

Emergency Action Plan. Prepare schedules of these activities as applicable. Describe what studies are necessary to accomplish the hydroelectric power development and how the studies would be implemented.

**Environmental Impact:** Discuss potentially significant adverse impacts from the proposed project on biophysical or sociocultural resource parameters on the Columbia Basin Project as a whole. Of concern are potential impacts on land use adjacent to proposed facilities, recreation at the surrounding areas, cultural resources, and Indian Trust assets, and impacts on any protected aquatic or terrestrial wildlife species or associated protected habitat.

Discuss potential adverse impacts based on available information. Provide information on the types and severity of expected impacts and proposed methods of resolving or mitigating these impacts. Describe also any potentially beneficial environmental effects that may be expected from the proposed project, including such perspectives as energy conservation or using available water resources in the public interest. As necessary, describe studies required to adequately define the extent, potential severity, and potential approaches to mitigation of impacts that may be associated with the proposed development.

**Other Study and/or Permit Requirements:** Describe planned response to other applicable regulatory requirements, including the NHPA, Clean Water Act, ESA, and state and local laws and licensing requirements. Also describe any known potential for impact on lands or resources of American Indian tribes, including trust resources.

**Project Development Costs and Economic Analysis:** Estimate the costs of development, including the cost of studies to determine feasibility, environmental compliance, project design, construction, financing, and the amortized annual cost of the investment. Estimate annual operation and maintenance, replacement expenses, annual payments to the United States, and those potentially associated with the Columbia Basin Project. Estimate costs associated with any anticipated additional transmission or wheeling services. Identify proposed methods of financing the project. The anticipated return on investment should be estimated and an economic analysis should be presented that compares the present worth of all benefits and the costs of the project.

**Performance Guarantee and Assumption of Liability:** Describe plans

for (1) providing the government with performance bonds or irrevocable letter of credit covering completion of the proposed project; (2) assuming liability for damage to the structural integrity of North Dam or any other Reclamation asset physically altered as part of proposed project; (3) assuming liability for damage to the operational integrity of John Keys Pump Generating Plant, Grand Coulee Dam, Lake Roosevelt and Banks Lake reservoirs, or other aspects of the Columbia Basin Project caused by construction, operation and/or maintenance of the hydropower development; and (4) obtaining general liability insurance.

**Other Information:** This final paragraph is provided for the applicant to include additional information considered relevant to Reclamation's selection process in this matter.

#### Selection of Lessee

Reclamation will evaluate proposals received in response to this published Notice. Proposals will be ranked according to response to the factors described in Fundamental Requirements and Considerations and Proposal Content Guidelines sections provided in this Notice. In general, Reclamation will give more favorable consideration to proposals that (1) are well adapted to developing, conserving, and utilizing the water resource and protecting natural resources; (2) clearly demonstrate that the offeror is qualified to develop the hydropower facility and provide for long-term operation and maintenance; and (3) best share the economic benefits of the hydropower development among parties to the LOPP. A proposal will be deemed unacceptable if it is inconsistent with Columbia Basin Project purposes, as determined by Reclamation.

Reclamation will give preference to those entities that qualify as preference entities, as defined under Proposal Content Guidelines of this Notice, provided that the preference entity is well qualified and their proposal is at least as well adapted to developing, conserving, and utilizing the water and natural resources as other submitted proposals. Preference entities will be allowed 30 days from notification to improve their proposals, if necessary, to be made at least equal to a proposal(s) that may have been submitted by a non-preference entity.

The Notice of Intent to accept proposals does not obligate Reclamation to ultimately select a lessee.

#### Notice and Time Period To Enter Into LOPP

Reclamation will notify, in writing, all entities submitting proposals of Reclamation's decision regarding selection of the potential lessee. Time period requirements to sign the preliminary lease, sign the LOPP contract, design completion, and construction will be administered in accordance with Reclamation Manual Directive and Standard, *Lease of Power Privilege (LOPP) Processes, Responsibilities, Timelines, and Charges* (FAC 04-08).

**Lorri J. Gray,**

*Regional Director, Interior Region 9:  
Columbia-Pacific-Northwest, Bureau of  
Reclamation.*

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#### DEPARTMENT OF JUSTICE

##### Notice of Lodging of Proposed First Modification of The Consent Decree Under The Clean Air Act

On August 25, 2020, the Department of Justice lodged a proposed First Modification of the Consent Decree (First Modification) with the United States District Court of the Virgin Islands Division of St. Croix in the lawsuit entitled *United States of America and the United States Virgin Islands v. HOVENSA L.L.C.*, Civil Action Nos. 1:11-cv-00006. The proposed First Modification modifies the Consent Decree approved by the Court on June 7, 2011 (June 2011 Consent Decree) resolving claims by the United States and the United States Virgin Islands against HOVENSA L.L.C. for alleged violations of Section 113(b) of the Clean Air Act, 42 U.S.C. 7413(b) and territorial law. Under the original Consent Decree, HOVENSA L.L.C. agreed to substantially reduce emissions of nitrogen oxides (NO<sub>x</sub>), sulfur dioxide (SO<sub>2</sub>), volatile organic compounds, and benzene from the refinery.

On September 15, 2015, HOVENSA L.L.C. filed for bankruptcy under Chapter 11 of the U.S. Bankruptcy Code in District Court of the U.S. Virgin Islands, Bankruptcy Division—St. Croix, Virgin Islands. See, bankruptcy proceeding entitled *In re HOVENSA L.L.C.*, No. 1-15-10003-MFW. As part of the bankruptcy proceeding, Limetree Bay Terminals, LLC purchased certain assets from HOVENSA L.L.C. that are subject to the June 2011 Consent Decree. As part of the bankruptcy, an Environmental Response Trust was established and assumed some of

HOVENSA L.L.C.'s 2011 Consent Decree obligations. Subsequent to that purchase, Limetree Bay Terminals, LLC transferred certain assets to Limetree Bay Refining, LLC.

Paragraph 7 of the 2011 Consent Decree requires HOVENSA L.L.C. to condition any transfer of ownership or operation of the refinery "upon the execution by the transferee of a modification to this Consent Decree, which makes the terms and conditions of this Consent Decree applicable to the transferee." Under the proposed First Modification, Limetree Bay Terminals, LLC, Limetree Bay Refining, LLC and the Environmental Response Trust are being added as parties to the Consent Decree. The proposed First Modification also makes changes to some of the deadlines and injunctive relief obligations required by the 2011 Consent Decree.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the First Modification. Comments should be addressed to the Assistant Attorney General for the Environmental and Natural Resources Division, and should refer to *United States, et al. v. HOVENSA L.L.C.*, Civil Action No. 1:11-cv-00006, D. J. Ref. No. 90–5–2–1–08229/1. All comments must be submitted no later than thirty days after the publication date of this notice. Comments may be submitted either by email or by mail:

<i>To submit comments:</i>	<i>Send them to:</i>
By e-mail .....	<i>pubcomment-ees.enrd@usdoj.gov</i>
By mail .....	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, D.C. 20044–7611.

During the public comment period, the First Modification may be examined and downloaded at this Department of Justice website: <http://www.justice.gov/enrd/consent-decrees>. We will provide a paper copy of the First Modification upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Please enclose a check in the amount of \$39.50 (25 cents per page

reproduction cost) payable to the United States Treasury.

**Susan M. Akers,**

*Assistant Section Chief, Environmental Enforcement Section, Environment & Natural Resources Division.*

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## DEPARTMENT OF LABOR

### Wage and Hour Division

#### Establishing a Minimum Wage for Contractors, Notice of Rate Change in Effect as of January 1, 2021

**AGENCY:** Wage and Hour Division, Department of Labor.

**ACTION:** Notice.

**SUMMARY:** The Wage and Hour Division (WHD) of the U.S. Department of Labor (the Department) is issuing this notice to announce the applicable minimum wage rate for workers performing work on or in connection with federal contracts covered by Executive Order 13658, Establishing a Minimum Wage for Contractors (the Executive Order or the Order), beginning January 1, 2021. Beginning on that date, the Executive Order minimum wage rate that generally must be paid to workers performing work on or in connection with covered contracts will increase to \$10.95 per hour, while the required minimum cash wage that generally must be paid to tipped employees performing work on or in connection with covered contracts will increase to \$7.65 per hour.

**DATES:** These new rates shall take effect on January 1, 2021.

#### FOR FURTHER INFORMATION CONTACT:

Amy DeBisschop, Director, Division of Regulations, Legislation, and Interpretation, Wage and Hour Division, U.S. Department of Labor, Room S–3502, 200 Constitution Avenue NW, Washington, DC 20210; telephone: (202) 693–0406 (this is not a toll-free number). Copies of this notice may be obtained in alternative formats (Large Print, Braille, Audio Tape, or Disc), upon request, by calling (202) 693–0023 (not a toll-free number). TTY/TTD callers may dial toll-free (877) 889–5627 to obtain information or request materials in alternative formats.

#### SUPPLEMENTARY INFORMATION:

#### I. Executive Order 13658 Background and Requirements for Determining Annual Increases to the Minimum Wage Rate

The Executive Order was signed on February 12, 2014, and raised the hourly

minimum wage for workers performing work on or in connection with covered federal contracts to \$10.10 per hour, beginning January 1, 2015, with annual adjustments thereafter in an amount determined by the Secretary pursuant to the Order. *See* 79 FR 9851. The Executive Order directed the Secretary to issue regulations to implement the Order's requirements. *See* 79 FR 9852. Accordingly, after engaging in notice-and-comment rulemaking, the Department published a Final Rule on October 7, 2014 to implement the Executive Order. *See* 79 FR 60634. The final regulations, set forth at 29 CFR part 10, established standards and procedures for implementing and enforcing the minimum wage protections of the Order.

The Executive Order and its implementing regulations require the Secretary to determine the applicable minimum wage rate for workers performing work on or in connection with covered contracts on an annual basis, beginning January 1, 2016. *See* 79 FR 9851; 29 CFR 10.1(a)(2), 10.5(a)(2), 10.12(a). Sections 2(a) and (b) of the Order establish the methodology that the Secretary must use to determine the annual inflation-based increases to the minimum wage rate. *See* 79 FR 9851. These provisions, which are implemented in 29 CFR 10.5(b)(2), explain that the applicable minimum wage determined by the Secretary for each calendar year shall be:

- Not less than the amount in effect on the date of such determination;
- Increased from such amount by the annual percentage increase in the Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI–W) (United States city average, all items, not seasonally adjusted), or its successor publication, as determined by the Bureau of Labor Statistics (BLS); and
- Rounded to the nearest multiple of \$0.05.

Section 2(b) of the Executive Order further provides that, in calculating the annual percentage increase in the CPI–W for purposes of determining the new minimum wage rate, the Secretary shall compare such CPI–W for the most recent month, quarter, or year available (as selected by the Secretary prior to the first year for which a minimum wage is in effect) with the CPI–W for the same month in the preceding year, the same quarter in the preceding year, or the preceding year, respectively. *See* 79 FR 9851. To calculate the annual percentage increase in the CPI–W, the Department elected in its final rule implementing the Executive Order to compare such CPI–W for the most recent year available with the CPI–W for