in accordance with sections 104, 106(a), 107, and 122 of CERCLA, and includes a compromise of EPA response costs, under CERCLA sections 107(a) and the authority of the Attorney General of the United States to compromise and settle claims of the United States, with Somerville concerning the Conway Park Site. The Settlement Agreement includes a covenant not to sue pursuant to sections 106 (for the work) and 107(a) (for future response costs and EPA costs to perform the work up to the amount of \$3 million) of CERCLA, 42 U.S.C. 9606 and 9607(a), relating to the Site, and protection from contribution actions or claims as provided by sections 113(f)(2) and 1229(h)(4) of CERCLA. Pursuant to the terms of the proposed settlement, EPA has reserved its right to recover any costs incurred to perform the removal action that are above the amount of \$3 million, as well as EPA's past costs. The Settlement Agreement has been approved by the Environmental and Natural Resources Division of the United States Department of Justice.

For 30 days following the date of publication of this document, the Agency will receive written comments relating solely to the cost compromise component of the settlement under CERCLA section 107(a) (the compromise of up to \$3 million in direct and indirect EPA costs associated with EPA's contribution to the implementation of a removal action at the Site). Section XIV (Payment of Response Costs) of the Settlement Agreement will become

effective when EPA notifies Somerville that the public comment period has closed and that such comments, if any, do not require that EPA modify or withdraw from consent to Section XIV (Payment of Response Costs) of this Agreement. The United States will consider all comments received and may seek to modify or withdraw consent from the cost compromise contained in the proposed settlement if comments received disclose facts or considerations which indicate that the cost compromise contained in the settlement is inappropriate, improper, or inadequate. The Agency's response to any comments received will be available for public inspection at the Environmental Protection Agency—Region I, 5 Post Office Square, Suite 100, Boston, MA 02109–3912.

Bryan Olson,

Director, Superfund and Emergency Management Division.

[FR Doc. 2020–19197 Filed 8–31–20; 8:45 am]

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FEDERAL DEPOSIT INSURANCE CORPORATION

RIN 3064–ZA20]

Guidelines for Appeals of Material Supervisory Determinations

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Notice and request for comment.

SUMMARY: The Federal Deposit Insurance Corporation proposes to amend its Guidelines for Appeals of Material Supervisory Determinations (Guidelines) to establish an independent office that would generally replace the existing Supervision Appeals Review Committee (SARC) and to modify the procedures and timeframes for considering formal enforcement-related decisions through the supervisory appeals process.

DATES: Written comments must be received by the FDIC on or before October 20, 2020, for consideration.

ADDRESSES: Interested parties are invited to submit written comments, identified by RIN 3064–ZA20, by any of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.

- *Agency website:* <https://www.fdic.gov/regulations/laws/federal/>. Follow the instructions for submitting comments.

- *Email:* Comments@FDIC.gov. Include “RIN 3064–ZA20” in the subject line of the message.

- *Mail:* Robert E. Feldman, Executive Secretary, Attention: Comments, Federal Deposit Insurance Corporation, 550 17th Street NW, Washington, DC 20429.

- *Hand Delivery/Courier:* Guard station at the rear of the 550 17th Street building (located on F Street) on business days between 7:00 a.m. and 5:00 p.m. (EST).

- *Public Inspection:* All comments received will be posted without change to <https://www.fdic.gov/regulations/laws/federal/>, including any personal information provided.

FOR FURTHER INFORMATION CONTACT:

Samuel B. Lutz, Counsel, Legal Division, (202) 898–3773, salutz@fdic.gov; James Watts, Counsel, Legal Division, (202) 898–6678, jwatts@fdic.gov.

SUPPLEMENTARY INFORMATION:

The Federal Deposit Insurance Corporation (FDIC) is publishing for comment proposed amendments to its Guidelines for Appeals of Material Supervisory Determinations (Guidelines). The FDIC is seeking comments regarding these amendments to the Guidelines in order to provide the public an opportunity to provide input and feedback, although notice and comment is not required.

The Guidelines describe the process by which insured depository institutions (IDIs) may appeal material supervisory determinations made by the FDIC. The current appeals process provides for two stages of review. First, an IDI requests review of a material supervisory determination by the appropriate Division Director from the Division of Risk Management Supervision (RMS), the Division of Depositor and Consumer Protection (DCP), or the Division of Complex Institution Supervision and Resolution (CISR). If the IDI is not satisfied with the Division Director's decision, it may proceed to the second stage of the process—an appeal of that decision to the FDIC's Supervision Appeals Review Committee (SARC), a standing committee of the FDIC's Board of Directors (Board).

The proposed amendments would replace the SARC with a newly established independent office that would exclusively consider supervisory appeals. In addition, the proposal would modify the procedures and timeframes related to considering formal enforcement-related decisions through the supervisory appeals process.

Background

Section 309(a) of the Riegle Community Development and Regulatory Improvement Act of 1994

(Riegle Act) required the FDIC (as well as the other Federal banking agencies and the National Credit Union Administration) to establish an “independent intra-agency appellate process” to review material supervisory determinations.¹ The Riegle Act defines the term “independent appellate process” to mean “a review by an agency official who does not directly or indirectly report to the agency official who made the material supervisory determination under review.”² In the appeals process, the FDIC is required to ensure that: (1) An IDI's appeal of a material supervisory determination is heard and decided expeditiously; and (2) appropriate safeguards exist for protecting appellants from retaliation by agency examiners.³

The Riegle Act defines material supervisory determinations to include determinations relating to: (1) Examination ratings; (2) the adequacy of loan loss reserve provisions; and (3) classifications on loans that are significant to an institution.⁴ Specifically excluded from this definition are decisions to appoint a conservator or receiver for an IDI or to take prompt corrective action pursuant to Section 38 of the Federal Deposit Insurance Act (FDI Act), 12 U.S.C. 1831o.⁵ Finally, Section 309(g) of the Riegle Act expressly provides that the requirement to establish an appeals process shall not affect the authority of the Federal banking agencies to take enforcement or supervisory actions against an IDI.⁶

A. Structure of the Supervisory Appeals Review Committee

On March 21, 1995, the Board adopted the Guidelines to implement Section 309(a). The Board, at that time, established the SARC to consider and decide appeals of material supervisory determinations.⁷ The SARC was initially comprised of five members: The FDIC's Vice Chairperson (as Chairperson of the SARC), the Director of the Division of Supervision (DOS) (the predecessor to RMS), the Director of the Division of Compliance and Consumer Affairs (DCA) (the predecessor to DCP), the FDIC Ombudsman, and the General Counsel.⁸

¹ 12 U.S.C. 4806(a).

² 12 U.S.C. 4806(f)(2).

³ 12 U.S.C. 4806(b).

⁴ 12 U.S.C. 4806(f)(1)(A).

⁵ 12 U.S.C. 4806(f)(1)(B).

⁶ 12 U.S.C. 4806(g).

⁷ 60 FR 15923 (Mar. 28, 1995).

⁸ 60 FR 15923, 15930. Committee members could also designate another person to serve on their behalf.