

the OCE finding that women-owned businesses are less likely to win contracts. As a result, SBA found that it possessed sufficient data to determine that WOSBs are underrepresented in these 21 industries. SBA also believed that this decision fulfills the intent of the Small Business Act, which demonstrates the intent that the designations of eligible industries be based on at least five years of data. The full OCE study is available on SBA's website at [www.sba.gov/wosb](http://www.sba.gov/wosb).

#### D. Solicitation of Public Comments

As both the RAND and OCE studies indicate, there is no single solution to determine underrepresentation, with each study methodology choice having its own benefits and shortcomings. As discussed above, the previous studies made choices regarding certain measures. Through this request, SBA seeks input from stakeholders on the areas below.

1. For the past two studies SBA has looked at the value of contracts as part of determining the utilization ratio. One issue raised by this approach is that this may be reflecting very few contracts awards (meaning awards to a few companies) which may not be representative of the actual competitive balance in the industry. SBA is seeking input on whether a hybrid approach should be used accounting for both value of contracts and number of contracts in a given industry. SBA is also considering using higher level NAICS (meaning fewer digits) for low volume industries.

2. SBA is also seeking input on how best to define women-owned businesses that are ready, willing, and able. Past studies have used SAM registration as a measure for ready, willing, and able. However, it may be that there are women-owned firms that are ready, willing, and able to perform government contracts that are not registered in SAM. Another option would be to look at women-owned small businesses in the US generally rather than limiting it to *sam.gov* registered businesses. SBA would like public comment input if it should continue to use the ready, willing, and able that was used in the previous studies, use general women-owned businesses in the US, or is there another method that SBA should consider.

Another issue with the ready, willing, and able determination is the possible overestimate of the number of WOSBs in a given NAICS because of the ability of firms to self-select NAICS in *sam.gov* without regard for capability. It may be possible to perform a sensitivity analysis to try to identify if there is a

problem with overestimates and to correct the analysis accordingly. SBA would like public input on whether this possible overestimate is a problem, and, if so, is SBA's proposed solution useful.

3. SBA is seeking comments on the appropriate thresholds for underrepresented versus substantially underrepresented. Currently, the threshold for underrepresented is <1 and the threshold for substantially underrepresented is <.5. Another factor SBA would like the public to consider is what should the thresholds be if they are changed? In addition, SBA is also considering utilizing different thresholds for low-volume NAICS. Should it be the same for all industries?

4. The past two studies have each had issues with low-volume industries. This occurs when there are either low-dollar value or low volume of contracts in a given industry. The result is that minor changes in either category can have extreme effects on the outcome. SBA is considering the use of power analysis calculations to determine which industries have a sufficient number of firms to detect a small effect size for the difference between the use of WOSBs and that of other businesses. SBA is also considering determining the level of industry concentration using a Normalized Herfindahl Index. In addition, SBA may also consider measuring disparity metrics independently by fiscal year and using pooled data over multiple years. This could reduce the number of low-volume NAICS, but could be considered less reliable if there is significant variance in disparity metrics over time. SBA would like public input on whether it should make changes to the treatment of low-volume NAICS and whether or not the proposed methods are a good way to taking into account low-volume NAICS.

**Barbara Carson,**

*Deputy Associate Administrator, Office of Government Contracting and Business Development.*

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#### TENNESSEE VALLEY AUTHORITY

##### Meeting of the Regional Energy Resource Council

**AGENCY:** Tennessee Valley Authority (TVA).

**ACTION:** Notice of meeting.

**SUMMARY:** The TVA Regional Energy Resource Council (RERC) will hold a virtual meeting on Wednesday, October 14, 2020, regarding regional energy related issues in the Tennessee Valley.

**DATES:** The meeting will be held on Wednesday, October 14, 2020, from 9:30 a.m. to 12:00 p.m. EDT, followed by a 1 hour lunch break and reconvene at 12:55 p.m. EDT. The afternoon session will end no later than 3:30 p.m. EDT.

**ADDRESSES:** The meeting is virtual and open to the public. Public members must preregister at the following link: <https://bit.ly/RercOct14>. Anyone needing special accommodations should let the contact below know at least a week in advance.

**FOR FURTHER INFORMATION CONTACT:** Cathy Coffey, [ccoffey@tva.gov](mailto:ccoffey@tva.gov) or 865/632-4494.

**SUPPLEMENTARY INFORMATION:** The RERC was established to advise TVA on its energy resource activities and the priorities among competing objectives and values. Notice of this meeting is given under the Federal Advisory Committee Act (FACA), 5 U.S.C. App.2.

The meeting agenda includes the following:

1. Welcome and Introductions
2. TVA Updates
3. Presentations Regarding TVA Electric Vehicle Strategy
4. Public Comments
5. Council Discussion

The RERC will hear views of citizens by providing a public comment session running from 1:00 p.m.–1:30 p.m. EDT, that day. Persons wishing to speak must register at [ccoffey@tva.gov](mailto:ccoffey@tva.gov) by 5:00 p.m. EDT, on Tuesday, October 13, 2020, and will be called on during the public comment period for up to two minutes to share their views. Written comments are also invited and may be mailed to the Regional Energy Resource Council, Tennessee Valley Authority, 400 West Summit Hill Drive, WT 9D, Knoxville, Tennessee 37902.

Dated: September 25, 2020.

**Joseph J. Hoagland,**

*Vice President, Innovation and Research, Tennessee Valley Authority.*

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#### OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

[Docket Number USTR-2020-0035]

##### 2020 Review of Notorious Markets for Counterfeiting and Piracy: Comment Request

**AGENCY:** Office of the United States Trade Representative.

**ACTION:** Request for comments.

**SUMMARY:** The Office of the United States Trade Representative (USTR)